



NEW SOUTH WALES

## THE CHIEF MAGISTRATE OF THE LOCAL COURT

21 August 2015

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

Dear Ms Needham

*Jane*  
**Re: Sitting arrangements: Christmas New Year Period 2015/2016**

In accordance with the fixed leave period for Magistrates, normal rostered sittings of the Local Court are suspended on and from Thursday 24 December 2015 and are to recommence on Monday 4 January 2016.

On Monday 21 December 2015 all Local Courts will sit as usual.

On Tuesday 22 December 2015 and Wednesday 23 December 2015, I have, with the concurrence of the President of the Children's Court, allowed Magistrates time to complete outstanding judgments, administrative duties or any outstanding chamber work either at home or in chambers at work, prior to commencing leave.

I 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.

### **Local Court – Adult Person's in Custody on weekdays that are not public holidays.**

The following sitting arrangements are to occur from Tuesday 22 December 2015 to Friday 1 January 2016 inclusive:

#### **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.

#### **General instructions for Authorised Justices conducting adult 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 4 January 2016 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 unless arrangements have been made with the relevant registrar for the listing of the matter before a Magistrate.

**Children's Court – Juveniles in Custody on weekdays that are not public holidays.**

**Sittings arrangements on 22 and 23 December 2015.**

Currently there is no legislative authority to allow for the Children's Court to conduct the bail hearings on the 22 and 23 December 2015 (outside the fixed Christmas period of leave) via AVL. His Honour Judge Johnston, President of the Children's Court has expressed his intention to seek amendments to the Evidence (Audio and Audio Visual Link) Regulations to allow for a consistency of approach for juveniles over the Christmas/New Year period. For the purpose of s5BA(2) of the *Evidence (Audio and Audio Visual Link) Act 2010* all juvenile detention centres would be included in the Regulations.

Your advice as to support or otherwise for this proposal would be appreciated, please send advice to Rosemary Davidson, Executive Officer of the Children's Court ([rosemary\\_davidson@agd.nsw.gov.au](mailto:rosemary_davidson@agd.nsw.gov.au)) on or before **Friday 11 September 2015**.

**The following sitting arrangements are to occur from Thursday 24 December 2015 to Friday 1 January 2016 inclusive:**

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.

**Care and Protection Applications**

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 or e-mail during court sitting hours.

**Weekends and Public Holidays**

Bail Courts will operate in accordance with normal arrangements.

Yours sincerely



Judge Henson  
**Chief Magistrate**