

3.2 *Recording or transmitting proceedings*
– *Video Link Appearances by Persons in Custody*

3.2 Video Link Appearance by Persons in Custody

1. To avoid undesirable and unnecessary transportation of persons in custody it is necessary to ensure that the number of personal appearances before the Court by such persons is limited to only those appearances where the interests of justice require it.
2. This Practice Direction applies to appearances by a person in custody in the criminal and civil jurisdiction of the General Division of the Supreme Court.
3. Every appearance by a person in custody before the Court shall be by video link rather than in person UNLESS the person is self-represented, or the appearance is for sentence or for trial, or is ordered to be in person by a Judicial Officer of the Court.
4. Nothing in this Practice Direction prevents a Judicial Officer from at any time ordering that a person appear before the Court by video link or in person for any listing whatever its purpose.
5. A Judicial Officer's Associate or an Officer from the Court's Listings staff shall put an indication on the Remand Warrant to show whether the next appearance of a person in custody before the Court is to be by video link or by personal appearance.
6. Refer to:
 - a. Practice Direction 5.1 (paragraph 2) for the procedure in relation to appearances of persons in custody before the Magistrates Court – Stirling Gardens; and
 - b. Practice Direction 5.3 (paragraph 4) for the procedure in relation to attendances of persons in custody at Voluntary Criminal Case Conferences.

5. General Division - Criminal

5.1 Magistrates Court – Stirling Gardens

1. The Magistrates Court - Stirling Gardens Registry was established in the Supreme Court building on 1 October 2007. The Principal Registrar and another Registrar have been appointed as Magistrates and sit once per week at 9.15 am every Wednesday morning.
2. The Court deals with all proceedings in respect of all Supreme Court indictable matters. Accordingly, all accused charged with Supreme Court indictable offences who do not enter pleas of guilty when first appearing in any Magistrates Court will be remanded to appear on the following Wednesday at Stirling Gardens. **If an accused is in custody or was released to bail at a place other than the Perth metropolitan area that appearance will be by video or audio link.** Where there is any associated charge it will be remanded together with the Supreme Court indictable matter and will only be returned to the location of origin if there is to be a trial in relation to it.
3. The State Director of Public Prosecutions will act as prosecutor in the court but will not become responsible for disclosure under s 42(5) of the *Criminal Procedure Act 2004*. The responsibility for disclosure prior to the disclosure/committal hearing will remain with the investigating officers who commence each prosecution.
4. These procedural changes are aimed at expediting criminal cases and effecting a system of individual case management of each matter from start to finish. To this end, the parties will be encouraged to engage in voluntary case conferencing (refer to Practice Direction 5.3) at a very early stage notwithstanding the lack of full prosecution disclosure.
5. Matters that are not resolved within one month of the accused's first appearance will be provisionally listed for trial on dates convenient to counsel and the main prosecution witnesses. Unless in any particular case there is good reason to delay proceedings, those dates will generally be within six months of the accused's arrest. The provisional trial dates will be subject to any necessary adjustments brought about by late prosecution disclosure, and will only become fixed upon the accused's first appearance in the Supreme Court following committal.

ROUTINE VIDEOLINK APPEARANCES FOR ACCUSED IN CUSTODY

Summary: From 29 May 2009, those in custody involved in sentencing mention hearings at the District Court, 500 Hay Street, Perth will as a matter of course appear by videolink rather than in person.

1. Background

The District Court conducts a continuous improvement program in order to improve its processes with a view to becoming more effective and efficient.

The need to conduct routine case management hearings by videolink has been identified for some time but has not been possible due to limited videolink facilities. Having commenced operations in its new CBD headquarters with access to more courtrooms equipped with audiovisual facilities, the Court is now able to implement new practices utilising this technology for routine criminal hearings.

2. Application

This circular applies to all District Court Sentencing Mention lists conducted by the Commissioner at the District Court Building, 500 Hay Street, Perth from 29 May 2009.

3. Routine videolink appearances

Accused in custody at Hakea Prison involved in Sentencing Mention hearings are to appear as a matter of course by videolink rather than appearing personally.

Where the justice needs of the case require, the Court of its own motion may order that the accused appear personally.

Where the justice needs of the case require, the prosecutor or defence counsel may apply to the Court for an order that the accused appear personally. Such an application may be made in Court at the hearing preceding the hearing at which the accused is required to appear personally or by letter to the presiding judicial officer no later than two clear days before the hearing. An application by letter will be determined by the judicial officer on the papers without reference to the other party.

4. Contact with clients

It is recommended that Practitioners wishing to communicate with their client do so before the day of the hearing.

In the event it becomes necessary to take last minute instructions, practitioners may contact their client via telephone at Hakea (9366 6896 or 9366 6887). The Court will provide a telephone for this purpose in the Interview Room adjacent to the courtroom.

MICHAEL GETHING
Principal Registrar

Children's Court of Western Australia ("the Court")

Practice Direction No. 1 of 2009

Video Link Appearances in the Children's Court of Western Australia ("the Court"), at Perth, for Adults in Custody

Commentary and Scope

1. It is undesirable for adults to be held in detention and secure holding areas with children.
2. There is only one secure holding area at the Court building in Perth and its construction does not always enable children and adults to be adequately separated.
3. To avoid undesirable and unnecessary contact between adults and children in the secure holding area in the Court building at 160 Pier Street Perth and to also avoid undesirable and unnecessary transportation of adults in custody from detention centres and prisons to the Court at 160 Pier Street Perth it is necessary to ensure that the number of personal appearances before the Court at 160 Pier Street Perth by adults in custody is limited to only those appearances where the interests of justice requires it.
4. For the purpose of this practice direction an adult is a person who is or will be eighteen years of age or older at the time of the relevant appearance and it does not matter if the person was less than eighteen years of age at the time of the offence(s) or alleged offence(s) for which the appearance is required or whether the person is in custody at a detention centre or a prison.
5. This practice direction only applies to appearances by adults in custody who are required to appear before the Court held at 160 Pier Street Perth.
6. This practice direction applies to all appearances in the criminal jurisdiction of the Court (eg. prosecutions for offences) and also to all appearances in the civil jurisdiction of the Court (eg. child protection matters and violence restraining order matters).

Practice Direction

1. Every appearance by an adult in custody before the Court, held at 160 Pier Street Perth, shall be by video link rather than in person UNLESS the appearance is for sentence, for trial, for a hearing on the facts, for the final hearing in protection proceedings, or is ordered to be in person by a Judicial Officer of the Court
2. Nothing in this practice direction prevents a Judicial Officer of the Court from at any time ordering that an adult appear before the Court by video link or in person for any listing whatever its purpose.

3. A Judge's Associate or an Officer of the Registry staff of the Court, as the case maybe, shall put an indication on the Remand Warrant for an adult to show whether the next appearance before the Court is to be by video link or personal appearance.
4. This practice direction commences on the 25th day of May 2009.

His Honour Judge D J Reynolds

PRESIDENT, Children's Court of Western Australia

Dated this 19th day of May 2009

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THE SOUTHWEST REGION

Court Location Name	Video Replay (VCR, DVD, PC)	Video Conference (VC) Capacity	Remote Witness Room (RWR)	Court Recording (Analogue / Digital)	AV Court Type (A/B/C)	Issues / Notes
Bunbury Court Court 1 (Jury) Court 2 (Mag) Court 3 (Mag) Jury Assembly	VCR/DVD/PC VCR/DVD/PC VCR/DVD/PC VCR/DVD/PC	384Kbps 384Kbps 384Kbps 384Kbps	Two	Digital Digital Digital	B B B	Ratio 1: 1
Busselton Court Court 1 (Jury) Court 2 (Mag)	VCR/DVD/PC VCR/DVD	384Kbps 384Kbps	One	Digital Digital	B C+	Ratio 1: 1
Collie Court Court 1	VCR/DVD	384Kbps		Digital	C+	Ratio 1: 1
Manjimup Court Court 1	VCR/DVD	384Kbps		Digital	C+	Ratio 1: 1

THE GREATSOUTHERN REGION

Court Location Name	Video Replay (VCR, DVD, PC)	Video Conference (VC) Capacity	Remote Witness Room (RWR)	Court Recording (Analogue / Digital)	AV Court Type (A/B/C)	Issues / Notes
Albany Court Court 1 (Jury) Court 2 Court 3	VCR/DVD/PC VCR/DVD/PC VCR/DVD/PC	384Kbps 384Kbps 384Kbps	One	Digital Digital Digital	A B B	Ratio 1: 1
Katanning Court Court 1	VCR/DVD	384Kbps		Digital	C+	Ratio 1: 1
Narrogin Court Court 1	VCR/DVD	384Kbps		Digital	C+	Ratio 1: 1

THE KIMBERLY REGION

Court Location Name	Video Replay (VCR, DVD, PC)	Video Conference (VC) Capacity	Remote Witness Room (RWR)	Court Recording (Analogue / Digital)	AV Court Type (A/B/C)	Issues / Notes
Bidyadanga MFPF	VCR/DVD	384Kbps	One	Digital	C+	Ratio 1: 1
Broome Court Court 1 (Jury) Court 2 (Mag)	VCR/DVD/PC VCR/DVD	384Kbps 384Kbps	One	Digital	B C+	Ratio 1: 1
Dampier Peninsula MFPF	VCR/DVD	384Kbps	One	Digital	C+	Ratio 1: 1
Derby Court Court 1 (Jury)	VCR/DVD	384Kbps	None	Digital	C+	Ratio 1: 1
Fitzroy Crossing Police Court	VCR/DVD	384Kbps	None	Digital	C+	Ratio 1: 1
Halls Creek Police Court	VCR/DVD	384Kbps	None	Digital	C+	Ratio 1: 1

Court Location Name	Video Replay (VCR, DVD, PC)	Video Conference (VC) Capacity	Remote Witness Room (RWR)	Court Recording (Analogue / Digital)	AV Court Type (A/B/C)	Issues / Notes
Kununurra Court Court 1 (Jury)	VCR/DVD/PC	384Kbps	One	Digital	B	Ratio 1: 1
Warmun MFPF	VCR/DVD	384Kbps	One	Digital	B	Ratio 1: 1
Wyndham Police Court	VCR/DVD	384Kbps	None	Digital	C+	Ratio 1: 1

THE PILBARA REGION

Court Location Name	Video Replay (VCR, DVD, PC)	Video Conference (VC) Capacity	Remote Witness Room (RWR)	Court Recording (Analogue / Digital)	AV Court Type (A/B/C)	Issues / Notes
Jigalong MFPF	VCR/DVD	None	One	Digital	C	**** No ISDN for VC available
Karratha Court 1	VCR/DVD/PC	384Kbps	One	Digital	B	Ratio 1: 1
Newman Police Court	VCR/DVD	384Kbps	None	Digital	C+	Ratio 1: 1
Roebourne Court 1	VCR/DVD	384Kbps	None	Digital	C+	Ratio 1: 1
South Hedland Court 1 Court 2	VCR/DVD/PC VCR/DVD/PC	384Kbps 384Kbps	One	Digital Digital	B B	Ratio 1: 1

THE GOLDFIELDS REGION

Court Location Name	Video Replay (VCR, DVD, PC)	Video Conference (VC) Capacity	Remote Witness Room (RWR)	Court Recording (Analogue / Digital)	AV Court Type (A/B/C)	Issues / Notes
Esperance Court Court 1 (Jury)	VCR/DVD/PC	384Kbps	One	Analogue	B	Ratio 1: 1
Kalgoorlie Court Court 1 Court 2 Court 3 (Children's)	VCR/DVD VCR/DVD VCR/DVD	384Kbps 384Kbps 384Kbps	One	Digital Digital Digital	B B C+	Ratio 1: 1
Norseman Mining Registrar	VCR/DVD	384Kbps	None	Digital	C+	Ratio 1: 1
Warakuna MFPF	VCR/DVD	384Kbps	One	Digital	C+	Ratio 1: 1
Warburton MFPF	VCR/DVD	384Kbps	One	Digital	C+	Ratio 1: 1

THE MIDLAND REGION

Court Location Name	Video Replay (VCR, DVD, PC)	Video Conference (VC) Capacity	Remote Witness Room (RWR)	Court Recording (Analogue / Digital)	AV Court Type (A/B/C)	Issues / Notes
Merredin Court Court 1	VCR/DVD	384Kbps	None	Digital	C+	Ratio 1: 1
Midland Court Court 1	VCR/DVD	384Kbps	One	Digital	B	Ratio 1: 1
Moora Court Court 1	VCR/DVD	384Kbps	None	Digital	C+	Ratio 1: 1
Northam Court Court 1	VCR/DVD	384Kbps	None	Digital	C+	Ratio 1: 1

THE MURCHISON REGION

Court Location Name	Video Replay (VCR, DVD, PC)	Video Conference (VC) Capacity	Remote Witness Room (RWR)	Court Recording (Analogue / Digital)	AV Court Type (A/B/C)	Issues / Notes
Carnarvon Court Court 1 (Jury) Court 2	VCR/DVD/PC VCR/DVD	384Kbps 384Kbps	One	Digital Digital	B B	Ratio 1: 1
Geraldton Court Court 1 Court 2 (Jury) Court 3	VCR/DVD/PC VCR/DVD/PC VCR/DVD/PC	384Kbps 384Kbps 384Kbps	One	Digital Digital Digital	A B B	Ratio 1: 1
Wiluna Police Court	VCR/DVD	384Kbps	None	Analogue	C+	Ratio 1: 1
Meekatharra Mining Registrar	VCR/DVD	384Kbps	None	Analogue	C+	Ratio 1: 1
Mt Magnet Mining Registrar	VCR/DVD	384Kbps	None	Analogue	C+	Ratio 1: 1

Courtroom Functions

No	Type	Electronic Courtroom	Function
1	Type C	Basic	Video playback + audio recording (a "+" plus indicates the Court also has 'set-top' video link)
2	Type B	Enhanced	Type C Plus integrated video conferencing
3	Type A	Full	Type B Plus e-court applications

Type C Courtroom Functions

- Type C courtrooms have the following functionalities:
 - Full audio playback (including analogue VCR);
 - Full video playback (including but not limited to VCR and DVD);
 - Comprehensive court (audio) recording;
 - NOTE: A "+" plus indicates a basic ('Set-top') video conference unit;
 - Low-end displays that are able to display information from various video and audio formats / sources;
- "Low end display" is defined as a display screen that shall be sized to ensure quality viewing (with acceptable resolution) of the proceedings to all the participants in the courtroom whilst being of minimal cost.

Type B Courtroom Functions

1. Type B courtrooms have the following functionalities:
 - a) All functionalities of Type C courtrooms;
 - b) Analogue video recording (including but not limited to VCR);
 - c) Fully equipped with cameras capable of capturing all views of the courtroom;
 - d) Integrated video conferencing incorporated into the audiovisual system;
 - e) Integrated audio conferencing incorporated into the audiovisual system;
 - f) Upgradeable to facilitate digital video recording (including but not limited to DVD and PC based applications);
 - g) Automatic video scaling capability;
 - h) High-end displays that are able to display information from various video and audio formats / sources including those from the personal computers.
2. "High-end display" is defined as a display that shall ensure very high quality and resolution viewing of the proceedings to participants in the courtroom and the gallery.

Type A Courtroom Functions:

The Type A courtrooms shall have the following functionalities:

- a) All functionalities of Type B courtrooms;
- b) LCD screens dedicated for counsel that can be selected to view the courtroom displayed items, the intranet items of the State or the counsel's VPN;
- c) Capable of conducting a full electronic trial and running a full set of concurrent "e-Court" applications of the State;

Upgrade Works

**** No ISDN for VC available **** – Whilst the Court is equipped with a stand-alone system the local communications infrastructure is currently lacking and Telstra are currently unable to provide ISDN services. DotAG has requested rectification of these services with Telstra.

Video Conferencing Information

Video Conferencing (VC)

VC usage statistics are collected from all VC enabled court locations on a monthly basis. These statistics aim to highlight the actual benefits realised from the technology by focusing on the key management requirements, namely:

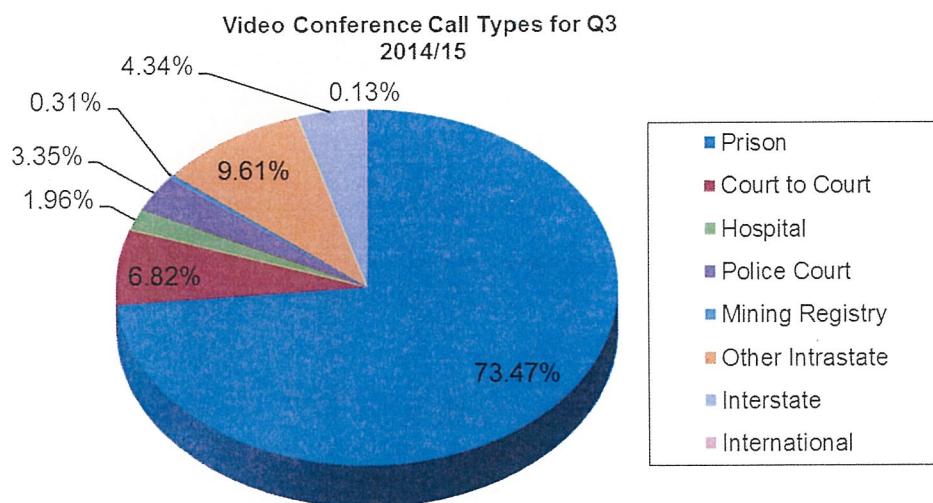
- number of video links;
- type of call; and
- percentage of PIC appearing by video link.

Further developments in the statistical collection systems has resulted in the improved capture of calls from nearly all video conference endpoints. These developments have enhanced the information collated to include calls to sites where systems are unable to report back on usage such as:

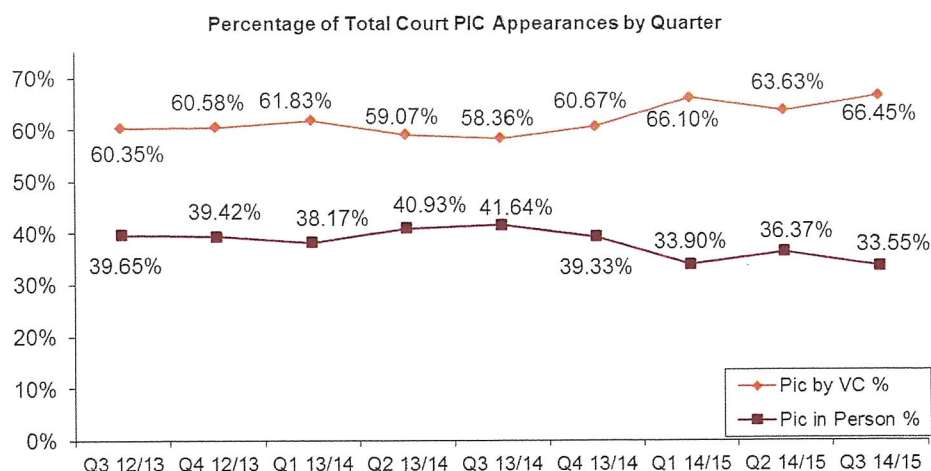
- hospital locations;
- police courts; and
- mining registries and the like.

Information relating to the District Court is largely collected manually with respect to VC statistics.

1. Video Conference Call Types for Q3 2014/15



2. Percentage of Total Court PIC Appearances by Quarter



Video Conferencing Information

3. Number and percentage of PICs appearing in person and by video conference

	Q4 13/14	Q1 14/15	Q2 14/15	Q3 14/15
Number				
PIC by Video Link (number)	4,079	4,575	4,460	4,490
PIC In Person (number)	2,644	2,346	2,549	2,267
Total	6,723	6,921	7,009	6,757
Percentage (%)				
PIC by Video Link (%)	60.67%	66.10%	63.63%	66.45%
PIC In Person (%)	39.33%	33.90%	36.37%	33.55%
Total	100.00%	100.00%	100.00%	100.00%

Video Conferencing Information

4. Percentage of PICs appearing in person and by video conference

	Q4 13/14	Q1 14/15	Q2 14/15	Q3 14/15
In Person (%)				
Supreme Court	62%	54%	64%	51%
District Court	87%	80%	95%	93%
Central Law Courts	24%	18%	19%	19%
Children's Court	53%	60%	54%	61%
Outer metropolitan locations	43%	39%	35%	30%
Major regional Locations	49%	42%	42%	44%
Other regional locations	23%	15%	27%	21%
By Video Conferencing (%)				
Supreme Court location	38%	46%	36%	49%
District Court **	13%	20%	5%	7%
Central Law Courts	76%	82%	81%	81%
Children's Court	47%	40%	46%	39%
Outer metropolitan locations	57%	61%	65%	70%
Major regional locations	51%	58%	58%	56%
Other regional locations	77%	85%	73%	79%

**** District Court business rules applying to appearances by PICs:**

Note: The Court Technology Officer manually collects PIC data for the District Court.

- The utilisation of AV facilities at the District Court is determined by the listing type or appearance reasons for the PIC. For example, the majority of trial listing hearings at regional circuit locations and sentence mention lists are conducted using the AV facilities where the judicial officer is sitting in the Perth District Court;
- In certain instances the District Court judicial officers prefer to have the accused appear in person at the Perth District Court. For example, when an interpreter is required for a PIC for the purpose of conducting smooth, uninterrupted proceedings; and
- If an accused person outside the Perth metropolitan area is required to appear before the District Court and there is no judge sitting at a circuit location at the time then the AV facilities will be used.

Video Conferencing Information

5. Number and percentage of video conference call reasons (criminal)

	Q4 13/14	Q1 14/15	Q2 14/15	Q3 14/15
Number				
Judicial Officer	126	136	155	94
Witness	230	363	273	280
Party to Proceedings	180	224	269	289
Counsel	117	142	164	145
Prosecutor	21	37	43	30
In Custody Accused	3,931	4,338	4,222	4,396
Not In Custody Accused	233	137	169	145
Other Court Related	120	112	139	128
Non Court Related	74	57	61	62
Total	5,032	5,546	5,495	5,569
Percentage (%)				
Judicial Officer	2.50%	2.45%	2.82%	1.69%
Witness	4.57%	6.55%	4.97%	5.03%
Party to Proceedings	3.58%	4.04%	4.90%	5.19%
Counsel	2.33%	2.56%	2.98%	2.60%
Prosecutor	0.42%	0.67%	0.78%	0.54%
In Custody Accused	78.12%	78.22%	76.83%	78.94%
Not In Custody Accused	4.63%	2.47%	3.08%	2.60%
Other Court Related	2.38%	2.02%	2.53%	2.30%
Non Court Related	1.47%	1.03%	1.11%	1.11%
Total	100.00%	100.00%	100.00%	100.00%

Video Conferencing Information

Notes: AV usage statistics obtained is location not jurisdiction based. Multiple jurisdictions can use AV facilities at such a location where AV facilities are available and accessible. It is rare for a court to use different AV facilities locations other than its own facilities, hence it doesn't greatly affect the AV usage statistics collected for a court at a particular location.

- Outer metropolitan locations include Midland, Fremantle, Armadale, Joondalup, Mandurah and Rockingham.
- Major regional locations include Albany, Broome, Bunbury, Geraldton and Kalgoorlie.
- Other regional locations include Busselton, Carnarvon, Collie, Derby, Esperance, Karratha, Katanning, Kununurra, Manjimup, Merredin, Moora, Narrogin, Northam, Roebourne and South Hedland.

Jurisdictions' business rules applying to appearances by PICs:

Supreme Court

- If a person is in custody and is to appear at the Supreme Court or the Stirling Gardens Magistrates Court, and the hearing is not a trial or a sentencing, the default position is that they are to appear by video conferencing, unless the judge/magistrate orders otherwise;
- The PIC can request approval from the judge/magistrate to appear in person. The judge/magistrate can order the PIC appear in person;
- If the PIC is self-represented, they must appear in person or request approval from the judge to appear via video link;
- The judge can order the PIC to appear via video link (for example for security or mental health concerns);
- In trials of issues or trials by judge alone the judge will often order the PIC appear via video link; and
- In criminal appeal hearings, the lawyer may request the PIC appear via video link. This request must be approved by the judge(s).

District Court

Note: The Court Technology Officer manually collects PIC data for the District Court.

- The utilisation of AV facilities at the District Court is determined by the listing type or appearance reasons for the PIC. For example, the majority of trial listing hearings at regional circuit locations and sentence mention lists are conducted using the AV facilities where the judicial officer is sitting in the Perth District Court;
- In certain instances the District Court judicial officers prefer to have the accused appear in person at the Perth District Court. For example, when an interpreter is required for a PIC for the purpose of conducting smooth, uninterrupted proceedings; and
- If an accused person outside the Perth metropolitan area is required to appear before the District Court and there is no judge sitting at a circuit location at the time then the AV facilities will be used.

Magistrates Court and Children's Court

- A PIC is brought before the Court if a judicial officer directs it or if they are listed for a trial (as either an accused or a witness); and
- In all other instances, the appearance will be via video conferencing by default.

Minutes	Late Deliveries to DCB from Facilities (prison)					120 +	Total lates
	<30	30 - 60	60-90	90-120			
July	18	2				1	21
August	40	12					52
September	27	3	3	1		2	36
October	61	15					76
November	25	4		1			30
December	26	5					31
January	5						5
February	15	1					16
March	22	6					28
April	30	5	1				36
May	32	1		1			34
June to 9th	3	1					4

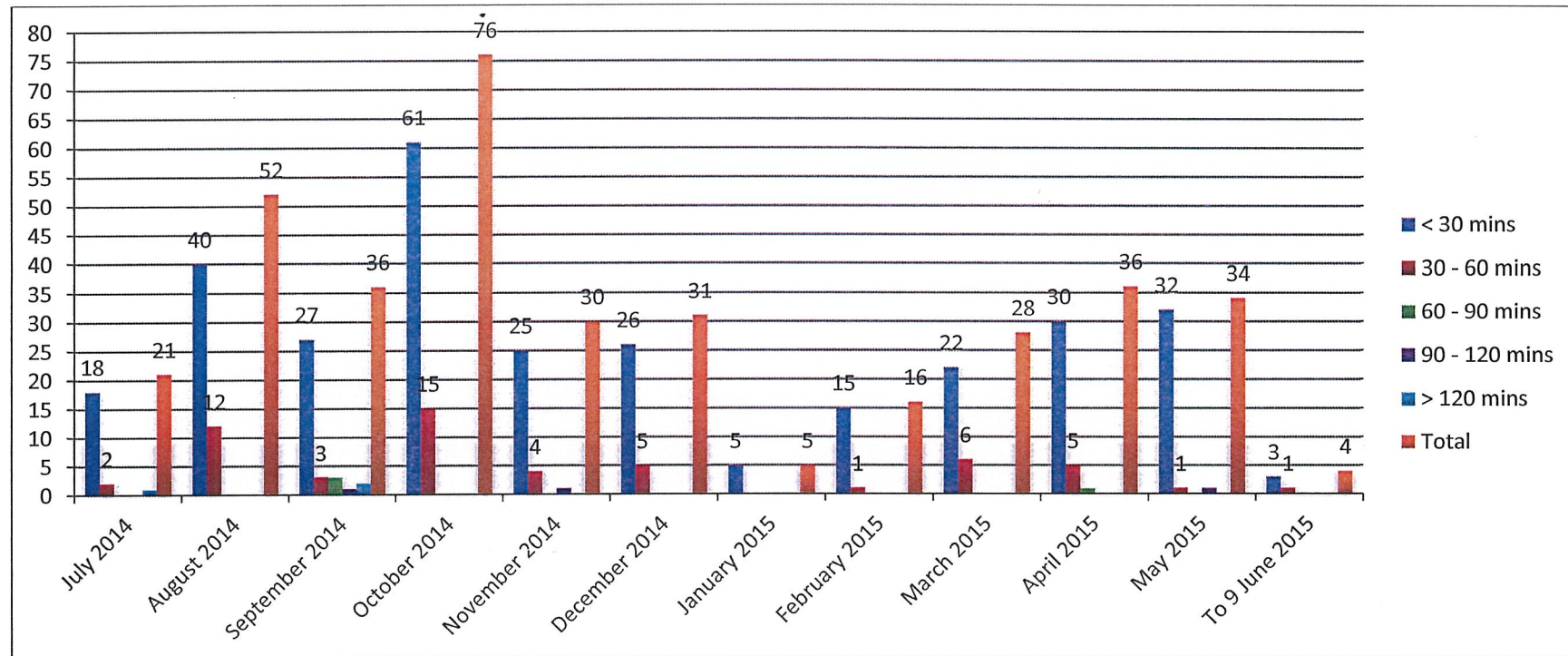
Minutes	Late Deliveries from Northbridge to the CLC					120 +	Total lates
	<30	30 - 60	60-90	90-120			
July	33	27	15	9		5	89
August	59	27	13	0		14	113
September	36	41	16	8		1	102
October	58	20	19	10		2	109
November	56	24	7	9		1	97
December	46	18	0	1		0	65
January	70	16	5	12		1	104
February	68	25	7	0		13	113
March	68	54	10	2		17	151
April	57	33	1	12		0	103
May	54	52	10	0		9	125
June to 9th	15	0	3	4		0	22

NOTE: Lack of clear contractual requirement that was not attended to when this location was opened - Contract states Warrant time - no warrants on overnight arrests.

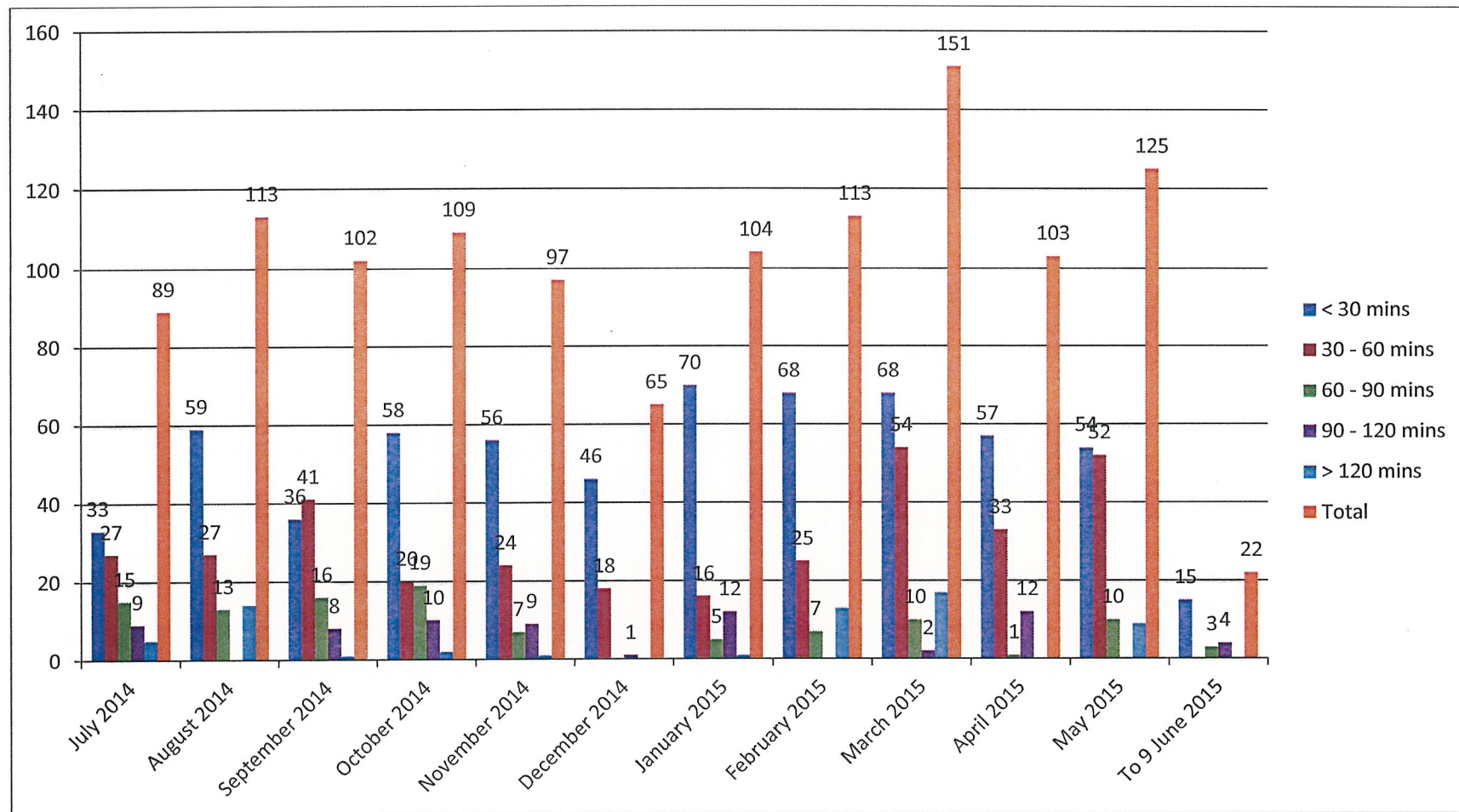
Minutes	Late collections from the DCB					120 +	Total lates
	<30	30 - 60	60-90	90-120			
July	11						11
August	27	8	11				46
September	21	8	2				31
October	25	19	2				46
November	13	9	5				27
December	6	10					16
January	4						4
February	7	7	9	1			24
March	6	3					9

April	22	6	11	7	5	51
May	15	3				18
June to 9th	3	1				4

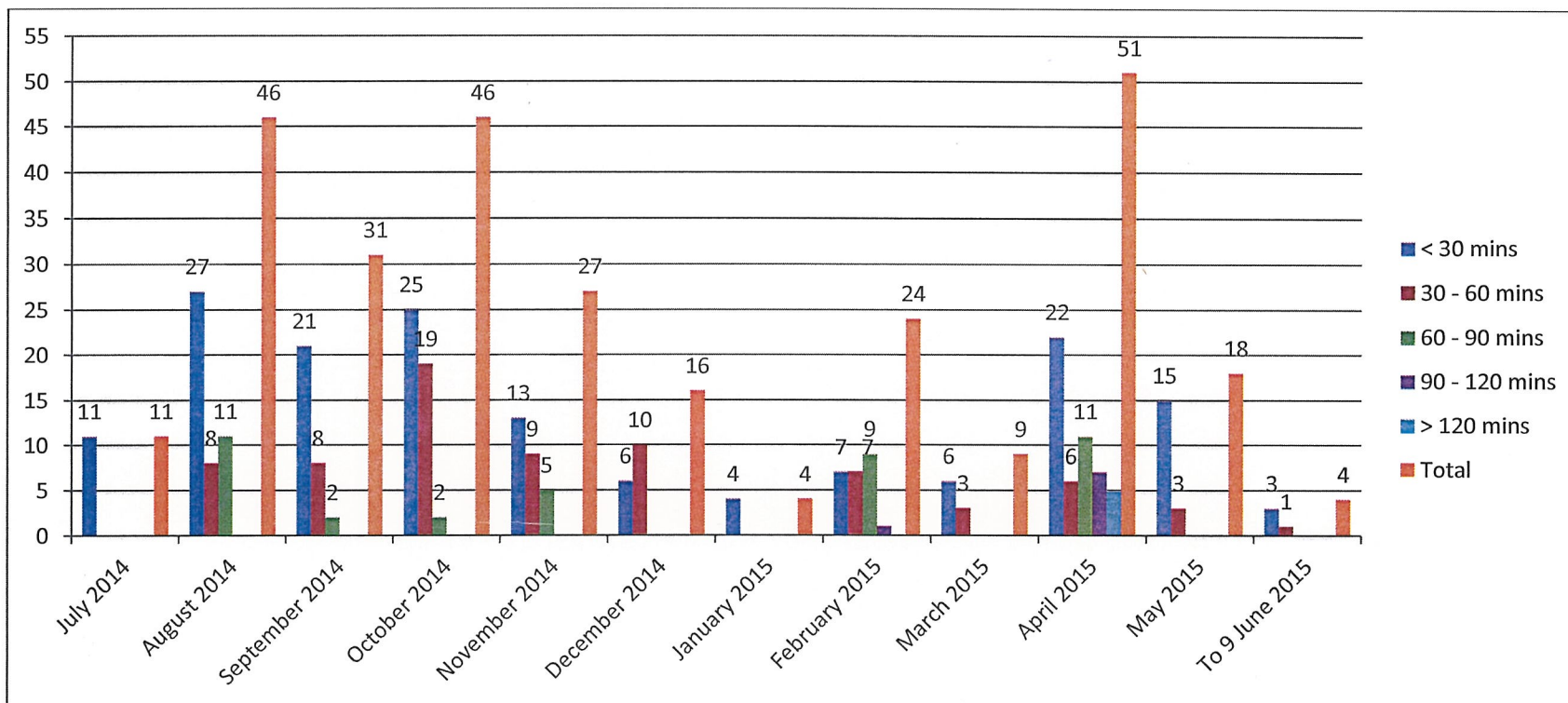
These late collection times are after having allowed the contractual one hour after the last court completed.



LATE DELIVERIES – PRISON TO DCB



LATE DELIVERIES – NORTHBRIDGE TO CLC



LATE COLLECTIONS – DCB

CASE STUDY

On 4 February 2014, the Supreme Court murder trial of four accused persons at the District Court Building commenced. The trial was listed for eight weeks. Justice McKechnie was the presiding judicial officer who met with CRAD to discuss identified risk issues and mitigation strategies. Based on the threat posed, additional security arrangements were implemented for the duration of the trial. Contract service providers G4S and Serco were briefed by CRAD on the identified risks and the importance of appropriately risk managing the trial.

On 26 February, one of the accused complained to his solicitor that he was feeling unwell and wasn't able to concentrate during the trial, as he was not returning to the prison until after 7.00pm, where he was locked in his cell until 7am. The following morning he was again brought before the court for the resumption of the trial. The accused stated he felt he had no time to speak with anyone, as he was either in his prison cell, transport vehicle or a cell in court. The accused's complaint was brought before Justice McKechnie who asked for the claims to be investigated and the situation resolved. The following chart outlines the times the accused was transported back to Casuarina prison at the conclusion of each trial day.

It should be noted that the arrival times at the prison relate to the time when the transport vehicle arrives in the prison Sally Port (reception).

Times and Dates for the accused returning to Prison

Red indicates the accused return to prison after lockup time

Yellow prior to the accused making a complaint

Green post complaint being made

Date	Out of Court	Ready for Discharge	Discharged	Prison Gate IN
04/02/2014	3:25 PM	3:32 PM	4:42 PM	6:21 PM
05/02/2014	4:23 PM	4:38 PM	5:30 PM	7:21 PM*
06/02/2014	4:20 PM	4:46 PM	5:44 PM	6:55 PM*
07/02/2014	1:08 PM	1:16 PM	4:18 PM	5:45 PM
10/02/2014	4:08 PM	4:15 PM	6:20 PM	7:35 PM*
11/02/2014	4:20 PM	4:24 PM	5:30 PM	6:39 PM*
12/02/2014	4:23 PM	4:25 PM	5:12 PM	6:37 PM*
13/02/2014	4:12 PM	4:21 PM	5:17 PM	6:45 PM*
14/02/2014	1:19 PM	1:26 PM	3:31 PM	4:54 PM
17/02/2014	4:35 PM	4:43 PM	6:53 PM	7:47 PM*
18/02/2014	4:14 PM	4:17 PM	5:15 PM	6:50 PM*
19/02/2014	4:20 PM	4:31 PM	5:27 PM	7:15 PM*
20/02/2014	4:23 PM	4:33 PM	5:47 PM	7:15 PM*
21/02/2014	1:10 PM	1:25 PM	3:29 PM	5:08 PM
24/02/2014	4:10 PM	4:15 PM	6:09 PM	7:20 PM*
25/02/2014	4:13 PM	4:22 PM	7:01 PM	8:20 PM*
26/02/2014	4:05 PM	4:10 PM	5:28 PM	7:21 PM*
27/02/2014	4:29 PM	4:34 PM	5:55 PM	6:47 PM
28/02/2014	1:03 PM	1:24 PM	5:00 PM	7:01 PM*
4/03/2014	4:16 PM	4:20 PM	4:59 PM	6:49 PM*

5/03/2014	2:53 PM	3:05 PM	3:21 PM	4:25 PM
6/03/2014	11:29 AM	12:23 PM	12:50 PM	1:42 PM
10/03/2014	4:18 PM	4:23 PM	4:34 PM	5:15 PM
11/03/2014	10:55 AM	2:17 PM	2:31 PM	3:14 PM
12/03/2014	11:52 AM	2:01 PM	2:23 PM	3:04 PM
13/03/2014	4:14 PM	4:20 PM	4:59 PM	5:54 PM
14/03/2014	12:58 PM	1:19 PM	1:53 PM	2:40 PM
17/03/2014	4:12 PM	4:24 PM	5:23 PM	6:32 PM*
18/03/2014	4:17 PM	4:28 PM	5:21 PM	6:32 PM*
19/03/2014	4:20 PM	4:36 PM	5:03 PM	6:03 PM
20/03/2014	2:36 PM	2:43 PM	3:16 PM	4:05 PM
21/03/2014	11:15 AM	11:26 AM	12:25 PM	1:10 PM
24/03/2014	4:03 PM	4:09 PM	4:25 PM	5:19 PM
25/03/2014	4:27 PM	4:37 PM	6:05 PM	6:52 PM*
26/03/2014	4:40 PM	4:46 PM	4:54 PM	5:45 PM
27/03/2014	4:50 PM	4:56 PM	5:14 PM	6:27 PM
28/03/2014	4:37 PM	4:49 PM	5:28 PM	6:54 PM*
31/03/2014	4:47 PM	4:58 PM	5:36 PM	6:35 PM*

- **NOTE**

After 6:30pm in the evening the prison workforce operates on a substantially reduced staffing level. Due to the reduced staffing level prisoners are processed (reception, recording and searched) before being escorted back to their living units. During these occasions the prison is in lock down allowing only for the prisoner to receive his evening meal in his cell. No other amenities including shower, phone calls, social visits or interaction with other prisoners is available.

Justice McKechnie raised concerns that the accused would not be able to remain alert during his trial and that his apparent deteriorating mental state could have a direct impact on the continuation of the trial. The accused must be able to actively participate in the proceedings, assess evidence and brief counsel. During the trial, the accused was not able to avail him-self to adequate rest periods or meaningful communication with others.

The accused's' routine on returning to prison involved collecting his evening meal and immediate lock down. The morning routine involved early unlock, this would occur prior to the normal prison population unlock time. The accused would shower and have breakfast; either alone or with other prisoners attending court. He would then be processed through the prison reception for collection by a transport vehicle.

This process was repeated on each occasion that the accused arrived late to the prison. Normal prison lockup time is 6.15pm. According to data provided, the accused was delivered to the prison after this time on 24 occasions during the trial, which equates to more than fifty percent of the trial days.