



NEW SOUTH WALES

CHIEF MAGISTRATE'S MEMORANDUM

2 April 2020

CHIEF MAGISTRATE'S MEMORANDUM NO. 8 – COVID-19 ARRANGEMENTS

REVIEWS OF BAIL

There has been some confusion regarding paragraph 13 of the memorandum dated 24 March 2020 in relation requests for review of bail. Although there are those of us who are familiar with the way in which the systems of the Local Court interact it is accepted there is insufficient clarity in the relevant paragraph.

It is the intention of the Local Court to centralise all applications for a review of bail to the Downing Centre **where the accused is in custody and it is necessary to break the remand for the purpose of the application for review**. For practical reasons this is because the ability for parties to appear by Audio Visual Link, whether for the prosecution or for the defendant exceeds that available at other Courts. The Downing Centre currently has 9 AVL courts.

In deciding to centralise applications for review of bail it is still necessary for the Downing Centre to be provided with the Court papers in relation to a defendant who is bailed to appear at a Court other than the Downing Centre. It is the review of bail which is being centralised not the substantive proceedings.

With the foregoing in mind paragraph 13 is reformulated as follows:

13. Where an accused is in custody and an application is to be made for a review of bail necessitating a break in the remand such application in respect of the Sydney Greater Metropolitan area are to be heard at the Downing Centre Local Court. Where the substantive proceedings are pending before a Court other than the Downing Centre the application for review is to be lodged at that Court. Wherever possible it is to be lodged in writing or by email. A copy of the application is to be served by email or in writing on the Police Prosecutor at that Court at the same time as it is lodged with the Registrar.

Once the application is lodged the Registrar of the Court before which the substantive proceedings are pending is, by electronic means, to send a copy of the Court papers and the application to the Registrar of the Downing Centre. The default listing of the application for review of bail will be 3 working days after the lodging of the application. The 3 day period does not include the date of written or electronic lodgement. If the application for review **does not** involve a break in the remand they are to be heard by AVL at the court before which the proceedings are pending.

In light of the occasional amendment to the arrangements published on 24 March 2020 it is intended to incorporate amendments made thus far in a consolidated memorandum to be issued next week. This is to allow the Court to consider any practical issues arising out of the centralisation of first appearances at a number of courts in the metropolitan area and in country regions.


Judge Graeme Henson AM
Chief Magistrate

