



## NEW SOUTH WALES

4 July 2022

### CHIEF MAGISTRATE'S MEMORANDUM NO. 28 - COVID-19

The Court makes the following directions in order to balance the safety of those working within courts and the community in general, while maintaining accessibility to justice.

These directions commence on and from 4 July 2022 and apply until replaced or cancelled by any subsequent memorandum.

These directions apply to all Local Court sittings at locations in New South Wales. For the avoidance of doubt, this includes both civil and criminal sittings. Note: Civil matters will be managed in accordance with [Local Court Practice Note Civ 1](#) (revised version published 25 June 2022).

This Memorandum does not apply to the Children's Court or the coronial jurisdiction, which are both subject to separate public notices.

This Memorandum is to be read in conjunction with any in-force order made under [s 7 of the Court Security Act 2005](#). In-force Orders are published on the Local Court [website](#). Court Security Act Orders may be issued at short notice and at the Chief Magistrate's discretion to secure order and safety in court premises.

Where reference to Audio Visual Link technology (AVL) is made in this document, the use of AVL is dependent on the availability of the technology which may not always be available at all locations.

#### 1. COVID-19 safety measures for in-person appearances

- 1.1. Where directed by a presiding magistrate, court users attending the Local Court must wear a fitted face covering / mask. Any exceptions to the wearing of masks will be considered by the presiding magistrate.
- 1.2. Where court users are required, but unable to attend court in person for health reasons, the Court may, on application or of its own motion, adjourn proceedings or make available the use of AVL to enable participation.

#### 2. Civil matters

- 2.1. Civil matters in both the Small Claims and General Division will generally be dealt with remotely, in accordance with [Practice Note Civ 1](#). In particular:
  - 2.1.1. General Division matters will be heard by remote means until the final hearing unless an application has been made to, and granted by, the Court to allow an in-person appearance (see [cl 11 Practice Note Civ 1](#)).

2.1.2. General Division final hearings will be dealt with in person unless an application has been made to, and granted by the Court to allow a remote appearance (see [cl 20 Practice Note Civ 1](#)).

2.1.3. Small Claims Division matters will be heard to finality remotely unless an application has been made to, and granted by, the Court to allow an in-person appearance (see [cl 11 Practice Note Civ 1](#)).

### 3. Criminal Matters

3.1. The Court requires all appearances to be in person unless an application to appear remotely (via AVL) has been approved by the Court.

Note: Cl 3.1 does not apply to weekend bail court arrangements in remote, regional and rural areas. For the avoidance of doubt this includes weekend bail arrangements for Newcastle and Wollongong.

3.2. For the timely consideration of remote appearance applications, the Court requires that the following timeframes are observed:

3.2.1. Where the remote appearance application relates to a mention, the application must be received by 1pm the day before the matter is listed before the Court.

3.2.2. Where the remote appearance application relates to a hearing, the application must be received at least 72-hours before the commencement of the hearing.

3.3. Applications to appear remotely (via AVL) will only be granted where the Court considers that the circumstances justify remote attendance.

### 4. Defendants in custody / custody matters

4.1. All appearances by persons in custody (including release applications) are to be conducted by AVL (where reasonably practicable), unless listed for hearing or an order has been made by the Court to bring the defendant before the Court in person.

### 5. General

5.1. In the event of travel restrictions or increased risk of transmission and infection of COVID- 19, nothing in this Memorandum prevents an application by a party or legal representative for consideration of an appearance by telephone or AVL. However, any request will be subject to the availability of such equipment and the suitability of the proceedings being dealt with in such a manner.

5.2. Any direction contained in this Memorandum does not preclude a party making an application to the Court to make alternate arrangements.



*Peter Johnstone*  
JUDGE JOHNSTONE  
CHIEF MAGISTRATE