

SUPREME COURT OF TASMANIA

PRACTICE DIRECTION

No 1 of 2022

19 January 2022

ARRANGEMENTS RELATING TO COVID-19

This practice direction is published at the direction of the Chief Justice, the Honourable Justice Alan Blow AO.

Alternatives to face-to-face appearances

The Supreme Court of Tasmania is taking steps in response to the COVID-19 pandemic. In both the criminal and civil jurisdictions, to the greatest extent possible, cases will be dealt with without face-to-face appearances.

Judges may preside in cases without entering a courtroom, participating by some form of audio visual link, or by telephone.

As a general rule, legal practitioners will be permitted to appear in Court by means of audio visual technology or by telephone. Land lines should be used in preference to mobiles.

So far as possible, steps will be taken to avoid the need for accused persons to attend Court.

All of the arrangements set out below will apply unless a judge directs otherwise in a particular case.

All of these arrangements will be kept under constant review.

Video link proceedings

Video links not involving persons in custody will ordinarily be conducted using Microsoft Teams. An invitation to attend via Teams will be emailed to the relevant practitioners.

Video links involving persons in custody can only be conducted using the Court's Polycom/RealPresence AV facilities in Hobart, Launceston and Burnie. At present it is not possible for anyone outside the Department of Justice network to use Polycom/RealPresence. Until a new video border proxy is installed, hopefully during March, defence counsel and others without access to the Department's network will therefore be able to participate in proceedings involving prisoners only by telephone or by attending Court in person. Participation by telephone is encouraged. The profession will be notified when the restrictions on video links cease.

Practitioners' communication resources

All practitioners intending to participate in proceedings in the Court must provide details of their communication resources to the Court. The information required is as follows:

Practitioner's email address.

Practitioner's direct land line number.

Practitioner's mobile phone number.

Practitioner's audio visual communication resources (eg Microsoft Teams, Zoom or video link facilities).

Practitioners should email this information to supremecourt@supremecourt.tas.gov.au.

Contact details of accused persons

Practitioners are requested to provide the mobile phone numbers and other contact details of clients with matters pending in the criminal court. These details should be emailed to the associate of the judge before whom each client's matter is next listed.

Bail cases

The judges will continue to hear bail appeals and bail applications as expeditiously as possible.

Bail applications may be lodged electronically at: supremecourt@supremecourt.tas.gov.au

Prisoners will not be brought to Court unless a judge directs otherwise.

Written materials to be relied upon by the Crown must be emailed to the associate of the judge hearing the case, and to the prison [TPSWarrants@justice.tas.gov.au]. Arrangements have been made for these materials to be printed at the prison and handed to the appellant or applicant. The materials in question include summaries of pending charges, complaints, records of proceedings, facts for the prosecutor, and records of prior convictions.

Criminal matters currently listed

No jury trials will be listed until at least 15 March 2022 in Hobart, Launceston or Burnie.

A large number of matters are listed for 31 January in Hobart, Launceston and Burnie. The staff of the Director of Public Prosecutions will arrange for bail consent letters to be provided for as many accused persons as possible pursuant to s 7(3A) of the *Bail Act* 1994.

Matters confirmed as trials

All matters confirmed as trials will be adjourned for directions hearings on 23, 24 or 25 February 2022. Non-custody matters will be listed for 10am on one of those days. Custody matters will be listed for 2.15pm on 23 February in Hobart, 24 February in Launceston, and 25 February in Burnie. Custody matters mentioned on 31 January will be adjourned to those dates.

Proceedings other than trials

Some committals for sentence, disputed facts hearings, and other miscellaneous criminal matters (including applications relating to breaches of sentencing orders) will be listed on 7, 14, 15 or 21 February for directions as to hearing dates, and as to whether or not counsel will be required to appear in person. No Hobart matters will be listed on 14 February, which is Hobart Regatta Day.

The judges will continue to deal with pleas of guilty, when they are ready, as much as possible. Otherwise steps will be taken to identify and adjourn as many cases as possible.

At times, information about the progress of a case will be obtained by a judge's associate by email, a new listing date will be arranged through an exchange of emails, and the Crown will be asked to provide a bail consent letter.

In some matters a judge will conduct a telephone directions hearing (which the accused person need not attend), discuss the case with counsel, and re-schedule the next listing of the matter.

Prisoners pleading guilty

The judges will continue to deal with pleas of guilty by persons in custody. The arrangements will vary from case to case, as considered appropriate by the presiding judges. Prisoners pleading guilty will not be brought to Court unless a judge so directs.

Pleas of guilty by persons on bail

The judges will continue to deal with some pleas of guilty by accused persons who are on bail. Arrangements will be made on a case by case basis in the discretion of the sentencing judges.

Pre-recording of evidence

The pre-recording of evidence under the *Evidence (Children and Special Witnesses) Act 2001* will proceed. These cases will continue to be managed by individual judges at directions hearings. Any queries should be directed to the associate of the judge responsible for the management of the case.

Robes

When practitioners are appearing in courtrooms, the Court's usual practice as to the wearing of robes and wigs will continue to apply, even if the judge is not in the courtroom. Practitioners appearing by any form of audio visual link need not robe, but must wear business attire. Judges participating by audio visual link will normally wear business attire, but may wear robes.

Transportation of prisoners

Unless otherwise directed, prisoners will not be required to be transported to Court. Video links will be arranged to the places where they are held. The Court has been advised that any prisoners who are brought to Court will be required to spend 14 days in quarantine upon returning to the prison.

Listing times

Steps may be taken to stagger listing times, to reduce or eliminate the need for multiple accused persons to appear at the same time.

A handwritten signature in blue ink, appearing to read 'J A Connolly', written in a cursive style.

J A Connolly
Registrar