



## Protocol for the Issuing of Class 5 Proceedings

In any application to a Duty Judge relating to the commencement of Class 5 proceedings the following protocol is to be adopted:

1. The legal representative for the Prosecutor is to contact the Duty Judge's Chambers to arrange a time for the consideration of the issue of proceedings.
2. No less than one hour before the appointment time the Prosecutor's legal representative is to have delivered to the Duty Judge's Chambers:
  - a) A folder containing the evidence upon which the Prosecutor relies;
  - b) The draft form of Order and Summons for each charge – in sufficient quantity to permit the proceedings to be commenced; and
  - c) A completed credit card authorisation form for the amount of the filing fees. The form is to be located on the Court Website in "Administrative Forms" or follow this link: [Credit Card Authorisation Form](#).
3. At the nominated time the legal representative is to telephone the Duty Judge's Chambers for the purposes of determination of whether the Order will be issued.
4. If it is determined that the Order is to be made, the Duty Judge will provide to the Registrar the Summons and Orders to be issued. The Order and Summons will be issued and the credit card will be debited on the same day as the telephone appearance.
5. Upon the making of the Order and the issuing of the Summons the documents be forwarded to the Prosecutor's legal representative by the nominated Mail or DX address.

### **Note to Practitioners**

1. The Court appreciates the assistance of legal practitioners in ensuring that this process can operate efficiently. To that end the Court requests that the Prosecutor attempt to commence proceedings on a date that is not the final date for the commencement of proceedings. If the day of the appointment is the last day for the commencement of proceedings this should be brought to the Duty Judge's attention and a time sought prior 10am that day.
2. Due to the inability to utilise the online registry for the filing of documents without a Court File Number, the Summons and Order will need to be provided in hard copies. The Duty Judge's Chambers will advise if the evidence folder can be provided electronically or if a hard copy is required.