

Explanation of the committal process (Children's Court)



Serious Children's Indictable Offences

Criminal Procedure Regulation 2017



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.

2 Charge certificate

The prosecutor has given you or your lawyer a charge certificate.

? What is 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.

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

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

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



What is a case conference certificate?

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).

You may also be asked to sign the certificate. Your lawyer must explain what the certificate means in your case.

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?

Your case will be adjourned so that you can get 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. You are entitled to a lawyer from Legal Aid NSW or a lawyer approved by 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.



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

Sentencing discount for guilty pleas

If you plead guilty to an indictable offence, you may get a discount on your sentence; you should ask your lawyer for advice or get legal advice about this.