



District Court of NSW & Dust Diseases Tribunal of NSW

COVID-19 Update

This update applies to all District Court venues and to the Dust Diseases Tribunal of NSW from 12 January 2022

Jury Trials

Jury trials will continue to proceed in accordance with District Court Criminal Practice Note 23. However, the following amendments are made to the Practice Note:

- Paragraph 6(b) is deleted and replaced by the following:

“all court participants are to undergo rapid antigen screening (RAS) prior to the commencement of the trial and on **every second day** of the trial or as otherwise required by the Sheriff of NSW.”

- Paragraph 58 is deleted and replaced by the following:

“A member of the media may not attend Court in person. Should a member of the media wish to view a trial, attendance will be permitted by use of the virtual courtroom. The link to the virtual courtroom may be provided on request made by email to the Court’s media liaison officer mediadistrictcourt@justice.nsw.gov.au All such requests will be subject to orders made by the Trial Judge concerning the conduct of the trial.”

Judge Alone Trials

Judge Alone Trials will continue to proceed in accordance with paragraphs 54 and 55 of District Court Criminal Practice Note 23. However, **all court participants will now be required to undergo rapid antigen screening (RAS) prior to the commencement of the trial and on every second day of the trial or as otherwise required by the Sheriff of NSW.**”

Sentence Proceedings

District Court Criminal Practice Note 25 is temporarily suspended and there will be no personal appearances in sentencing proceedings. Sentence proceedings are to be heard by use of the virtual courtroom, until further notice. However, the Court is aware that in some cases, the Sentencing Judge will require the parties to be physically present in the courtroom. **In such a case, the associate of the**

Sentencing Judge will notify the parties that their physical presence is required.

Mask Wearing

The Court emphasises that the wearing of face masks is mandatory for all court participants.

Priority PCR Testing Letters Will No Longer Be Provided

During the last two years, the Court has provided “essential service worker” letters for priority PCR testing for court participants. As these letters no longer provide any priority for PCR tests and the efficacy of RAS has been recognised by Health NSW, **priority PCR testing letters will no longer be provided by the Court.**

Any court participant may request a RAS which will be provided in conjunction with the Sheriff of NSW.

Trials and Sentence Hearings of WHS Prosecutions

District Court Criminal Practice Note 24 is temporarily suspended and there will be no personal appearances in WHS matters. WHS matters are to be heard by use of the virtual courtroom until further notice.

Local Court Appeals, Bail Applications, Matters for Mention and Readiness Hearings

There will continue to be no personal appearances in Local Court appeals, bail applications, matters for mention and readiness hearings. Such matters will continue to be dealt with by use of the virtual courtroom or where appropriate in Chambers electronically.

Civil Proceedings

Practice Note DC (Civil) No 16 is temporarily suspended and there will be no personal appearances in civil proceedings. All civil matters are to be heard by use of the virtual courtroom until further notice.

Should a member of the media or member of the public wish to view a civil trial, attendance will be permitted by use of the virtual courtroom. The link to the virtual courtroom may be provided on request made by email to the Trial Judge’s associate. All such requests will be subject to orders made by the Trial Judge concerning the conduct of the trial.

Dust Diseases Tribunal of New South Wales

Practice Note DDT No 1 of 2021 is temporarily suspended and there will be no personal appearances in the Dust Diseases Tribunal of NSW. All matters are to be heard by use of the virtual courtroom until further notice.

12 January 2022