



New South Wales

# Supreme Court Rules (Amendment No 356) 2001

under the

Supreme Court Act 1970

The Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 19 November 2001.

STEVEN JUPP

Secretary to the Rule Committee

## Explanatory note

Before it was repealed, Part 7A of the *Supreme Court Act 1970* dealt with the use of video link facilities in proceedings before the Supreme Court relating to bail. Part 7A has been superseded by Part 1B of the *Evidence (Audio and Audio Visual Links) Act 1998*.

The object of these Rules is to omit a redundant reference to applications made under the repealed provisions of the *Supreme Court Act 1970* and to provide instead for the making of applications in relation to bail proceedings or other preliminary criminal proceedings in a revised form under the *Evidence (Audio and Audio Visual Links) Act 1998*. There is no change of substance to the applicable requirements.

**2001 No 923**

Rule 1                      Supreme Court Rules (Amendment No 356) 2001

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**Supreme Court Rules (Amendment No 356) 2001**

**1 Name of Rules**

These Rules are the *Supreme Court Rules (Amendment No 356) 2001*.

**2 Amendment of Supreme Court Rules 1970**

The *Supreme Court Rules 1970* are amended as set out in Schedule 1.

## Schedule 1 Amendments

(Clause 2)

**[1] Part 75, rule 3G**

Omit the rule.

**[2] Part 77, rule 133A**

Insert after Part 77, rule 133:

**133A Application that bail proceedings or other preliminary criminal proceedings not be conducted by video link**

An application for a direction under section 5BA of the *Evidence (Audio and Audio Visual Links) Act 1998* that proceedings relating to bail or other preliminary criminal proceedings before the Court are not to be conducted by video link:

- (a) must be in form 89KA, and
- (b) if the application is in relation to bail proceedings and is made by the detained applicant—must be filed with the application, made pursuant to section 22 or 44 of the *Bail Act 1978*, to which it relates, and
- (c) may be determined or dealt with by the Court in the absence of the public and without any attendance by or on behalf of the applicant.

**[3] Schedule F, Form 74AI**

Omit the form.

## 2001 No 923

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Schedule 1 Amendments

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### [4] Schedule F, Form 89KA

Insert after Form 89K:

#### FORM 89KA

P.77, r. 133A

(No heading or title)

Evidence (Audio and Audio Visual Links) Act 1998

APPLICATION TO THE SUPREME COURT FOR A DIRECTION  
THAT THE HEARING OF BAIL PROCEEDINGS OR OF OTHER  
PRELIMINARY CRIMINAL PROCEEDINGS NOT BE CONDUCTED  
BY VIDEO LINK

#### **Important information about this application**

Hearings in the Supreme Court at Sydney of bail proceedings and of other preliminary criminal proceedings relating to a person who is in custody, but is **not** in a detention centre within the meaning of the *Children (Detention Centres) Act 1987*, will be conducted by means of video link facilities without your personal attendance at Court, unless the Court **in the interests of justice** otherwise orders.

Video link facilities allow two-way audio and visual communication of television standard between the Court and correctional centres, including private communication between you and your legal representatives.

If you wish to apply for an order that the hearing of the bail application or preliminary criminal proceedings not be conducted by video link facilities, you must complete this form and file it and any supporting documents. If you are the person in custody this form (and any annexure) can be filed by forwarding it by facsimile to the Criminal Registry on (02) 9230 8060.

The application for a direction that video link facilities not be used:

- (a) will be dealt with before the application relating to bail or the other preliminary criminal proceedings are to be heard, and
- (b) may be dealt with by the Court in the absence of the public and without any attendance by the person who is in custody or on behalf of the person who is in custody.

**Application**

Name of person in custody (full name):

Date of birth of person in custody (if known):

Place person is being kept in custody (at the moment, if known):

Supreme Court file number (if known):

Nature of proceedings (tick appropriate box): bail application   
arrestment

I am (tick appropriate box): the person in custody   
other (specify)

The reasons why this bail application or this other preliminary criminal proceeding should not **in the interests of justice** be conducted by video link, and why I should appear physically before the court, are (state below):

Signed:

Print full name:

Date:

Address:

Telephone number:

BY AUTHORITY

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