

**Notice to the Profession**

The Chief Justice has authorised the issue of the following notice.

**In Person Commercial Court and Common Law Division Trials**

From 6 April 2021, civil trials involving the cross-examination of one or more witnesses may be conducted in Court subject to the availability of a courtroom and appropriate safeguards with respect to the following:

* A limit on the number of persons attending the court room assessed by reference to the functionality of the courtroom and applicable density and distancing requirements governing both the courtroom and the court building. Commonly, in person trial participants may be limited to court staff, counsel, solicitors, the parties (or a representative of the parties) and the witness under examination from time to time.[[1]](#footnote-1)
* Staggered start times to minimise attendees interacting with other persons at the Court may apply.
* All attendees using a specified entrance and exit within specified times.
* Physical distancing.
* The acknowledgement of the parties that the trial may need to be completed virtually if there is a change in COVID 19 related circumstances.

Applications by email for in person hearings should be sent to the chambers of the trial judge, managing judge or to the relevant registry officer as soon as practicable. All other parties should be copied on the email. In person trials, with the appropriate safeguards, if allocated a courtroom and the necessary technology, will be confirmed by the principal judge of the relevant division.

Other trials, applications, directions, mediations and hearings will continue to be conducted virtually unless otherwise authorised by the Chief Justice.

Vivienne Macgillivray

Executive Associate to the Chief Justice

25 March 2021

1. Subject to the availability of the necessary technology, trials may be streamed to permit other persons to observe [↑](#footnote-ref-1)