

District Court Criminal Practice Note 14

AVL READINESS HEARINGS FOR CIRCUIT SITTINGS

INTRODUCTION

1. This Practice Note revises the version "Telephone Readiness Hearings for Circuit Sittings" published 25 August 2017.
2. The purpose of this Practice Note is to reduce delays in circuit sittings by enabling the court to order the prosecutor and the accused person to attend one or more AVL Readiness Hearings.
3. The use of AVL is intended to facilitate the efficiency and effectiveness of the Readiness Hearings.
4. At all times, AVL Readiness Hearings constitute formal Court hearings.

APPLICATION

5. This Practice Note applies to all trials listed for hearing with estimates of *five days or more* in circuit sittings, with the exceptions of Newcastle, Lismore, Tamworth, Armidale, Dubbo, Gosford, Wollongong, and Wagga Wagga.
6. Applicable trials will usually be given an AVL Readiness Hearing date at least 6 weeks before the date of the trial.
7. AVL Readiness Hearings will supplement, not replace, call overs conducted by presiding Judges in circuit sittings (Practice Note 13) and telephone country call overs (conducted on Wednesdays of each week at 9 am).

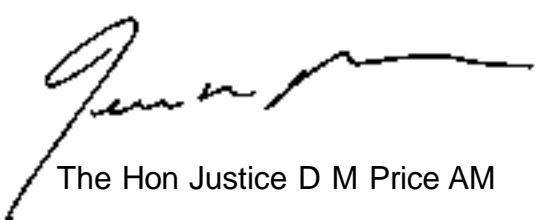
PROCESS

8. The following persons must be present during the AVL 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.
9. The prosecutor and the accused person's legal representatives are to be present at the AVL Readiness Hearing with full knowledge of the state of the proceedings.

10. The accused person is not required and is not expected to be present at the AVL Readiness Hearing provided he or she is represented by an Australian legal practitioner.
11. Practitioners will be contacted prior to the AVL Readiness Hearings with details on how to connect to the AVL Readiness Hearings. Practitioners will have the following options for connecting:
 - a. If the practitioner has access to hard coded video conferencing (AVL) facilities, he or she will be provided with the courtroom connection details.
 - b. If the practitioner does not have access to hard coded video conferencing (AVL) facilities but has a PC or tablet with camera facilities, he or she will be provided with a Jabber Guest software link and technical details on how to use the link.
 - c. If the practitioner does not have access to hard coded video conferencing (AVL) facilities or a PC or tablet with camera facilities, he or she will be provided with an option for telephone connection.
12. If an accused person is not legally represented, he or she will be provided with an option for telephone connection only.
13. AVL Readiness Hearings will be conducted on Thursdays of each week at 9 am.
14. Practitioners must commence connecting to the AVL Readiness Hearing at 8.50 am. An officer will be present to confirm the appearances of practitioners before the AVL Readiness Hearing formally commences at 9 am.
15. Practitioners will be asked to mute their audio function until their matter is called.
16. 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.
17. 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.

COMMENCEMENT

18. The first AVL Readiness Hearing will take place on Thursday 20 September 2018 at 8.50 am for trials listed to commence on 5 November 2018 in circuit sittings.



The Hon Justice D M Price AM

Chief Judge of the District Court

13 August 2018