



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.