



DISTRICT COURT OF WESTERN AUSTRALIA

PUBLIC NOTICE 4 OF 2022 - COVID-19

This Notice reflected changes to COVID-19 measures announced by the State Government effective from 12:01am on Friday, 29 April 2022.

This Notice applies from Friday, 29 April 2022 to all District Court of Western Australia matters listed in the District Court Building and the District Court of Western Australia sitting in a regional court location on circuit. The provisions of this Notice apply to matters and hearings in both the civil and criminal jurisdictions of the Court, unless stated otherwise.

This Notice should be read in conjunction with [*Public Notice COVID-19 Court and Tribunal Worker \(Restrictions on Access\) Directions \(Directions\)*](#), issued by the Chief Justice of the Supreme Court of Western Australia on 31 January 2022.

This Notice supersedes Public Notice 3 of 2022 – COVID-19, issued 2 March 2022.

1. Parties, counsel and other participants in hearings, other than trial hearings, may appear in person or by video or audio link, unless otherwise ordered by the presiding judge or registrar.
2. Any person who has COVID-19 symptoms or who has tested positive for COVID-19 in the past 7 days must not enter the Court building.
3. The Chief Judge requires that, on request, all persons entering the Court provide evidence of their vaccination status for inspection by security. All persons defined as Court and Tribunal workers by the *Directions* who are not fully vaccinated or defined as an exempt person shall be refused entry.
4. If, for any reason, counsel are not permitted to enter the building and they have a matter listed, counsel must advise the associate to the presiding judge or registrar, or, if the identity of the presiding judicial officer is not known, District Court Criminal CriminalDC@justice.wa.gov.au or District Court Civil civildc@justice.wa.gov.au so that arrangements may be made to appear by video or audio link, or other arrangements made as directed by the judge or registrar.
5. Counsel are required to ask their client/s, and all counsel are required to ask proposed witnesses, whether they have been partially vaccinated, fully

vaccinated, are defined as exempt or are not vaccinated. If an accused, witness or client in a civil matter is not vaccinated or chooses not to advise counsel of their vaccination status then counsel shall advise the associate to the presiding judge or registrar, or if the identity of the presiding judicial officer is not known, to District Court Criminal CriminalDC@justice.wa.gov.au or District Court Civil civildc@justice.wa.gov.au that the person chooses not to advise of their vaccination status or is not vaccinated not less than 24 hours prior to the commencement of the proceeding.

6. The Chief Judge delegates authority to judges and registrars to enquire about the vaccination status of any person seeking to enter the courtroom or other hearing room and to make consequential orders.
7. Members of the public or other participants in the hearing may be directed not to enter the courtroom at the direction of the presiding judge or registrar.

Use of Face Masks

8. The wearing of masks is no longer mandatory but is encouraged where social distancing is not possible. This does not limit the power of a judge or registrar to require the wearing of masks during the course of proceedings if the circumstances require.

Hearings (Other than Trials and Sentencing Hearings)

For information on trials and sentencing hearings please see the information under the respective headings below.

9. Where matters are listed other than for trial or for sentencing, parties and other participants may appear in person or by video or audio link, unless otherwise ordered by the presiding judge or registrar. This applies to all hearings including (but not limited to) General Duties Lists, Trial Listing Hearings, Sentence Mention Lists, Listing Conferences, General Chambers Special Appointments etc.
10. All documents relating to the hearing must be filed electronically not less than two business days before the hearing.
11. For criminal matters, if a defence lawyer has filed a Notice of Acting on the accused's behalf the accused person may answer their bail by contacting the defence lawyer prior to the commencement of the list or by attendance at the lawyer's office prior to the commencement of the list. The lawyer

will be required to confirm as an officer of the court that the accused contacted or attended as required and is complying with all conditions of bail including confirmation that the accused's residential address is correct.

12. If a Notice of Acting has not been filed the accused person must answer their bail by attending court unless otherwise directed. An accused person on bail who is to be arraigned or who has been directed to personally attend court must appear in person.
13. Counsel for the prosecution or defence in a criminal matter or for the plaintiff or defendant in a civil matter who are appearing by video or audio link are to inform the associate to the presiding judge or registrar by email at least 24 hours prior to the hearing of their telephone number and must be available to be contacted on that number from the listing time.

Sentencing

14. Sentencing of those in custody will proceed in person or by way of video link, as ordered by the presiding judge.
15. Those on bail pending sentence should attend the Court in person for sentencing hearings unless otherwise directed.
16. Counsel should appear in person or by audio or video link.

Trials (Civil and Criminal by Jury and by Judge Alone)

17. Trials will continue to proceed wherever possible. Arrangements have been made for accused, counsel, parties, witnesses and any other participants for trial hearings to continue to appear in person as safely as possible. Bespoke arrangements for trials are at the direction of the presiding judge. Counsel should continue to make applications for witnesses to appear by video or audio link in the usual manner.
18. If bespoke arrangements for the trial need to be made, counsel must advise the associate to the presiding judge, or, if the identity of the judge is not known, District Court Criminal CriminalDC@justice.wa.gov.au or District Court Civil civildc@justice.wa.gov.au. Any potential arrangements should be flagged with as much notice as possible, but, in any event, not less than 72 hours' notice prior to the trial commencing.

19. Start times and lunch adjournments for trials may be staggered at the direction of the Chief Judge or presiding judge, where required, to allow for juror comfort and for social distancing in the lifts and public areas.
20. The Court is open to the public unless otherwise ordered by the Chief Judge or the presiding judge or registrar.
21. Due to possible health risk associated with counsel sharing robes, counsel appearing by video link at directions hearings, sentencing hearings and other non-trial criminal matters are not required to robe, but must wear business attire. For all other hearings, the Court's Practice Direction regarding court attire continues to apply.¹
22. Those appearing by video or audio link are invited to familiarise themselves with the Court's [Recommended Practices for Remote Hearings](#).

Dated 28 April 2022



Her Honour Judge Julie Wager
Chief Judge of the District Court of Western Australia

¹ Practice Direction No. 1 of the *Consolidated Practice Directions and Circulars to Practitioners*.