

COVID-19: Criminal cases during COVID-19

FACTSHEET

This factsheet explains how COVID-19 changes will affect you if you have a criminal case.

You might be worried about your criminal case during the COVID-19 pandemic period. This factsheet has information about how criminal processes and courts in NSW have changed because of the pandemic. Court cases are continuing during the pandemic, but there are special procedures in place to reduce the risk of infection. Things change quickly, so it is important to check with your lawyer or the Court to get the latest news. Also, different courts may have different processes so make sure you contact the right court for your case.

What has changed because of COVID-19?

Access to court buildings is restricted to some people. The Court is trying to have hearings by email or audio-visual or video link, this is called AVL.

The NSW Government has made some emergency laws because of the pandemic. These laws will be in place until the end of September 2020. The Government might decide that the laws should stay in place for longer. Some of these laws are:

- More bail hearings will happen by AVL from police stations and jails. The accused person would not be brought to the court.
- Some court hearings can take place by AVL.
- Some witnesses and lawyers can appear in court by AVL.
- If an accused person agrees, trials can be heard just by a judge instead of with a jury. Jury trials were put on hold at the start of the pandemic but have now started up again in some courts.
- Some witnesses can have their evidence taken and recorded before the rest of the trial.
- Police-issued provisional Apprehended Domestic or Personal Violence Orders will last up to six months, if they cannot be listed in the usual timeframe. Further information about ADVO changes during the pandemic are [here](#).

Make sure the Court has your up to date contact details so that the Court can tell you about any changes to your court date. You can contact the Courts Service Centre by emailing nswcsc@justice.nsw.gov.au or calling 1300 679 272.

Can Legal Aid NSW help me during the COVID-19 period?

Legal Aid NSW is still available to help you if you are charged with a criminal offence. We have a duty service at court, but its services might be limited due to COVID-19, so it is best for you to contact us **before your court date**. You can do this by phoning 1300 888 529 or by [contacting your local Legal Aid NSW office](#).

If you have to go to court and have not spoken to a lawyer, ask for an adjournment.

Should I go to court if I have been charged with an offence?

You must attend court unless you have been told not to by the Court or your lawyer. If you don't go to court, the Court might finalise your case without you being there. In some cases, the Court might also issue a warrant for your arrest.

If you have been charged with a criminal offence and given a notice to attend the Local Court, you should get legal advice by telephone before your court date. You can get advice from:

- LawAccess NSW: call **1300 888 529** or go to www.lawaccess.nsw.gov.au
- Legal Aid NSW: call **1300 888 529** or go to www.legalaid.nsw.gov.au/contact-us/legal-aid-nsw-offices
- Aboriginal Legal Service: call **1800 765 767** or go to www.alsnswact.org.au

If you have not got legal advice, then you should phone or email the Court yourself to find out if you should go to court in person.

How do I contact the Court?

You can call the Courts Service Centre on 1300 679 272 or you can email the Court. Email addresses for the Local Court can be found [here](#).

Should I plead guilty without going to court?

It is very important that you get legal advice before you enter a guilty plea.

In some cases, if you tell the Court that you want to plead guilty, you may not need to go to the Court. You can do this by sending a form to the Court before the date of the court listing. The form is a 'Written Notice of Pleading' and it can be found on the [Local Court website](#). The magistrate may sentence you based just on what you write on the form. It is very difficult or impossible to undo the sentence that you get.

You can find more information about pleading guilty in this way on the [LawAccess NSW website](#).

How will I know if I should go to court in person?

You must attend court unless you have been told not to by the Court or your lawyer before your court date. If you do not attend, the Court might finalise your case without you being there. The court might also issue a warrant for your arrest.

Your lawyer or the Court will let you know if you need to go to the Court in person. This will depend on:

- Where your court case is up to
- The seriousness of the charge
- Whether your lawyer can arrange to appear on your behalf
- Whether you are able to appear in court by AVL

I am a victim in domestic violence proceedings, do I have to go to court?

You do not need to go to court if you are a victim of domestic violence, unless you need to give evidence. You should speak to the officer in charge or prosecutor because they will tell you if and when you need to attend.

All existing orders (interim, provisional and final) remain in force. For any immediate concerns, please contact [NSW Police](#).

What happens if I do have to go to court in person?

Everyone who now goes to court will be screened for COVID-19 symptoms before they go through security. You will be asked questions and have your temperature checked. You can be fined up to \$550 if you:

- refuse to be screened, or
- refuse to leave after you are told to leave because you have symptoms of COVID-19

If you are meant to appear in court that day but are stopped by the security guard from going into court, then you will be given a written notice to show that you tried to get to your court hearing.

Where can I find more information?

The Local Court has further information on its [website](#).

There is also a series of [factsheets about COVID-19 and the law](#) available on the Legal Aid NSW website to assist you to manage all the changes that are happening in our community.

How can I get help?

For free legal help call 1300 888 529 or [call your local Legal Aid NSW office](#).

There is also a series of factsheets about COVID-19 and the law available [on the Legal Aid NSW website](#) to assist you to manage all the changes that are happening in our community.

If you need an interpreter, call the Translating and Interpreting Service on 131 450 and ask for LawAccess NSW. If you find it hard to hear or speak, call the National Relay Service on 133 677 and ask for LawAccess NSW or visit www.relayservice.gov.au.

This factsheet is intended as a general guide to the law. Do not rely on this information as legal advice. We recommend you talk to a lawyer about your situation. This information is correct at the time of writing, however, it may change.