

Board Practice Direction: Adjournments

Purpose

1. The purpose of this Practice Direction is to set out the Board's practice and procedure in relation to applications for the adjournment of hearings. An adjournment means that the Board moves the hearing to another date.

Timely resolution of complaints and inquiries

2. It is in the best interests of the Complainant, the Respondent and the licensing regime that matters are heard and determined in a timely manner. The Board schedules hearings in consultation with the Investigator, Counsel for the Investigator and the respondent (and legal counsel if appointed) and on the basis of the availability of required witnesses and hearing facilities. Changing hearing dates can result in delays and additional costs being incurred.

Guiding principles on adjournments

3. The Board will grant an adjournment where it is in the interests of justice to do so. In determining whether to grant an adjournment, whilst fairness to a respondent is the primary consideration, the following matters will also be considered:
 - (a) the need to provide for fair, cost-effective and timely decision-making;
 - (b) the seriousness of the offending, and the need to protect the public;
 - (c) whether there are adequate reasons to justify an adjournment;
 - (d) whether the respondent is likely to suffer any prejudice,
 - (e) the likely length of the adjournment sought; and
 - (f) whether an adjournment is fair in all the circumstances.
4. The following matters are not sufficient reasons for granting an adjournment:
 - (a) the convenience of the respondent, including the unavailability of counsel representatives; and
 - (b) the failure to properly prepare for the matter.
5. An application for adjournment must be soundly based and made in accordance with this Practice Direction. An adjournment may be granted, other than in accordance with this Practice Direction, in the interests of procedural fairness.

Making an application for adjournment

6. Any application for adjournment must be made in writing to the Board Officer as early as possible and preferably no less than seven days prior to the hearing date. In exceptional circumstances, a respondent may make an adjournment application within seven days of a hearing.
7. An application for adjournment must specify in detail why the adjournment is sought and must be accompanied by supporting documents, such as medical certificates indicating the nature of the illness or other medical reasons requiring adjournment.
8. A respondent may be ordered to pay any additional costs that are incurred as a result of an adjournment, but only if the Board finds that they have committed a disciplinary offence.

Signed and dated this day of 2023.