



Our Ref: RBGMM1290112 (6920)(39)

Direct Line: 9926 0216

13 March 2009

Chief Magistrate Graeme Henson
Local Court of NSW
Level 5, Downing Centre
143-147 Liverpool Street
SYDNEY NSW 2000

Dear Chief Magistrate,

Re: Withdrawal of Practice Notes

Thank you for inviting the Law Society to comment on your proposal to withdraw a number of Local Court Practice Notes.

The Law Society's Criminal Law Committee (Committee) has reviewed and discussed the proposals. The Committee agrees that it is appropriate to withdraw all of the Practice Notes you have identified with the exception of Practice Note 10 of 2003.

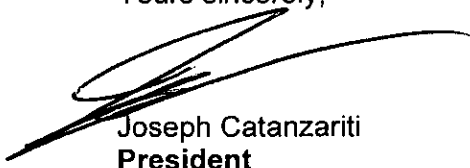
The Committee strongly supports the retention of Practice Note 10 of 2003. The Committee considers it essential to have a formal timetable and process in place for making representations for withdrawal. The management of this process by the Court promotes the expeditious determination of representations.

The Committee is of the view that without a formal timetable for lodging and determining representations the deadline will effectively become the hearing date. As a result, the benefit to the Court, prosecution, defence and witnesses of confirming the withdrawal of a matter prior to it being set down for hearing will be lost.

The Committee acknowledges that there is widespread non-compliance with the timetable and has raised this issue with you on previous occasions. The Committee would consider supporting any additional measures to encourage and enforce compliance in preference to abandoning the regime.

Committee Members would be happy to meet with you to discuss possible options to improve compliance with the Practice Note.

Yours sincerely,


Joseph Catanzariti
President

