



21 April 2015

Ms Katy Gallagher
Secretary
Senate Finance and Public Administration Reference Committee
Parliament House
Canberra

Dear Ms Gallagher

I refer to your email 12 March 2015 inviting me to provide a written submission to the Committee by 30 April 2015. Your request was sent to the email address of the Victorian Court of Appeal where I am the Judicial Registrar. The trial division of the Supreme Court is a separate division of the Court and is managed by the Prothonotary.

Rather than providing a written submission I thought it might assist the Committee if I provided some information from the Victorian Court of Appeal touching on the Committee's reference on the issue of Aboriginal and Torres Strait Islander experience of law enforcement and justice services.

By way of background the Victorian Court of Appeal was established in 1995. The Court of Appeal hears appeals from criminal and civil trials heard in the trial division of the Supreme Court and in the County Court. It also hears some civil appeals from proceedings that have come before the Victorian Civil and Administrative Tribunal (VCAT).

As the Committee's terms of reference refer to experience with law enforcement the information provided below relates to criminal appeals.

In 2013/14 of those applicants to the Victorian Court of Appeal who were not represented by a legal practitioner through out the full appeal process one applicant was an Aboriginal . The applicant was initially represented by Victoria Legal Aid (VLA) at the leave to appeal stage. Leave to appeal is required for all criminal appeals and leave can only be granted where there is a reasonably arguable ground of appeal. In this matter leave to appeal was refused by a single judge and reasons for the refusal were provided to the applicant. Following the refusal of leave the applicant elected to have the application re-heard by two or more judges, as is open to applicants where leave to appeal is refused by a single judge. At that point in the proceedings VLA applied for, and was granted, leave to cease to act. A continuation of legal aid was not

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recommended by VLA for the renewed application for leave and VLA ceased to act. At that stage in the proceedings the applicant was no longer legally represented. The renewed application for leave to appeal was considered "on the papers" - on the basis of the written material already provided by VLA - without an oral hearing as the applicant did not request an oral hearing. The renewed application for leave was refused by two judges and reasons were provided to the applicant. I trust this information is of assistance.

This email does not provide information from the Supreme Court trial division. This information would need to be sought from the Prothonotary's office of the Supreme Court of Victoria.

Yours sincerely,

Mark Pedley
Judicial Registrar
Court of Appeal
Supreme Court of Victoria