

Advocacy in the Local Court: the good, the bad and the almost unbelievable

Q and A session

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Suggested reading and useful resources:

1. The Local Court website, including the Annual Reports.
2. JIRS: Local Court Practice Notes and legislation.
3. Paper by Deputy Chief Magistrate T Tsavdaridis: Running a guilty plea or defended hearing in the Local Court (accessible on Local Court website at 'Judicial Speeches').
4. JIRS and the Local Court website: both provide information about programs and resources available in the Local Court, including MERIT, EQUIPS, Enough is Enough, WDVCS, the use of DVLO's.

A snapshot of the Local Court

1. The Local Court is a very busy jurisdiction. The workload is heavy and varied.
2. List sizes often exceed 100 matters in a single court, plus fresh custodies. Courts commonly list between 8 and 12 hours of hearings in each court.
3. An ever-increasing number of very serious matters now remain in the Local Court (with more matters becoming Table offences).
4. With EAGP working as it should, more matters remain in the Local Court.
5. The Local Court has available to it a significant sentencing scope of up to 5 years for multiple offences.

Navigating the DV/ AVO sphere:

1. Most Local Courts have a dedicated DV/ ADVO list each week.
2. Some locations now have specialist Family Violence lists.
3. On list days, valuable resources are present at court for you to utilise. Eg: DVLO's, WDVCAS, Aboriginal Liaison officers, JAS.
4. Comply with the Practice Notes.
5. For stand-alone ADVO's/ APVO's, understand that these matters are principally determined (and often solely determined) on the evidence filed in accordance with the Practice Note.
6. LCM can make any order limiting XX (eg: 10 minutes): Practice Note 7.5.

Harnessing other resources within advocacy:

- Knowing the resources available at your Local Court will result in better advocacy.
- Harness resources and programs available, such as MERIT, Equips, Enough is Enough, local rehabilitation programs.
- Nurse Psychologist at court: s19/ s14 reports.
- Duty SARs: including an assessment for community service work.

Sentencing and advocacy:

1. ICO's: reference *Stanley* and s66 within submissions
2. The court does not sentence to avoid other consequences.

Hearings and advocacy:

1. The reply phase is critically important. Be accurate in the Notice of Listing/ Listing Advice in terms of estimate.
2. Focus on issues that are in dispute.
3. Utilise s191 Agreed Facts where possible.
4. Advocate in a fair and respectful manner.
5. Medical certificates: *Uy v Ng* [2021] NSWSC 429
6. Adjournments generally: *DPP (NSW) v Chaouk* [2010] NSWSC 1418.