

Explanation of the committal process (Local Court)



Criminal Procedure Regulation 2017

Statutory sentencing discount for guilty pleas

(if the discount scheme under Division 1A of Part 3 of the Crimes (Sentencing Procedure) Act 1999 applies)

If you plead guilty to an indictable offence, you may get a discount on your sentence. The amount of the discount depends on when you plead guilty.

If you plead guilty BEFORE the end of the committal proceedings in the Local Court, that discount may be **25%**.

If you plead guilty AFTER you are committed for trial AND AT LEAST 14 DAYS BEFORE the date your matter is first listed for trial, that discount may be **10%**. This includes if you plead guilty in court or give the prosecutor a written offer to plead guilty.

If you plead guilty AFTER 14 DAYS before the date your matter is first listed for trial, that discount may be **5%**.

The discount scheme **DOES NOT APPLY** to Commonwealth offences and serious children's indictable offences, and you should ask your lawyer for advice or get legal advice about this.

**25% discount
for an early guilty plea**

**10% discount
up to 14 days before trial**

**5% discount
in any other circumstance**

1 Purpose of committal proceedings

This explanation is being given to you because you are facing criminal charges at a committal proceeding. The purposes of the committal proceeding are:

- i. For the prosecution to decide which criminal charges against you are proceeding, and
- ii. For you to decide whether to plead guilty or not guilty to those offences.

At the end of the committal proceeding your case will be sent to the District Court or Supreme Court for trial if you plead not guilty or to decide your sentence if you plead guilty.

For further information please speak to your lawyer or visit www.lawaccess.nsw.gov.au

? Do you know your charges?

2 Charge certificate

The prosecutor has given you or your lawyer a charge certificate. The charge certificate shows all the offences the prosecutor intends to proceed with if your case goes to trial in the District Court or Supreme Court.

3 Case conference (if you have a lawyer)

Your case will be adjourned so that your lawyer and the prosecutor can discuss your case at a case conference.

The case conference is to help you decide whether to plead guilty or not guilty to the charges against you and to discuss any offers that may be made. At the case conference other issues that relate to your case can also be discussed.

You must be available to give your lawyer instructions during the case conference and your lawyer will arrange this.

If the prosecutor and your lawyer agree, you may be present at the conference.



What is a case conference certificate?

After the case conference, a case conference certificate will be prepared and signed by the prosecutor and your lawyer.

The certificate will also show any offers made by the prosecutor to accept a guilty plea to another offence. It will also show any agreed facts (if a guilty plea offer is accepted).

Your lawyer must explain the statutory sentencing scheme for guilty pleas to you if it applies to your case. You may also be asked to sign the certificate.

What is in the case conference certificate is confidential. It is an offence to publish any information in the certificate.

However, if you are found guilty of an offence the court that decides your sentence will be given the case conference certificate. What is said in the certificate can affect whether you get a sentence discount. The court may use your certificate when deciding your sentence. You should ask your lawyer if you have any questions about this.

After the case conference you will come back before a Magistrate.



What if I don't have a lawyer?



What happens next (if you don't have a lawyer)

Your case will now be adjourned so that you can seek legal advice and decide if you want to plead guilty or not guilty to the offences on the charge certificate.

If you wish to contact the prosecutor about the offences listed in the charge certificate, you can do so in writing.

You may wish to get legal representation or legal advice about your case while your case is adjourned. This may be available from Legal Aid NSW.

After the adjournment you will come back before a Magistrate.

Examination of prosecution witnesses

At any time after you or your lawyer is given the charge certificate, you can ask a Magistrate to direct that one or more of the prosecution witnesses come to court to give evidence in the committal proceedings. The Magistrate will apply certain tests to determine whether to grant the request. If the Magistrate refuses, the Magistrate will give reasons for the refusal.

The Magistrate must give the direction if the prosecutor agrees to your request. However, if the witness is the alleged victim of an offence involving violence, the Magistrate may give the direction only if the Magistrate believes there are special reasons why, in the interests of justice, the witness should attend.

Some alleged victims of child sexual offences or other sexual offences cannot be asked to come to court to give evidence.



Committal for trial or sentence

A Magistrate will ask you whether you plead guilty or not guilty to each offence on the charge certificate.

You can also plead guilty at any other time. If you plead guilty, the Magistrate will send your case to the District Court or Supreme Court to decide your sentence. This is called committal for sentence.

If you plead not guilty, the Magistrate will send your case to the District Court or Supreme Court for trial. This is called committal for trial.

For further information please speak to your lawyer or visit www.lawaccess.nsw.gov.au