



Supreme Court
of New South Wales

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MEDIA RELEASE

NSW SUPREME COURT MOVES TOWARDS RESUMING FACE-TO-FACE HEARINGS

The NSW Supreme Court today announced its first steps towards reopening to parties and the public, as government restrictions ease around the COVID-19 pandemic.

NSW Chief Justice Tom Bathurst said some face-to-face civil hearings would resume on 1 June 2020, followed by criminal jury trials from 29 June 2020.

“For the first time in living memory, personal appearances were essentially banned in our courtrooms two months ago to help minimise the spread of the virus,” Chief Justice Bathurst said.

“I am pleased to outline a return to in-court hearings, in a measured and staged approach that protects the health and wellbeing of all court users.”

Some civil hearings with limited parties, witnesses and legal representatives will be able to return to the courtroom in a fortnight’s time. Those involving multiple parties and witnesses will follow in stage two, with directions hearings, judges’ and registrars’ lists and court-annexed mediations to return in the final stage. It is envisaged that because of the improved technology, some of the lists will continue to be dealt with online.

Criminal jury trials will resume at the end of June but will require at least two courtrooms each to accommodate social distancing requirements.

Chief Justice Bathurst thanked the legal profession and court staff for their extraordinary efforts in keeping the Court almost fully operational during recent months.

“The move to virtual courtrooms, seemingly overnight, created unprecedented disruption to our usual processes,” he said.

“The shift to a remote system of justice was not without its technical challenges, yet I am confident we are getting better each day, and I see an innovative and flexible future ahead.”

“Remarkably, the Court has continued to operate essentially at its normal capacity, with Judges hearing close to 20 matters per day, including contested interlocutory applications. Judges and Registrars, dealing with case-management, are hearing over 500 matters per week.”

“To have continued listing cases at such a high level is a credit to everyone involved.”

The Chief Justice said of the civil hearings and special fixtures listed in the Common Law Division for 19 months between March 2020 and October 2021, only seven have been vacated due to COVID-19.

During the shutdown, the Equity Judges have, on average, been hearing 12 contested interlocutory and final hearings per day and providing case-management to over 200 cases per week.

Both the Court of Appeal and the Court of Criminal Appeal have heard all appeals that were scheduled for hearing in March, April and May, and no appeals have been vacated because of the shutdown. In that same period, the Court of Appeal has delivered 68 judgments and the Court of Criminal Appeal 70 judgments.

Thirteen criminal trials were delayed due to the pandemic, and five accused (in a further four trials) have taken the option for trial by judge-alone.

An average of 40 bail applications are being heard and determined by Judges per week.

As the NSW Supreme Court slowly and safely reopens its courtrooms, all reasonable steps and precautions will be taken to minimise the risk of transmission of COVID-19 including:

- staggered courtroom start and finish times, commencing at 9am and sitting up to 5pm
- new jury selection procedures
- temperature checks for court users
- visual guidance in courtrooms to follow physical distancing requirements
- hand sanitiser stations
- increased cleaning and disinfecting, focusing on high traffic areas.

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