



6 July 2020

Readiness Hearing Guidance

Guidance to lawyers appearing at District Court Readiness Hearings for criminal trials at the District Court in Sydney (Downing Centre) and in Circuit sittings.

District Court Practice Notes 18 and 19 provide that a Readiness Hearing will be held for all criminal trials.

In order to avoid the time and expense involved in appearances by use of the Virtual Courtroom or by appearances in person, the Court may, where the parties have fully complied with this Guidance, dispense with the need for appearances and deal with the case by making orders in chambers.

Compliance with this guidance means:

- 1) The prosecutor must complete and sign the Crown Case Management Form (see below) so that the Court is fully informed of those matters referred to in paragraphs 27 and 28(a)(i)-(v) inclusive of [Practice Note 18](#). For those cases to which [Practice Note 19](#) applies (Criminal Trials at Circuit Sittings), the relevant paragraphs are 33 and 34(a)(i)-(v).
- 2) The legal representative for the accused person must complete and sign the Defence Case Management Form (see below) so that the Court is fully informed of those matters referred to in paragraphs 27 and 28(b)(i)-(vi) inclusive of Practice Note 18. For those cases to which Practice Note 19 applies, the relevant paragraphs are 33 and 34(b)(i)-(vi).
- 3) The Parties are to forward their respective forms to the Chief Judge's tipstaff by no later than 2 clear days prior to the Readiness Hearing. At present, for matters in the Thursday list (circuit trials), they should be forwarded to Ms Emma Watt (emma.watt@courts.nsw.gov.au) and for matters in the Friday list

(Sydney trials), they should be forwarded to Mr Tavin Elliott (tavin.elliott@courts.nsw.gov.au).

- 4) Where the prosecutor and legal representative for the accused person have complied with this guidance, the Court may inform the parties that the case has been dealt with in chambers, of the orders that have been made and that the Readiness Hearing has been vacated.

If either party has not fully complied with this Guidance, both parties will be required to appear at the Readiness Hearing.

Crown Readiness Hearing Case Management Form

MATTER DETAILS

Case Name: Regina v

Case Number:

Crown legal representative:

Crown briefed to appear at trial:

Bail status of the accused:

PRELIMINARY MATTERS

| | |
|---|---|
| Has the indictment been finalised? | [Yes/No] [If no, what are the issues with the indictment and when can it be finalised?] |
| Has all of the evidence including expert evidence been served on the defence? | [Yes/No] [If no, provide details of what is outstanding and when you anticipate to have that material] |
| Has the s 142 notice been served? | [Yes/No] |
| Has there been a s 140 conference? | [Yes/No] [Provide details as appropriate. If no, is there any reason a conference should not be ordered?] |
| Is there scope for agreed facts? | [Yes/No] [Provide details as appropriate.] |
| If tendency or coincidence evidence is to be relied upon by either party, has notice been given/received? | [Yes/No] [Provide details as appropriate.] |
| Are there any issues for the Court's determination under s 299B of the <i>Criminal Procedure Act</i> ? | [Yes/No] [Provide details as appropriate.] |
| How many complainants/alleged victims are there? | |
| What are the pre-trial issues, if any? | [Please identify any pre-trial issues carefully.] |
| What are the key issues for the trial? | [Please identify the key issues carefully.] |
| Is there any issue with Crown witness or expert witness availability at the trial? | [Yes/No] [Provide details as appropriate.] |

List the number and preferred modes of attendance for the lawyers and Crown witnesses at the trial.

[Specify the mode of attendance and number] (i.e. In person – 2 Lawyers, 2 witnesses)

NO CONSENT TO TRIAL BY JUDGE ALONE

What is the estimated length of the trial?

[In accordance with para 27(j) of Practice Note 18, include allowance for pre-trial argument, counsels' addresses and the trial judge's summing up]

How many relevant witnesses are there pursuant to s 354(1) of the *Criminal Procedure Act 1986*?

What is the estimated length of the complainants'/alleged victims' evidence including cross- and re-examination?

Are interpreters required?

[Yes/No] [Provide the language(s) and number of any interpreters required.]

CONSENT TO TRIAL BY JUDGE ALONE

If the accused consents to a judge alone trial what is the estimated length of the trial?

[Include pre-trial argument, addresses, and summing up.]

Are remote witness or AVL facilities required?

[Yes/No] [Please provide details.]

PROPOSED ORDERS

1

2

SIGNATURE

Signature of legal representative:

Capacity: [Solicitor/Barrister for the Crown]

Date of signature:

Defence Readiness Hearing Case Management Form

MATTER DETAILS

Case Name: Regina v

Case Number:

Defence legal representative:

Barrister briefed to appear at trial:

Bail status of the accused:

PRELIMINARY MATTERS

Will the accused consent to a judge alone trial? [Yes/No]

Has all of the Crown evidence including expert evidence been received? [Yes/No] [If no, what is outstanding?]

Has all of the defence evidence including expert evidence been served on the Crown? [Yes/No] [If no, provide details of what is outstanding and when you anticipate to have that material]

Has the s 143 response been served? [Yes/No]

Has there been a s 140 conference? [Yes/No] [Provide details as appropriate. If no, is there any reason a conference should not be ordered?]

Is there scope for agreed facts? [Yes/No] [Provide details as appropriate.]

If tendency or coincidence evidence is to be relied upon by either party, has notice been given/received? [Yes/No] [Provide details as appropriate.]

Has a s 150 Notice of Alibi been served? Is there any intention to rely on alibi? [Yes/No] [Provide details as appropriate.]

Are there any issues for the Court's determination under s 299B of the *Criminal Procedure Act*? [Yes/No] [Provide details as appropriate.]

Are there any issues with Legal Aid? [Yes/No]

Is there any intention to make an application for severance or separate trials? [Yes/No]

| | |
|--|---|
| Are any edits required to ERISP, JIRT interviews and/or surveillance or intercept material? | [Yes/No] |
| What are the key issues for the trial? | [Please identify the key issues carefully.] |
| Are there any issues pertaining to fitness? | [Yes/No] [Provide details so far as practicable.] |
| What are the pre-trial issues, if any? | [Please identify any pre-trial issues carefully.] |
| Is there any issue with defence witness or expert witness availability at the trial? | [Yes/No] [Provide details as appropriate.] |
| List the number and preferred modes of attendance for the lawyers, accused and defence witnesses at the trial. | [Specify the mode of attendance and number] (i.e. In person – 2 Lawyers, 2 witnesses) |

NO CONSENT TO TRIAL BY JUDGE ALONE

| | |
|--|---|
| What is the estimated length of the trial? | [In accordance with para 27(j) of Practice Note 18, include pre-trial argument, counsels' addresses and the trial judge's summing up] |
| How many relevant witnesses are there pursuant to s 354(1) of the <i>Criminal Procedure Act 1986</i> ? | |
| What is the estimated length of the complainants'/alleged victims' evidence including cross-examination? | |
| Are any interpreters required? | [Provide the language(s) and number of any interpreters required.] |

CONSENT TO TRIAL BY JUDGE ALONE

| | |
|---|---|
| What is the estimated length of the trial by judge alone? | [In accordance with para 27(j) of Practice Note 18, include pre-trial argument, counsels' addresses and the trial judge's summing up] |
| Are any interpreters required? | [Provide the language(s) and number of any interpreters required.] |
| Are any remote witness or AVL facilities required? | [Yes/No] [Please provide details.] |

PROPOSED ORDERS

SIGNATURE

Signature of legal representative:

Capacity: [Solicitor/Barrister for the Accused]

Date of signature: