

District Court Criminal Practice Note 13
CALL OVER FOR TRIALS IN CIRCUIT SITTINGS

COMMENCEMENT

1. This Practice Note commences on 1 December 2016.

APPLICATION

2. This Practice Note applies to criminal trials heard in circuit sittings.

DEFINITIONS

3. In this Practice Note:

"circuit sitting" means a scheduled sitting of the District Court in all country venues except Lismore, Newcastle, Gosford, Dubbo and Wollongong

"court" means the District Court

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

"Presiding Judge" means the judge who will preside over the circuit sitting in question

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

"telephone call over" means a sitting of the court conducted via telephone conference

INTRODUCTION

4. The purpose of this Practice Note is to reduce delays in criminal trials in circuit sittings by requiring the prosecutor and an Australian legal practitioner representing the accused person to attend a telephone call over at least three weeks prior to the commencement of the circuit sitting. Normally, counsel briefed to appear at the trial are expected to attend the telephone call over.
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 least three weeks prior to the commencement of a circuit sitting the Presiding Judge will conduct a telephone call over of each of the matters listed for trial during that sitting. That call over will occur outside of normal court hours to enable counsel briefed for the trials to attend.
7. Parties will be notified of the date, time and required telephone details for the telephone call over by the Presiding Judge's chambers no later than four weeks prior to the commencement of the circuit sitting.
8. The prosecutor must file, serve and send to the Presiding Judge's associate the Crown Case Statement at least five days prior to the telephone call over.
9. During the telephone call over, 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.
10. Case management measures available to the court during the call over include the ordering of pre-trial conferences and further pre-trial disclosure. The court has discretion in determining which (if any) measures are suitable in the proceedings concerned.
11. The following persons must attend the telephone call over:
 - 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.
12. The accused person is not required and is not expected to attend the telephone call over provided he or she is represented by an Australian legal practitioner.
13. The prosecutor and the accused person's legal representatives are to attend the telephone call over with full knowledge of the state of the proceedings.



The Hon Justice D M Price AM
Chief Judge of the District Court
25 October 2016