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District Court Criminal Practice Note 34

Management of Criminal Proceedings listed in the Downing Centre

1. This Practice Note replaces District Court Criminal Practice Note 32.

Commencement

2. This Practice Note commences at Sydney District Court on 15 September 2025.

Application

3. This Practice Note applies to the case management of criminal proceedings in the Downing Centre only (but *excluding* proceedings in the Walama List which are subject to Practice Note 26 and proceedings under the Child Sexual Offence Evidence Program which are subject to Practice Note 31).
4. The case management of criminal proceedings in circuit courts (being courts without a resident Judge) are to be conducted in accordance with Practice Note 33.
5. The case management of criminal proceedings listed at courts outside of the Downing Centre which have a resident Judge and/or a permanent list Judge are to be conducted in accordance with any local arrangements such Judges might choose to implement.

Trials

Arraignments

6. The Local Court Magistrate will commit an accused person for trial to appear for arraignment at the Downing Centre (the arraignment date to be within 5 weeks of the date of committal).
7. The accused person is to file and serve a Notice of Appearance with the District Court Registry 7 days before the arraignment date.
8. Parties should expect that arraignments will be listed in Court 3.1 at the Downing Centre as follows:
 - a) for trials prosecuted by the Commonwealth DPP, on a **Monday at 9:00am**
 - b) for trials prosecuted by the State DPP, on a **Friday at 9:30am**.
9. Attendance at arraignment may be in-person or via AVL.
10. The Prosecution is to file and serve the Indictment, the Crown Case Statement and the Brief Index 5 days before the arraignment date.
11. The accused person may be arraigned on the arraignment date *or* if suitable to the Court and the parties (and particularly where an Indictment is lengthy), the list judge

may not require the accused person to be arraigned but only if the accused person's legal representative is in a position to indicate the accused's plea/s.

12. At the arraignment, the parties must have sufficient knowledge of the matter to provide the Court with the following information:

Party	Information
Prosecution and Accused Person	Issues in dispute and outstanding items <ul style="list-style-type: none"> - an outline of issues in dispute, including any anticipated pre-trial issues or legal argument - any agreed facts - any outstanding items yet to be served and an estimate as to when they will be available to be served
	Trial estimate and available dates <ul style="list-style-type: none"> - an estimate of the length of the trial (which is to include time for determination of any pre-trial issues, any defence case, closing addresses, the summing up and a reasonable period for jury deliberations) - available dates for witnesses and counsel (and solicitors) briefed to appear
	Witness requirements <ul style="list-style-type: none"> - any requirement for remote witness facilities - any requirement for AVL facilities - any requirement for interpreters, including the language and precise dialect, the number of and identification of which witness/es require interpreters, any unique circumstances of the matter requiring particular interpreters
Accused Person	Sexual Assault Communication Privilege <ul style="list-style-type: none"> - whether a question may arise under Chapter 6, Part 5, Division 2 of the <i>Criminal Procedure Act 1986</i> (NSW) for determination by the Court and whether leave may be required for the issue of subpoena or for evidence to be adduced regarding protected confidences

Readiness Hearings

13. If the accused person pleads not guilty, or intends to plead not guilty, to any count on their arraignment, the Court will fix dates for trial and for a readiness hearing (or several readiness hearings if required).
14. Readiness hearings may be conducted in-person or via AVL. The accused person is excused from appearing if legally represented.
15. Parties should expect that readiness hearings will be listed in Court 3.1 at the Downing Centre on a **Friday at 12:00pm**.
16. For trials prosecuted by the State DPP, the prosecution is to file and serve on the accused person, no later than 8 weeks before the readiness hearing, an affidavit by the police officer or law enforcement officer in charge of the case which:
 - a) confirms compliance with the duty of disclosure as set out in s 15A of the *Director of Public Prosecutions Act 1986* (NSW); and
 - b) details any further evidence the police are yet to obtain.
17. For trials prosecuted by the Commonwealth DPP, the prosecution is to file and serve on the accused person, no later than 8 weeks before the readiness hearing, an affidavit by an appropriate officer of the relevant investigating agency which:
 - a) confirms compliance with the duty of disclosure as set out in paragraph 3 of the Commonwealth Director of Public Prosecutions 'Statement on Disclosure in Prosecutions conducted by the Commonwealth' and in s 36B of the *Criminal Procedure Act 1986* (NSW); and
 - b) details any further evidence the police are yet to obtain.
18. At the readiness hearing, the Crown Prosecutor or Solicitor Advocate briefed to appear for the DPP at trial, and the Barrister or Solicitor Advocate briefed to appear for the accused person at the trial, are to appear and must have sufficient knowledge of the matter to provide the Court with the following information:
 - a) confirmation of any pre-trial issues, including legal argument
 - b) confirmation of the trial estimate
 - c) any agreed facts
 - d) confirmation that all witnesses required for trial have been served with a subpoena
 - e) whether any updated disclosure affidavits have been filed and served
 - f) whether a timetable is required for the service of any further material
 - g) whether an order is sought pursuant to s 19 of the *Jury Act 1977* (NSW) for additional jurors
 - h) whether a grant of legal aid is sought and/or has been refused and is under appeal.

Trial Call Overs

19. Parties should expect the trial will be called over in Court 3.1 at the Downing Centre on the **Thursday** before the date fixed for trial at **9:00am**.
20. Trial call overs may be conducted in-person or via AVL. The accused person is excused from appearing if legally represented.
21. At the trial call over, the Crown Prosecutor or Solicitor Advocate briefed to appear for the DPP at trial and the Barrister or Solicitor Advocate briefed to appear for the accused person at the trial are to appear.
22. At the trial call over, the Court must be informed whether there are any outstanding pre-trial issues to be determined before a jury is empanelled, the anticipated day of jury empanelment and whether an order has been made for additional jurors.
23. At the trial call over, the Court expects confirmation to be provided of the day/s any interpreter will be required, the language and precise dialect and for which witness/es.
24. The Court expects the trial to be ready to commence on the trial date. The first day of trial is not a preparation day.
25. Any application to vacate a trial is to be made by way of filing and serving a Notice of Motion with a supporting affidavit setting out the grounds for the application. Such applications will usually be heard in Court 3.1 at the Downing Centre.

Sentence Proceedings

26. The Local Court Magistrate will commit an offender for sentence to appear at a sentence call over at the Downing Centre (the sentence call over date to be within 5 weeks of the date of committal).
27. The offender is to file a Notice of Appearance with the District Court Registry no later than 7 days before the sentence hearing.
28. Parties should expect that sentence proceedings will be listed for call over in Court 3.1 at the Downing Centre as follows:
 - a) for sentence proceedings prosecuted by the Commonwealth DPP, on a **Monday at 9:00am**
 - b) for sentence proceedings prosecuted by the State DPP (or any other agency), on a **Friday at 9:00am**.
29. The offender is excused from appearing at the sentence call over if legally represented.

30. At the sentence call over, the parties must have sufficient knowledge of the matter to provide the Court with the following information:

Party	Information
Prosecution and Offender	Sentence estimate and available dates <ul style="list-style-type: none"> - an estimate of the length of the sentencing hearing with an indication from both parties as to the amount of reading time required before the hearing and to include reasonable time for consideration of the sentence and its delivery should the sentence be delivered ex tempore - available dates for counsel (and solicitors) briefed to appear and for any witnesses required to give evidence, including witnesses required by the Prosecution (including expert witnesses)
	Witness requirements <ul style="list-style-type: none"> - any requirement for remote witness facilities - any requirement for AVL facilities - any requirement for interpreters, including the language and precise dialect, the number of and identification of which witness/es require interpreters, any unique circumstances of the matter requiring particular interpreters
Offender	Sentencing Assessment Report (SAR) <ul style="list-style-type: none"> - any requirement for a SAR and the address of the closest Community Corrections Office

31. If the facts upon which the offender is to be sentenced are *not* agreed, the offender is to advise the Court at the sentence call over as to the areas of dispute and the names of any witnesses required for cross-examination.

32. Unless directed otherwise, the parties are to file and serve material for the sentence hearing in accordance with the following timetable:

Party	Requirement
Prosecution	14 days before the sentence hearing, the Crown Sentence Bundle which, for offenders who were at any time on bail, must include a chronology of bail conditions including all variations
Offender	7 days before the sentence hearing, all documentary material including expert reports and written submissions <i>which must include an outline of the findings the Court will be asked to make in relation to matters raised in any expert reports</i>
Prosecution	3 days before the sentence hearing, written submissions

33. The Court expects sentence hearings to be ready to be heard on the hearing date.

Conviction Appeals

34. Parties in conviction appeals should expect the appeal will be listed for call over before the Registrar on a **Thursday at 9:00am** (the 'Registrar's call over').

35. The Registrar's call over may be conducted in-person or via AVL. The appellant is excused from appearing if legally represented.

36. At the Registrar's call over, the parties are to indicate what parts of the Local Court transcript are required for the hearing of the appeal and the Registrar will order such transcript.

37. At the Registrar's call over, the parties are to inform the Registrar whether an application for leave to adduce fresh evidence will be made pursuant to s 18 of the *Crimes (Appeal and Review) Act 2001* (NSW). Any such application is to be made by way of Notice of Motion with a supporting affidavit.

38. At the Registrar's call over, the parties are to provide the Court with an estimate of the length of the hearing of the appeal.

39. Once the transcript has been received, the Registrar will fix a date for the hearing of the appeal.

40. Unless directed otherwise, the parties are to file and serve material for the hearing of the appeal in accordance with the following timetable:

Party	Requirement
Respondent	21 days before the hearing of the appeal, the Appeal Bundle
Appellant	14 days before the hearing of the appeal, an outline of written submissions in support of the appeal with reference to the hearing transcript and any authorities to be relied upon. The outline of written submissions must clearly identify the issues in the appeal (and should not normally exceed 10 pages)
Respondent	7 days before the hearing of the appeal, an outline of written submissions (which should not normally exceed 10 pages)

41. Other directions may be made at the discretion of the Court where the appellant is unrepresented or where otherwise required.

42. Parties in conviction appeals should expect the appeal will be called over in Court 3.1 at the Downing Centre on the **Thursday** before the date of the hearing of the appeal at **9:30am**.

43. The appellant is excused from appearing at the call over if legally represented.

44. At the call over the parties briefed to appear at the appeal must appear.

45. Attendance at the call over may be in-person or via AVL.

46. At the call over, the Court is to be advised of any anticipated issues that might affect the hearing of the appeal.

47. The Court expects the appeal to be ready to be heard on the hearing date.

Non-Compliance

48. If it appears to the Court that a party has not complied with any part of this Practice Note or with any other Court direction, the Court may contact that party directly or list the matter for mention, either on the Court's own initiative or at the request of another party.
49. Without limiting the Court's power to deal with an inexcusable failure to comply with any direction, the Court may order the non-compliant party to attend all future call overs unless excused by the Court.



The Hon. Justice S Huggett
Chief Judge of the District Court of New South Wales
10 September 2025

VEXATIOUS PROCEEDINGS ACT 2008

Notification of Orders Concerning Vexatious Litigant

Lynette Maria Martin

On 10th September 2025, Her Honour Justice Adams made the following Orders in relation to the Notices of Motion filed on 15 May 2025 and 17 July 2025 in Supreme Court of NSW case **2025/00080318 Lynette Maria Martin v Stephen Vardanega, Michael Roberts, Nicholas Studdert and Danny Feller SC::**

1. The plaintiff's Notice of Motion filed on 17 July 2025 is dismissed
2. The plaintiff is to pay the fourth defendant's costs of that Notice of Motion.
3. The proceedings be dismissed pursuant to r 13.4 of the Uniform Civil Procedure Rules 2005 (NSW).
4. Pursuant to s 8(7)(c) of the Vexatious Proceedings Act 2008 (NSW) the plaintiff is prohibited from instituting any proceedings in New South Wales against the fourth defendant Mr Danny Feller in relation to the subject matter of this proceeding or any matter related to the proceedings numbered 2022/296130, 2024/208153 and 2025/80318.
5. The plaintiff is to pay the fourth defendant's costs of and incidental to these proceedings, including in respect to the Notice of Motion filed on 15 May 2025.
6. The directions hearing before the Registrar on 1 October 2025 is vacated.

Note: proceeding details for each number recorded in Order 4 above are as follows:

2022/296130 Lynette Martin v Stephen Vardanega & Ors

2024/208153 Lynette Maria Martin v Danny Feller SC

2025/80318 Lynette Maria Martin v Stephen Vardanega & Ors