

MAGISTRATES COURT OF TASMANIA

CIRCULAR TO PRACTITIONERS

No 3 of 2023

CONTEST MENTION GUIDELINES

This circular is to inform lawyers of the revised Contest Mention Guidelines approved by the magistrates on 7 February 2023, replacing the 1996 version. They are effective immediately.

In summary, the guidelines:

- explain the objectives and advantages of the contest mention system;
- explain the problems addressed, and the general principles underpinning contest mention;
- observe that the Office of the DPP (Tas) does not consent to certain matters being referred for sentence indication (par 7);
- set out the understanding between the court and Community Corrections about what assessments may be available prior to sentence being indicated (par 10.1);
- clarify that magistrates will not ask prosecutors whether they accept an indication, noting that it is for a defendant to decide whether to change their plea (par 10.4); and
- discuss circumstances in which a non-publication order might be appropriate in relation to contest mention proceedings during which a sentence is indicated unless the indication is accepted and there is a change of plea (par 11).

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Acting Administrator of Courts

28 February 2023