



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: CLC:JvdPrg290722

29 July 2022

His Honour Judge Peter Johnstone
Chief Magistrate
Level 5
Downing Centre
Sydney NSW 2000

By email: cmo@justice.nsw.gov.au

Dear Chief Magistrate,

Chief Magistrate's Memorandum No. 28 – COVID-19

I write to you in relation to Memorandum No. 28 - COVID-19, which commenced on 4 July 2022.

The Law Society has received a significant amount of feedback from our members following the commencement of Memorandum No. 28. Our members strongly support the reinstatement of email appearances for mentions and short matters, which are viewed as highly beneficial for the management of Local Court lists from the perspective of practitioners and, more importantly, their clients.

This support for email appearances is consistent with the findings of the Law Society's member survey regarding COVID-related justice system changes. As indicated in our presentation to Deputy Magistrate Freund on the survey results earlier this year, several of the processes experienced in the Local Court were particularly well received by our members, including making applications in the Local Court via email.

While we understand that some Local Courts have experienced issues with emails being received late, and an increase in matters dealt with under s196 of the *Criminal Procedure Act 1986*, our members consider that the process has been working well. The Law Society assisted with drafting the template document for email appearances during 2021. We would welcome the opportunity to again work with the Court to reinforce to the profession the importance of compliance with procedural requirements, so that the Court has the all the information necessary to proceed with matters by email.

While we appreciate that dealing with emails may add to the workload of registry staff, we believe there is a need to balance this against ongoing workplace health and safety risks associated with crowded courtrooms and public areas. We note that COVID-19 case numbers have increased in recent weeks, and the risk of COVID-19 transmission is likely to be a concern for some time.

The Law Society has continuously advocated for increased resources for the Local Court, and we will continue to do so. We appreciate that the long-term goal is the introduction of an online court for criminal matters, and we will assist in any way we can with this endeavour. However, in the interim, we consider that email appearances for mentions and short matters are an appropriate and efficient process to reinstate, and we ask that you reconsider your decision in this regard.

We would welcome the opportunity to meet and discuss this matter with you further. Please do not hesitate to contact me in this regard.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Joanne van der Plaats', with a long horizontal stroke extending from the end of the name.

Joanne van der Plaats
President