

Appearances of legal representatives in the Local Court of NSW

The Local Court continues to have measures in place to reduce physical contact in criminal proceedings during the COVID pandemic. These can be found at: <https://www.localcourt.nsw.gov.au/local-court/arrangements-for-covid-19--coronavirus-.html>

The current arrangements for matters where the accused is **legally represented** are:

1. Legal representative and accused persons are not prohibited from physically attending, **but are not required** to attend and should appear by email or in writing in the following circumstances:
 - a. In matters proceeding summarily:
 - i. To enter a plea in summary or Table offence in which no election has been made;
 - ii. On the first return date when seeking an adjournments to obtain instructions;
 - iii. Where a plea of not guilty is entered, on the date for reply to service of the brief but the court **must** be provided with a Notice of Listing, estimate of the hearing length and available dates;
 - iv. At sentence for 'fine only' offences.
 - b. In EAGP committal matters where seeking orders in accordance with the practice note.
Note: An accused is not required to attend court for a charge certification explanation to be given (unless directed otherwise by the Magistrate).
2. The Court may consider applications to be excused and allow submissions in writing or email in the following circumstances:
 - a. Bail variation applications that are by consent;
 - b. Departures from the practice note arrangements by consent.
Note: Prior consideration and confirmation of this should be obtained from the court.
3. The Court may request the attendance of practitioners where the matter is not proceeding satisfactorily or in accordance with the practice notes.
4. Physical appearances **are required**:
 - a. When entering a plea at committal for trial or sentence;
 - b. At defended hearings;
 - c. At a sentence hearing (except where the matter is a fine only offence);
 - d. At a contested bail hearing (unless an application is granted to appear via phone or AVL).

Where a physical appearance is requested or required, then accused in custody will appear by AVL.

Practitioners need to:

1. Send their contact details to the Court, and the OIC, on receipt of instructions.
2. Email the Court Registry including the H number and the court number; the NIC date; the orders sought; the position with bail and the best contact on the day of mention. The updated site has hyperlinks at: <https://www.localcourt.nsw.gov.au/local-court/cl-2.html>
3. Send the email with sufficient time to be placed on the Court file. Sending an email on the morning of a mention is not sufficient time.
4. Copy the email to the prosecution including the H number in the subject line.

These guidelines have been drafted in consultation with the Chief Magistrate's office and reflect the current arrangements, as set out in the Chief Magistrate's memoranda for the appearances of legal representatives.