



SUPREME COURT OF WESTERN AUSTRALIA

UPDATED PUBLIC NOTICE - COVID-19

The following directions in relation to the business of the Supreme Court of Western Australia (including the Court of Appeal) are effective immediately. This notice supersedes notices previously issued by the Court.

COURT BUILDINGS

Any person who has flu-like symptoms or who has travelled overseas in the last 14 days is directed not to enter the Court precincts (including courtrooms, hearing rooms and registries) in any of the Court's locations. This direction applies to court staff, legal practitioners, parties, witnesses, media, contractors and members of the public.

Legal practitioners or parties impacted by this direction should immediately contact the associate to the judicial officer before whom their matter is listed. Contact details may be found on the Court's website at www.supremecourt.wa.gov.au.

While the Court remains open to the public, the Court recommends that only legal practitioners, parties, witnesses and media should attend court hearings. Other members of the public are requested not to attend.

COURT OF APPEAL

Court of Appeal Office

The Court of Appeal Office is closed to the public.

All documents presented for filing with the Court of Appeal must be presented for filing by (in order of preference):

- (a) Email: courtofappeal.filing@justice.wa.gov.au;
- (b) Registered Post;

- (c) Facsimile: 08 9421 5471; or
- (d) Being placed in the secure drop box located outside the Court of Appeal Office. The secure drop box will be cleared at 12 noon and 4pm each day.

All payments required for the filing of documents must be made by credit card. A credit card authority form is available on the Court's website.

The page limits prescribed by the Practice Directions for filing by email (40 pages) and facsimile (20 pages) are suspended.

Appeal Hearings

Unless otherwise ordered, all appearances in person at appeal hearings are suspended.

Both criminal appeal and civil appeal hearings will be conducted by telephone unless all parties are represented by counsel and all counsel have access to video conferencing facilities, which may then be used.

An offender in a criminal appeal will appear by video link. If that is not practicable, then attendance is to be by telephone.

If the appeal involves the calling of witnesses, only counsel and any self-represented party must be present in the courtroom. Appropriate social distancing measures will be applied. Witnesses must appear by video link from a remote location.

Status Conferences and Directions Hearings

Unless otherwise ordered, all appearances in person at status conferences and directions hearings are suspended.

Status conferences and directions hearings will be conducted by telephone unless all parties are represented by counsel and all counsel have access to video conferencing facilities, which may then be used.

Public Access to Court 1 and Court 3

The media and members of the public may attend a hearing in the Court of Appeal, but must sit in the upstairs gallery of Court 1 or Court 3. No person will be allowed into the well of the Court except the Judges and the personal staff of the Judges who are hearing the case (and security where required).

SUPREME COURT - GENERAL DIVISION

Registry

The Registry is closed to the public.

All documents presented for filing with the Registry must be presented for filing by the Court's Electronic Document System (EDMS), if available. If EDMS is not available then (in order of preference) documents should be presented for filing by:

- (a) Email: central.office@justice.wa.gov.au;
- (b) Registered Post;
- (c) Facsimile: 08 9421 5353; or
- (d) Being placed in the secure drop box located outside the Registry on Level 11 of the David Malcolm Justice Centre. The secure drop box will be cleared at 12 noon and 4pm each day.

The page limits prescribed by the Practice Directions for filing by facsimile (20 pages) are suspended. Any requirements in the Practice Directions for prior leave to file documents by email or facsimile are suspended (in both civil and criminal matters).

Legal practitioners or parties seeking to inspect documents produced under subpoena must make arrangements in advance to avoid unnecessary attendances at the Court building (by email to central.office@justice.wa.gov.au).

Chambers Hearings, Judgment Delivery and General Division Appeals

Wherever possible, all directions hearings, case management conferences and strategic conferences will be conducted by telephone. Legal practitioners or parties involved in such hearings should contact the associate to the judicial officer before whom the matter is listed.

Wherever possible, delivery of judgment will be conducted by telephone or on the papers by prior arrangement. Arrangements will be made by the associate to the judicial officer concerned.

Wherever possible, contested chambers hearings and General Division appeals (civil and criminal) will be conducted by telephone or on the papers by prior arrangement. Arrangements will be made by the associate to the judicial officer concerned.

Mediation Conferences

Save in exceptional circumstance, no new mediations will be listed until the end of May 2020. This will be revisited prior to 1 May 2020.

Exceptional circumstances include those matters involving plaintiffs suffering from dust diseases (such as mesothelioma). Plaintiffs in those matters are also excused from attendance at mediation.

In relation to all other mediations, personal attendance at mediation hearings will not be required at the discretion of individual judicial officers. Wherever possible, arrangements will be made for attendance by telephone.

Mediations will only be conducted in larger mediation rooms that can ensure appropriate social distancing. The smaller break-out rooms are not to be used in the conduct of a mediation. If a mediation cannot be safely accommodated on the day it is presently listed, and an alternative arrangement cannot be made (for example, mediation by telephone or video link), the mediation will be adjourned to a date to be fixed.

Any request to relist a vacated mediation on an urgent basis should be made by email sent to the associate to the Principal Registrar and addressed to the Principal Registrar.

Civil Trials

Civil trials before judges will continue as listed.

Civil trials will only occur in courtrooms that can ensure appropriate social distancing. If a civil trial cannot be conducted in this way it will be vacated.

Save in exceptional circumstances, documents (other than exhibits) should not be handed up in open court. Additional documents to be provided by counsel or parties should be provided, electronically, in advance of the hearing.

Criminal Trials

The conduct of jury trials has been suspended, to be reviewed prior to 1 May 2020.

Criminal trials before judge alone will only occur in courtrooms that can ensure appropriate social distancing. If a criminal trial cannot be conducted in this way it will be vacated.

Save in exceptional circumstances, documents (other than exhibits) should not be handed up in open court. Additional documents to be provided by counsel or parties should be provided, electronically, in advance of the hearing.

ADMISSIONS

Applications for admissions should be presented for filing in accordance with the above directions.

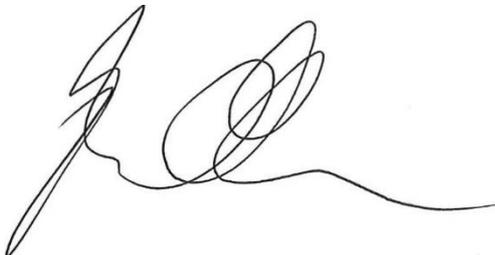
The formal admissions ceremonies scheduled for hearing on 3 April 2020 and 1 May 2020 will be deferred to a date to be fixed.

The Court will contact all those who were due to be admitted on these dates.

If an application for admission is urgent, a request may be made for it to be heard on the date that it is currently listed. To accommodate any urgent applications for admission, the Full Court may sit on 3 April 2020 and 1 May 2020. Any such sitting would be listed in the David Malcolm Justice Centre and the Court will arrange for one legal practitioner to appear as counsel to move all motions for admission. Only the applicant may attend the hearing.

The patience of all users of the Court and members of the public is appreciated.

Dated 18 March 2020.

A handwritten signature in black ink, appearing to be 'P. Quinlan', written in a cursive style.

The Hon Justice Peter Quinlan
Chief Justice of Western Australia