

Work Health and Safety Prosecutions - Timeline

Prosecutor Files Application in Court

1. Summons issued
2. Summons and Practice Note served on defendant within 7 days
3. Defendant files Notice of Appearance within 7 days of service
4. Prosecutor serves brief and Statement of Facts on Defendant within 14 days of service of Notice of Appearance

First Mention
8 weeks from commencement, 4 weeks from service of brief

Enter plea
Prepare to take a date
Indicate special requirements

Ask for more time
Matter stood over for 9 weeks until second mention with timetable for particulars

Apply for Enforceable Undertaking (EU)
Pauses general timetable
Within 12 weeks of service of brief. If made later, can lose benefit of plea
If rejected, must be listed for mention within 2 weeks

Indicate guilty plea is likely
Timetable made for Defendant to make representations to Prosecution

Guilty plea

Not guilty plea

Rejected

Accepted – matter withdrawn

Second Mention
13 weeks from service of brief

Enter/progress as not guilty plea

Ask for more time (4 weeks)

Indicate guilty plea is likely

Apply for EU

Enter guilty plea

Third Mention
17 weeks from service of brief

Enter/progress as not guilty plea

Enter guilty plea

Indicate guilty plea is likely

Ask for more time (Notice of Motion or affidavit required)

Final Mention

Enter not guilty plea

Enter guilty plea

Hearing

Defendant found not guilty

Defendant found guilty

Sentencing Hearing

