

# Explanation to accused persons of committal proceedings (Children's Court)



## Indictable Offences

*Children (Criminal Proceedings) Regulation 2016*

### Purpose of committal proceedings

This form has been given to you because you are facing criminal charges in a committal proceeding. A committal proceeding is when a Magistrate decides if the prosecution has enough evidence for your case to go to trial.

You heard the prosecution's case against you.

Since then the prosecutor may have given you copies of some more witness statements.

### A Magistrate now has to decide if your case should go to trial or should not go ahead.

The Magistrate will decide this by looking at all the evidence heard in court and in witness statements.

### What if I don't have a lawyer?

### You have the right to get legal representation or advice about your case.

If you want to get legal help you can ask a Magistrate to adjourn your case. This means your case will be put on hold so you can ask for help from Legal Aid NSW or another lawyer.

**For more information please speak to your lawyer or call the Legal Aid Youth Hotline on 1800 10 18 10**

### Information about the use of written statements as prosecution evidence

You can ask a Magistrate to call any of the witnesses who gave a written statement to come to court to give evidence in the committal proceedings.

If you ask for this, there may be a hearing to decide if this should happen. You may need to tell the Magistrate why this should happen.

If the Magistrate calls a witness to come to court to give evidence, you can ask the witness questions about what they said in their statement.

If you do not ask for a witness to come to court to give evidence, their written statement will be their only evidence.

You can also give your own evidence to the court or call your own witnesses. Before you say anything, you should know that you do not have to say anything unless you want to. Also, if you do say something, it may be recorded and used against you if your case goes to trial.