

FORM 1 - PRACTICE NOTE 1/2001

**APPLICATION TO VACATE A HEARING DATE
PARTS A & B MUST BE COMPLETED IN FULL PRIOR TO THE APPLICATION BEING LODGED IN
PERSON BY THE APPLICANT OR THE APPLICANT'S REPRESENTATIVE**

Note: This application will be dealt with in Chambers unless there is good reason for it to be listed before a Court. This application, together with all relevant information should be submitted in writing not less than **21 days** before the hearing date **OR**, in the case of urgent circumstances arising after that time, as soon as practicable before the date of hearing.

You will be advised of the outcome of the application and the date on which it is next listed (where applicable).

You must lodge all relevant supporting documentation with this application.

PART A (Applicant to complete)

Name of the matter:.....
Date listed for hearing..... Time estimate.....
Place listed for hearing..... Local Court
Offence(s).....

Application lodged on behalf of the.....(Prosecution/defence)

Name of applicant:..... Signature:
(Informant/Defendant/Representative) Address:

Date:...../...../..... Phone: Fax:

I apply to vacate the hearing date for the following reasons:

(Please provide as much information as possible in support of the application - attach additional pages if more space required)

.....
.....
.....
.....
.....
.....
.....

If the application has arisen because of the non availability of any relevant person in the matter, including witnesses, legal representatives or a defendant you must provide answers to the following questions:

1. When was this person first notified of the hearing date?(date)
2. Was the event which has caused this person to be unavailable arranged before or after the person became aware of the hearing date?
.....
3. If before, why was the court advised that this date was a suitable date for hearing?
.....
4. If after, why did this person arrange another commitment for the day of hearing
.....
5. Why is it essential for this person to be present at the hearing?
.....
.....

Contact address (include telephone number/e-mail)

Applicant..... Respondent.....
.....
.....

PART B (Other party to complete - a faxed copy is sufficient)

(Note: Adjournments will not be granted simply because both parties consent to an adjournment)

I agree with this application. I have notified the applicant of my unavailable dates

I do not agree to this application because:
.....
.....

I do/do not wish to be present if the application is heard in court

Name of other party:

(Informant/Defendant/Representative)
(Delete where not applicable)

Signed:
Address:

Date:

Phone:

Fax:

PART C (Court/office use only)

APPLICATION GRANTED - NEW HEARING DATE IS.....

REFUSED

WILL BE HEARD IN COURT (NO:) ON...../...../.....

.....
Magistrate
Date:...../...../.....

- COPY TO:
1. List Office/Registry
 2. Police Prosecutors
 3. Other (specify)