

## **TABLE OF QUESTIONS**

### ***Question 1 (Appeals against conviction)***

Should the common form provision be replaced by a new provision in the terms set out below?

That the relevant appeal court be required to allow the appeal against conviction if the appellant satisfies the court that –

- (a) the verdict of the jury is unreasonable or cannot be supported having regard to the evidence;
  - (b) as the result of an error or an irregularity in, or in relation to, the trial there has been a substantial miscarriage of justice; or
  - (c) for any other reason there has been a substantial miscarriage of justice; and
- that, in any other case, the relevant appellate court must dismiss the appeal.

### ***Question 2 (Offender appeals against sentence)***

Should the current provisions related to offender appeals against sentence be amended as set out below?

That the *House* principle (that appellate courts deal with sentence appeals on an error correction basis) be retained and that this principle be set out in a new section which provides that the relevant appeal court must allow the appeal if the appellant satisfies the court that -

- (a) there is an error in the sentence first imposed; and that
- (b) a different sentence should be imposed.

### ***Question 3 (Warning if more severe sentence may be imposed)***

Should any new offender appeals against sentence regime contain a provision that, if the appellate court is considering imposing a more severe sentence than the sentence first imposed, it must warn the appellant, as early as possible during the hearing of the appeal, that the appellant faces the possibility that a more severe sentence may be imposed than that first imposed?

### ***Question 4 (prosecution appeals against sentence)***

Should the current provisions related to prosecution appeals against sentence be amended as set out below?

That the *House* principle (that appellate courts deal with sentence appeals on an error correction basis) be retained and that this principle be set out in a new section which provides that the relevant appeal court must allow the appeal if the prosecution satisfies the court that –

- (a) there is an error in the sentence first imposed; and that
- (b) a different sentence should be imposed.

***Question 5 (Interlocutory appeals and cases stated)***

Should an interlocutory appeals regime be introduced in the terms of Division 4 of Part 6.3 of the *Criminal Procedure Act 2009* (Vic) and should a case stated regime be introduced in the terms of Division 5 of Part 6.3 of the *Criminal Procedure Act 2009* (Vic)?