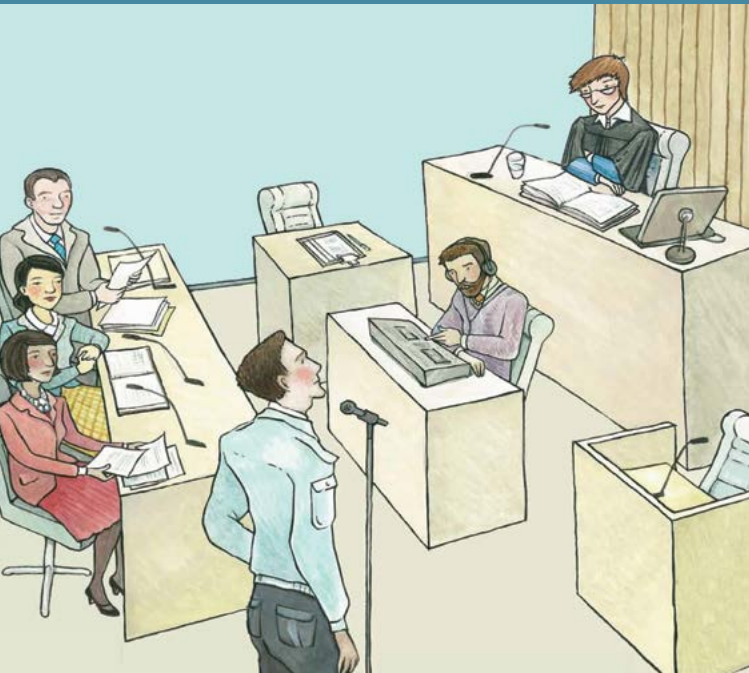


# Going to court

How can Legal Aid NSW help you?



# So you're going to court

This guide explains what to do if you have received a Court Attendance Notice for a criminal offence and have to go to a Local Court in New South Wales.



## Contents

Before you go to court you should... ..	3
Where can I get legal help and advice? .....	4
Find out when your court date is .....	5
Getting ready for court .....	7
At court... ..	10
Do you want legal aid?.....	12
If you plead not guilty.....	15
Going to court .....	16
If you plead guilty .....	22
Penalties .....	25
Diversionsary programs.....	30
After the court hearing/sentence.....	33
Getting help .....	34

# Before you go to court you should...

## 1. Get legal advice as soon as you can

It can take time to get an appointment to speak to a lawyer.

It is important to get legal advice even if you do not want a lawyer to represent you in court. This is because the court will make important decisions about your future.

Getting legal advice will help you understand the court process and your rights.

Call LawAccess NSW on **1300 888 529** as soon as you have received your Court Attendance Notice.

## 2. Ask for an interpreter if you need one

If you need someone who speaks your language to help translate when you go to court, call Court Services on **1300 679 272**. Tell Court Services that you need an interpreter at court and the language that you need.

A Legal Aid NSW lawyer can also organise an interpreter for you for court and for your appointment.

**Remember to take all your police and court papers to any appointment with a lawyer.**

# Where can I get legal help and advice?

## LawAccess NSW

LawAccess NSW is a free government service that provides legal information and referrals for people with a legal problem in NSW.

Call **1300 888 529** between 9am to 5pm, Monday to Friday (excluding public holidays) or chat online at [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au).

## Legal Aid NSW

Legal Aid NSW has lawyers at all local courts and at many other courts and tribunals across NSW. These 'duty lawyers' help people who have a matter at court that day who do not have their own lawyer. If you need ongoing legal help or representation you can apply for a grant of aid. For more information about duty lawyers and eligibility requirements for a grant of legal aid, see page 13.

## Court staff

Court staff can give free information about how the court operates. Court staff cannot give legal advice or represent you in court.

## Private lawyers

The Law Society of NSW can refer you to private lawyers in your area. It can also tell you about private lawyers who do work for Legal Aid NSW. Call the Law Society's Solicitor Referral Service on **(02) 9926 0300**.

## Aboriginal Legal Service

If you are Aboriginal or Torres Strait Islander, you can get free help from the Aboriginal Legal Service. Call **1800 765 767**.

## Find out when your court date is

The date that your case is in court is written on the Court Attendance Notice or bail form. The location of the court that you must go to is also written on the Court Attendance Notice or bail form.

If you don't have your Court Attendance Notice or bail form and you are not sure when your case is in court, you should call the police station where you were charged.

If your case has already been to court before, you can ask Court Services. Call Court Services on **1300 679 272**.



If you think that your court case is coming up soon, you can also look for it on the NSW Online Registry. Visit <https://onlineregistry.lawlink.nsw.gov.au>.

## If you can't get to court

If you can't get to court, you must telephone Court Services on **1300 679 272** and tell them why you can't make it to court. Ask Court Services to tell the registrar or magistrate that you can't get to court.

If you can't get to court because you are sick you should ask your doctor for a medical certificate. The medical certificate should say why you are not able to go to court.

You should email this certificate to the court, on or before the day your case is listed.

Visit the Service NSW Court Directory: [www.service.nsw.gov.au/nswgovdirectory/local-courts](http://www.service.nsw.gov.au/nswgovdirectory/local-courts).

**Warning:** There are consequences for not going to court. If you don't turn up when your case is in court the magistrate might find you guilty even though you have not entered a plea of guilty.

The magistrate might also issue a warrant. If a warrant is issued, the police will arrest you and take you into custody.

# Getting ready for court

## Help keep courts safe

There are rules about what you can take into the courthouse. You are not allowed to take in anything that could be dangerous. For example, you cannot take:

- knives (any type)
- scissors
- spray cans
- tools
- studded belts
- syringes, or
- motorcycle helmets.

At most courts Sheriff's Officers will ask you to walk through a security scanner before you enter. If you have anything that could be dangerous the Sheriff's Officers will take the item. These items may be returned to you when you leave court. If you have anything illegal, for example, a knife, the Sheriff's Officers may contact the police.

Mobile phones are allowed in court but they must be on silent and you must not use the camera or record anything by audio or video.

It is important that you do what the Sheriff's Officers ask. Not doing so could result in a fine.

## Get your papers ready

Make sure you have all the papers that you have been given by the police before you go to court. You should bring these papers to court. These papers should include:

- a Court Attendance Notice
- the Police Facts Sheet, and
- bail undertaking (if you have been granted bail).

If you do not have these papers your lawyer can get a copy of them from the prosecutor when your case is in court. If you do not have a lawyer, you can ask for these papers at the police station where you were charged.

## Write down what happened

You should make notes in your own words about what occurred relating to your charge. This should include any conversations with police and witnesses. Make sure you do this while the events are fresh in your mind. This is a very important practical step you can take to prepare for your court appearance.

## Written Notice of Pleading

Before entering a plea, you should get legal advice. The decision to plead guilty or not guilty is an important one that will have significant consequences for you. You should get legal advice so that you understand what these consequences will be.



It is sometimes possible to enter a plea without going to court. This is called a Written Notice of Pleading. To do this, you should carefully read the information that comes with your Court Attendance Notice. If you have been given a Written Notice of Pleading you can fill it in and send it back to the court instead of going there in person.

If you send a Written Notice of Pleading, you must check with the court to find out what happened with your case. You can do this by calling Court Services on **1300 679 272**. You can also do this by going to the court and speaking to staff at the registry.

It is important to find out what decision the court made about your case. You might need to come back to court for a hearing or to be sentenced. Alternatively, if you had a traffic case and the court sentenced you, the court may have disqualified you from driving a motor vehicle.

### **Are you on bail?**

If you are on bail and have to attend court, the Written Notice of Pleading option is not available for you. If you are bailed to attend court and you do not go to court on the day required, you are in breach of bail. A warrant may be issued for your arrest. Money put up for bail by you or a family member may also be forfeited.

## At court...

Most court houses open at 9:00 am. The magistrate or registrar usually do not start to hear cases until 9:30 am.

You should arrive before court starts and speak to your lawyer. If you do not have a lawyer and would like one, you can see the Legal Aid NSW duty lawyer. For more information about duty lawyers see page 12.



### Find out which courtroom you are in

All of the cases to be heard are on a court list. The court list is usually displayed in the foyer or near the court entrance. This list will tell you which courtroom you are in and give you a case number. If you can't find your name on the list, ask the court officer to help you. You can also find the court list by searching the NSW Online Registry.

At some courts, there is a registration desk. Make sure you tell court staff that you are at court for your case. They will then tell you where your court room is. When you enter a courthouse look for signs that may direct you to a registration desk.

### **What time is your case on and where should you wait?**

The time that the magistrate or registrar will hear your case will depend on the number of cases to be heard in the Local Court on the day.

Sometimes there can be a long wait.

When you arrive at court you should sit in the courtroom. If there is not enough room to sit in the courtroom, you should try to tell the court officer that you are present. You should also wait in the body of the courthouse near to the courtroom. A court officer will call your name when your case is ready to be heard. For this reason, it is important that you stay in a place where you will be able to hear your name if it is called.

If you have been waiting in the courthouse for a long time and have not heard your name you should tell court staff.

## Do you want legal aid?

### Get legal advice *before* your court date

If you need ongoing legal help you can apply for a grant of aid.

If you get a grant of legal aid this means that a lawyer who works at, or is paid by, Legal Aid NSW will represent you in your case.

A grant of legal aid is not free. Most people will have to pay a contribution to the legal costs of their case.

It is best to get legal advice before you apply for legal aid. Call the free legal help line LawAccess NSW on **1300 888 529** to find an advice service or a Legal Aid NSW office near you.



### The duty lawyer

The duty lawyer can give legal advice and, in some cases, represent you in court. You can see the duty lawyer if:

- you want legal advice on the day that your case is in court; and/or

- you would like to apply to be represented in court by a Legal Aid NSW lawyer.

You will need to write your name on a list and wait near the duty lawyer's room.

The duty lawyer will call you when it is your turn to be seen.

At some courts the duty lawyer is not able to see people who have not already had an appointment with a Legal Aid NSW lawyer. At these courts, the duty lawyer will ask you to make an appointment for legal advice.

The duty lawyer will also tell you to ask the court to adjourn (postpone) your case to another day so that you can get legal advice.

The duty lawyer can only represent people who are eligible (qualify) for help under the Legal Aid NSW policies. Whether or not you are eligible for representation by a Legal Aid NSW lawyer will depend on:

- the type of case you have
- how much money you earn
- how much money you have in the bank, and
- the type of assets that you own (for example, property, shares).

If you want to plead not guilty, it will also depend on the type of punishment likely to be imposed by the court if you are found guilty.

## **In the courtroom...**

### **If you have a lawyer**

If you have a lawyer, the magistrate will speak to your lawyer. Your lawyer will speak for you.

### **If you don't have a lawyer**

If you do not have a lawyer, the magistrate will ask you a number of questions. When answering, you should call the magistrate "Your Honour".

The first questions you are likely to be asked are:

- Are you .....? (your name)
- Do you have a lawyer representing you?
- Do you wish to have your case dealt with today?

The magistrate asks this last question to see if you are ready to finalise (finish) your case or if you need your case to be adjourned (postponed). You may want to have your matter adjourned, for example, so that you can get legal advice. Magistrates will usually give you one adjournment if you ask for it.

### **Are you pleading guilty or not guilty?**

The magistrate cannot give you advice about whether or not you should plead guilty. You need to decide this before you go to the court. If you don't know whether you should plead guilty or not, ask for an adjournment.

## If you plead not guilty

If you plead not guilty it means that you do not accept that you committed the offence/s that you have been charged with.

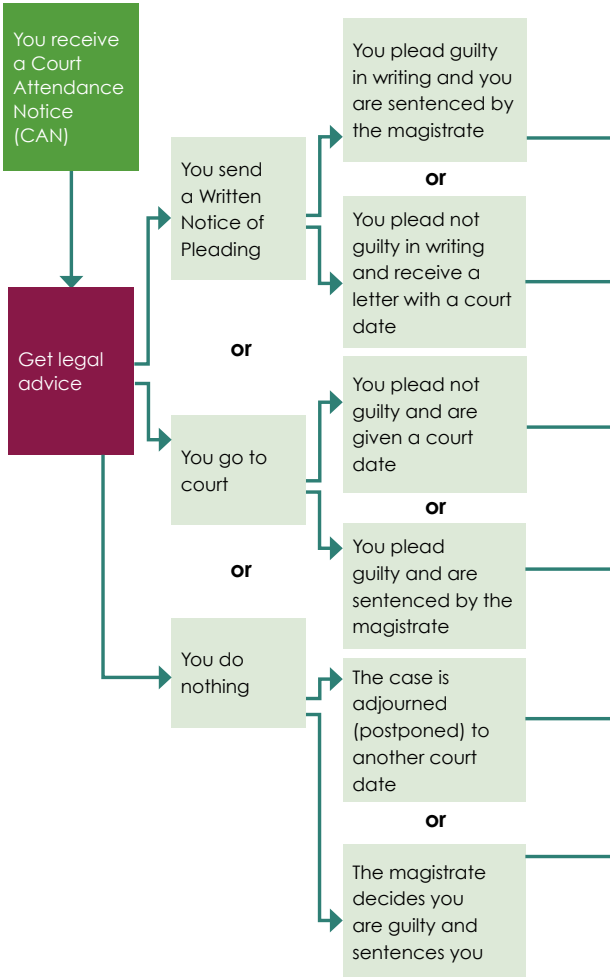
Most of the time if you plead not guilty the magistrate will order a 'brief of evidence' (also called a 'brief') to be served (provided) to either you or your lawyer. The brief contains the evidence that the police will use to prove their case against you.

If you plead not guilty you will be given a date to come back to court after the brief has been served. On this date you confirm your plea – you tell the court if you still want to plead not guilty. If you still want to plead not guilty the magistrate will give you a hearing date.



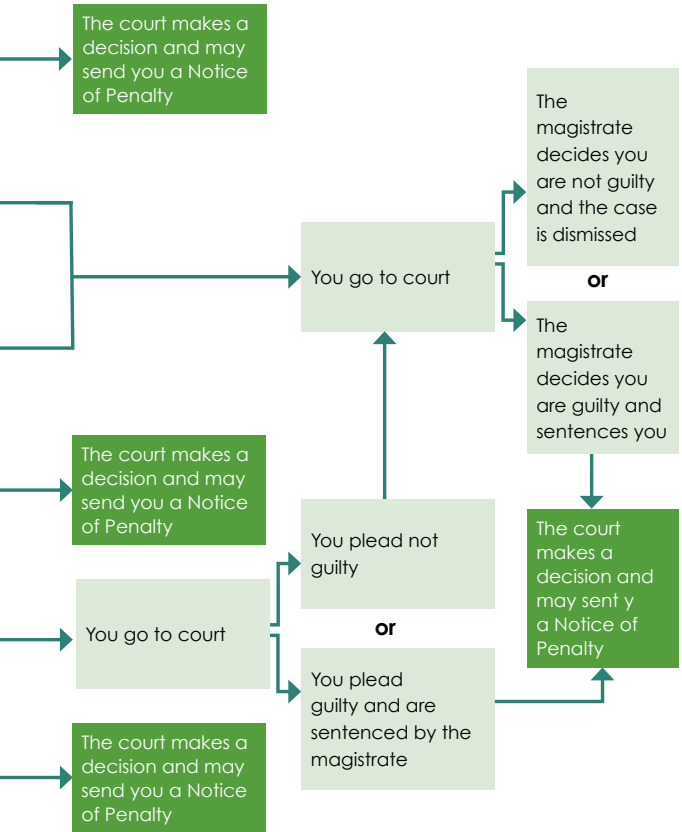
You will not be given a brief of evidence for some less serious cases, including most traffic cases.

# Going to court





# A flow chart about the court process



actions



court directives

If you have been charged with a domestic violence offence the process is a bit different. For more information, see the Legal Aid NSW brochure [Have you been charged with a domestic violence offence?](#)

It is important that your lawyer and you both have a copy of the 'brief of evidence' and talk about it before you return to court to confirm your plea. You should also make an appointment with your lawyer to talk about the brief as soon as you can. Before you go to the appointment you should carefully read through the brief and write down anything that you disagree with. It is also a good idea to write down your own version of what happened as soon as possible after it happened. Tell your lawyer if you need help to write down your version of what happened.

### **If you don't have a lawyer and want to confirm your plea of not guilty**

If you do not have a lawyer when you attend court, after you have been given the 'brief of evidence', the magistrate will ask you some questions.

The magistrate will ask:

- how many of the police witnesses you want to come to court
- how many witnesses you want to bring to court, and
- how long you think the court will need to listen to all of the witnesses.

It is important that you decide how many of the police witnesses that you want to come to court. If you don't ask for any of the police witnesses to come to court, you will not be able to ask these witnesses any questions at your hearing.

Some of the statements of the police witnesses who do not come to court may also be read by the magistrate. If you agree to a statement of a witness being given to the magistrate then you will not have the chance to ask the witness any questions and the magistrate may accept what the witness says in the statement as true.

Once the magistrate gives you a hearing date you must tell your witnesses. You should also check if any of your witnesses will need a subpoena to attend court. A subpoena is a document issued by the court which orders someone to come to court to give evidence. Sometimes, employers will not let their employees take a day off work to attend court as a witness if the employee does not have a subpoena. You can ask the registrar of the court about how to issue a subpoena.

### **Serious criminal charges**

There are some offences that cannot be finished in the Local Court. These offences are very serious. If you have been charged with a very serious offence you may have to go to the District or Supreme Court.

## On the day of the hearing

**If you want a lawyer to represent you at a hearing you must arrange this as soon as possible. Legal Aid NSW will not provide a lawyer to represent you if there are 14 days or less before your court hearing.**

At the hearing the police will present their case first. The police prosecutor will call witnesses to give evidence, for example the police officer in charge of your case (the 'OIC') and any other witnesses. After each witness gives evidence, you or your lawyer have the right to cross-examine (question) the witness.

After the prosecutor has called all of the police witnesses, you are entitled to give evidence (if you want to) and to call witnesses. Generally, if you choose to give evidence, you would be the first defence witness to give evidence. The prosecutor is likely to cross-examine (question) you.



The police witnesses and the defence witnesses must wait outside the courtroom until it is their turn to give evidence.

After all witnesses have given evidence the prosecutor may make submissions to the magistrate about why you should be found guilty of the offence. You or your lawyer can then make submissions, that is, tell the court why you should be found “not guilty” based on the evidence.



The magistrate, after hearing both the police and defence case, will decide either that:

- You have been found not guilty, in which case your case is dismissed and you are free to go; or
- You have been found guilty. If this happens the magistrate will then consider the penalty.

## If you plead guilty



If you plead guilty it means that you accept that you committed the offence/s that you have been charged with.

In most cases, if you plead guilty the Police Facts Sheet, which is the police version of events, will be read by the magistrate. You should read it before you enter a plea.

If you agree that you are guilty of the offence but disagree with some of the things said in the Facts Sheet you should tell your lawyer or ask to speak to the prosecutor. It may be possible to agree to some minor changes with the prosecutor. If you cannot reach an agreement with the prosecutor about what the Facts Sheet should say, you may have to have a hearing about the parts of the facts you disagree with. This is called a "disputed facts hearing". As with other hearings, both

sides call witnesses so that the magistrate can hear the evidence before deciding which facts are proved.

The magistrate may also be given other documents, for example statements from any witnesses, photos, your record of interview and a copy of your criminal record if you have one. You may object to any of these things being given to the court, for instance because they are unfair. If you object, be prepared to explain why you object.

## Sentencing

If you are found guilty after a hearing or have pleaded guilty, you will then be sentenced by the court.

Before you are sentenced, you (if you are representing yourself) or your lawyer will give an explanation about how and why the offence(s) happened and some information about your current financial situation, your personal circumstances and your general character.

It is particularly important to tell the court if you are sorry and about any steps you have taken towards fixing the problems that led to your offence(s). This is called "rehabilitation" and could involve:

- Drug counselling
- Alcohol counselling
- Psychological help you have sought
- A men's behaviour change program
- The Traffic Offenders Program

If possible, you should also bring a letter from the counsellor or program coordinator about your attendance and any medical documents about your general health (including mental health). You may also give the magistrate some documents, for example a statement by you about your circumstances and why the offence happened, or character references. For more information see the Legal Aid NSW brochure '[Character References](#)'.



## Penalties

If you plead guilty or are found guilty the magistrate will consider an appropriate penalty for you. Penalties range from fines to gaol.

If you think that you may be facing a gaol sentence, it is a very good idea to get legal advice as soon as possible.

If the magistrate is considering a serious penalty like gaol or wants further information, you may be sent to Community Corrections to get a Sentencing Assessment Report (SAR). This report tells the court about you and what sort of penalties are suitable for you. Some Local Courts have a duty officer from Community Corrections and the SAR can be prepared the same day.

When there is no duty officer, or if a more detailed report is needed, your case will be adjourned for several weeks (generally six weeks) so that the SAR can be prepared. You must keep your appointment with Community Corrections. If you don't keep your appointment, this will be reported to the court.

Once the magistrate has decided on the penalty in your case, make sure you understand what it is. If you don't have a lawyer, ask the court staff to explain the penalty to you. You can also make an appointment to see a Legal Aid NSW lawyer. If you bring to your appointment the Notice of Penalty and any court orders that you

received when you were sentenced, the Legal Aid NSW lawyer will be able to explain your sentence to you.

## No conviction or penalty

Sometimes if the offence is very minor and you have previously been of good character the magistrate may decide not to record a conviction or give you a penalty. This is called a Section 10 dismissal.



## Fines

Fines are often given for less serious offences. If you receive a fine, there will be a set time to pay, usually 28 days. If you cannot pay within the set time you can make an application to pay by instalments. To find out more about this you should speak to the staff at the court registry.

If you do not pay your fine within the set time, Revenue NSW can impose a range of penalties against you such as suspending your driver licence. You may also be charged extra fees.

If Revenue NSW takes action against you and you still cannot pay the fine you should ring Revenue NSW on **1300 655 805**. You can also

get more information at the [Revenue NSW website](#).

If you are unable to pay the fine, you may be able to apply for a Work and Development Order (WDO). You may be eligible for a WDO if you:

- are under 18
- receiving a Centrelink or DVA benefit
- have a mental illness, intellectual disability or cognitive impairment
- have a serious addiction to drugs, alcohol or volatile substances
- are experiencing serious financial hardship, or
- are homeless.

For more information call LawAccess NSW on **1300 888 529** or the WDO Hotline on **1300 478 879**.

## **Community-based sentencing options**

There are two community-based sentencing options:

- the Conditional Release Order; and
- the Community Correction Order.

These used to be called “bonds”. Both of these orders can be made on certain conditions that require you to:

- take part in a rehabilitation program or receive treatment
- not use alcohol or drugs or both, or
- be supervised by a Community Corrections Officer.

A Community Correction Order is a more serious (worse) penalty than a Conditional Release Order.

If you have been given a Conditional Release Order or a Community Correction Order it is very important that you understand and stick with the conditions - what you have to do. The magistrate will tell you in court what the conditions are. The conditions will also be written on the order given to you by the court staff.

If you are unsure of what any of the conditions mean you should ask the staff at the court registry or your lawyer to explain.

You can breach (break) your Conditional Release Order or Community Correction Order by either:

- committing another offence, or
- not following any of the conditions of the order.

If you breach your order you can be brought back to court. Unless there was a very good reason for breaching the order, the magistrate will resentence you. This means giving you another penalty for the offence. Usually that means getting a more severe (worse) penalty.

## **Intensive Correction Order**

An Intensive Correction Order (ICO) is a sentence of imprisonment that is served in the community. This means that if you get an ICO, you are not sent to gaol.

If you have been given an ICO it means that the magistrate thought that a gaol sentence was the right penalty for you but that there were good reasons for not sending you to gaol. A good reason for not sending you to gaol might be that it's in the community's interest for you to do rehabilitation.

If you are put on an Intensive Correction Order you will be supervised by Community Corrections. Also, the court might add conditions including:

- community service
- home detention, or
- a requirement that you abstain from (not use) alcohol or drugs or both.

You should not breach (break) an Intensive Correction Order, as you could end up in gaol if you do. For example, if a Community Corrections officer believes that you have broken any of the conditions of your Intensive Correction Order, they can send you to the Parole Authority. The Parole Authority will decide if a breach has occurred. If the Parole Authority decides that a breach has occurred, it may revoke (cancel) the Intensive Correction Order. If the Intensive Correction Order is revoked, you might have to serve the balance of your sentence in gaol.

### **Full time gaol sentence**

If the court decides that none of the other sentencing options are suitable for you, the court may impose a full-time gaol sentence.

## **Diversionsary programs**

### **Diversion on grounds of mental health and/or cognitive impairment**

If you have a cognitive impairment or a mental health condition, the magistrate might be able to make an order under section 14 of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* (NSW). This used to be called a “section 32 order”. This is where the magistrate decides that instead of your charges going through the criminal justice system, it is better that you to get treatment or support. The charges are then dismissed on the condition that you follow through with this treatment or support.

If the magistrate makes an order under section 14 you won't be convicted of the offence(s) that you were charged with. You won't need to pay a fine or go to gaol. You will probably need to agree to have treatment. For more information, see the Legal Aid NSW brochure ['What is a section 14?'](#).

### **Other diversionsary programs**

Sometimes you can take part in a program to help you fix problems that are getting you into trouble. These are called 'diversionary programs'.

If you complete a diversionary program the magistrate will take this into account when deciding what penalty to give you. Diversionary programs are not available in all

courts so you will need to ask the court staff if there are any programs that may help you.

## **Drug Court**

This is available in limited areas. The Drug Court is for people who are facing gaol sentences and who have drug problems.

For more information about the Drug Court visit our website: [www.legalaid.nsw.gov.au/what-we-do/criminal-law/adult-drug-and-alcohol-court](http://www.legalaid.nsw.gov.au/what-we-do/criminal-law/adult-drug-and-alcohol-court)

## **MERIT (Magistrates Early Referral Into Treatment)**

The MERIT program is for adults who have received a Court Attendance Notice and who have difficulties with drugs and/or alcohol.

The MERIT program is voluntary. It is possible to join the program before entering a plea of either guilty or not guilty. The program runs for 12 weeks and provides participants with access to a wide range of drug and alcohol treatment services.

If you join the MERIT program your case will be adjourned while you take part.

After you have completed the program:

- you will be asked to enter a plea (if you have not already done so)
- you will be sentenced, if you pleaded guilty, or
- your case will go to hearing, if you pleaded not guilty.

MERIT currently operates at 62 of the 137 Local Courts in NSW. If the program operates at your court the court staff will be able to give you a brochure explaining the program and how to join.

For more information visit: <https://localcourt.nsw.gov.au/local-court/sentencing--orders-and-appeals/sentencing-in-criminal-cases/diversion-programs/the-merit-program.html>

## **Traffic Offender Intervention Program**

The Traffic Offender Intervention Program is designed to help you understand the responsibilities of drivers and the risks associated with dangerous driving. You must pay to do the Traffic Offender Intervention Program yourself. You should ask the court staff about the nearest program.

## **Circle sentencing**

Circle sentencing is available to Aboriginal defendants who have pleaded guilty in some situations and in some local courts. Under circle sentencing, the magistrate works with a group of Aboriginal elders, victims, respected members of the community and the offender's family to determine the appropriate sentence. For more information about circle sentencing visit the Judicial Commission of NSW website: <https://www.judcom.nsw.gov.au/circle-sentencing-in-nsw/>



## After the court hearing/sentence

Before you leave the Local Court you must go to the registry and find out whether you have to pay any court costs or sign any documents such as a Conditional Release Order, a Community Correction Order or an Intensive Correction Order.

### Appeals

If you are not happy about the magistrate's decision and you want to appeal, speak to your lawyer or ask the court staff about how to do this. Remember: court staff cannot give you legal advice or tell you if they think your appeal will succeed. Court staff can give you information about procedures, forms, and fees payable (including about how to apply for fees to be waived). You can lodge the appeal form at court (or from gaol if you have received a gaol sentence).

**You must lodge your appeal within 28 days of your sentence date.** In some circumstances this can be extended to three months, but only with the permission of the District Court.

Legal aid for appeals from the Local Court is not available in every case. If you want legal aid to appeal against a sentence or conviction imposed by the Local Court you must lodge a separate application for legal aid. You can see the duty lawyer or contact your nearest Legal Aid NSW office about this.

For more information about appeals, see the Legal Aid NSW brochure [Appealing to the District Court](#).

## Getting help

### LawAccess NSW

LawAccess NSW is a free government service that provides legal information and referrals for people with a legal problem in NSW.

Call **1300 888 529** between 9am to 5pm, Monday to Friday (excluding public holidays) or chat online at [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au).

### Legal Aid NSW

To find your nearest Legal Aid NSW office visit: [www.legalaid.nsw.gov.au/contact-us](http://www.legalaid.nsw.gov.au/contact-us)

### Local Courts in NSW

To find your nearest Local Court go to [www.localcourt.nsw.gov.au](http://www.localcourt.nsw.gov.au).

### Private lawyers

The Law Society of NSW can refer you to private lawyers in your area. Call the Law Society Solicitor Referral Service on **(02) 9926 0300** or visit [www.lawsociety.com.au](http://www.lawsociety.com.au).

The Law Society of NSW Pro Bono Scheme is a service to connect people with private lawyers who are willing to help for free or at reduced rates. Visit [www.lawsociety.com.au/for-the-public/pro-bono-scheme](http://www.lawsociety.com.au/for-the-public/pro-bono-scheme) or call **(02) 9926 0364**.

### Community Legal Centres

Community Legal Centres provide free legal services, including telephone advice. To find a centre near you, call LawAccess NSW on **1300 888 529** or visit [www.clcnsw.org.au](http://www.clcnsw.org.au).

## Aboriginal or Torres Strait Islander services

**Aboriginal Legal Services (ALS):** call ALS on **1800 765 787** or visit [www.alsnswact.org.au](http://www.alsnswact.org.au).

**Wirringa Baiya Aboriginal Women's Legal Centre:** **1800 686 587** (free call)

**First Nations Women's Legal Contact Line:** **1800 639 784** (free call)

**Aboriginal client service specialists** are located at a number of local courts to provide assistance and information. Contact your Local Court to find the location of an Aboriginal specialist near you.

## Justice Advocacy Service

The Justice Advocacy Service (JAS) supports young people and adults with cognitive impairment in contact with the NSW criminal justice system, including as victims, witnesses and suspects/defendants to exercise their rights and fully participate in the process. JAS can arrange for one of its trained volunteers to support people with cognitive impairment when appearing at Court. Contact the JAS on **(02) 9265 6350** or visit <https://idrs.org.au/jas>



# Who's who in court

The **court officer** organises the court lists and sorts out who has a lawyer and who doesn't. The court officer calls people into the courtroom and tells them where to sit or stand.

Court Officer

Public

The **prosecutor** represents the police in criminal cases. In serious cases, the prosecutor may be a lawyer from the Office of the Director of Public Prosecutions (ODPP).

Prosecutor



Your Lawyer

In most cases **anyone can come into court**, so you can bring your friends and family with you for support.

**Your lawyer** represents you at court. Acting on your instructions, your lawyer will enter a plea of guilty or not guilty, conduct your case at the hearing, and tell the court about you if you are being sentenced.

## A handy diagram showing you who is who in court

The **magistrate** decides whether you are guilty or not guilty, and what the penalty will be. In court, the magistrate is called "Your Honour".

Magistrate

Monitor

The **monitor** records everything that is said in court.

Witness Box

You (if unrepresented)

**You** (the defendant) can represent yourself or have a lawyer represent you. Speak clearly and loudly. Listen carefully to everything and if you don't understand something, ask the magistrate to explain it to you.

If you have to give evidence about a case in court, you sit in the **witness box**.





This brochure is a general guide to the law. You should not rely on it as legal advice, and we recommend that you talk to a lawyer about your situation.

The information is correct at the time of printing, however it may change. For more information contact LawAccess NSW on **1300 888 529**.

The brochure is also available in Arabic, Chinese (Sim) and Vietnamese.



© Legal Aid Commission of NSW 2021

Order brochures online at:

[www.legalaid.nsw.gov.au/publications](http://www.legalaid.nsw.gov.au/publications)

Find us on social media:



### Do you need help to contact us?



If you need an interpreter, call the Translating and Interpreting Service (TIS National) on **131 450** (9am – 5pm) and ask for LawAccess NSW.

### Do you find it hard to hear or speak?



If you are deaf, or have a hearing or speech impairment, contact us through the [National Relay Service](#) NRS. Ask for LawAccess NSW on **1300 888 529**.