



## NEW SOUTH WALES

14 July 2021

### CHIEF MAGISTRATE'S MEMORANDUM NO. 19 COVID-19

**Amended and extended to Friday 30 July 2021.**

**This Memorandum applies to the following Local Courts *in addition to memorandum 17 and replaces memorandum 18:***

Albion Park	Hornsby	Penrith	Waverley
Bankstown	Katoomba	Picton	Windsor
Blacktown	Liverpool	Port Kembla	Wollongong
Burwood	Manly	Sutherland	Wyong
Campbelltown	Mount Druitt	Sydney, Central	
Fairfield	Newtown	Sydney, Downing	
Gosford	Parramatta	Centre	

In the event of any inconsistency this memo prevails in the above locations.

**Memorandum 17 continues to apply to all other Local Courts in New South Wales.**

#### **Defended Hearings (*ie matters requiring witnesses to give evidence*)**

All defended hearings at the above Local Courts listed between Monday 28 June 2021 and 30 July 2021 will **no longer proceed**. Participants in those proceedings are not required to attend court. Those matters will remain listed for mention on the date they are currently set for the hearing set a new hearing date.

Parties are not required to attend in person, however must notify the court via email of the status of the proceedings prior to 3.00pm on the day be **prior to the listing and provide all unavailable dates**.

**Definition:** A *defended hearing* is a matter in which witnesses are required to give evidence. NB Matters listed for applications, interlocutory proceedings, submissions and/or decision may remain listed and proceed wherever possible.

#### **Small Claims Hearings**

Small claims hearings will remain listed and wherever possible will proceed via telephone. Parties must provide all statements via email no later than three days prior to the hearing. If parties object to the hearing being conducted via telephone they should notify the court as soon as possible.

Those small claims hearing that are unable to be conducted via telephone will be adjourned for mention and/or hearing on date after 30 July 2021.

#### **Matters Listed for Sentence**

Wherever possible these matters will proceed.

If a participant is prevented from attending court contact must be made with the court to seek:

1. an appearance in writing;

2. attendance by alternate means (Telephone or AVL); or
3. to have the proceedings adjourned

Contact must be made with the court no later than 3.00pm the day prior to the listing.

**Please note** that if the defendant is on bail and a sentence assessment report has been requested, the court will require the attendance of the defendant and his/her legal representative in person.

### **Matters Listed for Mention**

Written notices of pleadings will continue to be accepted electronically including email.

Participants may seek to appear in writing (email), via telephone or AVL.

**For all listings of a procedural nature only the court's preferred option is to accept appearances in writing (e-mail).**

### **Defendants in Custody**

Wherever possible all defendants in custody should appear via Audio Visual Link.

### **Masks**

Masks are now required in the above courts.

Please note the public health order does allow for the following exceptions (amongst others):

- A person may remove a fitted face covering in the following circumstance, the person is at work and the nature of the person's work means clear enunciation or visibility of the person's mouth is essential.
- A person working alone in an indoor area like an office (or chambers) a mask is not required, until another person enters the area.

Any applicable exceptions are to be managed by the presiding magistrate.

**Note:** Nothing in the memorandum prevents an application by a party or legal representative, for consideration of an appearance by audio or audio visual link. However any request will be subject the availability of such technology and suitability of the proceedings being dealt with in this manner.

**Nothing in the arrangements set out above prevents a physical appearance before the court, except by a defendant in custody.**

  
Judge Graeme Henson AM  
Chief Magistrate

