



DISTRICT COURT OF WESTERN AUSTRALIA

PUBLIC NOTICE 3 OF 2022 - COVID-19

ACCESS TO DISTRICT COURT OF WESTERN AUSTRALIA (OPEN BORDERS)

The purpose of this Notice is to put in place additional measures to address the unique risks posed by COVID-19 in a court or tribunal setting to ensure that the District Court can continue to provide essential services to the Western Australian community.

This Notice applies immediately to all District Court of Western Australia matters listed in the District Court Building or, where stated, 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](#), issued by the Chief Justice of the Supreme Court of Western Australia on 31 January 2022.

This Notice supersedes Public Notice 1 of 2022 – COVID-19 Access to District Court, issued 5 February 2022 and Public Notice 2 of 2022 – COVID-19, issued 17 February 2022.

1. Parties, counsel and other participants in hearings, other than trial hearings, should appear via video or audio link wherever possible, unless otherwise ordered by the presiding judge or registrar.
2. Any person who has COVID-19 like symptoms must not enter the Court building.
3. The Chief Judge requires that 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 partially vaccinated by the 5 February 2022 or fully vaccinated by 5 March 2022 or defined as an exempt person shall be refused entry.
4. If, for any reason, counsel are not permitted or required 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, to make arrangements to appear by video or audio link or other arrangements 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. Every person entering a courtroom must check in to the courtroom using the unique QR code.
7. 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.
8. 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

9. All persons attending the Court must comply with the *COVID-19 Transition (Face Covering) Directions* at all times.
10. Exceptions to the wearing of masks will apply to certain persons for certain purposes during the course of hearings as directed by the presiding judge or registrar. The exceptions include:
 - (i) When a witness is giving evidence; or
 - (ii) When counsel is asking questions of a witness; or
 - (iii) When either the judicial officer or counsel are addressing the jury; or
 - (iv) Any other circumstance requiring clear communication.

Hearings (Other than Trials and Sentencing Hearings)

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

11. Where matters are listed other than for trial or for sentencing, parties and other participants are to appear via 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.
12. All documents relating to the hearing must be filed electronically not less than two business days before the hearing.
13. 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.
14. 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.
15. 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

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

18. Counsel should appear by audio or video link, wherever possible, to reduce the number of people in the courtroom.
19. Counsel are reminded of their obligations under points 2 – 6 of this Notice with respect to sentencing hearings.

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

20. 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.
21. 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.
22. Witnesses in custody are required to give evidence by video link, unless, by order of a judge, alternative arrangements are made at least 24 hours prior to the hearing.
23. Start times and lunch adjournments for trials will 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.
24. Counsel are reminded of their obligations under points 2 – 6 of this Notice with respect to trials.

Public Access

25. While the Court remains open to the public, the Court recommends that only legal practitioners, parties, witnesses and media should attend court hearings, where absolutely required. Members of the public are requested not to attend at this time.
26. Physical attendance in courtrooms by members of the general public will be at the discretion of the presiding judge. Members of the public may be directed not to enter the courtroom.

27. If you wish to attend court proceedings as a member of the public, you are requested to please contact 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, at least 24 hours prior to the hearing. It may be that alternate arrangements are made for you to view the proceedings, for example, via video or audio link.

Court Attire

28. 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

Preparing for Electronic Hearings

29. Those appearing via video or audio link are invited to familiarise themselves with the Court's [Recommended Practices for Remote Hearings](#).

Circuits

30. For the time being, all circuit listings remain as usual. The appearance mode for counsel, parties and participants in sentencing, trial and other hearings at circuit locations will proceed at the direction of the presiding judge.

Thank you for your continued understanding and cooperation. The District Court provides an essential service. Although the extent to which the Court is able to perform certain functions may be restricted during instances of high and extremely high community transmission it is vital that the Court continues to operate to ensure that the rule of law is maintained.

Dated 2 March 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*.