

**SUPREME COURT OF THE AUSTRALIAN CAPITAL TERRITORY  
ACT COURT OF APPEAL**

**NOTICE TO PRACTITIONERS**

***Bundle of Common Authorities approved by the Court***

**ACT COURT OF APPEAL**

**BUNDLE OF COMMON AUTHORITIES (CRIMINAL APPEALS) APPROVED BY THE COURT**

Practitioners are advised that if an authority is to be relied upon and is referred to in written submissions, and if that authority is contained in the following Bundle of Common Authorities (Criminal Appeal) approved by the Court, then, in accordance with paragraph 32(e), (f) and (g) of Practice Direction 1 of 2016, the authority is to be identified in the list of authorities. The relevant paragraphs and pages are also to be noted in the list of authorities. The authority itself however, is **not** to be reproduced.

**Conviction appeals**

<b>Unreasonable or cannot be supported having regard to the evidence</b>	
1	<i>M v The Queen</i> (1994) 181 CLR 487
2	<i>SKA v The Queen</i> (2011) 243 CLR 400
3	<i>Libke v The Queen</i> (2007) 230 CLR 559
4	<i>Filippou v The Queen</i> (2015) 256 CLR 47
5	<i>The Queen v Baden-Clay</i> (2016) 258 CLR 308
6	<i>Pell v The Queen</i> (2020) 268 CLR 123

**Rule 5331 CPR**

7	<i>GW v The Queen</i> [2015] ACTCA 15
8	<i>TI v The Queen</i> [2015] ACTCA 62

**Inconsistent verdicts**

9	<i>MFA v The Queen</i> (2002) 213 CLR 606
10	<i>Mraz v The Queen</i> (1955) 93 CLR 493
11	<i>TKWJ v The Queen</i> (2002) 212 CLR 124
12	<i>Cooper v The Queen</i> [2012] HCA 50

**Miscarriage of justice**

13	<i>MFA v The Queen</i> (2002) 213 CLR 606
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### Sentence appeals

<b>Crown sentence appeals</b>	
14	<i>R v Osenkowski</i> (1982) 30 SASR 212
15	<i>R v TW</i> (2011) 6 ACTLR 18
16	<i>R v Chatfield</i> [2012] ACTCA 32
17	<i>R v Wyper; Wyper v The Queen</i> [2017] ACTCA 59
18	<i>CMB v Attorney-General (NSW)</i> (2015) 256 CLR 346

### General sentencing principles

19	<i>Wong v The Queen</i> (2001) 207 CLR 584
20	<i>Markarian v The Queen</i> (2005) 228 CLR 357
21	<i>Bugmy v The Queen</i> (2013) 249 CLR 571
22	<i>Barbaro v The Queen; Zirilli v The Queen</i> (2014) 305 ALR 323
23	<i>R v Kilic</i> (2016) 259 CLR 256
24	<i>Director of Public Prosecutions (Vic) v Dalglish (Pseudonym)</i> [2017] HCA 41; 262 CLR 428

### Totality

25	<i>Mill v The Queen</i> (1988) 166 CLR 59
26	<i>Pearce v The Queen</i> (1998) 194 CLR 610
27	<i>O'Brien v The Queen</i> [2015] ACTCA 47
28	<i>R v MAK</i> [2006] NSWCCA 381

### Manifest excess/inadequacy

29	<i>House v The King</i> (1936) 55 CLR 499
30	<i>Dinsdale v The Queen</i> (2000) 202 CLR 321
31	<i>Hawkins v Hawkins</i> (2009) 3 ACTLR 210
32	<i>R v TW</i> (2011) 6 ACTLR 18
33	<i>Dalton v The Queen</i> [2015] ACTCA 48
34	<i>R v Pham</i> (2015) 256 CLR 550
35	<i>Zdravkovic v The Queen</i> [2016] ACTCA 53

### Parity

36	<i>Rubino v The Queen</i> [2015] ACTCA 22
37	<i>Postiglione v The Queen</i> (1997) 189 CLR 295
38	<i>Pavicevic v The Queen</i> [2010] ACTCA 25

39	<i>Lowe v The Queen</i> (1984) 154 CLR 606
40	<i>Green v The Queen; Quinn v The Queen</i> (2011) 244 CLR 462

**Nonparole period**

41	<i>Power v The Queen</i> (1974) 131 CLR 623
42	<i>R v Strestha</i> (1991) 173 CLR 48
43	<i>Inge v The Queen</i> (1999) 199 CLR 295
44	<i>Lowe v The Queen</i> (1984) 154 CLR 606
45	<i>Hili v The Queen</i> (2010) 242 CLR 520
46	<i>Muldrick v The Queen</i> (2011) 244 CLR 120
47	<i>R v Flowers</i> [2014] ACTCA 13
48	<i>Millard v The Queen</i> [2016] ACTCA 14
49	<i>R v Toumo'ua</i> [2017] ACTCA 9

**Mental health**

50	<i>R v Verdins</i> (2007) 16 VR 269
51	<i>Director of Public Prosecutions (Cth) v De La Rosa</i> (2010) 79 NSWLR 1
52	<i>Monfries v The Queen</i> [2014] ACTCA 46

**Relevance of previous convictions**

53	<i>Veen v The Queen</i> (No 2) (1988) 164 CLR 465
54	<i>Weininger v The Queen</i> (2003) 212 CLR 629
55	<i>Monfries v The Queen</i> [2014] ACTCA 46



Jayne Reece  
Registrar

23 June 2021

**Amendment History**

23 June 2021 – citation for *Pell v The Queen* updated to include citation for Commonwealth Law Reports.

