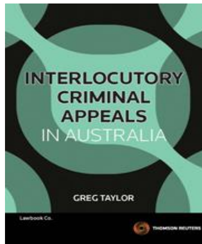
Book Review



Interlocutory Criminal Appeals in Australia

Greg Taylor, Thomson Reuters, 2016, pb $79

A key principle that has underpinned criminal trials under Australian criminal law is that disputed legal issues that occur in the "running" – that is, during the trial – should be determined after the trial has concluded by way of an appeal against conviction. So the law has stood against the "fragmentation" of the criminal trial process by interlocutory appeals and, in fact, discouraged such appeals.

Notwithstanding that reluctance, in Victoria – following the introduction of the *Criminal Procedure Act 2009* – a right was provided to the prosecution and the accused to appeal against interlocutory decisions that occur in the currency of a trial. Interlocutory decisions have wide scope and would appear to embrace all procedural, evidentiary and substantive matters that would arise in a criminal trial.

It was a significant reform, guided by a desire to ensure miscarriages of justice could be prevented before they occur by, effectively, correcting an error or errors, that may have led to a substantial miscarriage of justice. In short, it offered a "prophylactic" against potential injustice. It was also a reform that was wider than similar provisions in NSW where there could only be an appeal against interlocutory judgment or orders.

The coverage of interlocutory appeals in Victoria is particularly deep and expressed clearly and concisely.

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