

MAGISTRATES COURT OF THE AUSTRALIAN CAPITAL TERRITORY

PRACTICE DIRECTION 2 of 2016

Bail applications by audio-visual link with Alexander Maconochie Centre (AMC)

On and from 4 October 2016, bail applications by defendants in custody at the AMC will be conducted via audio-visual link between the AMC audio-visual studio (AMC studio) and the Court, unless the Court directs otherwise. The applications will be heard in Court 2 in the Magistrates Court Building.

Legislative basis

Section 72A of the *Magistrates Court Act 1930* provides:

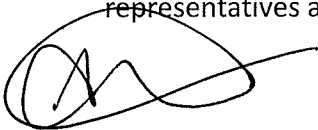
Bail application hearings—audio-visual links

- (1) This section applies if —
 - (a) a person in custody is entitled to appear, or is required to appear or be brought, before the court for the hearing of an application for bail; and
 - (b) the hearing could be conducted using an audio-visual link between the court and the place of custody.
- (2) Unless the court directs otherwise, the hearing must be conducted using the audio-visual link.
- (3) The court may amend or revoke a direction under subsection (2) —
 - (a) at any time; and
 - (b) on its own initiative or on application by a party to the bail proceeding.

Procedure

1. Consistent with the existing practice of 48 hours' notice to the Director of Public Prosecutions, defendants must also notify the Court of their intention to apply for bail at least 48 hours prior to making a bail application, either in person at an earlier appearance or by email.
2. Subject to the direction of the Court, hearing of bail applications by audio-visual link will commence at 11 am weekdays or as soon as practicable thereafter.
3. The AMC studio is part of the Court, to which Court procedure and etiquette apply, during bail proceedings by audio-visual link.

4. AMC will make available in the AMC studio the oath and affirmation in written form. Telephone links will be provided to the AMC studio from the Bar table and outside Court 2.
5. A defendant who wishes to be produced to Court for his or her bail application must make a request setting out the grounds upon which the request is made and send it to the Registrar at MCListings@act.gov.au at least 48 hours before the application is listed for determination. The Registrar will respond by 4 pm on the day prior to the bail application being listed and, if necessary, direct that an order for production be issued.
6. Audio-visual bail proceedings will be recorded. Confidential communications between legal representatives and their clients will not be recorded.



Amanda Nuttall
Registrar
On behalf of the Chief Magistrate and Magistrates

23 September 2016