



## DISTRICT COURT OF WESTERN AUSTRALIA

### PUBLIC NOTICE 3 of 2021 - COVID-19

This notice applies to all criminal and civil matters listed from 8 February 2021.

#### **Background**

On 31 January 2021 the Chief Justice of the Supreme Court of Western Australia with the authority of the head of each jurisdiction published a notice advising that all trials and in person hearings listed in the week beginning 1 February 2021 were vacated and other matters were to be vacated unless alternative arrangements were made for them to continue.

On 2 February 2021 this Court issued a Public Notice setting out the arrangements applicable to criminal listings from that date to 5 February 2021.

In accordance with the post-lockdown transition period for the Perth and Peel regions (the **affected regions**) announced by the Government of Western Australia on 4 February 2021, the following arrangements apply to criminal and civil matters listed from 8 February 2021.

#### **Use of Face Masks in the District Court Building**

Supreme Court Public Notice 2 of 2021 issued on 5 February 2021 applies to the District Court. All persons attending the Court must wear masks at all times, including in courtrooms and hearing rooms, unless expressly authorised. The requirement to wear a mask applies to judicial officers, court staff, counsel, jurors and members of the public.

Exceptions to the wearing of masks will apply to certain persons for certain purposes during the course of hearings. The exceptions are:

- (i) When a judicial officer is addressing counsel, an accused person or a witness; or
- (ii) When a witness is giving evidence; or
- (iii) When counsel is asking questions of a witness or as directed by a judicial officer; or
- (iv) When either the judicial officer or counsel are addressing the jury.

The use of the above exceptions will be determined by the judicial officer presiding at each hearing.

#### **Jury Trials**

All jury trials and in-person hearings listed to commence on or after 8 February 2021 in the affected regions will proceed as listed consistent with the measures put in place when jury trials initially resumed following the 2020 lockdown. Those measures are set out in a joint Public Notice of the Supreme Court and District Court dated 15 June 2020. They are as follows:

- Modifications to the layout of courtrooms are in place to enable social distancing. The modifications include the modification of jury boxes by removing chairs and installing perspex screens between the remaining chairs.
- Some juries will be empanelled by video conference, with the judge, accused and counsel in a different courtroom. This will facilitate social distancing with the larger numbers in the jury panels.
- Jury arrangements throughout the trial will be modified to reduce public health risks, including the use of offsite deliberation rooms.
- A variety of additional public health measures have been implemented, such as notices, hand sanitiser stations, additional cleaning services and control over direction of movement.

The commencement of jury empanelment and the timing of morning and afternoon breaks will be staggered to accommodate the health interests of the jurors.

### **Sentencing Hearings**

Sentencing will proceed for an offender in custody or on bail. An offender in custody awaiting sentence must appear in person unless the presiding judge exercising his or her discretion orders the accused to appear by video link. Counsel must appear in person unless otherwise directed.

An offender on bail awaiting sentence must appear in person.

### **Directions Hearings, Pre-recording of Evidence, General Duties and Trial Listings Hearings**

Counsel should contact the Associate to the presiding judicial officer for the hearing to determine whether the hearing will be by video link, audio link or in person and to make any arrangements required for the hearing.

### **Proceedings in Court**

Unless the presiding judicial officer otherwise orders, in person attendance in the courtroom is restricted to the accused and one support person.

The Court remains open to the media.

Dated 5 February 2021



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