MAGISTRATES COURT

OF THE

AUSTRALIAN CAPITAL TERRITORY

NOTICE TO PRACTITIONERS

'Part heard' criminal hearings

The necessity for contested hearings in the criminal jurisdiction to be adjourned 'part heard' before a magistrate is becoming increasingly disruptive to the efficient operation of the Court. The Court relies on the time estimate provided by the parties when allocating a hearing date for a criminal hearing.

Parties are reminded of their obligation to advise the Court and seek that the matter be relisted, in advance of a hearing date, if the matter will require more of the Court's time than has been allocated. This should occur well in advance of the hearing.

If, through no conduct on the part of the Court, a matter must be adjourned 'part heard' for hearing before a magistrate, the availability of the magistrate (determined in consultation with the Chief Magistrate) will be the most compelling factor in setting the date for the matter to return before that magistrate. If a matter becomes part heard for reasons outside the control of the parties (for example, illness of a witness) the availability of counsel will be, where possible, entirely accommodated.

In the first instance, *at least* two dates will be nominated by the Court for the matter to return before the magistrate.

It is the Court's expectation that the parties will make themselves available on one of the dates nominated by the Court. The parties may be asked to explain why they cannot be available on dates nominated by the Court. Involvement in another matter, in which the party is not 'part heard' may not be sufficient reason to avoid the matter being listed on a date when the magistrate is available.

Any 'interest of justice' consideration which should be taken into account when setting a future date for the matter to return before the magistrate should be drawn to the Court's attention.

In due course this position will be incorporated into a reissued version of the Practice Direction for Adult Criminal Matters (the current iteration now subject to substantial review in consultation with the profession and other stakeholders).

HBanks

Helen Banks
Registrar
ACT Magistrates Court

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