



NEW SOUTH WALES

## THE CHIEF MAGISTRATE OF THE LOCAL COURT

18 September 2014

Ms Jane Needham SC  
President  
New South Wales Bar Association  
Selborne Chambers  
174 Phillip Street  
SYDNEY NW 2000

Dear Ms Needham

### **Re: Sitting arrangements: Christmas New Year Period 2014/2015**

In accordance with the fixed leave period for Magistrates, normal rostered sittings of the Local Court are suspended on and from Wednesday 24 December 2014 and are to recommence on Monday 5 January 2015.

On Monday 22 and Tuesday 23 December 2014, I have allowed Magistrates time to complete outstanding judgments, administrative duties or any outstanding chamber work prior to commencing leave. All Magistrates, unless otherwise on leave, will be rostered "in chambers" and are to be available at their headquarters for any urgent work that may arise on those days.

I also note that some Magistrates may elect to preside in court on these days in an attempt to complete outstanding part-heard matters. Staff will be required for those Courts at which Magistrates have chosen to list matters.

The following sitting arrangements are to occur from Wednesday 24 December 2014 to Friday 2 January 2015 inclusive:

### **Persons in custody - Weekdays that are not public holidays**

#### **Metropolitan area**

Two Acting Magistrates will be rostered at Parramatta Local Court to determine bail for adult persons who remain in custody in the metropolitan area and to consider any urgent applications for Apprehended Violence Orders that are lodged statewide. All adults, remanded in custody within the Sydney Metropolitan area, are to be dealt with via Audio Visual Link facilities at Parramatta Local Court from Correctional facilities.

#### **Regional areas**

Registrars of the Court will conduct bail hearings when required at regional locations.

#### **Children's Court**

Two Acting Magistrates with experience in the operation of the Children's Court will be rostered at Parramatta Children's Court to determine bail applications, urgent applications for Apprehended Violence Orders and urgent applications for care and protection orders from across the state.

Any juvenile who is taken into custody and refused bail by police is to be transported to the nearest Detention Centre and brought before Parramatta Children's Court via Audio Visual

Link from that Detention Centre. Please note that in regional areas where long distances are required to transport the young person to the Detention Centre it may be preferable to initially place the juvenile before the Registrar (if available) for bail determination and if bail is subsequently refused by the Registrar the matter is to be adjourned to the following day to appear via Audio Visual Link facilities before the Magistrate at Parramatta Children's Court.

Applications for urgent Apprehended Violence Orders where the defendant is a juvenile are to be lodged at the nearest court and transmitted to Parramatta Children's Court by court staff for determination by a Magistrate during court sitting hours. Parties are to be advised not to attend the Parramatta Children's Court registry.

Applications for Emergency Care and Protection Orders or applications for care and protection orders where a child has been removed or where care has been assumed are to be lodged at the nearest court. Staff at that Court should contact Parramatta Children's Court (8688-1888) to obtain an urgent listing date at Parramatta. Parties in regional or rural locations should, in appropriate cases, be assisted by court staff to appear at Parramatta Children's Court via Audio or Audio-Visual Link.

### **Apprehended Violence Orders**

Magistrates will be available at Parramatta Children's Court and Local Court on weekdays that are not public holidays to determine urgent applications only during court sittings hours.

**The following instructions are to be provided to Local Court staff during the fixed leave period:**

- Parties are to be advised that they are **not** to attend either Parramatta Children's Court or Local Court during the above period for the purpose of obtaining Apprehended Violence Orders. Please ensure that Registrars provide this information to their local police commands
- Urgent Apprehended Violence applications are to be referred to the duty Magistrate by facsimile during court sitting hours
- Authorised Justices are to adjourn matters involving persons in custody to the next sitting day of the Court (or circuit if applicable) from which that matter arises on or after 5 January 2015, not to Parramatta Children's Court or Local Court.

### **Weekends and Public Holidays**

Bail Courts will operate in accordance with normal arrangements.

### **General instructions for Authorised Justices conducting bail courts**

Authorised Justices are to adjourn matters involving persons in custody to the next sitting day of the Court (or circuit if applicable) from which that matter arises on or after 5 January 2015 wherever possible. Should an accused person be refused bail and not consent to the adjournment beyond the statutory period the matter should not be adjourned to Parramatta Local Court or Parramatta Children's Court unless arrangements have been made with the relevant registrar for the listing of the matter before a Magistrate.

Yours sincerely

  
Jane Mottley  
**Acting Chief Magistrate**