



Notice to the Profession

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

In Person Hearings

The Notice to the Profession issued 1 December 2021 is suspended. Conditions will be reviewed in coming weeks and adjustments made where appropriate. The Court is grateful for the continuing assistance of the profession as the work of the Court continues through the current challenges.

With the exception of criminal jury trials, the default position will be for virtual hearings. In person hearings in the Court of Appeal, Criminal Division, Commercial Court and Common Law Division may be permitted by exception where there are special reasons why a virtual hearing is not practicable.

Parties in upcoming matters seeking an in-person hearing should make a request to do so through the chambers of the presiding judicial officer or relevant registry. The request should provide information about the need for an in-person hearing, the length of the hearing, the individuals who they would seek to have in attendance and their willingness to undergo rapid antigen testing when requested.

Physical distancing of 1.5m between participants will be required for in-person hearings which are permitted to proceed. This limits the functional capacity of many courtrooms. This [form for in-person hearings](#) provides a helpful guide to the information required for courtroom allocations.

Arrangements for rapid antigen testing prior to attendance will be advised to parties in criminal jury trials, and where permission is granted for an in-person hearing. All those attending Court locations are strongly encouraged to be vaccinated including their third dose where eligible.

Court of Appeal

Requests for in-person hearings should be directed to the registry via email at coaregistry@supcourt.vic.gov.au.

The Court will confirm arrangements for the hearing with all parties in advance.

The default position is that applicants in custody will not attend court but participate remotely through an audio-visual link if requested in advance.

Criminal Division

No application is required in relation to criminal jury trials.

Request for in-person hearings in all other matters should be directed to the Judge, if allocated, or otherwise to the Criminal Registry via this email criminaldivision@supcourt.vic.gov.au.

Common Law Division and Commercial Court

Requests for in-person hearings should be directed to the presiding judge, if allocated, or otherwise to civil.listings@supcourt.vic.gov.au for unallocated Common Law Division trials; or commercialcourt@supcourt.vic.gov.au for unallocated Commercial Court matters.

Where an in-person hearing is sought, consideration should be given to what aspects require in-person attendance and minimising the number of people attending.

The Common Law Division will not proceed with jury trials before 14 February 2022 and will reassess the situation at that point in time. Matters listed to proceed with juries can proceed as judge alone or application can be made to adjourn.

Costs Court

Remote hearings and mediations will continue as the default position in relation to matters in the Costs Court. If an in person hearing is sought an email should be sent to costs.court@supcourt.vic.gov.au copied to all parties briefly stating the reason for the request.

Judicial Mediations and Pre-trial Conferences

Judicial mediations and pre-trial conferences will continue virtually for the immediate term.

Vivienne Macgillivray
Executive Associate to the Chief Justice
28 January 2022