



SUPREME COURT OF THE AUSTRALIAN CAPITAL TERRITORY

PRACTICE DIRECTION 2 OF 2024

PROCEDURE ON COMMITTAL TO THE SUPREME COURT FOR TRIAL – EARLY ARRAIGNMENTS

Commencement

1. This Practice Direction takes effect from 3 June 2024. It replaces Practice Direction 3 of 2014.

Application

2. This Practice Direction applies to all matters that have been committed for trial in the ACT Supreme Court.

Introduction

3. This Practice Direction sets out the procedure to be followed in criminal matters upon the committal of an accused person to the Supreme Court for trial. The objectives of this Practice Direction are:
 - a. to formalise the invocation of the Supreme Court's jurisdiction in criminal matters at an early stage in criminal proceedings;
 - b. by doing so, to support consideration of appropriate guilty pleas at an early stage in criminal proceedings;
 - c. to convey the Court's expectation that criminal proceedings will be conducted with due expedition and that legal professionals will assist the Court to achieve that objective.

Procedure

From 3 June 2024, the procedure on the committal of an accused person for trial to the ACT Supreme Court will be as follows, unless the Court otherwise orders:

4. The Magistrates Court will set an appearance date for the accused person to appear in the Supreme Court (**First Return Date**) in accordance with r 4731(3) of the *Court Procedures Rules 2006* (ACT) (**the Rules**). The First Return Date will usually be listed at 9:00am on the first Wednesday after committal, before the Registrar.

5. If the accused person is granted bail in the Magistrates Court, a condition of the bail will be that the accused person is required to appear before the Supreme Court at the First Return Date. The accused **must** appear before the Supreme Court to meet that bail condition, unless:
 - a. the accused person is legally represented; **and**
 - b. the accused person's legal representative has filed a Form 4.4 – *Notice of Solicitor Acting*; **and**
 - c. the accused person's legal representative has, by email to scregistrar@courts.act.gov.au, requested that the accused person be excused from attending the First Return Date pursuant to s 30 of the *Bail Act 1992*; **and**
 - d. the Registrar has confirmed by return email that the accused person is excused from attending.
6. If the accused person is remanded in custody on committal to the Supreme Court, unless the Supreme Court otherwise orders, the accused person does not need to attend in person on the First Return Date, and may:
 - a. attend via AVL with the leave of the Court; **or**
 - b. be excused from attending if legally represented, if the accused person's legal representative has filed a Form 4.4 – *Notice of Solicitor Acting*.
7. Unless the Court otherwise directs, the standard directions that will be made at the First Return Date are:
 - a. the Prosecution is to file and serve the indictment, case statement, witness list and pre-trial questionnaire, within five weeks of the date of the First Return Date;
 - b. the accused person is to file and serve their pre-trial questionnaire, within two weeks of the date for the Prosecution to file and serve their documents; and
 - c. the matter is to be listed for arraignment, within one week of the date for the accused person to file and serve their pre-trial questionnaire.
8. The legal representatives of the parties will be required to confirm that they have read this Practice Direction at the First Return Date.
9. It is the responsibility of the parties to advise the Court at the First Return Date if there is a reason for departure from the standard directions, and to inform the Court of the reason for that departure.

10. Arraignments will be listed at 9:00am on a Wednesday morning, before a Judge, unless the Court otherwise orders. At the arraignment:
- a. Counsel for the accused will be called upon to confirm that they have given appropriate advice about the principles concerning the discretion to allow a discount for the utilitarian value of a plea of guilty;
 - b. the accused will be arraigned on the indictment presented by the prosecutor; and
 - c. if a plea of guilty is entered and an Intensive Correction Order assessment is to be sought, the Judge will make the relevant order if they consider it appropriate.
11. After the plea is entered, the matter will be referred to the Registrar's criminal directions list at 9:30am on the same Wednesday morning, for the Registrar to:
- a. if a plea of guilty is entered, set a sentence date for the matter and make any other case management directions required; or
 - b. if a plea of not guilty is entered, make any case management directions required to progress the matter to trial.

By direction of the Chief Justice



Jayne Reece
Registrar
31 May 2024