

SUPREME COURT OF TASMANIA

CIRCULAR TO PRACTITIONERS

No 3 of 2020

1 April 2020

COVID-19 and Miscellaneous Criminal Business

Criminal cases in the Supreme Court of Tasmania will continue to be listed on “holding dates”. As a general rule, the judge before whom a matter is listed will conduct a telephone directions hearing, or direct his or her associate to make enquiries of counsel, about a week before the holding date for two purposes:

- To give any directions that could advance the matter towards finalisation.
- To fix a new holding date, and request the Crown to issue a bail consent letter under s 7(3A) of the *Bail Act* 1994 accordingly.

Accused persons need not attend any of those telephone directions hearings unless a judge so directs. If an accused person wishes to participate, his or her legal representatives should arrange for inclusion in a conference call.

These arrangements will also apply to new matters. That is, they will apply to matters that are listed for accused persons to make their first appearances in the Supreme Court as a result of magistrates committing them for trial or for sentence.

Where possible, judges will seek to finalise matters in which accused persons decide to plead guilty. If an accused person decides to plead guilty, it will often be possible to bring the matter forward from a holding date to deal with the plea. To arrange this, counsel should contact the associate of the judge who last dealt with the matter.

The Magistrates Court has ceased to conduct preliminary proceedings. If the terms of preliminary proceedings orders are agreed upon by the Crown and the defence, a judge will ordinarily be prepared to make the appropriate order and, depending on listing arrangements, may stop short of remanding the accused to appear in the lower court.

Every possible effort will be made to avoid the need for face-to-face appearances by counsel and accused persons. However, the default position remains that, absent advice under s 7(3A) of the *Bail Act* that his or her attendance is not required until a later date, or an order of a judge to that effect, an accused person must appear whenever his or her order for bail requires him or her to appear.