

## **Listing Procedures at Courts with Full Time Sittings**

This Practice Note replaces Practice Note 1 issued on 9 August 2005.

1. The arrangements in place between the Local Court and the District Court in relation to cases committed to the District Court sittings at Sydney, in Sydney West and at Newcastle and East Maitland, Gosford, Wollongong and Lismore District Court are:
  - 1.1 Accused committed for trial in Sydney are committed to the last sitting day of the week following committal (usually a Friday) for first mention in the arraignment list.
  - 1.2 A similar procedure is adopted at the other courts referred to above but the first mention day on the week following committal varies from court to court and practitioners should ascertain the relevant day which is nominated by the list judges at those courts.
  - 1.3 Where an accused is committed for sentence the magistrate may order a pre-sentence report for the sentencing. Practitioners should address this issue in the Local Court where possible because this allows the report to be prepared at an earlier date.
  - 1.4 Where an appeal against severity is lodged in the Local Court the date of hearing in the District Court is endorsed on the Notice of Appeal. This is not a mention date and practitioners should be prepared to proceed with the appeal on that date.
2. The purpose of the first mention of a trial will be to ensure the representation of all accused persons is provided for at the earliest possible opportunity. The responsibility of the list judge will be to manage each case according to its own needs including making any case management directions pursuant to the Criminal Procedure Act.
3. At this first mention the list judge will address the question of provision of legal assistance and set a date for arraignment within a period no longer than the next eight weeks. In fixing this date the judge will take account of the circumstances of the accused in order to enable the arraignment date to be a meaningful date on which the accused can indicate what the plea will be. This

system is designed to minimise the number of appearances in the arraignment lists and thus to reduce costs. It is also designed to ensure maximum attention is given to new cases to ensure only those cases are listed for trial which are expected to be trials.

4. The State and Commonwealth Directors of Public Prosecutions have undertaken to ensure counsel is briefed for the purpose of discussing the future management of all cases with defence counsel. The defence should also be appropriately represented with a view to making the arraignment system a meaningful method of managing the trial lists.
5. Where the accused indicates a plea of not guilty at arraignment, the list judge will normally fix the matter for trial. If at the first mention the accused is represented and the prosecution can confirm the probable charge a trial date may be fixed. To facilitate the early listing of trials the prosecution should be able to provide suitable dates for witnesses at this first mention. Practitioners should be prepared to provide estimates for the length of trials and any special requirements for the trial at the time the matter is fixed for hearing
6. Any application to vacate the hearing date of a trial should be made as soon as a party becomes aware of the grounds relied on. Wherever possible this should be done at least ten days before the listed trial date. Every effort should be made to avoid such applications on the day of trial. Any such application should be made by notice of motion supported by evidence on affidavit.
7. Available trial dates in Sydney are published on the [District Court website](#).

The Hon. Justice R. O. Blanch

**Chief Judge**

18 December 2009