

NLAF Prisoners Forum Report to NLAF – May 2019

The NLAF Prisoners Forum met on 23 May 2019. Key issues discussed at the meeting included:

Supreme Court Bail changes

From 3 June 2019, Supreme Court practice Note 11 will commence. The changes in this practice note will make it much harder for individuals to apply for Supreme Court Bail. Individuals will only be able to apply for bail by emailing in an application, it will cannot be faxed in. This presents an issue for unrepresented or self-represented individuals. It also sets out that applications cannot be made until practitioners are ready to go – so all Affidavits and reports must already be prepared. In the context of a growing remand population in NSW, this will make it much harder for individuals to apply for and get Supreme Court bail. It will also present a problem for practitioners who represent individuals as duty lawyers, or who are running substantive matters but do not have the capacity to assist in a Supreme Court bail application.

Legal Aid grant application trial

Legal Aid reported back on the grant application mail trial for prisoners. The trial was devised after complaints were received about privacy regarding Legal Aid applications being received and sent out from custody, and also delays and lack of access to information for prisoners about their applications. The trial aimed to improve the processes for prisoners applying for grants of Legal Aid. There were some positive outcomes from the trial and Legal Aid grants are looking at new technologies and processes to keep individuals updated about their grants of aid.

Police bail refused individuals at Surry Hills cells

Individuals who are police bail refused should appear by AVL before a magistrate as soon as possible after they are taken into custody at the Surry Hills Court Cells, and should have the earliest opportunity to apply for bail. However, a considerable number of these individuals are not appearing before a magistrate until after 1.00 pm and even later in the afternoon. Corrective Services NSW are looking into this issue and obtaining some data. Once this has been done, they will hold meetings with Legal Aid and the Aboriginal legal Service, and will then speak with the Chief Magistrate about the issue.

The next meeting of the Prisoners Forum is 22 August 2019.

Camilla Pandolfini

NLAF Prisoners Forum Chair, May 2019.