

Notice to legal practitioners in relation to the COVID-19 pandemic 20 Mar 2020

The Queensland Supreme and District Courts will continue to conduct court matters to the extent, and for as long as possible, consistent with medical advice. Practitioners are asked to help in the following ways.

Civil matters

To assist in avoiding the spread of the disease, practitioners should endeavour to minimise the need for physical attendance in courtrooms by:

1. using telephone or video link to make applications and call witnesses wherever possible
2. making applications on the papers where that is feasible
3. minimising the number of people attending court for any given matter
4. resolving issues to the greatest extent possible, to reduce the time for which any presence in court is required
5. resolving matters wherever possible, particularly having regard to the difficulties which are likely to confront the conduct of litigation over the ensuing months.

Criminal matters

In addition to the imperative to reduce physical attendance at court, regard should be had to the pressure likely to be placed on prisoner transports and the prison system itself. In particular, in the interests of public health and the reduction of infection risk, it is important to reduce to the extent possible the number of occasions for prisoners to enter and leave remand and correctional centres. For those reasons, until the crisis has passed, practitioners should:

1. identify trials which are urgent because defendants in custody have spent time on remand approaching the period likely to be served on any sentence, and take instructions as to whether application should be made for a judge-alone trial
2. in relation to sentence hearings,
 - a. refrain from seeking to list and consider seeking adjournment of listed matters where clients who face the prospect of a custodial sentence are complying with bail conditions
 - b. liaise with prosecutors to identify those matters when no issue of prisoner transfer to or from a custodial institution is likely to arise, and list accordingly
 - c. advise criminal list managers of those matters requiring priority, particularly those defendants whose time on remand is approaching the period likely to be served on any sentence
 - d. be prepared for the likely move to the exclusive use of audiovisual facilities for sentencing
3. on mentions and reviews, appear, where possible, by telephone
4. consider what matters not requiring witnesses or the presence of defendants in court, for example s 590 AA applications, can be brought on.

Court of Appeal

The Court of Appeal will continue hearing matters as usual until further notice. Practitioners who encounter problems with conducting hearings should contact the Registry promptly to enable suitable arrangements to be made. Callovers will not take place until further notice but, instead, the Registry will be in touch with parties about listings.

Supreme and District Courts are presently investigating the wider use of audiovisual links, including the use of computer applications which can be downloaded, and hopes shortly to produce a guide for practitioners.

General

Within courtrooms, safe distances should be maintained, and practitioners should not be present in court other than when their matters are being dealt with.

Chief Justice

18 March 2020

Chief Judge

18 March 2020