



NEW SOUTH WALES

CHIEF MAGISTRATE'S MEMORANDUM

18 March 2020

MEMORANDUM TO MAGISTRATES

COVID-19 PANDEMIC (FURTHER) ARRANGEMENTS

Following the further announcement from government regarding additional actions that will apply within the community in an endeavour to address the Covid-19 pandemic I have again reviewed the operations of the Local Court.

Consistent with the objective of limiting the number of people presenting at court I have taken the decision to defer the hearing of all defended hearings that do not involve a defendant in custody and are scheduled to take place between Monday 23 March 2020 and Friday 1 May 2020. Hearings involving people in custody should continue as listed however wherever practical the appearance of the defendant should be facilitated by AVL.

Magistrates on country circuits should review the pending court lists at non AVL courts. Hearings scheduled for the period 23 March 2020 to 1st May 2020 should be relisted to a Court on their circuit which has access to AVL for the purpose of allocating a fresh hearing date. Corrective Services are to be notified when and if this occurs. Best practice would be to do so by the issue of a Section 77 Order requiring appearance by AVL. In these circumstances magistrates may need to turn their mind to the position in relation to bail.

The position will be reviewed by my office in the week commencing 27 April 2020 in light of further decisions of government and the status of the pandemic. It may be necessary to extend the deferral of the listing of defended hearings again.

In light of the publication of arrangements on Tuesday of this week and perhaps in response to this memorandum, which will be brought to the attention of stakeholders, there may be some defended matters that will become pleas of guilty. If that is the position they should be finalised on the day originally allocated for the hearing or at such later date the court considers appropriate.

It is unfortunate such steps have been taken however given the level of concern within the community at present and the potential impact of directions issued by government in my view it is preferable to err on the side of caution. The court is already experiencing a rise in non-attendance by parties and witnesses. There is little point in bringing parties before the court for a hearing only to have the hearing prejudiced because of the unexplained absence of a witness or a defendant when there is a distinct possibility that the absence is one referable to their concerns regarding the possibility of contracting the corona virus.

I accept that in the minds of some my decision will not necessarily be well received. I acknowledge both the inconvenience and the disruption to the Local Court however in weighing all factors in the balance I believe it is better for the court to assist government in its endeavours to manage the challenging environment than to simply expect that justice will be done in every case by continuing to believe this part of the court's responsibilities will not be impacted to the potential detriment of the interests of justice.


Judge Graeme Henson AM
Chief Magistrate

