

**Centralised (Adult) Bail Court
Standard Operating Procedures
at Parramatta via AVL from Surry Hills and Amber Laurel CC
(Weekends and Public Holidays)**

A SOPS

Introduction:

Amendments to the Evidence (Audio and Audio Visual Links) Act 1998 in November 2006 made it possible to conduct weekend and public holiday bail courts via Audio Visual Link (AVL).

Since July 2007, Surry Hills Police Station has been conducting weekend and public holiday bail court sittings via AVL. The legal profession, principally Legal Aid, obtained instructions via an AVL suite at Parramatta Court for defendants housed at Surry Hills for the purpose of bail application hearings.

In January 2008 an instruction was issued from Chief Magistrate regarding all Metropolitan adult defendants to be heard via AVL for the purpose of weekend and public holiday bail court hearings.

In consultation with relevant stakeholders in July 2008 AVL expanded to Penrith Police Cells in conjunction with the already operational Surry Hills AVL site. In Sept 2013 CSNSW went through a restructure of the existing 24hr sites and opened Amber Laurel CC and commencing AVL operations on these premises.

In order to facilitate both sites on AVL, the following operating guidelines have been developed to assist agencies in meeting their respective obligations to the Court.

This Standard Operating Procedure applies to defendants who are arrested by Police in the Sydney Metropolitan catchment area, within the following LAC boundaries.

- Hornsby
 - Hawkesbury
 - Katoomba
 - Campbelltown
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Initial transport and receipt of detainees

1. Revised catchments for NSW Police apply.
2. The Department of Corrective Service (CSNSW) will receive from Police in the following 24 hour sites located at:

- a) Amber Laurel CC at Emu Plains
 - b) Surry Hills CC at Surry Hills
3. All detainees charged in the Metro area will be either received at Amber Laurel CC or picked up by Amber Laurel escort vehicle and taken back to Amber Laurel for processing.
 4. NSW Police must ensure the following documentation is to accompany the defendant into CSNSW custody:
 - Form 7 (reason for bail decision by authorising officer)
 - Copy of any associated warrants for the Offender
 - Photograph of Offender
 - Custody Management Record of Offender
 - Transfer Note and Property Docket.
 5. CSNSW at Amber Laurel CC and Surry Hills are to prepare a master list of detainees for bail court appearance (Form 1 - see appendix A). Form 7's and associated warrants must accompany this list.

Late Admissions

7. The definition of a late admission is an offender that has not been received into CSNSW custody prior to the agreed cut off times.

- a) **Amber Laurel CC – cut-off time is 12 noon**
- b) **Surry Hills CC – cut-off time is 12 noon**

8. Late admissions will only be accepted at both Surry Hills and Amber Laurel CC CSNSW AVL sites with the approval of the presiding Magistrate.

9. To obtain approval for a late admission, Police are to email or fax a *Late Admission Request Form* (see appendix B) to the Parramatta Registry (Fax 8688 1477) or email to childrens.court@justice.nsw.gov.au).

10. Both the requesting Police and the relevant CSNSW site will be informed by the court registry of the Magistrate's decision by fax.
11. A copy of the decision will also be provided to the Police Prosecutors and Legal Aid by registry staff.
12. CSNSW will provide an updated list of late admissions as required.

PLEASE NOTE: LATE ADMISSIONS WILL NOT BE ACCEPTED BY CSNSW WITHOUT THE APPROVAL OF THE PRESIDING MAGISTRATE.

Defendants subject to an order with under Section 33(1)(b) or s33(1D)(b) of the Mental Health (Criminal Procedure) Act 1900

13. Defendants who are found not to be mentally ill or mentally disordered following an assessment ordered under s33(1)(b) or s33(1D)(b) will become the direct responsibility of the CSNSW.
14. Offenders will be received at either Surry Hills or Amber Laurel CC. CSNSW will include these defendants on the list of detainees (Form 1) with an appropriate notation so as to ensure that Prosecutors, Legal Aid and registry staff are aware the defendant is to be brought before the court. Offenders returned to other metropolitan correctional centres will be required to be transported to either Surry Hills or Amber Laurel CC in order for the offenders to appear before the centralised bail court.
15. A copy of the form 7 and medical assessment report will also be sent to the Prosecutors and registry with the Form 1.
16. All agencies will endeavour to prioritise defendants in this category.

Preparing for hearing

17. CSNSW at Amber Laurel CC and Surry Hills sites are to fax or email the Form 1 master list, together with the form 7 and associated warrants/papers by **6.00am** to:

•	Police Prosecutor	(Fax 8688 1660)		
•	Parramatta Registry	(Fax 8688 1477)	(Email	
			childrens.court@justice.nsw.gov.au)	
•	Legal Aid Commission	(Fax 8688 1664)	(Email	
			bails@legalaid.nsw.gov.au)	

18. Police Prosecutors will provide Legal Aid solicitors with Court Attendance Notices (CANs), Fact Sheets and Records for all defendants from **6:30am**.
19. CSNSW at Amber Laurel CC are to ensure that detainees are readily available to Legal Aid by **7.00am** for the purposes of taking instructions.
20. Two solicitors will commence interviews for Amber Laurel CC where the majority of defendants are being held.
21. CSNSW have installed two legal suites at Amber Laurel CC to facilitate improved Legal Aid access to the higher percentage of defendants who will be held at that site and to ensure that defendants at Amber Laurel CC are given access priority over defendants at Surry Hills.

22. Interviews are covered by legal professional privilege. CSNSW or JJ staff are not to be in the interview room with the client when instructions on bail are taken unless authorised by the solicitor.
23. CSNSW will inform Legal Aid of any persons who may be suicidal or who require medical attention to allow those persons to be seen as soon as is practicable.
24. CSNSW at Amber Laurel CC and Surry Hills cells will fax or email the Form 1 Master List (only) to the court registry at **8.00am**. **An updated list from each AVL site centre will be faxed to the registry once those complexes have ceased accepting new admissions..**

Parramatta Registry (Fax 8688 1477)
(Email childrens.court@justice.nsw.gov.au)

25. Police Prosecutors will prepare the day's court list and distribute this with the relevant court documents to registry staff and Legal Aid by 8:00am.
26. Prior to attending court, Legal Aid will liaise with CSNSW **by telephone** at Amber Laurel **Phone 47350257** and Surry Hills **(Phone 9281 8535)** regarding the order of appearance.
27. Legal Aid will provide the court monitor and police prosecutor a proposed running list of matters that are ready to commence from 9:30am by 9:25 am.
28. On request from the Court, the Legal Aid rooms at the CSNSW site may be utilised as a second courtroom. It should be noted that this does not provide facilities for confidential communications between the defendant and their legal representative.

Conduct of hearings

29. The Court will commence sitting at 9:30am.
30. Unless the presiding Magistrate directs otherwise the general order of appearance via AVL will be:
 - a) Amber Laurel CC
 - b) Surry Hills
33. Two types of studios have been installed at CSNSW locations. The larger suite is predominately used for court hearings and the smaller predominately used for legal matters. In the event that the magistrate wishes to run a second court using a legal suite, CSNSW staff will facilitate this request.
34. It is noted that the following defendants should be given priority:
 - a) Any defendants who are suicidal or who require medical attention;

b) Matters in which “no application” for bail is made or bail is not opposed.

Process following hearing

35. During court sitting, Court staff will email CSNSW staff at SSA Windsor on ssa@justice.nsw.gov.au relevant warrants or bail undertaking for defendants in CSNSW custody.

If email is unavailable relevant fax number is:

SSA: 45822177

36. CSNSW staff will facilitate the entry of defendants into any bail undertaking and return the signed bail undertaking by fax or email to the court registry on **8688 1477 or childrens.court@justice.nsw.gov.au**.

(Please note that this procedure is essential as non-compliance can affect the enforceability of bail forfeitures)

37. In relation to defendants that were initially in police custody as a late admission or a s33(1)(b) matter registry staff will fax the relevant warrants or bail undertaking to the site where the defendant is located.

38. Once a person who is not mentally ill or mentally disordered is returned to the court via AVL and a bail order made, the s.33(1)(b) order no longer has any effect binding the police to hold the defendant in custody. As such, from this point, as the defendant is now just like any other defendant, they should be in CSNSW custody.

39. If the defendant is bail refused, they should be in CSNSW custody. If they are granted bail, in line with this procedure, CSNSW staff will facilitate the entry of defendants into any bail undertaking and will facilitate the return of the signed bail undertaking by fax to the court registry.

40. Registry staff will process the paperwork in the approximate order that matters are dealt with by the court. However, registry staff will endeavour to re-prioritise particular matters at the request of CSNSW staff.

41. CSNSW SSA Windsor staff contact the registry if paperwork has not been received 1 hour after the matter has been dealt with in court. If the delay reaches 2 hours CSNSW will contact the Deputy Registrar on duty on **8688 1442**. Registry staff will endeavour to provide CSNSW with a timeframe for receipt of particular documents in these circumstances.

42. At the end of the day CSNSW staff at SSA Windsor and registry staff will undertake a final reconciliation of paperwork received by phone.

Contingency Plan in the event of equipment failure

43. Technical support for AVL users will be available by phone to the Multimedia (JACs) helpdesk between 7.00am and the conclusion of the Court. The contact No: is **02-8759 1010**

44. The following contingency plan is to be activated in the event of a system failure, which is unable to be resolved that day or within 1.5 hours of being escalated to the helpdesk.

Scenario 1 – AVL equipment fails at Amber Laurel CC

Option 1 - Utilise the Legal booth – it should be noted that this does not provide facilities for any confidential communications between the defendant and their legal representative.

Option 2 – Move prisoners to Surry Hills cell complex to be dealt with by AVL

Option 3 – Move prisoners to Sydney West Trial Court Complex (SWTCC) to be dealt with in person

Scenario 2– AVL equipment fails at Surry Hills cell complex

Option 1 - Utilise the Legal booth. It should be noted that this does not provide facilities for any confidential communications between the defendant and their legal representative.

Option 2 – Move prisoners to Amber Laurel CC to be dealt with by AVL

Option 3 – Move prisoners to SWTCC to be dealt with in person

Option 4 – Move prisoners to Central to be dealt with in person. One Bail court to move to Central after the completion of Children’s court matters.

Scenario 3 – Power failure at Amber Laurel CC

Option 1 - Move prisoners to Surry Hills cell complex to be dealt with by AVL

Option 2 – Move prisoners to SWTCC to be dealt with in person

Option 3 – Move prisoners to Central to be dealt with in person

Scenario 4 – Power failure to Surry Hills cell complex

Option 1 – Move prisoners to Amber Laurel CC to be dealt with by AVL

Option 2 – Move prisoners SWTCC to be dealt with in person

Option 3 – Move prisoners to Central Local Court to be dealt with in person. One bail court to move to Central after the completion of Children’s court matters.

Scenario 5 – AVL equipment fails at Parramatta Children’s Court

AG technicians to assess use of SWTCC

Option 1 – Both Children’s Court and adults court move to SWTCC

Option 2 – Both Children’s Court and adults court move to Amber Laurel CC with ALCC custodies to be dealt with in person and both Children’s Court and Surry Hills to be dealt with by AVL.

Option 3 – Both Children’s Court and adults court move to Central Local Court with all matters to be dealt with by AVL

Scenario 6 – Power failure at Parramatta Children’s Court

Most likely that SWTCC would also be affected. Sheriff’s officers to confirm.

If SWTCC not affected then:

Option 1 – Both Children’s Court and adult’s court move to SWTCC

Option 2 - Both Children’s Court and adults court move to Amber Laurel CC with ALCC custodies to be dealt with in person and both Children’s Court and Surry Hills to be dealt with by AVL.

Option 3 – Both Children’s Court and adults court move to Central Local Court with all matters to be dealt with by AVL

Scenario 7 – Parramatta Children’s Court not operational because of some other emergency eg. Water Damage

Option 1 - Both Children’s Court and adult’s court move to SWTCC.

Option 2 - Both Children’s Court and adults court move to Amber Laurel CC with ALCC custodies to be dealt with in person and both Children’s Court and Surry Hills to be dealt with by AVL.

Option 3 – Both Children’s Court and adults court move to Central Local Court with all matters to be dealt with by AVL.

APPENDIX A

**List of Adult Detainees for Audio Visual Appearance before the
Weekend and Public Holiday Bail Court at Parramatta
(FORM 1)**

Location: AMBER LAUREL CC

Court Date: _____

Order of Appearance	Name of Detainee	Police H no. ref	Arrived Penrith

On the morning of the bail court, this list is to be faxed by 0600hrs to:
Police Prosecutor at Parramatta (Fax: 8688 1660)
Legal Aid (Fax: 8688 1664)
Parramatta Registry (Fax: 8688 1477)

PARRAMATTA BAIL COURT

LATE ADMISSION REQUEST FORM

Parramatta Children's Court Fax: 8688 1999 (weekends and Public Holidays)

Parramatta Registry Fax: 8688 9674 (non Public Holidays)

DATE:		Officer in Charge:	
Station:		Phone Number:	
		Fax Number:	
DEFENDANT'S NAME & AGE:			
H Number:			

Estimated time of arrival of defendant at Amber Laurel CC / Surry Hills Cells / Detention Centre (circle applicable centre):.....

I agree this application is to obtain approval for the defendant to be added to the proceedings of the Parramatta Bail Court on today's date. I also agree the time of arrival must be accurate.

I agree the security of this prisoner will be the responsibility of conveying Police and this matter may not be dealt with by the court until all other matters currently listed before the Court have been dealt with.

If the time of arrival is not met and the Court has already risen for the day prior to the arrival, I also understand the Court will not re-convene to attend to this defendant.

 (Signature of Officer in Charge)
 Date:

COURT DETERMINATION.

Application for late admission to bail court has been **Approved / Declined.**

 (Magistrate) Time of decision:

<p>Registry Office Use Only: (tick)</p> <p>Court determination faxed to: the NSW Police Officer in Charge <input type="checkbox"/></p> <p>Faxed to Amber Laurel CC (Fax 47 350 387) or Surry Hills Cells (Fax 9281 8907) <input type="checkbox"/></p> <p>Copy of determination handed to Prosecutor <input type="checkbox"/></p> <p>Copy of determination handed to Legal Aid <input type="checkbox"/></p>
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Escalation Contact	Name	Contact	Position
Amber Laurel CC		47350 255 or 47350267	OIC Amber Laurel CC
Surry Hills CSNSW	Michelle Kentwell, or Dean Yarnton	9211 4818	OIC Surry Hills
Area Manager CSNSW	Kevin Martin	0438212 946	Area Manager CESU / ALCC
Manager of Security CSNSW	Brian Cullen	0414197 230	Manager of Security CESU
Dept: Juvenile Justice	Kevin Harris Jenny Byers	0412479311 0413382961	Directors Transport Management
Police Prosecutors		0428977008	A/Commander Police Prosecutions Command
Parramatta Weekend Bails Court	John Crittenden	8688 1442	Deputy Registrar
Legal Aid Commission	Robert Hoyles	0433800443	Deputy Director Criminal Law

Contact Numbers

LOCATION	PHONE	FAX
Amber Laurel CC	47 350 254	47 350 387
Amber Laurel CC AVL	47 350 257	47 350 387
Surry Hills Cells	9212 7355	9211 4646
Surry Hills Cells AVL	9281 8535	9281 8907
Legal Aid Commission	8688 1612 or 8688 1614	8688 1664
Multimedia (JACS) Helpdesk	8759 1010	
Police Prosecutors	8688 1606	8688 1660
Parramatta Registry	8688 1888	8688 1477 or 8688 1999

Please add any necessary numbers as required to this list

ADDENDUM

ADDITIONAL COURT FROM 12/10/2019

1. As a consequence of an increase in the number of matters coming before the court on weekends, the Chief Magistrate approved the allocation of a third court on Saturdays only on and from Saturday 12 October 2019. Two courts will continue to sit on Sundays and public holidays.
2. On Saturdays, one court will commence hearing adult matters from Amber Laurel Correctional Centre, the second court will commence hearing adult matters from Surry Hills holding cells and the third court will commence hearing Children's Court matters.
3. At the conclusion of the Children's Court caseload, the third court will draw matters from the adult courts, so that the three courts will hear adult matters simultaneously until the conclusion of the sittings.
4. The courts will commence sitting as follows:-
 - a) Courtroom 1 – Amber Laurel Correctional Centre custodies
 - b) Courtroom 2 - Surry Hills holding cells custodies
 - c) Courtroom 3 - Children's Court custodies
5. The allocation of a third court is expected to result in the courts completing their caseload earlier than has been the recent average finishing time, resulting in offenders discharged to bail being released from custody more expeditiously and agency personnel departing the bail court at a more favourable time.
6. This arrangement will be reviewed in 2020.