ACT DPP

Media fact sheets

Appeals: what happens after the ACT DPP appeals?

An appeal is brought by the filing of a notice of appeal. The party bringing the appeal is required to file a notice setting out the decision being challenged, the grounds of appeal and the orders it is asking the appeal court to make.

There are some types of appeal which require leave of the Court, such as an appeal against an interlocutory decision (an intermediate ruling, usually made during a trial or as part of pre-trial rulings). An appeal against sentence by the ACT DPP does not require the leave of the Court.

What happens after an appeal is lodged?

Once a notice of appeal is lodged, the matter is listed for an administrative listing when an appeal hearing date may be given. On occasion, the matter will have several administrative listings before being given a hearing date. Appeals from decisions of Supreme Court in the ACT are heard by the ACT Court of Appeal. The Court has three 'appeal sittings' in March, July and November each year. Appeals to the Court of Appeal are typically listed for hearing in one of appeal sitting periods.

What happens after an appeal hearing date is set?

The Court will make an order for the filing of written submissions ahead of the appeal hearing. The party bringing the appeal will usually be ordered to file their written submissions first, with the party responding to appeal to file theirs second.

What happens at the appeal hearing?

At the hearing, the parties make submissions about the grounds of appeal.

An appeal is not a rehearing of the entire case; rather specific arguments are made about the grounds of appeal. The appeal court considers the issues raised by the appeal in accordance with the legislation and legal principles that apply to that appeal. The appeal court is usually limited to considering the same evidence that was before the original court.

What can the appeal court decide?

Depending on the type of appeal and the powers available to the court, an appeal court may:

- dismiss the appeal
- allow the appeal
- set aside or vary the original decision
- impose a different sentence, or
- make other orders available to it under the law.

The precise orders available depend on the type of appeal.

When is the appeal finished?

The appeal court may give its decision at the conclusion of the hearing or reserve its decision and deliver judgment later.

Published ACT Supreme Court and Court of Appeal judgments can be accessed through the ACT Courts website.