

RESERVED JUDGMENTS PROTOCOL

1. This protocol is intended to set a standard in respect of reserved judgments for the Supreme Court of the Australian Capital Territory.

2. In this protocol;

“Presiding Judicial Officer” means the Judge, Master or Registrar hearing a particular matter.

3. It is accepted that it is appropriate for a Presiding Judicial Officer to need time to consider a matter and formulate his/her reasons for a decisions.

4. In general this would take up three months for a contested hearing and up to one month for an interlocutory matter.

5. From time to time a contested or interlocutory matter may be particularly complex. In such matters the Presiding Judicial Officer may indicate to the parties that he/she regards the matter as a complex one and that it may take longer than the time referred to in paragraph 4 above. In the circumstances the Presiding Judicial Officer may attempt to identify the likely time frame in which a decision might be handed down.

6. If a Judgment remains outstanding beyond the general period or the specific time estimated above, then a party’s legal representative may write to the Law Society or the Bar Association bringing the matter to the respective President’s attention.

7. The President will, within two weeks, write to the Chief Justice bringing the matter to the his or her attention but without identifying which of the parties has expressed concern.

8. The Chief Justice will, within two weeks of receiving this advice, discuss the status of the matter with the Presiding Judicial Officer with a view to expediting the delivery of the reserved decision/judgment.
9. The Chief Justice will, within one week of these discussions, advise the respective President when the reserved decision/judgment will be handed down.
10. If the decision is not handed down within two weeks of the nominated date then the respective President will again write to the Chief Justice.
11. The Chief Justice will again discuss the matter with the Presiding Judicial Officer and provide a further advice in writing to the respective President as to when the decision/judgment might be handed down.
12. The Chief Justice will advise the relevant President in writing within one week of the revised date for decision/judgment.
13. If a decision/judgment is not handed down within one month of this revised date then the Chief Justice will take such steps as may be available by way of rearranging hearing lists to ensure that the presiding Judicial Officer will have sufficient time out of court to finish the decision/judgment.
14. In general, it is envisaged that no reserved decision/judgment shall remain outstanding beyond a period of twelve months except in the most exceptional circumstances.
15. This protocol will apply to all judgments/decisions reserved on or after 31 January 2005.