

SUPREME COURT OF TASMANIA

CIRCULAR TO PRACTITIONERS

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RESUMPTION OF JURY TRIALS

This Practice Direction is published at the direction of the Chief Justice, the Hon Justice A M Blow AO.

The Supreme Court of Tasmania proposes to resume conducting jury trials in Hobart, Launceston and Burnie on Monday, 28 March 2022.

Various precautions will be taken because of the COVID-19 pandemic. The details are set out below. In particular cases, exceptions may be made at the discretion of the trial judge.

Screening and Temperature Testing

Every person entering a Supreme Court building may be asked screening questions, and may be required to undergo a temperature check.

For various reasons, a person may be refused entry if he or she is not required to participate in Court proceedings. If appropriate, a person may be asked to go and be tested for COVID.

Vaccinations

For the time being, the Court will treat people as "fully vaccinated" if they have had two COVID-19 vaccinations, whether or not they have also had a booster.

Every person summoned for jury service will be asked to provide proof of his or her vaccination status when first arriving at the Court. Those who are not fully vaccinated may ask to be excused for the whole of the current sittings. If any members of a jury panel do not provide proof of their vaccination status and do not ask to be excused, the Court staff will give their names to the presiding judge, who will have the power to discharge them from jury service at the current sittings.

Persons who are not required to attend the Court proceedings may be refused entry if they are not fully vaccinated. This applies to members of the public, family and friends of an accused person, and journalists.

Arrangements will be made on a case-by-case basis for people who are required to attend Court and are not fully vaccinated. In particular, these arrangements will be made for accused persons and witnesses who are not fully vaccinated. As a general rule, accused persons will be permitted to attend their proceedings. They will be required to wear masks, and other precautions may be required by the presiding judge.

The Crown will be expected to determine the vaccination status of every Crown witness who is to give evidence in person. If a Crown witness is not fully vaccinated, the Crown will be expected to make arrangements for that witness to give evidence remotely. If defence counsel wish a particular witness to give evidence in a courtroom even though that witness is not fully vaccinated, directions must be sought from the trial judge.

Face Masks

Every person in a courtroom must have a face mask and wear it. Counsel and witnesses may remove their masks when they are speaking.

Court staff will ensure that every person in a courtroom wears a mask of appropriate quality, and wears it properly covering the nose and mouth. This applies to Court staff, counsel, instructing solicitors, clerks, witnesses, journalists, members of the public, and everyone else. If a person arrives without a mask, the Court will provide one. If a person arrives with a mask that is considered inadequate or inappropriate, the Court will provide a better one and require the person to wear it.

If a person summoned for jury service provides evidence of a medical exemption from wearing a mask, he or she may ask to be excused for the whole of the current sittings.

Social Distancing

Jurors will not be required to sit within 1.5 metres of any other person. Jury rooms where such distancing is not possible will not be used.

In Hobart, criminal trials will be conducted in Court 1 and Court 7. The jury assembly room will be used as the jury room for Court 7. The jury room for Court 1 will be used. It has been certified as large enough for 17 people. For trials in Court 1, the judge will ordinarily make the courtroom available to the jury for deliberations at the end of a trial.

Court 8 in Hobart will not be used for jury trials, but will be used for all other types of criminal business.

In Launceston, criminal trials will be conducted in Court 1, and Court 2 will be used as the jury room.

In Burnie the existing jury room will be used.

Other Possible Precautions

A trial judge may take any or all of the following steps:

- Reducing a jury's sittings hours.
- Allowing a jury to leave during lengthy legal argument, rather than sending them to their jury room.
- Taking longer breaks during proceedings.
- Taking more frequent breaks during proceedings.
- Empanelling reserve jurors in case any jurors need to be discharged during a trial.
- Pre-recording the evidence of witnesses (with the consent of counsel if consent is necessary).

Dated 17 February 2022

J A Connolly
Registrar