



Supreme Court of New South Wales

Supreme Court Revised COVID Protocols

Effective from 2 May 2022 and superseding previous COVID Protocols

Audio visual and live hearings

The Court will continue to list up to four matters per floor of the Queen's Square building to proceed by way of live hearing (including appeals and examinations) with King Street, St James Road, Darlinghurst and Hospital Road courtrooms also being utilised for live hearings.

Unless notified in advance by the Court, the parties should assume that substantive hearings and contested matters including bail applications, contested motions and contested directions hearings before judges will proceed by way of live hearing with staggered listings as far as possible.

Should there be any difficulty with legal representatives, or self-represented litigants, attending an in person hearing for COVID or other health related reasons, it will remain open to make an application, by email to the Associate to the List Judge or the Chief Judge of the Division (in the case of final hearings), for the matter to proceed by telephone or audio-visual link. Any such application should be made as early as possible and contain a clear statement of the basis for the application. The legal representatives of the other side must be copied into any such application.

The following matters will proceed via AVL only until the Court announces otherwise:

- Registrars' Lists; and
- Judges' Lists for uncontested matters (noting that where there are proposed consent orders, these should ordinarily be sent through to the Associate to the List Judge in word format well in advance of any directions hearing).

Duty Judge

Unless the Duty Judge determines to the contrary, all Duty Judge matters will proceed via AVL.

The position with regard to Duty Judge matters will be reviewed at the end of June.

Vaccination status

All persons attending a hearing in person are to be at least double vaccinated or to hold a documented valid medical exemption. The onus will be on the solicitors for the parties to make enquiries of all their participants and confirm their vaccination status to the court.

Evidence of at least double vaccination or documented valid medical exemption is a condition of entry to any Supreme Court hearing. Failure to provide evidence of vaccination or documented valid medical exemption may result in entry to the Court being refused.

Masks

Masks are to be worn in all public spaces. Masks are to be worn by everyone in the courtroom with the exception of the judge and those speaking and, with the leave of the judge, any person with a documented valid medical exemption from wearing a mask.

QR Codes

Everyone attending Supreme Court premises can continue to check-in using the available QR codes but this is not mandatory.

Courtroom capacity

Courtrooms will generally be assessed using the formula of 1 person per 2 square metres. Courtroom capacity numbers are displayed on each courtroom door and other public spaces. This does not apply to ceremonial sittings in the Banco Court or List court rooms although staggered timing will apply to Lists and hearing times as far as possible.

Open justice and media

Courtrooms are open to media and the public, subject to courtroom capacity and vaccination status as noted above. AVL links will generally and where possible remain available from the Media Manager. Members of the public wishing to view a matter remotely should contact sc.enquiries@justice.nsw.gov.au.

Registry - public counter

The Supreme Court public counter will operate from 9:00am – 5:00pm. Details regarding online filing and online registry services are available from the Court's website.

Masks must be worn whilst attending the registry and in all public spaces subject to documented valid medical exemption.

Mediations

The Court will continue to offer both face-to-face mediations and virtual mediations utilising the court's AVL equipment. The parties' request (for a face-to-face or virtual mediation) will be accommodated where appropriate to do so.

Masks are to be worn by everyone in the mediation with the exception of the mediator and those speaking.

Regional locations

Similar arrangements will apply for all Supreme Court matters in regional locations, subject to local variations.

Review

These protocols operate from Monday 2 May 2022 until further notice. They may change at short notice due to further COVID-19 rules announcements by the NSW Government or further risk assessments completed by the Court.

Criminal trials other than Bail

Refer to the attached document titled 'Protocol for Criminal Proceedings' and available on the Court's website.

Air filters

The Court has upgraded and is continuing to upgrade air filters in the air-conditioning units and is taking steps to install additional standalone filters in courtrooms used for Lists.

The Honourable A S Bell

Chief Justice

29 April 2022