



Protocol – Court Operations – COVID-19

1. GUIDING PRINCIPLES

1.1. Health and wellbeing of court users remains paramount consideration

The health and wellbeing of all court users – litigants, legal profession, judges, judicial and registry staff, and members of the public and media – remains the paramount consideration. The court will continue to follow and observe government health advice and may vary court procedures at short notice to respond to changing conditions.

The court will continue to take all reasonable steps and precautions to minimise the risk of transmission of COVID-19. This document is intended to identify known risks and outline the court’s mitigation strategies for those risks.

1.2. Limiting court attendance remains necessary

This protocol is intended to provide guidance regarding court attendance. However, the court recognises that continuing to limit the number of people within the court precinct inhibits the spread of COVID-19 in the community and reduces the risk to all court users.

The court intends to have a staged return, commencing with some civil matters returning to the court from Monday, 1 June 2020 and jury trials from Monday, 29 June 2020. As government restrictions are eased, the court will make adjustments proportionate to the new level of restrictions.

The court will continue to monitor and assess matters before the court and some matters may remain in the virtual courtroom environment. Others will be suitable for a hybrid model, where part of the proceedings may occur face-to-face within the courtroom, and other parts are conducted by virtual courtroom methods. Finally, some matters will be deemed suitable for face-to-face hearings within a courtroom.

1.3. Personal actions to help protect ourselves, and others

Each of us can help slow the spread of COVID-19. To protect ourselves and others we must practise good hygiene and practise physical distancing.

Physical distancing and limits on the size of gatherings within the courtroom, and within the court precinct, are likely to remain in place for some time. As government health advice is updated the number of people permitted within the courtroom and court precincts may vary.

If you are unwell do not come to court. Symptoms of COVID-19 include fever, coughing, shortness of breath, fatigue, a sore throat. If you are unwell call the Coronavirus helpline or seek medical assistance or get tested.

1.4. Health information and additional resources

Links to additional resources, and the latest health information and advice, are provided at the end of this document.

2. CLEANING AND HYGIENE

2.1. Cleaning

Law Courts Limited, responsible for the Law Courts building, Queens Square, has employed additional cleaning staff to ensure compliance with the COVID-19 cleaning and disinfecting measures outlined by Safe Work Australia and the Commonwealth Department of Health, and general health and safety cleaning requirements.

The additional cleaning and disinfecting focusses on 'high traffic' surfaces, such as: lift buttons and handrails, door handles, bathrooms, bench and bar tables in courtrooms, and meeting rooms in public areas. In addition to standard detergents, hospital grade cleaning disinfectants are being used to disinfect all surfaces.

The additional staff are onsite throughout the day moving continuously throughout the building. The cleaning teams operate throughout normal business hours and in the evening.

Building management controls and monitors the work to ensure compliance with the cleaning standards and coverage throughout the building. Cleaning staff have also received additional training regarding health and hygiene practices, including their own health and safety.

Cleaning staff will also respond to any new incidents that arise. If you see something that requires prompt attention please inform a member of staff or a member of the court security team on the ground floor.

2.2. Heating, ventilation and air conditioning

The Law Courts Queen Square air conditioning system is running on outside (fresh) air where possible to minimise the re-circulation of air internally.

A combination of air filters are used throughout the building. Although not essential or required, for abundant caution filters have been replaced throughout the building.

2.3. Availability of hand sanitiser, soap and water

Hand sanitiser is available as you enter the building, and on each floor as you exit the lift. There are public bathrooms on each floor providing access to soap and water.

Hand sanitiser is also available on the bar table. Legal practitioners and litigants are encouraged to use the hand sanitiser before and after handling documents. Hand sanitiser is also available in the courtroom for judges and judicial and registry staff.

3. SITE SPECIFIC REQUIREMENTS AND ACTIONS

3.1. Site assessment

Law Courts Limited has engaged Amtec Disaster Recovery to undertake a full assessment of the Law Courts building, Queens Square. The assessment methodology will be replicated for the King Street, Hospital Road, and Darlinghurst courts.

Stage 1 of the process is an assessment of the entire building – each room, courtroom etc. – and an assessment of foot traffic, pathways, lifts, seating within the building and within rooms, and information regarding signage and communication.

In stage 2 Court Operations staff and building management will complete the implementation of the reports – signs and visual markings, including floor markings, throughout the building.

In stage 3 Amtec will return to each court location to complete a quality control assessment of the implementation works completed.

Law Courts and Hospital Road will be completed by the end of May 2020 with Darlinghurst and King Street courts to be completed by Friday, 5 June 2020.

3.2. Thermal scanning

Thermal scanning will be rolled out progressively at court locations across NSW, including the Supreme Court. Thermal scanning will be under the direction and control of the Office of the Sheriff of NSW.

Following amendments to the *Court Security Act 2005*, security officers will use thermal imaging scans or contactless thermometers to check the temperatures of people entering or on court premises.

Security officers will be able to ask individuals who are entering the court questions relating to whether they are experiencing symptoms of COVID-19.

Security officers will be able to refuse entry to court premises if a person refuses a temperature check or refuses to answer questions about their health or if they exhibit or report signs of illness that are common symptoms of COVID-19.

Security officers will be required to notify the court if a person has been refused entry.

3.3. Ground floor entrance - public

Requirements

- Decals/stickers on the floor indicating appropriate physical distancing points
- Floor markings near the scanners to indicate where to wait
- Seats in waiting areas to be appropriately spaced, removed, or clearly marked if not to be used and cannot be removed
- Hand sanitiser available
- Relevant notices / instructions clearly visible
- People only to proceed through scanners when indicated to do so by security staff.
- Security staff to monitor the lift lobby area to ensure physical distancing can be maintained. If the lift lobby area is full, scanning will be temporarily halted

- During busy periods the queue may extend beyond the building perimeter. Signs will be placed within the building, facing out, with physical distancing reminders.

3.4. Ground floor entrance – court staff:

- Court staff to enter through main entrance and proceed through separate scanner. No scanning to occur provided court ID shown / clearly displayed.

3.5. Ground floor – Judges’ entrance

- Hand sanitiser available
- Limit of two people per lift. Occupants to exercise physical distancing in the lift (stand in opposite corners)
- Notices in the lifts concerning physical distancing
- Notices outside the lifts advising of maximum numbers in the lift.

3.6. Public lifts

- Limit of two people per lift. Occupants to exercise physical distancing in the lift (stand in opposite corners)
- Notices in the lifts concerning physical distancing
- Notices outside the lifts advising of maximum numbers in the lift
- Do not enter the lift if it is already occupied by two people.

3.7. All public levels / courtrooms

- Hand sanitiser available on exiting the lift
- Signs on each courtroom advising maximum occupancy numbers
- Signs on each meeting room advising maximum occupancy numbers
- Signs on each bar table indicating the maximum number of people permitted at the bar table(s)
- Hand sanitiser available in each courtroom (judge’s bench, associate’s bench, bar table)
- Document protocol for documents being handed up / exchanged. Use hand sanitiser before and after touching documents. Refrain from touching your face. Wash hands with soap and water when convenient to do so.

3.8. Public registry – level 5

- Hand sanitiser available on exiting the lift and within the public registry space
- Sneeze guards / screens on the public counter, duty registrar room and room occupied by the Justice of the Peace volunteer
- Document protocol for documents being handed up / exchanged. Use hand sanitiser before and after touching documents. Refrain from touching your face. Wash hands with soap and water when convenient to do so.
- Discourage physical attendance. Encourage use of online registry, online court, phone, email and the call centre.

3.9. Conference room level 5

- Hand sanitiser available
- Signs on each door advising maximum occupancy numbers

- Seating to be reduced / appropriately spaced within the conference room
- Table to be marked (non-permanent) to indicate the appropriate spacing between each person.

3.10. Meeting room level 5

- Hand sanitiser available
- Signs on each door advising maximum occupancy numbers
- Seating to be reduced / appropriately spaced within the meeting room
- Table to be marked (non-permanent) to indicate the appropriate spacing between each person.

3.11. Judges' consultation room – level 13

- Hand sanitiser available
- Signs on the entrance door advising maximum occupancy numbers
- All seating to be reduced / appropriately spaced within the meeting room
- Table to be marked (in a non-permanent manner) to indicate the appropriate spacing between each person.

3.12. Dining room – level 13

- Hand sanitiser available
- Signs on the entrance door advising maximum occupancy numbers
- Any seating to be appropriately spaced within the room
- Any tables to be marked (in a non-permanent manner) to indicate the appropriate spacing between each person.

3.13. All other meeting spaces

- Hand sanitiser available on that floor
- Signs on each door advising maximum occupancy numbers
- All seating to be reduced / appropriately spaced within the meeting room.

3.14. Judges' chambers and judicial staff offices

- Hand sanitiser available
- Limit visitors to chambers
- Observe physical distancing within chambers

3.15. Physical distancing within courtrooms – courtroom capacity

The table below notes the **functional capacity** for each courtroom. The functional capacity of each courtroom is assessed by initially calculating the maximum capacity, based on 1 person per 4 square metres, and then considering the configuration of furniture and joinery, bench and bar tables, within each courtroom. After executing the physical distancing guidelines the functional room space is calculated. All room signs indicate the functional capacity of the space.

| Courtroom | Functional Capacity | # Judicial Officers | Legal Practitioner capacity | Public Seating | AVL facilities available |
|-------------|---------------------|---------------------|-----------------------------|-----------------------------------|--------------------------|
| Banco | 61 | 5 | 2 x 4 = 8 | 42 | |
| 13A | 21 | 5 | 2 x 3 = 6 | 12 | |
| 12A | 21 | 3 | 2 x 3 = 6 | 4 | |
| 12B | 14 | 1 | 1 x 4 = 4 | 4 | |
| 12C (Pres.) | 23 | 3 | 2 x 3 = 6 | 6 | |
| 12D | 24 | 3 | 1x3, 8x2 = 19 | 6 | |
| 11A | 22 | 1 | 2 x 3 = 6 | 8 | |
| 11B | 15 | 1 | 1 x 4 = 4 | 4 | |
| 11C | 18 | 1 | 2 x 4 = 8 | 3 | |
| 11D | 21 | 1 | 1 x 4 = 4 | 8 | |
| 11E | 18 | 1 | 2 x 4 = 8 | 4 | |
| 10A | 22 | 1 | 2 x 3 = 6 | 8 | |
| 10B | 14 | 1 | 1 x 4 = 4 | 3 | |
| 10C | 19 | 1 | 2 x 4 = 8 | 4 | |
| 10D | 20 | 1 | 1 x 4 = 4 | 8 | |
| 10E | 19 | 1 | 2 x 4 = 8 | 4 | |
| 9A | 21 | 1 | 2 x 3 = 6 | 8 | |
| 9B | 13 | 1 | 1 x 3 = 3 | 4 | |
| 9C | 17 | 1 | 2 x 3 = 6 | 4 | |
| 9D | 34 | 3 | 1x3, 8x2 = 19 | 6 | |
| 8A | 21 | 1 | 2 x 3 = 6 | 7 | |
| 8B | 16 | 1 | 1 x 4 = 4 | 4 | |
| 8C | 19 | 1 | 2 x 4 = 8 | 4 | |
| 8D | 29 | 1 | 2 x 3 = 6 | 12 | |
| 8E | 24 | 1 | 2 x 3 = 6 | 9 | |
| 7A | 23 | 1 | 2 x 3 = 6 | 8 | |
| 7B | 15 | 1 | 1 x 4 = 4 | 5 | |
| 7C | 15 | 1 | 2 x 4 = 8 | 5 | |
| 7D | 20 | 1 | 2 x 3 = 6 | 6 | |
| 7E | 16 | 1 | 1 x 4 = 4 | 4 | |
| 7F | 13 | 1 | 1 x 2 = 2 | 4 | |
| 1A | 16 | 1 | 1 x 2 = 2 | 6 | |
| Hosp Rd 1 | 17 | 1 | 2 x 2 = 4 | 6 | |
| Hosp Rd 2 | 18 | 1 | 1x3, 1x2 = 5 | 8 | |
| Hosp Rd 3 | 20 | 1 | 1x3, 1x2 = 5 | 9 | |
| Hosp Rd 4 | 19 | 1 | 1x3, 1x2 = 5 | 7 | |
| Hosp Rd 5 | 21 | 1 | 1x3, 1x2 = 5 | 8 | |
| Hosp Rd 6 | 22 | 1 | 1x3, 1x2 = 5 | 10 | |
| King 1 | 26 | 1 | 2 x 2 = 4 | Variable depending upon court use | |
| King 2 | 18 | 1 | 1 x 3 = 3 | | |
| King 3 | 31 | 1 | 1 x 3 = 3 | | |
| King 5 | 16 | 1 | 1 x 3 = 3 | | |
| St James Rd | 22 | 1 | 2 x 3 = 6 | | |
| D'hurst 1 | 31 | 1 | 2 x 2 = 4 | | |
| D'hurst 2 | 38 | 1 | 2 x 2 = 4 | | |
| D'hurst 3 | 39 | 1 | 1 x 2 = 2 | | |
| D'hurst 4 | 19 | 1 | 1 x 3 = 3 | | |
| D'hurst 5 | 42 | 1 | 1 x 2 = 2 | | |
| D'hurst 6 | 27 | 1 | 1 x 3 = 3 | | |
| D'hurst 7 | 22 | 1 | 1 x 3 = 3 | | |

3.16. Judicial and registry staff in the courtroom

Each court will also accommodate 1 Associate per judge, 1 Tipstaff per judge, 1 Court Reporter, and where necessary 1 Court Officer.

4. JURY TRIALS AND JURY MANAGEMENT

The Supreme Court hopes to recommence jury trials from Monday, 29 June 2020.

Potential jurors will receive a summons from the Office of the Sheriff NSW and attend the Downing Centre for initial registration. Office of the Sheriff will put in place physical distancing protocols for the initial registration process.

Potential jurors may be summoned over a number of days, to limit the total number of potential jurors being processed at one time. For example, for a matter commencing on a Monday, groups may be summoned on Wednesday, Thursday and Friday the week prior. Those groups would then be processed and the remaining potential jurors asked to return for jury service on the Monday.

Upon completion of the registration process potential jurors will travel to either King Street or Darlinghurst.

Due to physical distancing limitations at King Street and Darlinghurst some members of the group may remain at the Downing Centre to be called upon, if required.

4.1. King Street

The King Street empanelment court will be Court 5. The potential jurors will be seated within in the Alexander Dawson room and the large space between the Alexander Dawson room and Court 5 – observing physical distancing.

The courtroom sound and vision will be displayed on screens visible in the Alexander Dawson room, allowing all potential jurors to see and hear the usual empanelment process. If the sound and vision cannot be displayed in the Alexander Dawson room a second courtroom can also be used for the empanelment process.

If the empanelment process exhausts the available pool of potential jurors before selecting 12 jurors, additional potential jurors may be called from the Downing Centre.

Once 12 jurors have been selected the court will adjourn from Court 5 and reconvene in the trial court.

Trial courts and jury deliberations rooms will be:

- Trial court: King Street Court 1. Jury deliberation room: Old Banco and Court 1 jury deliberation room adjacent to Old Banco
- Trial court: King Street Court 3. Jury deliberation room: King Street Court 2 and Court 2 jury deliberation room

4.2. Darlinghurst

The Darlinghurst empanelment court will be Court 3. The potential jurors will be seated within the courtroom observing physical distancing. Where a matter is currently underway in Court 3 it will be required to adjust its listing on the day another matter commences at Darlinghurst to accommodate the jury empanelment process.

If the empanelment process exhausts the available pool of potential jurors before selecting 12 jurors, additional potential jurors may be called from the Downing Centre.

Once 12 jurors have been selected the court will adjourn from Court 3 and reconvene in the trial court.

Trial courts and jury deliberations rooms will be:

- Trial court: Darlinghurst Court 1 (or 2). Jury deliberation room: Darlinghurst Court 2 (or 1) together with the related jury deliberation room for that courtroom.
Note: trial courtrooms are interchangeable as both are similar. Court 2 can accommodate four accused, whereas Court 1 can accommodate two accused. Court 1 has a slightly more favourable layout for jury placement and may be preferred as the trial court where there are only one or two accused. Court 2 will be used as the trial court where there are three or four accused.
- Trial court: Darlinghurst Court 3 (two accused). Jury deliberation room: Darlinghurst Court 5 and Darlinghurst Court 5 jury deliberation room

4.3. Parramatta (Sydney West Trial Courts)

Potential jurors will receive a summons and attend Parramatta Justice Precinct for initial registration.

The final Parramatta jury process will be determined in consultation with the District Court of NSW and the Office of the Sheriff of NSW.

Trial courts and jury deliberations rooms will be:

- Trial court: Parramatta Court 5 (or 6). Jury Deliberation room: Parramatta Court 6 (or 5) together with the related jury deliberation room for that courtroom.

4.4. Newcastle

Potential jurors will receive a summons and attend the Newcastle Court precinct for initial registration, as outlined on the jury summons.

The final Newcastle jury process will be determined in consultation with the District Court of NSW and the Office of the Sheriff of NSW.

Trial courts and jury deliberations rooms will be:

- Trial court: Newcastle Court 6.1 (or 6.2). Jury deliberation room: Courtroom 6.2 (or 6.1) together with the related jury deliberation room for that courtroom.

4.5. Additional requirements

Additional temporary furniture (small tables etc.) will be provided to allow jurors that are seated in areas currently without tables to write and take notes.

4.6. Thermal scanning of jurors

The Office of the Sheriff will be conducting thermal scanning each day.

4.7. Jurors that are unwell

If a juror is unwell and has symptoms of COVID-19, they should be tested.

The court recognises that trials may be delayed by at least two days due to the testing process and the need to self-isolate whilst testing occurs and results are obtained.

Additional days may be required if the juror is still unwell, as seasonal 'flu presents with similar symptoms.

5. CIVIL PROCEEDINGS

5.1. Staged return of civil proceedings

As government advice on community restrictions changes, the court will permit litigants and their legal representatives to return to the court.

This will be a staged return:

- Stage 1 [One courtroom per floor, in addition to those being used for remote hearings. Matters involving 2 parties, limited number of witnesses, small number of legal professionals, matters involving interpreters]
- Stage 2 [matters involving multiple parties, multiple witnesses]
- Stage 3 [directions hearings, judges' and registrars' lists, court annexed mediations face-to-face]

Stage 1 will commence on Monday, 1 June 2020. The commencement dates of stages 2 and 3 will be determined by the prevailing health advice.

5.2. Case management

Matters will be case managed to ensure the minimum number of people in the building and within each courtroom. Hybrid hearings, utilising the court's audio visual links, would allow, for example, submissions via video link and witnesses to give evidence in person. This will be determined on a case-by-case basis by the judicial officer hearing the matter.

5.3. Start and finish times, and court breaks

In order to reduce congestion within the building, and minimise groups of people gathering and waiting for lifts, the start and finish times of court matters will vary from the standard court hours. This includes the timing of court breaks during the day.

The start and finish time will be communicated three business days ahead of the court hearing by the court registry. Matters will be staggered at 15 minute intervals, commencing from 9:00am. Matters that commence later in the day may continue to sit until 5:00pm.

A mechanism will be in place with the NSW Bar Association and Law Society of NSW to attempt to minimise disruption to barrister's and solicitor's family and personal commitments.

5.4. Litigants and legal practitioners in court

The capacity of each courtroom has been assessed according to the physical distancing guidelines. The reduced capacity necessitates a reduced number of people in the courtroom and it will be necessary, in some matters, to limit the size of legal teams attending court and the number of clients/litigants in court.

Additional members of legal teams, additional clients (other than those in court directly instructing the legal team) can attend via audio visual link where the court is suitably equipped.

5.5. Court-annexed mediations

Mediations will be conducted via MS Teams or telephone links initially. Mediations will commence at 11:00am through all stages.

During Stage 2 face-to-face mediations will only be permitted at the discretion of the presiding mediator and will be determined on a case-by-case basis.

Face-to-face mediations will recommence for most matters from Stage 3. The audio visual technology will remain available for parties that wish to use it.

In face-to-face mediations there will be no opening or joint sessions. Participants in private sessions will be limited to one legal representative, one client and the mediator. Others wishing to participate may do so using the court's audio visual technology.

5.6. Examinations

Examinations will commence at 11:00am.

During Stages 1 and 2 examinations will be conducted via a hybrid of personal attendances and the court's audio visual links. The number of people in the examination will be restricted to one legal practitioner conducting the examination, the examinee, and one legal representative for the examinee. All other participants will appear by video link.

5.7. Duty Registrar service

Duty Registrar services will continue to be 'digital first', offering services via email and telephone.

Face-to-face Duty Registrar services will recommence when the public registry reopens. The Duty Registrar will determine, on a case-by-case basis, whether a personal interview is necessary.

Only two clients will be permitted to attend a face-to-face interview.

5.8. Virtual courtrooms – Court Security Act

The *Court Security Act 2005 (NSW)* continues to apply to all hearings, including those occurring using the virtual courtroom technology. In particular section 9 and section 9A prohibit recording sound images or using a device to transmit sound or images, without approval.

Everyone participating in a virtual courtroom hearing should observe all normal court protocols and standards.

Additional information regarding the virtual courtroom is available from the Supreme Court website.

6. REGISTRY AND OTHER ARRANGEMENTS

6.1. 'Digital first' for the registry

The court encourages the use of the online registry for filing documents (or via email, where online filing is not currently available) and use of online court, phone, email and the call centre.

Further announcements will follow regarding the reopening of the public registry.

6.2. Open justice and the media

The court continues to review all operations with a view to maintaining open justice, consistent with the current constraints and health advice.

Members of the public are strongly encouraged not to attend court at this time and to continue to avoid all non-essential travel.

Media are an essential service and can attend court to observe and report on matters before the court. Members of the media can contact the court's Media Manager for additional information and assistance.

6.3. Victims and support people

The court supports and upholds the Charter of Victims Rights.

Information concerning the prosecution and trial of an accused will be provided by the prosecution.

You can still attend court. However, due to physical distancing requirements the availability of public seating in all courtrooms is considerably reduced. If you wish to attend court but have concerns about public seating or other aspects of the hearing please contact the court registry for further assistance.

6.4. Vulnerable groups

Some people are at greater risk of more serious illness with COVID-19:

- Aboriginal and Torres Strait Islander people 50 years and older with one or more chronic medical conditions
- People 65 years and older with one or more chronic medical conditions
- People 70 years and older
- People with compromised immune systems

The Australian Health Protection Principal Committee advice is that there is limited evidence at this time regarding the risk in pregnant women and so, at present, pregnant women are not included on the vulnerable list.

Anyone within one of these groups that has a matter before the court, or is required to attend court, should inform the court and their legal representative at the earliest opportunity for further assistance.

6.5. Water in the courtroom

The court will not be providing jugs, glasses or water in the courtrooms. You may bring your own water container. Water is available on each floor to fill personal water containers.

7. ADDITIONAL INFORMATION AND RESOURCES

7.1. Coronavirus specific resources

For further information:

- Ring the national coronavirus Hotline on 1800 020 080
- Download the Coronavirus Australia app

To assist with contact tracing:

- COVIDSafe app

7.2. Websites

- Commonwealth Department of Health www.health.gov.au
- NSW Department of Health www.health.nsw.gov.au
- NSW Government, COVID-19 information www.nsw.gov.au/covid-19
- Safe Work Australia www.safeworkaustralia.gov.au/covid-19-information-workplaces

7.3. Victim Services

- For access to counselling and financial phone Victims Access Line: 1800 633 063
- Aboriginal Contact Line: 1800 019 123

7.4. Mental health services

Lifeline

A confidential service providing support to anyone in Australia who is feeling overwhelmed, having difficulty coping, or thinking about suicide.

- Telephone: 13 11 14
- Text: 0477 13 11 14
- Website: www.lifeline.org.au

Beyond Blue

A telephone support service providing free, immediate, short-term counselling and advice for those feeling worried or struggling to cope during the coronavirus pandemic.

- Telephone: 1800 512 348

Lifeline for Lawyers

A confidential service available to any NSW solicitor experiencing crisis or distress, or who needs someone to talk to.

- Telephone: 1800 085 062

LawCare

A professional and confidential referral service for solicitors and their immediate family members.

- Telephone: 0416 200 788

BarCare

An independent professional counselling service designed to assist Bar Association members to manage stress-related problems.

- Email: jhouen@barcare.org

7.5. Getting to court – public transport

Transport for NSW indicates it has increased cleaning on trains, buses, ferries, light rail and the metro with a daily focus on hard surfaces in high-traffic areas, including hand rails and Opal card and ticketing systems.

Practise good hand hygiene by washing your hands regularly. Cover any sneezes or coughs with your inner elbow or with a tissue that is then discarded. Avoid close contact with other people at stops, stations and on board services. Use Opal and contactless payments where possible.

Always stay home if you are sick.