

SUPREME COURT OF TASMANIA

CIRCULAR TO PRACTITIONERS

No 5 of 2021

22 April 2021

COVID-19 – APPROVED MANNER OF COURT PROCEEDINGS (No. 2)

This circular supersedes circular No 5 of 2020.

On 16 April 2020 the Chief Justice made a determination under s 20(2)(b) of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* authorising proceedings conducted by the Supreme Court of Tasmania to be held in accordance with new arrangements despite certain legislative provisions. That determination ceased to have effect on 16 April 2021 by virtue of the operation of s 8 of that Act.

The legislative provisions that are no longer affected by that determination are as follows.

Criminal Code, s 411(1)

"(1) An appellant, notwithstanding that he is in custody, shall be entitled to be present if he so desires, on the hearing of his appeal, except where the appeal is on some ground involving a question of law alone."

Criminal Code Act 1924, s 12A(2)

"(2) Sittings of the criminal jurisdiction of the Supreme Court and sittings of the Court of Criminal Appeal are to be held from time to time as required at the places at which the registries of the Court are established and at such other places as may be determined by the Chief Justice from time to time."

Sentencing Act 1997, s 90(1)

"(1) The sentence for an offence may be imposed in open court at any time and at any place in Tasmania."

Supreme Court Civil Procedure Act 1932, s 14

"14 Organization of Court

Subject to the provisions of this Act, the jurisdiction of the Court which is subject to this Act shall be exercised by –

- (a) a Full Court consisting of two or more judges of the Court sitting together as one court, either with or without a jury or an assessor or assessors;
- (b) single judges sitting in court as a court, either with or without a jury or an assessor or assessors;
- (c) single judges sitting in chambers, or in court or elsewhere as in chambers, either with or without an assessor or assessors."

Jim Connolly
Registrar