



New South Wales

# Local Court (Amendment No 9) Rule 2018

under the

Local Court Act 2007

The Local Court Rule Committee has made the following rule of court under the *Local Court Act 2007*.

Stephen Olischlager  
Secretary of the Rule Committee

## Explanatory note

The object of this Rule is to amend the *Local Court Rules 2009*, as a consequence of the *Justice Legislation Amendment (Committals and Guilty Pleas) Act 2017* and *Criminal Procedure Amendment (Committals and Guilty Pleas) Regulation 2018*, to remove certain provisions relating to committal proceedings that are now dealt with in the *Criminal Procedure Regulation 2017*, including provision for:

- (a) written and oral explanations given to accused persons by Magistrates in committal proceedings, and
- (b) requirements for witness statements in committal proceedings.

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### 1 Name of Rule

This Rule is the *Local Court (Amendment No 9) Rule 2018*.

### 2 Commencement

This Rule commences on the day on which it is published on the NSW legislation website.

### 3 Amendment of Local Court Rules 2009

#### (1) Rules 3.3–3.9

Omit the rules.

#### (2) Rule 3.10 Papers to be sent to officer of higher court

Omit paragraph (g). Insert instead:

- (g) the charge certificate referred to in section 66 (1) of the 1986 Act, including any amendment to the certificate and any coversheet that contains notations from a Magistrate taken at the committal hearing,
- (h) the case conference certificate required to be completed and filed under Division 5 of Part 2 of Chapter 3 of the 1986 Act.

#### (3) Rule 3.13 Written statements in briefs of evidence

Omit “rule 3.6 (1) and (2)” from rule 3.13 (2) (b).

Insert instead “subrules (2A) and (2B)”.

#### (4) Rule 3.13 (2A) and (2B)

Insert after rule 3.13 (2):

- (2A) Subject to subrule (2B), an endorsement referred to in subrule (2) (b) is to be in or to the effect of the following form:

“This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I will be liable to prosecution if I have wilfully stated in it anything that I know to be false or do not believe to be true.”

- (2B) In the case of a child, or an adult who is apparently of appreciably below average intelligence, it is sufficient if the endorsement includes:
  - (a) words to the effect that the statement is true, or
  - (b) words to the effect that the statement contains no lies.