

### Court Services Policy: Short-term room hire in courthouses

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#### 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 hire 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 hire 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 (as outlined on the [Application Form - Application for short-term room hire in courthouses](#))

Court Services maintains the right to refuse any application.

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#### Target audience

This document is written for non-core business users and Court services employees.

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#### Version history

No.	Date	Notes
1.0	2 May 2024	New policy. Removal of AVL hire and Filming. Renamed. Replaces Court Usage by Third Party.

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## Introduction to Short-term room hire

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### Objective

The objective of this policy is to establish a process for short term hire of rooms and facilities in NSW Courthouses.

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### Scope

This policy applies to requests for the hire of court premises within Court Services only.

This policy does not:

- apply to filming/commercial enterprise users.
- apply to bookings for AVL facilities only
- include requests for long-term use of allocated space for Core Business Users.

Please see [Court Services Policy - Allocated use of space within courthouses by Core Business Users](#)

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### Primary Purpose of a Court House

Court houses are established to primarily accommodate:

- Court rooms for the conduct of trials and hearings.
  - Judicial officers and their support staff.
  - Registry staff and associated facilities.
  - Sheriff's officers and jury facilities.
  - Transcription and other DCJ services.
  - Administration of justice services; and
  - Facilities for the general public.
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### Defining a Courthouse

Courthouse, in relation to a court, means the premises or place where a court is held or that is used in relation to the operations of a court, and (without limitation) includes

- a forecourt, courtyard, yard, parking area, toilet facility, hall, corridor, or other area used in conjunction with the premises or place, and
  - a part of premises or a place used as an entrance to or exit from the premises or place where the court is held or that is used in relation to the operations of the court, and
  - any part of premises or a place used in relation to the operations of a court, or referred to in the preceding paragraphs, that is also used for other purposes.
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### 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:

- [Non-core business users](#)
  - [Core business users](#)
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**Related documents**

- Application Form – [Application for short-term room hire](#)
  - [Court Services Policy - Allocated use of space within courthouses by Core Business Users](#)
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## Core and Non-Core Business Users

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### 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 of Court Services and are generally fee payable.

Examples include:

- Schools requesting the use of a courtroom for mock trials
  - Charitable organisations
  - 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.
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### What is a Core Business user?

A Core Business User is an organisation or agency that conducts business activities which directly support the operational requirements of Court Services by providing services to the court (and court participants).

Core Business Users include:

- NSW Police.
  - Legal Aid NSW.
  - Aboriginal Legal Service (NSW/ACT) Ltd.
  - Office of the Director of Public Prosecutions.
  - Correctives NSW.
  - Aboriginal Services Unit (ASU)
  - Child Protection and Permanency, District and Youth Justice Services
  - Victim and client support/advocacy services; and
  - Justice Health
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### Requests for room hire outside of core business needs

If a request is made for short term hire by a core business user (outside of core business needs), the [application process](#) applies and a fee may be applicable. ([see fee structure below](#)).

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### Core Business user seeking long-term use of an allocated space (Not hire)

The long-term use of an allocated space for service delivery directly supporting the operational requirements of Court Services is managed in accordance with the [Court Service Policy – Allocated use of space within courthouses by core business users](#).

Any new application for long-term use of an allocated space or request to modify/change existing arrangements must use the application process and associated terms of access outlined within that policy.

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## Application process – short-term room hire

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**Form of request** A request for short-term room hire must be made using the applicable application and follows the application process set out below.

This includes:

- Hire of a room/facility by a non-core business user
  - Hire of a room/facility by a Core-business user for proposes that do not directly support the operations of the court.
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**Details of Court location** The applicant must state the court location where the hire is sought. If more than one court location is sought, an application is to be provided for each court location.

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**Application process** The Short-term room hire in courthouses Application form can be located on the [NSW Courts Website](#)

The completed application form is to be forwarded to [courtservices@justice.nsw.gov.au](mailto:courtservices@justice.nsw.gov.au) and both fee payable and fee exempt applicants are required to complete this form.

**Applicant to lodge the application inclusive of:**

- Agreed Terms and Conditions of Hire (signed by applicant)
- An undertaking by the applicant to pay the relevant fees (as per the [Fee Schedule](#)).
- Insurance indemnity (insurance certificate) to the amount of \$20 million

Note: Absence of any of the required paperwork will cause delays and the application will not progress until all necessary documents are received.

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**Considerations** Each request will be reviewed by the relevant Registrar and Sheriffs security co-ordinator on a case-by-case basis, considering the following:

- the need to ensure that court services meet operational requirements relating to the administration of justice within NSW.
  - the nature of the business the request relates to. Priority to be given to activities that either have a close affinity to DCJ core business or relate to wider governmental objectives.
  - proposed extent of use of facilities.
  - any issues relating to the security of the court users and facilities; and
  - any other relevant issues.
  - Estimated fee calculations for room hire and security (if required)
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**Note:** Court buildings across NSW vary with respect to their size and the availability of rooms and facilities. Some court locations may not be able to accommodate short-term room hire.

If doubt exists regarding approval, security, or fees the registrar will consult with a hub manager or regional director if required. See [fee structure – room hire](#)

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**Terms and conditions of hire**

The ‘Terms and conditions of hire’ sets out the terms and conditions of hire of court premises.

[Terms and Conditions of hire](#) will form part of the application form and will require an undertaking by the applicant that they have read and understood the terms and conditions of hire.

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**Timeframes**

A request to use court premises must be submitted at least 14 days prior to the requested date for use.

An applicant can expect to receive a response regarding approval / refusal (including the estimated fee calculations) within 7 days of receipt of the application.

Note: Any urgent application that shortens this time will be dealt with on a case-by-case basis.

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**Fee calculations**

Calculation of estimated fees is completed by the Registrar (or delegated approver) using the fee schedule provided in the application form. See [fee structure – room hire](#)

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## Fee structure – room hire

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

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**Non-core business users (fee payable)** Examples where a fee is payable by a non-core business user 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.

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**Non-core business users (fee exempt)** There will be a fee associated with requests to use court premises from non-core business users unless they are considered fee exempt

There are some circumstances where a fee exemption may apply. These exemptions will be organisations that provide a service to support core business functions of court services such as

- Charitable organisations
- victim and client support services
- Schools requesting to use court rooms for the purpose of mock trials for school students.

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**Core business users (fee payable)** Core business users hiring a room for the purposes outside of core business needs will be required to pay the fee as per the Fee Structure.

Some 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.

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**Core business users (fee exempt)** A Core business user is fee exempt for any room hire that directly supports the operational requirements and service delivery of Court Services. Any claim for fee exemption is to be outlined on the application form.

Note: Any decision regarding an applicant that is deemed as not supporting core business function, being fee payable or fee exempt, will be determined by the Senior Hub Manager in consultation with the Registrar and Regional Director.

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**Requests for use on weekends, public holidays or after hours** Any requests to use court premises on weekends, public holidays or after business hours will be considered on a case-by-case basis with the relevant fee being payable.

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**Fee calculations** Calculation of estimated fees is completed by the Registrar (or delegated approver) using the fee schedule provided in the application form.

A fee estimate will take into account the hire fee as well as any further fees that may be required for security. Applicants will be notified of the estimated fees once the application has been approved.

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

**Note:** If the facilities are used for more than the original estimated time, or the number of rooms used is increased due to availability on the day, court services reserve the right to adjust the fee amount on the final invoice in accordance with the final hire details.

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**Invoice** Court Services will raise an invoice which will be sent to the applicant after the requested date(s). This invoice will include the options available for payment.

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**Cancellation** Cancellation or postponement by the applicant must be notified to [courtservices@justice.nsw.gov.au](mailto: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.

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## Schedule of Fees for short-term room hire

**Review of fees** The following fee schedule will be subject to annual review, including application of CPI and is current as of January 2024. The fees are inclusive of GST.

<b>FEE SCHEDULE</b>		
<b>Room Type</b>	<b>Rate</b>	<b>Fee</b>
Meeting room	Per hour	\$69.00
Meeting room	Per day	\$331.00
Court room	Per hour	\$85.00
Court room	Per day	\$420.00
Hire of room including use of AVL facilities	Per hour	\$85.00 (min charge 1hr) \$331.00 (max charge per day)
Sheriff (security) 9am-6pm (weekdays)	Per hour per officer	\$42.08
Requests for use of court premises with 30+ attendees	Per day	\$840.00 (Plus, Sheriff security fee)
Requests for weekend or public holidays and requests for use outside of business hours.		
Sheriff (security) 6pm-9pm (weekdays)	Per hour per officer	\$66.56
Sheriff (security) Saturday/Sunday	Per hour per officer (Min 4 HR booking)	\$88.75
Sheriff (security) Public Holiday	Per hour per officer (Min 4 HR booking)	\$110.93
Opening or keeping open the registry or part of the registry	a) on a Saturday, Sunday, or public holiday, or	\$866.00
	(b) on another day before 9am or after 5pm	
Opening or keeping open the Sheriff's office	a) on a Saturday, Sunday, or public holiday, or	\$876.00
	(b) on another day before 9am or after 5pm	
Cancellation Fee	Within 48 hours of booking date	%50 of total hire

## Terms and conditions of hire

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### Access

In consideration for the Fees provided to Court users, and subject to withdrawal of access, the Court will allow the Organisation to access the Court on the days and times identified in the Registrars approval of short-term room hire in courthouses to conduct the Permitted Activity.

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### Withdrawal of access

Access will be always subject to the discretion and approval of the Court. The applicant acknowledges that it has no right of access other than with Court approval, and the Court may withdraw that approval at any time, for specific days or part-days, or altogether, without the need to give reasons.

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### Permitted activity

Access to the Court for permitted activity is granted on the condition that the organisation will only use the hired space to conduct the activities set out in the Registrars approval of short-term room hire in courthouses. (**'Permitted Activity'**).

The organisation is responsible for ensuring that its personnel do not engage in any activity other than the Permitted Activity.

Activity undertaken in courthouses (including in hired space) must always be conducted in an appropriate and professional manner. The organisation must ensure that its activities and the behaviour of its personnel do not cause disruption to the activities of the Court, are not likely to bring the Court into disrepute.

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### Fees and payment

An estimate of Fees will be provided at the time of approval of the application. A final invoice will be generated and sent to the Organisation after the hire has occurred.

Payment of the invoice must be satisfied in accordance with the terms of the invoice. The most current fees are outlined on the fee schedule above.

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### Cancellation

Cancellation or postponement by the applicant organisation must be notified to the Court no later than 2 days prior to the Approved Access Dates and Times. A cancellation fee may be incurred should this not be adhered to subject to the discretion and approval of the Court.

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### Security

The organisation and its personnel must comply with any security requirements issued by the Court from time to time, including pre-access screening checks and access screening.

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### Workplace health and safety

The organisation must comply with all applicable work health and safety laws, and with any directions of the Court relating to work health and safety, in the conduct of its activity

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### Compliance with laws, policies, and procedures

In the conduct of its activities in connection with the Court, the applicant organisation must comply with:

- (a) all applicable laws, including those relating to privacy; and
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(b) all policies, procedures and directions issued by the Court from time to time.

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**Maintenance**

The organisation must leave the Court in a clean and tidy condition with furniture in its original position. The Organisation must not use any Court equipment and must remove any equipment brought into the Court at the conclusion of its activities.

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**Insurance**

The organisation must take out and maintain with a reputable insurer public liability insurance for a value not less than that identified in the application details, which covers the activities that the Organisation conducts in the Court.

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**Exclusion of liability**

The Organisation acknowledges that it accesses the Court at its own risk for the conduct of its activities. To the extent permitted by law, DCJ excludes any liability to the organisation and its personnel for any loss, cost, damages, expense, or liability suffered or incurred by the organisation or its personnel where such loss, cost, damages, expense, or liability is caused by:

- a) any wilful, unlawful, or negligent act or omission by the core business User or its personnel in connection with their use of an allocated space.
  - b) any utilisation of a hired space by the organisation of its personnel which;
    - I. Is not for a Permitted Activity; or
    - II. Otherwise constitutes a breach of the Terms and conditions of hire
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**Indemnity**

The Organisation will indemnify and compensate DCJ and its personnel against any loss, cost, damages, expense, or liability suffered for incurred by DCJ or its personnel where such loss, cost, damages, expense, or liability is caused by:

- a) Any wilful, unlawful, or negligent act or omission by the Core Business User or its personnel in connection with their use of an allocated space; or
  - b) Any utilisation of an allocated space by the Core Business User or its personnel which;
    - I. Is not for a Permitted Activity; or
    - II. Otherwise constitute a breach of the terms and condition of hire
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**No relationship**

The parties acknowledge that these terms and conditions do not give rise to any relationship of principal and agent, employer and employee or partnership between the Court and the Organisation. The Organisation must not hold itself out as representing the Court or the Department of Justice in any way.

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**Record keeping and reporting**

The applicant organisation must

- (a) keep records of its personnel that access the Court (including identity, dates, and times); and
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(b) provide those records to the Court on request and provide such other reporting as to the Organisations' activity in the Court that the Court requests.

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**Court**

The Court enters these terms and conditions as an agency of the Department of Community and Justice, representing the Crown in Right of the State of New

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**Special Conditions**

The Special Conditions, as set out in the Registrars approval of short-term room hire document, apply to this Access Agreement and, to the extent of any inconsistency, prevail over these terms and conditions.

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**Filming, recording and photography**

Under section 9 of the [Court Security Act 2005](#), it is an offence for a person to use a recording device to record sound or images (or both) in court premises without permission. The Organisation must not allow its personnel to conduct any photography, film or recording in or around the Court unless permission to do so is granted in the Special Requirements section of the Registrars approval of short-term room hire. Such permission if granted is limited to use for the internal purposes of the Organisation related to the Permitted Activity.

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**Car Parking**

Parking is only available on site for departmental/authorised employee/judicial officer vehicles. Parking is not provided on site for staff of Core Business Users or private motor vehicles unless approved in accordance with the DCJ Car Parking Policy.

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