

**FORM G1**

**NOTICE OF APPEAL**

**AUSTRALIAN MILITARY COURT**

*This document includes endnotes for the convicted person to assist with the completion of this form. Endnotes are also included for commanding officers (CO), summary authorities and the commandant of the Defence Force Corrective Establishment (DFCE) to provide basic information about what to do when an appeal is lodged with them in the case of a CO or Commandant of DFCE, or affecting proceedings conducted by them in the case of summary authority.*

**PART A**

**DETAILS OF CONVICTED PERSON**

- A.1 Name:.....
- A.2 PMKeys number:.....
- A.3 Address, telephone and facsimile number:  
.....  
.....
- A.4 Email address:.....
- A.5 Name of defending officer (*see Note 1, Notes for convicted person*):  
.....
- A.6 Name of convicted person's commanding officer:.....

**PART B**

**DETAILS OF SUMMARY AUTHORITY PROCEEDINGS**

*(see Note 2, Notes for convicted person)*

- B.1 Name of summary authority:.....
- B.2 Type of summary authority: Subordinate Summary Authority / Commanding Officer / Superior Summary Authority

B.3 Date and place of summary authority trial:.....

B.4 Details of conviction and / or punishment and / or Part IV order being appealed are set out below (*see Note 3, Notes for convicted person*):

[Specify the conviction / punishment / order. If more space is required, please attach an additional document]

.....  
.....  
.....

B.5 Has the convicted person received notification that the summary authority has reopened the proceedings which imposed the punishment, and / or order in B.4?: (*see Note 4, Notes for convicted person*): Yes/No

B.6 If “yes” to question B.5, has the convicted person received notification that the reopened proceedings have been finalised?: Yes/No

B.7 Has a reviewing authority given notice to the convicted person recommending lodgement of an appeal?: Yes / No / Unknown

B.8 If the answer to B.7 is yes, when was that notification given?:.....

**PART C**

**APPLICATION FOR AN EXTENSION OF TIME TO LODGE AN APPEAL (IF REQUIRED)**

(*See Note 5, Notes for convicted person*)

C.1 The convicted person applies for an extension of time to appeal against the conviction, punishment and/or Part IV order(s) referred to in Part B.

C.2 Date on which this application is made:.....

C.3 The grounds for the application are set out below: (*See Note 6, Notes for convicted person*)

[Specify grounds for the application and particularisations to support these grounds. If more space is required, please attach an additional document]

.....  
.....  
.....

**PART D**

**NOTICE OF APPEAL**

D.1 The convicted person appeals against the conviction, punishment and/or Part IV order(s) referred to in Part B.

D.2 Grounds of appeal: *[Specify grounds of appeal and particularisations to support these grounds. If more space is required, please attach an additional document]*

.....  
.....

**PART E**

**METHOD OF DETERMINATION OF APPEAL**

*(see Note 7, Notes for convicted person)*

E.1 The convicted person requests that the appeal be determined: *[convicted person to select preferred option]*

E.1.1. on the papers; or

E.1.2. at a hearing by the Australian Military Court (AMC); or

E.1.3. the convicted person does not have a preference.

**PART F**

**NEW EVIDENCE (IF APPLICABLE)**

F.1 The convicted person does / does not wish to introduce the following new evidence at appeal *(see Note 8, Notes for convicted person)*:

.....  
.....

F.2 The grounds for the introduction of this new evidence are: [*Specify the grounds for the introduction of new evidence. If more space is required, please attach an additional document*]

.....  
.....

**PART G**

**LODGEMENT OF DOCUMENTS**

*(see Note 9, Notes for convicted person)*

This Notice of Appeal (and the Application for an extension of time to appeal, if applicable) must be lodged with the Registrar of the AMC (details below) or a prescribed person under rule 68A, *Australian Military Court Rules 2007* (AMCR). Prescribed persons include the commanding officer of the convicted person and, if the convicted person is serving a period of detention, the commandant of the DFCE.

A notice of appeal must be lodged within the appropriate period provided for in s161 DFDA, unless the AMC allows a longer period. If the convicted person seeks an extension of time to lodge an appeal, the convicted person must complete Part C of this form (Application for extension of time) **AND ALL OTHER PARTS OF THIS FORM.**

**PART H**

**ACKNOWLEDGEMENT AND SIGNATURE**

The convicted person acknowledges that:

- 1 under s176 DFDA, the summary authority must order that execution of a punishment appealed against be stayed **ONLY IF** the convicted person notifies the summary authority that he or she has appealed to the Australian Military Court; and
- 2 if an application to extend the time for lodging an appeal is required, the appeal is taken not to be lodged until and unless the AMC grants the extension of time. (*See note 5, Notes for convicted person*)

.....  
[Signature of convicted person]

.....  
[Date]

*Notes for convicted person:*

1. *Insert the name of the defending officer who will be representing the convicted person on the appeal, if known. The defending officer in appeal proceedings will not necessarily be the same defending officer from the summary proceedings. If in doubt, the convicted person should contact the Directorate of Defence Counsel Services for advice and assistance. Refer to 'Further information and points of contact', below, for contact details.*
2. *Only include details of the conviction, punishment or Part IV order being appealed. Do not include details of any convictions, punishments or Part IV orders which are not being appealed.*
3. *If appealing against conviction, enter the date of the conviction. If appealing against punishment and / or Part IV order, enter the date on which the punishment or Part IV order takes effect (known as the 'with effect' date), if it is different from the date of conviction.*
4. *If the punishment and / or order and underlying conviction is the subject of reopened proceedings, the punishment, order and underlying conviction cannot, in accordance with s161(4) DFDA, be appealed against until the reopened proceedings have been finalised. The convicted person will be notified by the summary authority that the summary authority is reopening the proceedings in accordance with s153A(2) DFDA and again when the summary authority has finalised the reopened proceedings.*
5. *This Part is only to be completed if the convicted person is applying for an extension of time to appeal, under s161(2)(b)(ii) DFDA.. If the appeal is lodged outside the appropriate time period provided in s161 DFDA, the appeal will not be considered unless and until an application for an extension of time to appeal is granted by the AMC. A summary authority cannot stay the execution of a punishment under s176 DFDA unless and until the application is granted and the appeal is lodged and the summary authority is informed of this by the convicted person.*
6. *The convicted person must specify the grounds on which the application for an extension of time to appeal is based. Refer to r68D AMCR for further details.*
7. *The AMC has the final discretion to decide how an appeal will be determined under s168A(1) DFDA. While the wishes of the convicted person will be considered, the Court will not necessarily determine the appeal in the manner selected by the convicted person. The convicted person will be notified by the Registrar of the AMC of the method of determination that will apply in their appeal.*
8. *New evidence can only be received by the AMC in accordance with s163 DFDA. New evidence must be provided by affidavit under r68H AMCR, unless otherwise determined by a Military Judge.*
9. *Under r71 AMCR, a document may be lodged electronically with the Registrar of the AMC by email to [Registrar.AMC@defence.gov.au](mailto:Registrar.AMC@defence.gov.au). The document must be saved and*

*transmitted in PDF format. If acknowledgement of receipt of documents sent by email is not received within 24 the convicted person should contact the office of the Registrar of the AMC by telephone on (02) 6127 4085.*

*Under r71 AMCR , a document may also be lodged by post, to:*

*Registrar of the Australian Military Court,*

*F-TS-1L-AMC,*

*Canberra, ACT, 2600.*

*Alternately, under r71 AMCR a document can also be lodged by facsimile to 02 6127 4133.*

*Refer to the r71 - r72 AMCR for more details on lodgement.*

*Notes for CO or Commandant of DFCE:*

- 1. Under s161(2)(b) DFDA, a convicted person may lodge an appeal with a prescribed person. Under r68A(1) AMCR, a prescribed person includes the commanding officer of the convicted person or, if the convicted person is undergoing detention, the Commandant of the Defence Force Corrective Establishment.*
- 2. If a prescribed person receives an appeal it must be forwarded to the Registrar of the AMC as soon as practicable, in a manner prescribed above in relation to the lodgement of an appeal.*

*Notes for summary authority:*

- 1. A summary authority is not a prescribed person with whom a notice of appeal may be lodged under r68A(1) AMCR unless also they are also the commanding officer of the convicted person.*
- 2. Where a summary authority is informed by the convicted person that they have lodged an appeal in relation to a conviction recorded or a punishment imposed by the summary authority, the summary authority **MUST** order the execution of the punishment stayed, pending the determination of the appeal.*
- 3. Under s176 DFDA a summary authority cannot stay the execution of a convicted person's punishment unless the convicted person has notified the summary authority that they have lodged an appeal against the conviction or punishment with the AMC. Once the summary authority is informed by the convicted person that they have lodged an appeal, the summary authority **MUST** order the punishment be stayed pending the determination of the appeal.*

4. *If the appeal is not lodged within the appropriate period set out in s161 DFDA, the convicted person must apply to extend the time to appeal. In that case, the convicted person must complete a notice of appeal at the same time as they lodge their appeal, but the appeal is taken not to be lodged unless and until an extension of time is granted by the AMC. This means that, if an application to extend time is required, the summary authority cannot act to stay the execution of punishment under s176 DFDA until notice has been received from the Registrar of the AMC that the application has been granted and the appeal has been lodged.*

*Further information and points of contact:*

1. AMC intranet website, <http://intranet.defence.gov.au/militaryjustice/amc/default.htm>
2. Registrar of the AMC, <http://intranet.defence.gov.au/militaryjustice/amc/contacts.htm>
3. Practice Notes for the AMC, <http://intranet.defence.gov.au/militaryjustice/amc/policy.htm>
4. ADFP 06.1.1 Discipline Law Manual, Volume 3, Chapter 12, <http://intranet.defence.gov.au/militaryjustice/amc/policy.htm>
5. Directorate of Defence Counsel Services, <http://intranet.defence.gov.au/dsg/sites/DLD/default.asp?page=4095&ps=DLD>