



NEW SOUTH WALES

## CHIEF MAGISTRATE'S MEMORANDUM

20 March 2020

### **FURTHER CLARIFICATION OF LOCAL COURT ARRANGEMENTS FOR EAGP MATTERS DURING PANDEMIC PERIOD**

Following my memorandum of 16 March 2020 setting out arrangements for the Local Court proceedings during the pandemic period, the following clarification applies in relation to EAGP committal matters.

#### **First return date/ brief service mention:**

**If defendant legally represented**, no physical appearance is required and matter may be dealt with electronically. The legal representative should communicate the fact of their representation in writing.

**If defendant unrepresented (not in custody)**, no physical appearance is required and defendant may email the court a request for adjournment in writing.

**If defendant unrepresented (in custody)**, the matter will proceed via AVL.

In all scenarios above, the magistrate will make necessary orders/ adjourn matter as per timetable in Local Court Practice Note Comm 2.

#### **Brief confirmation:**

**If defendant legally represented**, no physical appearance is required and matter may be dealt with electronically. The legal representative should communicate the fact of their representation in writing.

**If defendant unrepresented (not in custody)**, no physical appearance is required and defendant may email the court a request for adjournment in writing.

**If defendant unrepresented (in custody)**, the matter will proceed via AVL.

In all scenarios above, the magistrate will make necessary orders/ adjourn matter as per timetable in Local Court Practice Note Comm 2.

### **Charge certification/ case conference adjournment:**

**If defendant legally represented**, no physical appearance is required and matter may be dealt with electronically. The legal representative should communicate the fact of their representation and make any applications in writing.

The defendant is not required to be present for the purposes of providing an explanation pursuant to section 59 of the *Criminal Procedure Act* and matters should not be adjourned to facilitate this.

See below for arrangements where entering a plea of guilty.

**If defendant unrepresented (not in custody)**, no physical appearance is required and defendant may email the court a request for adjournment in writing.

The defendant is not required to be present for the purposes of providing an explanation pursuant to section 59 of the *Criminal Procedure Act* and matters should not be adjourned to facilitate this.

**If defendant unrepresented (in custody)**, the matter will proceed via AVL.

In all scenarios above, magistrate will make necessary orders/ adjourn matter as per timetable in Local Court Practice Note Comm 2.

**NOTE:** Pursuant to section 71(3) of the *Criminal Procedure Act*, I provide my **approval for case conferences to be held by telephone** where necessary and at the discretion of the parties.

### **Where entering pleas/ at committal**

**If defendant legally represented (not in custody)**, physical appearance of legal representative and defendant is required when entering pleas/ at committal for all strictly indictable offences and all matters which are to be committed for sentence.

Otherwise, where no election is being made, no physical appearance is required by either legal representative or defendant. Legal representative may enter plea in writing.

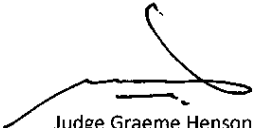
**If defendant legally represented (in custody)**, physical appearance of legal representative is required and defendant is to appear from custody via AVL when entering pleas/ at committal for all strictly indictable offences and all matters which are to be committed for sentence.

Otherwise, where no election is being made, no physical appearance is required by legal representative and defendant is not required to appear by AVL. Legal representative may enter plea in writing.

**If defendant unrepresented (not in custody)**, physical appearance is required when entering pleas/ at committal for all strictly indictable offences and all matters which are to be committed for sentence.

Otherwise, where no election is being made, no physical appearance is required and defendant may enter plea in writing.

**If defendant unrepresented (in custody),** the matter will proceed via AVL.



Judge Graeme Henson AM  
Chief Magistrate

