

Sample application to vacate a hearing date

This is a sample. It is important to complete this form with your own details and based on your own circumstances. If you need more help get legal advice.

Attachment C



Form 1 – 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: **Camila Gonzalez**.....

Date listed for hearing **22 October 2013**..... Time estimate **2 hours**.....

Place listed for hearing..... **Bega**..... Local Court

Offence(s) **Larceny x 2**.....

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

Name of applicant: **Camila Gonzalez** Signature: **C. Gonzalez**

(Informant/Defendant/Representative) Address: **6 Gum Lane Bega NSW 2550**

Date **25/09/13** Phone: **0401 000 000** Fax: **9684 8693**

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)

My accountant, Ramesh Jayakody, is my only witness in my hearing. He is unable to attend court on the hearing date as he is attending the Australia - New Zealand Conference for Chartered Accountants, which is held from 21 - 23 October 2013 in Christchurch, New Zealand. Mr Jayakody, along with the vast majority of chartered accountants in Australia and New

Zealand, are expected to attend this conference as part of their professional and career development. The conference is held once every three years.

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? **24 July 2013**.....(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?
After.....

3. If before, why was the court advised that this date was a suitable date for hearing? **n/a**
.....
.....

4. If after, why did this person arrange another commitment for the day of hearing? **When I checked with Ramesh Jayakody when he would be available to attend as a witness at my hearing he told me that the Australia - New Zealand Conference for Chartered Accountants would be held in October or November 2013 but the actual dates had not yet been released. On 23 September 2013 he was informed of the actual dates by the event organisers. He contacted me one day later to tell me that he would not be able to attend the hearing**.....

5. Why is it essential for this person to be present at the hearing? **Mr Jayakody is my only witness at the hearing. If he does not attend to give evidence I will not be able to present sufficient evidence about how my business is conducted**.....

Contact address (include telephone number/e-mail)

Applicant 6 Gum Lane Bega NSW 2550	Respondent Sergeant Cheryl Maddon
Mob: 0401 000 000	Ph: 7788 9900
Email: camgonsalez@fmail.com

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) Signed:

(Delete where not applicable) 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)