

ALLISTAIR PATRICK BROOKER

v

THE QUEEN

Court: Tipping J and McGrath J

Counsel: Appellant in person
M F Laracy for Crown

Judgment: 31 August 2005

JUDGMENT OF THE COURT

[1] This application for leave to appeal is granted. Having considered the written submissions we have not found it necessary to direct an oral hearing.

[2] The approved ground in terms of Rule 29 is whether the appellant's conduct was capable of being disorderly within the meaning of s 4(1)(a) of the Summary Offences Act 1981.

[3] While the application for leave was filed substantially out of time, and we are mindful of the precedent point made by the Crown, the lack of prejudice and the public interest in this Court having the opportunity to address the competing considerations which this case raises, have persuaded us that the time point should not be a bar in this particular case.

[4] As the appellant is not legally represented, the Registrar is requested to arrange for the appointment of an amicus to assist the Court.