

Management of Criminal Proceedings listed at Circuit Courts (being Courts without a Resident Judge)

1. This Practice Note replaces District Court Criminal Practice Note 30.¹

Commencement

2. This Practice Note commences on 5 May 2025.

Application

3. This Practice Note applies to all proceedings on Indictment committed to the District Court for trial on or after the commencement date at all venues where there is no resident Judge but where a Judge on circuit presides.
4. These venues are as follows: Albury, Armidale, Bega, Bourke, Broken Hill, Coonamble, Goulburn, Grafton, Griffith, Moree, Nowra, Port Macquarie, Queanbeyan, Tamworth and Taree.
5. The management of Criminal Proceedings listed at courts outside of the Downing Centre, which have a resident Judge and/or a permanent list Judge, will be left to the discretion of those Judges and in accordance with any local arrangements they may choose to implement.

Circuit Court Callover

6. Parties should expect that when committing an accused person for trial, the Local Court Magistrate will list the matter in a Circuit Court Callover in Court 3.1 at the Downing Centre each **Wednesday** at **9:00am** no less than 4 weeks from the date of committal.

¹ This Practice Note replaces District Court Criminal Practice Note 30 but only in the following respects:

1. The addition of para [5] to clarify the application of this Practice Note.
2. The addition of paras [14]-[15] to address the statutory disclosure requirements on the prosecution.

7. The Circuit Court Callover will be conducted via AVL. Parties must be connected via AVL by **8:50am** and must mute their microphone until their matter is called. Parties connecting through the telephone must not place the AVL on hold. If a party must disconnect for any reason, they are to notify the Court.
8. Parties are to contact the District Court Country Callover email address DCCountryCallover@courts.nsw.gov.au to request the connection details for Court 3.1.
9. The Crown Prosecutor or Solicitor Advocate briefed to appear at the trial and the Barrister or Solicitor Advocate briefed to appear for the accused person, or the accused person if not legally represented, are to appear. The accused is excused from appearing if legally represented.
10. The Prosecution is to file and serve on each accused person the following material no later than 10 days prior to the date fixed for the Circuit Court Callover:
 - a) the Crown Case Statement
 - b) an Index to the Brief
 - c) a copy of the Indictment intended to be presented at trial
11. These documents must also be provided to the District Court Country Callover email address DCCountryCallover@courts.nsw.gov.au at least 3 days prior to the date fixed for the Circuit Court Callover.
12. The Barrister or Solicitor Advocate briefed to appear for the accused person at the trial is to file and serve a Notice of Appearance on the Crown Prosecutor or Solicitor Advocate no later than 5 days prior to the date fixed for the Circuit Court Callover. This document must also be emailed to the District Court Country Callover email address DCCountryCallover@courts.nsw.gov.au.

Trial Management

13. At the Circuit Court Callover, the Crown Prosecutor or Solicitor Advocate briefed to appear at the trial and the Barrister or Solicitor Advocate briefed to appear for the accused person at the trial are to provide the following information:

Party	Information
Prosecution & Accused Person	<u>Issues in dispute and outstanding items</u> <ul style="list-style-type: none">- an outline of issues in dispute, including any anticipated pre-trial issues or legal argument- any agreed facts- any outstanding items yet to be served and an estimate as to when they will be available to be served
	<u>Trial estimate and available dates</u> <ul style="list-style-type: none">- an estimate of the length of the trial (which is to include time for any pre-trial issues, including legal argument, counsels' addresses, the summing up and a reasonable period for jury deliberations)- available dates for witnesses and counsel (and solicitors) briefed to appear
	<u>Witness requirements</u> <ul style="list-style-type: none">- any requirement for remote witness facilities- any requirement for AVL facilities- any requirement for interpreters, including the language and precise dialect, the number of and identification of which witness/es require interpreters
Accused Person	<u>Sexual Assault Communication Privilege</u> <ul style="list-style-type: none">- whether a question may arise under Chapter 6, Part 5, Division 2 of the <i>Criminal Procedure Act 1986</i> (NSW) for determination by the Court and whether leave may be required for the issue of subpoena or for evidence to be adduced regarding protected confidences

14. For trials prosecuted by the State DPP, the prosecution is to file and serve on the accused person, no later than 8 weeks prior to the date fixed for the Readiness Hearing, an affidavit by the police officer or law enforcement officer in charge of the case which:
- a) confirms compliance with the duty of disclosure as set out in s 15A of the *Director of Public Prosecutions Act 1986* (NSW); and
 - b) details any further evidence the police are yet to obtain.
15. For trials prosecuted by the Commonwealth DPP, the prosecution is to file and serve on the accused person, no later than 8 weeks prior to the date fixed for the Readiness Hearing, an affidavit by an appropriate officer of the relevant investigating agency which:
- a) confirms compliance with the duty of disclosure as set out in paragraph 3 of the Commonwealth Director of Public Prosecutions “Statement on Disclosure in Prosecutions conducted by the Commonwealth” and in s 36B of the *Criminal Procedure Act 1986* (NSW); and
 - b) details any further evidence the police are yet to obtain.

Circuit Court Readiness Hearings

16. If the accused person pleads or intends to plead not guilty to any count, the Court will fix a date for trial and for a Circuit Court Readiness Hearing.
17. Circuit Court Readiness Hearings will be listed in Court 3.1 at the Downing Centre each **Wednesday** at **9:00am** at least 8 weeks before the date fixed for trial (unless ordered otherwise).
18. Circuit Court Readiness Hearings will be conducted via AVL. Parties must be connected via AVL by **8:50am** and must mute their microphone until their matter is called. Parties connecting through the telephone must not place the AVL on hold. If a party must disconnect for any reason, they are to notify the Court.
19. The Court will impose case management measures available under Division 3 of the *Criminal Procedure Act 1986* (NSW) as appropriate for the efficient management and conduct of the trial.
20. The Court may fix as many Circuit Court Readiness Hearings and may set a timetable for the filing of Notice of Motions and submissions as are required.
21. The following persons must attend the Circuit Court Readiness Hearing and are expected to have full knowledge as to the state of the proceedings:

- a) the Crown Prosecutor or Solicitor Advocate briefed to appear at the trial.
- b) the Barrister or Solicitor Advocate briefed to appear at the trial for the accused person, or the accused person if not legally represented.

Circuit Court Trials

- 22. The Court expects that trials listed in Circuit Court sittings will be ready to commence on the date listed for trial. The first day of trial is not to be considered as a preparation day.
- 23. Any application to vacate a trial date is to be made by way of filing and serving a Notice of Motion with a supporting affidavit setting out the grounds for the application and it will be listed in Court 3.1 for hearing (unless ordered otherwise).

Circuit Court Trial Callover

- 24. At least 3 weeks prior to the commencement of the sittings of the Circuit Court, the Judge presiding at the sittings will conduct a telephone callover of each matter listed for trial during the sittings.
- 25. The following persons must attend the Circuit Court Trial Callover and are expected to have full knowledge as to the state of the proceedings:
 - a) the Crown Prosecutor or Solicitor Advocate briefed to appear at the trial;
 - b) the Barrister or Solicitor Advocate briefed to appear at the trial for the accused person, or the accused person if not legally represented.
- 26. Parties will be notified of the date, time and AVL/telephone details for the Circuit Court Trial Callover by the Presiding Judge's chambers no later than 4 weeks prior to the commencement of the sittings (unless ordered otherwise).
- 27. During the Circuit Court Trial Callover, the Court may make any such orders, determinations or findings, or give such directions or rulings, as it considers appropriate to identify the issues in dispute to ensure the efficient management and conduct of the trial.

Circuit Court CSOEP Matters

28. All proceedings that are committed for trial involving one or more prescribed sexual offences pursuant to s 3 of the *Criminal Procedure Act 1986* (NSW) where the complainant is under the age of 18 at the time of committal will be listed in a CSOEP Callover list on a **Monday** no later than 14 days after committal at Central District Court (unless ordered otherwise). At that time the Court will set a ground rules hearing date and a pre-recorded evidence date.
29. A date for the hearing of the balance of the trial will be fixed in the Circuit Court Trial Callover in Court 3.1 at the Downing Centre at **9:00am** on the **Wednesday** immediately following the Monday.
30. Note that this Practice Note is to be read in conjunction with District Court Criminal Practice Note 31, which provides further guidance in relation to CSOEP matters.

Non-Compliance

31. If it appears to the Court that a party has not complied with any part of this Practice Note or with any other Court direction, the Court may contact that party directly or list the matter for Mention, either on the Court's own initiative or at the request of another party.
32. Without limiting the Court's power otherwise to deal with an inexcusable failure to comply with a direction, the Court may order the non-compliant party to attend all future callovers unless excused by the Court.



The Hon. Justice S Huggett
Chief Judge of the District Court of New South Wales
29 April 2025
