

# What are the Differences Between the Local and District Court?

At the [Downing centre](#), the local and district courts are located in the same building, but the types of cases and nature of the proceedings will vary.

There can be an overlap between the case-types, as some offences can be heard in either court.

But as a general rule the more serious offences will proceed to the District court while the less serious ones will stay in the Local court.

The Downing centre is a busy court complex and both the Local and District courts are open Monday to Friday.

This is different to many regional areas, where Local courts may hold sittings weekly, and the District courts even less often.

Regardless of the severity of the offence, every case will start in the Local court, even the most serious crimes like murder. The [majority of criminal cases](#) will remain in the Local Court until they are finalised.

More serious cases will stay in the Local Court until they reach a committal hearing, which is basically an administrative procedure to decide if the prosecution case is strong enough to progress to a trial in the District or Supreme Court. Whether or not a serious case will progress will depend on whether a reasonable jury could find the accused person guilty.

**Does it matter which court hears my case?**

Most criminal cases are capable of being decided in either the Local or District Court.

In these cases, it is usually better if your case is heard in a local court, because the maximum penalties are lower than those that can be imposed in the District court.

For example, drug supply of a small quantity has a maximum penalty of two years in prison and/or a \$5,000 fine in the Local court. The same offence heard in the District court carries a maximum penalty of 15 years imprisonment and/or a \$220,000 fine.

However some offences are more serious, and trials regarding these matters don't have the option of being heard in the Local court – these are called 'strictly indictable offences'

To use the same example of drug offences, more serious crimes such as the supply of a commercial quantity or a large commercial quantity are strictly indictable and can only be heard in a higher court (either the District or Supreme court).

But as you can see, having your case held in the Local court holds considerable advantages because you are not liable to the same higher penalties.

Local Court proceedings can also be quicker and cheaper, because you won't need to go before a jury for a trial which can often last for weeks.

### **Can I prevent my case from being held in the District court?**

If you have been charged with several offences it may be possible to plead guilty to some of the smaller charges in exchange for the more serious ones being dropped.

This means that the smaller ones may be dealt with at a Local Court level and so stay out of the District court.

A good criminal lawyer may also be able to negotiate for your case to stay in the Local Court if you plead guilty to certain charges.

### **What is the difference between a magistrate and a judge?**

Cases heard in the Local court will be decided by a magistrate, and those heard in the District court will be heard by a jury or a judge alone. Both can be people who have held a judicial office in Australia or who have been an Australian lawyer.

According to [the law](#) in NSW, to be a magistrate, a person must have been an Australian lawyer for at least five years whereas for a judge this is increased to seven years. Judges and magistrates are both appointed by the Governor.