

## District Court Criminal Practice Note 12

### READINESS HEARINGS

#### COMMENCEMENT

1. This Practice Note revises the version published 17 November 2017.

#### APPLICATION

2. This Practice Note applies to proceedings on indictment with an estimated duration of *6 days or more*. It will take effect from 28 September 2018, so that trials with estimates of 6 days or more listed to commence from 12 November 2018 will be listed for readiness hearing.

#### DEFINITIONS

3. In this Practice Note:

"accused person" includes an Australian legal practitioner representing an accused person

"court" means the District Court

"Judge" has the same meaning as in the *District Court Act 1973*

"pre-trial conference" means a conference held under s 140 of the *Criminal Procedure Act 1986*

"pre-trial hearing" means a hearing held under s 139 of the *Criminal Procedure Act 1986*

"prosecutor" has the same meaning as in the *Criminal Procedure Act 1986*

"readiness hearing" means a hearing to ascertain the readiness of the trial to proceed on the allocated trial date

#### INTRODUCTION

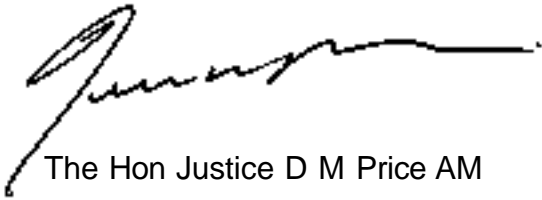
4. The purpose of this Practice Note is to reduce delays in proceedings on indictment with an estimated duration of *6 days or more* by enabling the court to order the prosecutor and the accused person to attend one or more readiness hearings.

5. This Practice Note responds to the provisions of the *Criminal Procedure Act 1986*, Part 3, Division 3 ('Case management provisions and other provisions to reduce delays in proceedings').

## PROCESS

6. At the first mention of proceedings in the court or at any other time, the court may order the prosecutor and the accused person to attend one or more readiness hearings before the court.
7. The prosecutor must file and serve the Crown Case Statement at least five days prior to the readiness hearing.
8. During the readiness hearing, the court may make any such orders, determinations or findings, or give such directions or rulings, as it thinks appropriate to identify the issues in contention and for the efficient management and conduct of the trial.
9. Case management measures available to the court during the readiness hearing include the ordering of pre-trial hearings, pre-trial conferences and further pre-trial disclosure. The court has discretion in determining which (if any) measures are suitable in the proceedings concerned.
10. The following persons must be present during the readiness hearing:
  - a. the prosecutor,
  - b. the Australian legal practitioner representing the accused person, and
  - c. the accused person, if not represented by an Australian legal practitioner and not in custody.
11. The accused person is not required and is not expected to be present at the readiness hearing provided he or she is represented by an Australian legal practitioner.
12. The readiness hearing will be vacated and the matter listed for directions in the arraignment list where the accused person is not represented by an Australian legal practitioner and is in custody.
13. The prosecutor and the accused person's legal representatives are to be present at the readiness hearing with full knowledge of the state of the proceedings.

14. Readiness hearings will normally be fixed at least six weeks prior to the date set for trial and held in courtroom 21 A, Level 21, John Maddison Tower, 86 Goulburn Street, Sydney, NSW 2000.

A handwritten signature in black ink, appearing to read 'D M Price', written in a cursive style.

The Hon Justice D M Price AM

Chief Judge of the District Court

10 August 2018