



Local Court of New South Wales

AMENDED
Practice Note 3 of 2008

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Procedures to be adopted in Domestic Violence matters

This Practice Note applies to all Domestic Violence matters (as defined in s 11 *Crimes (Domestic and Personal Violence) Act 2007*) listed for mention or hearing at Local Courts in New South Wales.

The object of this Practice Note is to ensure that, where appropriate, pleas of guilty are entered at the first available opportunity and if a plea of not guilty is entered that a hearing occurs as promptly as possible. The time standard applying to such matters is that the matter will be listed for hearing within 3 months of the charges being laid.

To achieve these objects, the following practice directions shall apply.

1. Where an accused person is charged with a domestic violence offence, the prosecution shall serve on the accused person at the first available opportunity, and not later than the first mention date in court a copy of the main parts of the brief of evidence upon which the prosecution relies. The brief may be served by e-mail upon the defendant's representative. The main part of the brief is to include:
 - i. The alleged facts;
 - ii. Copy of the victim's statement; and
 - iii. Any photographs on which the prosecution will rely.¹

¹ s.187 Criminal Procedure Act 1986.

2. The court may require the accused person to enter a plea at the first time the matter is mentioned in court. If no plea can be entered at that time, the court will allow an adjournment of not more than 7 days for a plea to be entered.
3. Upon a plea of not guilty being entered, that matter shall be adjourned to a hearing date, with a direction that the balance of the brief be served not less than 14 days before the date fixed for hearing.²
4. Where the accused person is legally represented, within 7 days of the service of the balance of the brief, the prosecutor should be advised which witnesses are required for cross examination and which if any witnesses statements can be tendered without the need to call them for cross-examination.
5. In the event that representations are sought to be made to Police, the making of representation will not delay the listing of a hearing or any other part of these standard directions.

This Practice Note does not operate to make any written statement or other material admissible if it is not otherwise admissible.

This Practice Note does not apply at Campbelltown and Wagga Wagga Local Courts, where Practice Note 1 of 2006 continues to apply.

This Practice Note commences on 5 January 2009.

Graeme Henson
Chief Magistrate

² s.183 Criminal Procedure Act 1986.