



Local Court of New South Wales

## Practice Note 3 of 2008

Issued: 17 March 2008

### **Procedures to be adopted for Domestic Violence Court Intervention Model at Sutherland, Nowra/Milton, Campbelltown, Penrith, Blacktown, Mt Druitt, Albury, Taree/Forster/Gloucester, Wyong, Bateman's Bay/Bega Local Courts.**

This practice note applies to all charges of Domestic Violence matters (as defined in s 4 *Crimes Act 1900*) listed for mention or hearing at Sutherland, Nowra/Milton, Campbelltown, Penrith, Blacktown, Mt Druitt, Albury, Taree/Forster/Gloucester, Wyong, Bateman's Bay/Bega Local Courts.

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. If the accused person is in custody, the brief is to be served by email on the correctional facility. The main part of the brief is to include:  
The main part
  - i. The alleged facts;
  - ii. Copy of the victim's statement; and
  - iii. Any photographs on which the prosecution will rely.<sup>1</sup>
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.<sup>2</sup>

<sup>1</sup> s.187 Criminal Procedure Act 1986.

<sup>2</sup> s.183 Criminal Procedure Act 1986.

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 witness 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 commences at Sutherland, Nowra/Milton and Campbelltown Local Courts on 31 March 2008, Penrith, Blacktown and Mount Druitt Local Courts on 28 April 2008 and Albury, Taree/Forster/Gloucester, Bateman's Bay/Bega Local Courts on 30 May 2008.

Graeme Henson  
Chief Magistrate

