

## Custodial Operations Policy and Procedures

### 20.9 Supply of court transcripts

#### Policy summary

Courts and Tribunal Services (CATS) provide Corrective Services NSW (CSNSW) with transcripts of sentencing remarks for custodial sentences of more than three years from the District and Supreme Courts for use by CSNSW and Privately operated correctional centre staff.

Sentence Administration Corporate (SAC) is responsible for coordinating the supply and storage of these transcripts

Inmates may apply for copies of their court transcripts. The process and cost for doing so varies depending on the court, the length of the transcript, whether the inmate is committed for trial or is appealing a decision.

#### Management of Public Correctional Centres Service Specifications

Service specifications	Professionalism and accountability
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## Scope

This section applies to all correctional centres and other facilities administered by or on behalf of CSNSW, and all CSNSW employees.

# Table of contents

<b>1</b>	<b>Supply of court transcripts</b>	<b>4</b>
1.1	Policy	4
1.2	Procedures for requesting transcripts by CSNSW and Privately managed correctional centre staff	5
<b>2</b>	<b>Applications by inmates to purchase transcripts</b>	<b>5</b>
2.1	Policy	5
2.2	Procedures for requests from local and/or district courts	6
2.3	Procedures for requests from the supreme court	6
2.4	Applications for waiver of fees on transcripts (district and supreme courts)	7
2.5	Exhibits	7
<b>3</b>	<b>Quick links</b>	<b>8</b>
<b>4</b>	<b>Definitions</b>	<b>8</b>
<b>5</b>	<b>Document information</b>	<b>9</b>

# 1 Supply of court transcripts

## 1.1 Policy

Court transcripts are a written record of the recorded proceedings during a case heard in a court or tribunal. There are two types of transcripts:

- daily
- standard.

Most transcripts prepared are standard transcripts and are provided to CSNSW after the completion of a case. A daily transcript is not available in every trial or hearing, it is available only in cases where the judge has requested daily transcripts be prepared. Standard transcripts generally will not be available for a number of weeks or months after sentencing.

CATS is responsible for preparing court transcripts and providing them free of charge to CSNSW for all offenders receiving a custodial sentence of more than three years. Where the transcript has not been received after a period of two months since the date of sentence, CSNSW submit a request in writing to CATS.

Court transcripts are widely used within CSNSW to:

- give effect to the comments and directions of the Court on sentencing
- help with evaluation of participation in programs to address offending behaviour
- assist staff to develop appropriate case management plans
- permit the safe progression of inmates to the lowest and most appropriate level of security classification
- assist in determining accurate risk ratings for inmates
- review and verify the accuracy of sentence and conviction data on the Offender Integrated Management System (OIMS)
- identify inmates with mental health issues and facilitate effective consultation with Justice Health and Forensic Mental Health Network (JH&FMHN).

Where the custodial sentence is for less than three years, and the transcript is required by CSNSW for case management, the transcript can be applied for. A transcript fee applies, which is payable by the requesting Unit.

Applications for transcripts must contain sufficient information to identify the matter, such as the case number, date of hearing, court location and, if known, name of judge.

CSNSW and Privately managed correctional centre staff can request a transcript of Sentencing Remarks for the purpose of offender management by completing a [Request for offender information](#) form. SAC is responsible for coordinating the supply of transcripts of Sentencing Remarks from CATS for use by CSNSW and Privately managed correctional centre staff.

Transcripts of Sentencing Remarks are solely for the use of CSNSW and Privately managed correctional centre staff only and are not intended for use by inmates or other external parties. Inmates wanting their sentencing remarks need to make an application through their own legal representative.

Any enquires relating to procedures for requesting court transcripts, or the provision of remarks/transcripts in general, should be directed to SAC who may contacted by telephone on [REDACTED] or by email to [REDACTED]

## 1.2 Procedures for requesting transcripts by CSNSW and Privately managed correctional centre staff

	Procedure	Responsibility
1.	Check the inmates Case Management File (CMF) in the Electronic Document and Records Management System (EDRMS) to determine if a transcript is available prior to sending a request for a transcript of Sentencing remarks.	Requesting Unit
2.	Complete a <i>Request for offender information</i> form and email it to [REDACTED], if the required transcript is not available in EDRMS. <b>Note:</b> if the transcript is required urgently, record this in the subject and main body of the email.	Requesting Unit
3.	Coordinate the supply of transcript(s) of Sentencing Remarks from CATS for use by CSNSW and Privately managed correctional centre staff.	SAC
4.	Store the transcript in the inmates CMF in EDRMS once received and notify the requesting unit.	SAC

## 2 Applications by inmates to purchase transcripts

### 2.1 Policy

Requests for lower court transcripts (as distinct from trial transcripts) must be directed to the Registrar of the sentencing Local Court, unless the inmate has been committed for trial or has appealed against the decision of a magistrate.

An inmate committed for trial to the Supreme Court or District Court is entitled to a free copy of the transcripts taken at the Local Court, by making an application to the Registrar of the Court. If the inmate is legally represented, the transcript is usually supplied to their legal representative.

Where an inmate, convicted before a Local Court, lodges an appeal to the District Court against the conviction or sentence, he/she is not entitled to a free copy of the transcripts. Any applications in this regard should be forwarded to the Registrar of the sentencing Court.

If the inmate is legally represented, the application should be forwarded to the court via that representative.

Where a matter was heard in the District Court or the Supreme Court, requests to purchase transcripts should be directed to the Registrar of the sentencing Court.

## 2.2 Procedures for requests from local and/or district courts

An inmate who wants to obtain a transcript from a Local and/or District Court must complete a *Transcript order form local and district courts*.

Transcripts from Local and District Court proceedings in the Sydney CBD can be ordered from:

- District - [dco.transcriptsales@dcj.nsw.gov.au](mailto:dco.transcriptsales@dcj.nsw.gov.au)
- Local - [dclc-transcripts@dcj.nsw.gov.au](mailto:dclc-transcripts@dcj.nsw.gov.au)

It will take approximately four weeks from the order date for the standard transcript to be delivered. If the transcript is required urgently, this must be noted at the time the request is made.

Daily transcripts are provided on the day they are ordered if the court session is finished by 4pm, otherwise it will be provided the next working day. The Registrar of the court the matter is before must be notified in writing if the inmate decides at any time during the hearing they no longer wish to receive a daily transcript.

For Local and District Court proceedings in the outer metropolitan and country areas, the form is to be lodged at the registry of the court where the matter was heard.

## 2.3 Procedures for requests from the supreme court

An inmate wanting to obtain a transcript from the Supreme Court must complete either a:

- *Supreme court civil transcript order form*, or
- *Supreme court crime transcript order form*.

Email the completed form for a standard transcript to the Reporting Services Branch at [RSB.Client.Services@dcj.nsw.gov.au](mailto:RSB.Client.Services@dcj.nsw.gov.au)

The completed form for a daily transcript is to be emailed to the Reporting Services Branch at [RSB.Daily.Assignment@dcj.nsw.gov.au](mailto:RSB.Daily.Assignment@dcj.nsw.gov.au)

A transcript fee applies and is calculated on a per page rate as prescribed in schedule 3 of the *Criminal Procedure Regulation 2005* and schedule 1 of the *Civil Procedure Regulation 2005*.

Lengthy transcripts will not be prepared unless the applicant has sufficient funds, and will not be supplied until payment has been received. This does not apply if the Registrar has waived a transcript fee.

To avoid unnecessary correspondence, An *Application to postpone, remit or waive payment of a court fee* form is to be completed before submitting the relevant transcript order form.

If the inmate is represented, the application should be made by his/her legal representative.

## 2.4 Applications for waiver of fees on transcripts (district and supreme courts)

An *Application to postpone, remit or waive payment of a court fee* is to be completed each time a person is unable to pay a court fee, including when applying to the court for transcripts, duplicate tape recordings and computer disks.

The Registrar of a Court will determine if the fee is to be waived, postponed or remitted in line with the *Attorney-General's Guidelines on fee waiver*. The Registrar will notify the applicant in writing of the decision and reasons.

An inmate must be committed to trial in a District or Supreme Court before requesting a waiver and must send a written application to the Registrar of the Court giving reasons for the application.

The prosecution can be requested to make a copy of the relevant transcript available to the applicant if the application for a waiver is unsuccessful.

If an appeal is lodged with the Court of Criminal Appeal (CCA), applications for a copy of the transcript of the trial proceedings should be addressed to the Registrar, Common Law Division, Supreme Court of New South Wales, Law Courts Building, Queens Square, SYDNEY NSW 2000.

If the inmate has legal representation, they should discuss the application with that legal representative.

## 2.5 Exhibits

An exhibit is a document or object produced at hearing by a party to proceedings as evidence in a matter. The court retains all exhibits and reports for the duration of a hearing and until any appeal period expires.

A person is entitled to have any property confiscated by police returned to them if:

- it is no longer required as an exhibit, and
- it is lawful for them to have it.

An inmate seeking return of their confiscated property is to be referred to a Services and Programs Officer (SAPO) who will contact the arresting police.

Further information can be provided by *Offender Management & Programs: Compendium of Support Services*.

### 3 Quick links

- [Related COPP](#)
- [Forms and annexures](#)
- [Related documents](#)

### 4 Definitions

CATS	Courts and Tribunal Services
CCA	Court of Criminal Appeal
CMF	Case Management File
COPP	Custodial Operations Policy and Procedures
Court transcripts	A written record of the recorded proceedings during a case heard in a court or tribunal.
CSNSW	Corrective Services NSW
EDRMS	Electronic Document and Records Management System
Exhibit	a document or object produced at hearing by a party to proceedings as evidence in a matter
JH&FMHN	Justice Health & Forensic Mental Health Network
OIMS	Offender Integrated Management System
SAC	Sentence Administration Corporate
SAPO	Services and Programs Officer



## 5 Document information

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