

AUSTRALIAN MILITARY COURT PRACTICE NOTE 2

THE MANNER AND TIMING OF ELECTIONS WITH RESPECT TO MODE OF TRIAL

1. After a charge sheet has been referred to the Registrar from the Director of Military Prosecutions, the Registrar is to inform the accused person or persons of their right, if applicable, to elect mode of trial for each charge in accordance with DFDA s132A. This is to be done through the issue of a Notice to the Accused.
2. An election, if made, must be made by the accused person in writing.

Time for Election

3. The time within which an accused person must make any election referred to in Australian Military Court Rule 23(2)(a) is the date specified by the Registrar in the Notice to the Accused which must not be less than 30 days from the issue of the Notice. The date may be varied from the date specified in the Notice to an earlier date with the consent of the accused person.

Exercise of Election

4. The exercise of any election is to be endorsed in writing by the accused person on the form of Election for mode of Trial before the Australian Military Court attached by the Registrar to the Notice to the Accused issued to the accused person. The election is validly made on receipt at the Registrar's office.

Extension of Time for Election

5. Australian Military Court Rule 24(2)(b) provides for a military judge to extend the period during which an election may be made. Written notice of any application under that Rule is to be given to the Registrar and the Director of Military Prosecutions.

I. D. Westwood

I.D. WESTWOOD, AM
Brigadier
Chief Military Judge
Australian Military Court

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