

1. Hardship/onerousness:

- a. Documents: Corrective Services – case notes, case management file, education records, programmes and services, work reports
- b. Documents: Justice Health – all notes, schedule of medications
- c. Instructions: Any programs been ceased/suspended? Stopped from seeing Chaplain, SAPO or any other person, or less frequent?
- d. Moved to another part of gaol and/or change in classification?
- e. Witnessed violence/riots?
- f. Social visits – how often before ban, impact of ban?
- g. Evidence from family members re: the experience of the client

2. Hardship to third parties:

- a. Affidavits, letters or oral evidence from family members or the other affected third parties
- b. Examples might include children needing to be home-schooled, supporting a family member who is unwell or unable to now do day-to-day tasks, family member who may now be unemployed

3. Expert evidence:

- a. Example – report from psychologist, with specific questions (how have the arrangements affected mental health? Short term and long term impact? Impact of interruption of rehabilitation programs?)
- b. Example – report from geriatrician, immunologist, other relevant medical practitioner re: underlying health concerns, what conditions of isolation and health care are required (as compared to what is being provided)

4. Impact or interruption to rehabilitation:

- a. Suspension of programs run by Community Corrections (might not be reflected on a criminal history)
- b. Suspension of programs in custody
- c. Suspension of community-based programs – group therapies, mental health treatment
- d. May require subpoena or other written evidence, OR, phone call to the relevant service and file note (to annexe to affidavit)

5. If cannot get evidence specific to case:

- a. Abundance of resources available
- b. Try to be as specific as you can in picking which documents to use
- c. Try to make it palatable – narrow to excerpts
- d. Apply to your case
- e. Examples: Mental health, report of Dr Ellis. Susceptibility of particular groups, access NSW Health information. Impact upon health of prisoners, report of UNSW/Kirby Institute (Butler/McIntyre/Simpson/Levy). Riots, reputable news sources such as ABC. Responses in prisons, position paper of UNODC.

6. How to tender?

- a. Call evidence, affidavit of client/family member, affidavit of solicitor annexing relevant information/notes
- b. In LC – can make submissions – keep in mind the advice of Riyadh/Daniel in how to present that information.