

District Court Criminal Practice Note 2

Circuit Sittings of the District Court

This practice note incorporates provisions from Practice Note 2 issued on 9 August 2005 and Practice Note 7 issued on 28 September 2007 and replaces those Practice Notes.

Telephone callover for the listing of trials

1. A telephone callover system applies to all country venues except Lismore, Newcastle and East Maitland, Gosford and Wollongong. Magistrates have been asked that when committing accused for trial to require their legal representatives (or the accused if unrepresented) to attend a telephone callover on the first Wednesday occurring after one month has elapsed from the committal for trial if the relevant District Court has not sat within that period. If the relevant Court has sat, the presiding judge will determine if the matter should be listed for trial or referred to the next telephone callover.
2. The judge conducting the telephone callover will do so by setting up a telephone conference at 9.00 a.m. which all parties will join. The judge will then conduct a callover in the normal way to determine which cases are to proceed to trial and if the matter is to proceed to trial, the judge will list it for hearing in the appropriate sittings. The aim of this procedure is to reduce the number of trials listed in circuits from three to two and avoid trials being not reached.
3. At the callover the prosecution will be encouraged to settle the charges to proceed and the defence will be encouraged to determine what the issues are to be. Both parties will be encouraged to explore what issues can be resolved and the matter may be relisted in the callover for that purpose.
4. It should be readily understood that the maximum benefit for the utilitarian benefit of a plea of guilty will be earned if the plea is notified during the telephone callover process. A plea on the day of trial in a circuit list has significantly less utilitarian value because trial time has been allocated to that case during the circuit thus preventing another trial being listed.

Management of the trials listed at a sittings

1. At any circuit sittings with a duration of two or three weeks, the trials for the second week will be mentioned on the first day of the sittings to enable the judge to allocate hearing dates in the sittings. Similarly if there is a third week of sittings, trials listed in the third week will be mentioned on the Monday of the second week of the sittings for the judge to allocate a hearing date.
2. In the ordinary course of events no trial will be marked not reached until the last week of the sittings.
3. Parties are encouraged to bring forward any trial matter which may be a plea to enable it to be listed for plea or mention at the sittings.
4. Any application to vacate a trial during the sittings should be notified to the judge on the first day of the sittings and the application should be made by notice of motion and supported by affidavit.

The Hon. Justice R.O. Blanch

Chief Judge

18 December 2009