

MESSAGE FROM REGISTRAR GALANIS RE. UPCOMING NEW PRACTICE NOTE FOR BAIL

Practice Note SC CL 11 (Supreme Court Common Law Division – Bail) commences on Monday, 3 June. All applications for bail filed with the Supreme Court on or after 3 June must comply with the terms of that Practice Note.

The following applies to bail applications which are filed prior to 3 June -

Applications filed by Private Practitioners and Legal Aid / ALS (where representation is confirmed)

- Bail applications filed between now and 31 May will be listed in a call over on or before 3 June. No adjournments will be granted to a call over after 3 June.
- Applications not ready by 3 June to be listed for hearing will be listed for case management on 31 July before a judge. Applications still not ready to proceed to a hearing will be dealt with by the judge as considered appropriate. It should not be assumed that further adjournments will be granted.
- Applications withdrawn without a determination as to their merits can be re-filed when ready to proceed, without prejudice, in compliance with the new Practice Note.
- At any time before 31 July, if an application which has not been withdrawn is ready to proceed to a hearing, notification may be sent to the Registrar by email, and the application will be listed for an earlier call over before the Registrar to be allocated a bail hearing date.

Applications filed by applicants in custody who want Legal Aid or ALS to represent them

- Bail applications filed between now and 3 May will be forwarded by the Court to Legal Aid (or where applicable, ALS) and will be listed in a call over on or before 3 June for Legal Aid (or ALS) to confirm whether or not they will represent the applicant. No adjournments will be granted to a call over after 3 June. Applications not ready by 3 June to be listed for hearing will be listed for case management on 31 July before a judge.
- Applications filed with the Court after 6 May will also be listed for case management on 31 July.
- On 31 July, Legal Aid / ALS should be in a position to - confirm representation; or to indicate whether the applicant intends to represent themselves; or otherwise whether the applicant agrees to Legal Aid / ALS continuing to review their application.
- If representation is confirmed (or refused and the applicant intends to represent themselves), and an application is ready to be listed for hearing, a hearing date will be fixed.

- If representation (or refusal of representation) is not yet confirmed, and/or an application is otherwise not ready to be listed for hearing, the judge will deal with such application as considered appropriate. It should not be assumed that a further adjournment will be granted.
- Applications withdrawn without a determination as to their merits can be re-filed when ready to proceed, without prejudice, in compliance with the new Practice Note.
- At any time before 31 July, if an application which has not been withdrawn has had representation resolved and is ready to proceed to a hearing, notification may be sent to the Registrar by email, and the application will be fixed for an earlier call over before the Registrar to be allocated a bail hearing date. So as to avoid any doubt, this applies also to situations where an applicant is refused representation by Legal Aid or ALS and will need to represent themselves.

Alcohol and Other Drug Rehabilitation Assessment Reports

As of Monday 15 April, adjournments for assessment reports will have a return date of 27 May. No further reports will be ordered by the Court after 15 April. The following has been relayed to the Court from the Director of State-wide Services at Corrective Services NSW (CSNSW):

- Legal practitioners are able to contact rehabilitation providers directly without the need for a court ordered request.
- This will open up the available rehabilitation services available to the inmates, as opposed to the limited number CSNSW has available to them.
- Unrepresented inmates can be given rehabilitation providers details which can be placed on the offender telephone system (OTS), giving them access to make initial contact. If they are considered suitable for a telephone assessment with a rehabilitation provider, a Services and Programs Officer (SAPO) can facilitate that phone call.
- Currently in a Correctional Centre, if an inmate is placed on a waitlist for a rehabilitation provider, that inmate is given the telephone number of the rehabilitation provider which is placed on his/her OTS. This allows for the inmate to make weekly contact with the rehabilitation provider. If, for any unforeseen reason, the inmate is unable to contact the rehabilitation provider on his/her OTS, a SAPO would facilitate that telephone contact. This process will not change when the inmates Legal Practitioner is arranging rehabilitation providers.

George Galanis
Registrar, Court of Criminal Appeal
Supreme Court of New South Wales