



Local Court of New South Wales

## **PRACTICE NOTE 5 of 2007**

Re-issued pursuant to section 27 Local Court Act 2007

### **Procedures to be adopted for persons in custody at Courts/Circuits with NO Audio Visual Link facilities**

This Practice Note relates to accused persons who are in custody - refused bail or unable to meet bail set on first appearance before a magistrate and subsequent appearances at Court pending final hearing or sentence.

This Practice Note applies in all Children's Courts where the accused person is a child detainee unless the Court otherwise directs<sup>1</sup>.

This Practice Note does not apply if the original court is satisfied that it is in the interests of justice for the accused to appear personally before the court.<sup>2</sup>

The aim of the Practice Note is to ameliorate the necessity of persons in custody being taken long distances to and from court for brief interlocutory appearances before the court.

The procedures outlined are also intended to ensure the utilisation of Audio Visual Link (AVL) technology is conducted in the most efficient manner.

This Practice Note will take effect on and from 3 September, 2007.

#### **1. Courts without AVL Facilities**

Presiding magistrates at Local Courts (original courts), either on the same circuit or on circuits surrounding courts with AVL facilities, will adjourn all matters (other than matters for hearing or sentence) where accused persons are in custody, to the nearest or appropriate allocated Court with AVL facilities.

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<sup>1</sup> Section 5BBA(1)(3) Evidence (Audio and Audio Visual Links) Act, 1998 No 105

<sup>2</sup> Section 5BA (4) Evidence (Audio and Audio Visual Links) Act 1998 No 105

## **2. Local Courts with AVL Facilities**

2.1 Presiding Magistrates at Local Courts with AVL facilities will manage all matters involving persons in custody from surrounding courts including:

- Hearing of bail applications
- Making of brief orders
- Making of further brief orders
- Listing matters for hearing or sentence at the original Court
- Adjournments pending the resolution of representations

2.2 When a matter from a surrounding Court is ready to be listed for hearing or sentence, it will be necessary for the parties through the registrar at the Court with the AVL facility to ascertain a suitable date for the adjournment of the matter to the original Court for hearing or sentence.

2.3 This Practice Note does not affect arrangements currently in place for Centralised Committals nor the courts at which committal proceedings are dealt with.

G.L. Henson  
CHIEF MAGISTRATE