



DISTRICT COURT OF WESTERN AUSTRALIA

PUBLIC NOTICE - COVID-19

CIVIL JURISDICTION CHANGE IN PRACTICE

This notice applies from 6 April 2020 until further notice, subject to any order made by a judge in exceptional circumstances.

Background

The governments of Australia are rapidly shutting down all but the provision of essential services in response to the COVID-19 pandemic. The District Court provides an essential service by upholding the rule of law within its jurisdiction. That service must be balanced against concern amongst persons required to attend court (accused and witnesses), legal practitioners, court staff and members of the public about travelling to and attending court for hearings.

As COVID-19 spreads, the number of judicial officers, staff and court users available to conduct the business of the court will rapidly decline. It is important to take steps to reduce the number of court hearings and give priority to those proceedings which are viewed as essential services provided by the court. The court has decided that it should give priority to those proceedings affecting the liberty of the individual, or personal safety and well-being, or are proceedings that are time critical. Accordingly, the court will give greater priority to criminal proceedings over civil proceedings as criminal proceedings generally directly relate to the question of the liberty of the subject. Also the court wishes to conduct its hearings in such a way as to minimize the chances of spreading COVID-19. To achieve this the court will use telephone and video links in its civil proceedings where possible, in some matters conduct hearings on the papers and maximise the use of mediations.

Trials

All civil trials listed for hearing up to 3 July 2020 will be vacated except where on application the court considers there are exceptional circumstances.

A callover will be conducted on 20 April 2020 of all trials listed up to 3 July 2020. Each matter in the callover will be adjourned to a mediation before a registrar or a mediation directed under rule 35 of the *District Court Rules 2005* (unless a mediation has already occurred). Practitioners or self-represented litigants appearing at the callover must be in a position at the callover to advise the court of unavailable dates for a mediation before a registrar.



A mediation before a registrar will be conducted by telephone. Parties to the litigation must be available to provide instructions.

Civil trials currently listed after 3 July 2020 will be reviewed sometime in June 2020.

No new trials will be listed prior to 30 October 2020 provided that an application can be made to a judge for an expedited trial. An order for an expedited trial will not be made unless the judge is satisfied that the parties have exhausted all reasonable attempts to settle the matter without a trial. The applicant(s) will need to satisfy the court that the trial can be conducted in accordance with social distancing requirements under Government COVID-19 guidelines.

Appeals

All appeals listed will proceed.

All parties to an appeal will appear by telephone. Arrangements for the telephone link must be made with the associate of the judge before whom the appeal is listed no later than one business day prior to the hearing of the appeal.

The judge before whom the appeal is listed may direct that the appeal be heard on the papers and give such other directions as the judge thinks necessary for the hearing of the appeal.

Applications for compromise

All applications for compromise will be dealt with on the papers subject to an order of the court on application being made to the contrary.

All other hearings and appearances before the court

All other hearings and appearances before the court by counsel or self-represented litigants (this includes the hearing of originating summons/motions, pre-trial conferences and taxation of costs) will be by telephone link to be arranged with the associate of the judge or registrar not less than one business day before the hearing or appearance. The judge or registrar before whom the matter is listed may direct that any matter will be dealt with on the papers and give such other directions as is necessary.

Telephone links

The telephone number provided for a telephone link must be a direct line to the practitioner appearing and with quiet surroundings.



Review

The court will review from time to time, the above procedures for trials, hearings and appearances in its civil jurisdiction depending on the availability of resources.

Dated 3 April 2020

A handwritten signature in blue ink that reads "K F Sleight". The signature is written in a cursive style with a horizontal line underneath.

His Honour Judge Kevin Sleight
Chief Judge of the District Court of Western Australia