

Court Services Policy: Use of court premises/facilities by third parties

Overview

The Department of Communities and Justice (DCJ) owns and occupies a large property portfolio across New South Wales including court houses.

Priority use of court houses within Court Services is given to core business users, other related NSW justice agencies and related support groups. This is to ensure that justice is administered and delivered in a timely and efficient way.

Consideration may be given on a case-by-case basis for non-core business users to hire court rooms/facilities for limited, short-term periods, subject to a formal application and assessment process outlined in this policy.

Charges may apply for the use of court premises/facilities to ensure New South Wales taxpayers receive value for money on their public investment and that the premises/facilities are not used as a low cost or no cost alternative to compete with commercial venues in New South Wales.

Each request for use of premises/facilities will take into consideration the following:

- operational requirements relating to the administration of justice within NSW
- the nature of the business the request relates to
- any issues relating to the security of court users and facilities
- proposed extent of use of facilities
- any other relevant criteria

Prior to approval the applicant may be required to produce evidence of a current Public Liability Insurance policy to the value of \$20 million. The applicant may also be required to pay fees and agree to Terms and Conditions for use.

Court Services maintains the right to refuse any application.

Scope

This policy applies to requests by third parties for the use of court premises within Court Services only. The policy does not apply to filming/commercial enterprise users which are managed by Infrastructure and Assets, DCJ.

***It is noted that due to the COVID-19 pandemic such applications are not currently being considered. Enquires about filming/commercial enterprise should be sent to filmingenquiries@justice.nsw.gov.au.

Categories of Users

The application process, fees and conditions for use will vary depending upon the category of user. The categories of users defined by this policy, are as follows:

- Core business users – room hire
- Non-core business users – room hire
- Requests to use AVL facilities

Core Business Users – room hire

What is a Core Business User?

A core business user is an organisation/agency that conducts business activities which directly support the operational requirements and service delivery of Court Services. These include:

- any Department of Communities and Justice business unit;
- NSW Police;
- Legal Aid;
- Office of the Director of Public Prosecutions;
- Solicitors/barristers who conduct pre-trial interviews/conferences or are involved in court ordered conferences associated with NSW court proceedings;
- Arbitrators;
- Victim and client support groups; and
- Justice Health.

Application process and fees

For use that pertains to the delivery of core business needs, there is no requirement to make an application to use court premises. These bookings should be made locally.

All core business users are exempt from fees, unless there is a request for use that is considered outside of ordinary core business activities.

Terms of Access Agreement

Generally there will be no requirement for a core business user to enter into a Terms of Access Agreement. However should the need arise, Court Services maintains the right to request a user to enter into such an agreement.

Requests for use outside of core business needs

If a core business user requests to use court premises outside of core business needs, the online application process for non-core business users applies and a fee may be applicable. Examples would include:

- Conducting in house training;
- Use outside of business hours;
- Use not related to NSW court matters; or
- Any other use considered outside of 'core business' as determined by court services.

Non-Core Business Users – room hire

What is a Non-Core Business User?

A non-core business user is an organisation or agency that requests to use court premises for activities that do not directly contribute to the operational requirements and service delivery of court services. There will generally be a fee associated with requests to use court premises from non-core business users unless they are considered fee exempt.

Non-core business users (fee payable)

Examples include:

- Inter government justice agencies including federal and interstate justice agencies.
- State government agencies, local Government and any other association, business, interest group or tertiary institution.

Non-core business users (fee exempt)

There may be limited instances when Court Services determines that a non-core business user is fee exempt eg: Schools requesting to use court rooms for the purpose of mock trials for school students. This request should be made on the application form and will be determined as part of the application process.

Application process

A request for short term use by a non-core business user requires completion of the online application form which is to be forwarded to courtservices@justice.nsw.gov.au. Both fee exempt and fee payable applicants will be required to complete this form.

The application form is located on the Local Court website at:

<https://localcourt.nsw.gov.au/local-court/help-and-support/court-hire.html>

Terms of Access

The 'Terms of Access' sets out the terms and conditions of use of court premises.

If an application is approved, a Terms of Access Agreement will be provided as part of the approval process and require signature. For fee payable applicants, this agreement will also include the fee estimate.

Timeframes

A request to use court premises must be submitted at least 30 days prior to the requested date for use.

An applicant can expect to receive a response regarding approval / refusal (including applicable fee) within 7 days of receipt of the application. If approved, the applicant will be provided with a Terms of Access agreement to be signed and returned.

Applications for long term/ongoing use

For longer term/ongoing use, a Memorandum of Understanding (MoU) can be developed. Enquires should be sent to the Office of the Executive Director via courtservices@justice.nsw.gov.au. The application form available online can be completed to initiate this process.

For organisations with MoUs, the application form must be used for each booking request and emailed to courtservices@justice.nsw.gov.au. This is unless there is a standing arrangement provided in the MoU, eg every Monday. For courts with standing arrangements provided in an MoU, they will continue to be managed and invoiced locally.

Requests for use involving filming and/or recording sound

Under section 9 of the *Court Security Act 2009*, it is an offence for a person to use a recording device to record sound or images (or both) in court premises without permission.

Accordingly, requests to film and/or recording sound as part of an application to use court/meeting rooms by a non-core business user must be outlined (in detail) in the application form.

Fee structure

Fees

Fees are payable to offset the costs and realise a reasonable rate of return on assets maintained by the Department of Communities and Justice, in order to support the provision of integral services related to the administration of justice within NSW

Fee schedule (these rates do not apply to Filming/Commercial enterprise requests)

The following fee schedule will be subject to annual review, including application of CPI and is current as at 2020. The fees are inclusive of GST.

Room Type	Rate	Fee
Meeting room	Per hour	\$58.00
Meeting room	Per day	\$280.00
Court room	Per hour	\$72.00
Court room	Per day	\$355.00
Sheriff (security)*	Per hour per officer	\$52.00
Requests for use of court premises with 30+ attendees	Per day	\$710.00 plus sheriff fee

* the Security Coordinator will review each application in order to assess the Sheriff resources required.

Requests for weekends, public holidays or outside of business hours will be determined on a case by case basis.

Invoice

An invoice will be sent to the applicant after the requested date(s) by the Business Support Centre, Department of Communities and Justice, which will include options for fee payment.

Fees payable

Fees will be payable 30 days from the date of invoice.

Cancellation

Cancellation or postponement by the applicant must be notified to courtservices@justice.nsw.gov.au no later than 48 hours prior to the approved access date(s). An invoice for cancellation fees may be issued to the applicant should this timeframe not be adhered to.

Court services maintains the right to cancel if there is a conflict with a core business need, in circumstances whereby the applicant's usage exceeds the estimated duration which causes a conflict with another booking or in any other reasonable circumstance.

Requests to use AVL facilities

Objective The use of court technology has become increasingly in demand by various stakeholders as it allows greater flexibility in accessing justice and can provide safety for court users.

It is noted that this policy covers use of existing infrastructure at relevant court locations and does not incorporate the creation of new access points/facilities such as VMR, Jabber guest etc. Such enquires should be made separately to the office of the executive director/regional director.

Facilities available The Audio Visual Link facility (AVL) is a form of video conferencing using cameras and screens that allows two-way communication to a remote location. AVL facilities at court locations include remote witness facilities and multi-purpose video suites.

Fee exempt

1. Witnesses appearing in relation to a NSW court matter.
2. Interstate courts requesting use in relation to an interstate court matter (unless there are costs incurred for request for after-hours use etc)
3. Legal and medical professionals interviewing clients in custody or conducting case conferences for NSW court matters

All requests to use AVL facilities that are not related to NSW matters must complete an application form (regardless of being fee exempt or fee payable). Requests relating to NSW matters do not require an application form, however must email the relevant court location to book these facilities.

Fee payable

1. International agencies requesting use in relation to an overseas court matter
2. interstate agencies (not interstate courts) requesting use that is not related to a NSW matter

Any requests outside those categorised above as fee exempt will be considered on a case by case basis and would generally incur a fee.

Due to core business requirements and security considerations, fee payable users may only request use of facilities at designated locations. A list of these locations and contact email addresses can be found at:

<https://localcourt.nsw.gov.au/local-court/help-and-support/court-hire.html>

Applicants are to complete the application form located on the Local Court website and forward (via email) to the relevant location from list above.

Application process

All requests to use AVL facilities that are not related to NSW matters must complete an application form (regardless of being fee exempt or fee payable). Requests relating to NSW matters do not require an application form, however must email the relevant court location to book these facilities.



Please note that due to the COVID pandemic, considerations for approval have been amended to recognise the number of people in court buildings must be limited in line with COVID-19 safe practices. Further, any approved use will be subject to the applicant's acceptance of any and all pandemic related restrictions, screening procedures, reporting requirements in place at the court building. Any additional COVID-safe measures proposed by an applicant would need to be proposed at the time of application, be approved by the registrar and must be implemented by the applicant at their own expense.

Terms of use

Court equipment, including but not limited to audio visual equipment, telephones, facsimile machines, photocopying machines and the like, must not be used by the applicant without the specific authorisation of the Court. In no circumstances must settings on any equipment within the Court be altered by the applicant.

Court services staff will provide initial setting up assistance only. Users should advise staff when use is complete so that equipment can be turned off.

Where court services determines that use of AVL facilities should be supervised by court services staff additional fees will be payable.

Fees (for AVL users)

Fees will be assessed based on information provided in the application form and actual duration of use. Court services maintains the right to cancel use after the agreed timeframe if there is a conflict with a subsequent user or core business need. Accordingly, applicants should provide an accurate timeframe required for use.

The fee structure will be subject to annual review, including application of CPI. The fees are inclusive of GST.

	Rate	Fee
Hire of room including use of AVL facilities	Per hour*	\$72.00 (min charge 1hr) Max charge \$280 per day

Invoice

An invoice will be sent to the applicant after the requested date(s) by the Business Support Centre, Department of Communities and Justice, which will include options for fee payment.

Fees payable

Fees will be payable 30 days from the date of invoice.

Cancellation

Cancellation or postponement by the applicant must be notified to the relevant **Court location** no later than 48 hours prior to the approved access date(s). An invoice for cancellation fees may be issued to the applicant should this timeframe not be adhered to.

Court services maintains the right to cancel if there is a conflict with a core business need, in circumstances whereby the applicant's usage exceeds the estimated duration which causes a conflict with another booking or in any other reasonable circumstance.

Version history

No.	Date	Document Owner	
1.0	28 June 2018	Strategy, Policy and Operations, Executive Director's Office, Court Services	New policy
2.0	21 December 2018	Strategy, Policy and Operations, Executive Director's Office, Court Services	Updated policy
3.0	11 September 2020	Strategy, Policy and Operations, Executive Director's Office, Court Services	Updated policy in relation to pandemic considerations