



# Media Release

## SUPREME COURT CHANGES IN RESPONSE TO COVID-19

**Friday, 20 March 2020**

The Supreme Court of Victoria is changing the way it operates in response to the coronavirus (COVID-19) pandemic.

To ensure the Court can continue to deliver core and vital services during the coronavirus (COVID-19) pandemic, the Court is introducing a suite of changes to its processes and procedures.

The Court handles more than 6,000 matters a year across the Trial Division (comprising the Common Law and Criminal Divisions and the Commercial Court) and the Court of Appeal. The Chief Justice of Victoria, Anne Ferguson, said the changes would allow many Court matters to be conducted electronically or remotely.

“We have the technical capability. Our focus now is on accelerating our e-Court plans, training judges and staff, and identifying ways to manage matters without requiring parties to attend in-person”.

The changes are broad ranging and will affect proceedings in all divisions of the Court, as well as mediations and the admission of lawyers to practise.

The Chief Justice said the health and wellbeing of staff and court users was the Court’s highest priority.

“These are challenging times, but we are ready to adapt and find new ways of ensuring that all those who use and interact with our Court continue to receive a fair and just outcome”.

Principles of open justice have been an important part of the Court’s planning of its response to the coronavirus (COVID-19) pandemic. The means of achieving this will be considered on a case by case basis.

The first suite of changes (detailed in the attachment to this Media Release) will come into effect the week beginning 23 March 2020.

Further information will be provided to the legal profession and the public as it becomes available.

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## **ATTACHMENT TO MEDIA RELEASE**

### **Supreme Court changes in response to COVID-19**

The Supreme Court of Victoria is changing the way it operates in response to the coronavirus (COVID-19) pandemic. To ensure the Court can continue to deliver core and vital services during the coronavirus (COVID-19) pandemic, the Court is introducing a suite of changes to its processes and procedures.

The following changes will come into effect the week beginning 23 March 2020:

#### **Court of Appeal**

The Court of Appeal will not be conducting in-person hearings.

Beginning 23 March 2020 (civil appeals) and 24 March 2020 (criminal appeals) all hearings will be conducted by videolink. Judges and court staff will be present in the courtroom but the parties will appear remotely, with consideration given to streaming to another location.

Where appropriate, the Court of Appeal will by agreement determine matters 'on the papers' through the filing of written submissions.

Judgments will be delivered without the parties' attendance.

*Court of Appeal staff will contact the parties in all upcoming matters.*

#### **Commercial Court**

The Commercial Court is taking steps to minimise in-person appearances.

Directions hearings and interlocutory applications will no longer be conducted in-person unless there are exceptional circumstances. Instead, parties who cannot agree on consent orders will be required to outline areas of disagreement. Then, where appropriate, matters will be dealt with 'on the papers' through written submissions and hearings via telephone, videoconferencing and Skype.

From 25 March 2020 all company winding-up applications will be heard via telephone.

Trials will be conducted electronically and witnesses will give evidence remotely. Trials that are expected to be short will be prioritised.

Judgments will be delivered without the parties' attendance.

*Commercial Court staff will contact the parties in all matters listed until 14 April 2020.*

#### **Common Law Division**

The Common Law Division is taking steps to minimise in-person appearances.

Proceedings that would have been heard before a civil jury will now proceed before a judge sitting alone, unless a judge adjourns the proceeding.

Trials will be heard using remote telephone or videoconferencing facilities for parties, counsel and witnesses unless a judge directs otherwise. Regional circuit trials will follow the same approach. Parties will be asked to lodge electronic court books.

Judges may require in-person hearings for essential matters with strict time limits and other directions. Where in-person appearances are necessary, listing times may be staggered to allow for social distancing.

Practice Court applications and interlocutory and case management hearings will be conducted and determined 'on the papers', unless a judge orders otherwise.

Judgments will be delivered without the parties' attendance.

*Common Law Division staff will contact the parties in all matters listed until 14 April 2020.*

## **Criminal Division**

The Criminal Division is taking steps to minimise in-person appearances.

Trials to mid-May 2020 will either be adjourned until after October 2020 or reassessed closer to the trial date.

Non-jury matters such as pleas, applications, case conferences and preliminary hearings will continue where parties are available. Videolink will be used where required and available.

Where in-person appearances are necessary, listing times may be staggered to allow for social distancing.

*The Principal Judge of the Criminal Division will contact the parties in all upcoming matters.*

## **Mediations**

Mediations in the Commercial Court and the Common Law Division will take place by Skype, telephone and videoconferencing.

## **Admission of lawyers to practise**

On 16 March 2020 the Court indefinitely suspended all admission ceremonies for the foreseeable future. This decision was made after consideration of then current expert health and government advice, and recognised that members of the community may hold concerns about attending the Court in large groups.

The Court recognises that this decision impacts a large number of people. The Court also recognises the importance of continuing to admit new Australian lawyers to practise.

In light of this, the Court and VLAB have developed a new process for admitting lawyers to practise 'on the papers'. It involves applicants swearing or affirming their oaths or affirmations of office remotely before an authorised affidavit taker, then submitting an affidavit as proof of the oath or affirmation of office having been taken.

The Court will make orders admitting to practise those applicants who have successfully completed and returned their affidavit. The applicant's signature will then be extracted from a signature box in the affidavit and affixed to the Supreme Court roll as their signature.

VLAB will contact individual applicants about this new process.