



New South Wales Bar Association

Court Updates – 22 September 2022 Public Holiday

As at 13 September 2022

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SUPREME COURT OF NSW

NATIONAL DAY OF MOURNING FOR HER MAJESTY THE QUEEN

Thursday 22 September 2022

Court of Appeal, Court of Criminal Appeal and Supreme Court

Absent exceptional circumstances, civil and criminal matters on Thursday 22 September 2022 will be relisted on a new date.

Registrars' Lists and mediations will be relisted on a new date.

Parties will be contacted by either the Judge's Associate or registry regarding new dates.

Bail hearings

Subject to the availability of the parties, the hearing of bail applications will continue as currently listed on Thursday 22 September 2022.

Parties will be contacted by the Court of Criminal Appeal Registrar.

Duty Matters

Urgent duty applications will be dealt with as they would be if an application were made on a weekend or public holiday.

The Honourable A. S. Bell

Chief Justice of New South Wales

Supreme Court of New South Wales

DISTRICT COURT OF NSW & DUST DISEASES TRIBUNAL

As you are aware, the Prime Minister has declared a public holiday on Thursday 22 September 2022. It is necessary to make urgent arrangements for matters listed on that day.

Criminal Jurisdiction

Part Heard Matters

For matters that are part heard, Judges are to have their associate contact the parties to arrange a new date. In matters where a person is in custody, the associate is to inform the local registry for fresh warrants to be issued. The new date is not to be confirmed until the Judge has contacted the criminal registry to ensure that the date is suitable to the Court.

Sydney District Court (Downing Centre)

The pre-trial call-over will be brought forward in Court 3.1 to Wednesday 21 September 2022 at 9:30am. All Local Court appeals and sentence matters listed on 22 September 2022 will be brought forward for mention on Monday 19 September 2022 at 9:30am in Court 3.1.

The criminal registry will notify the relevant parties and issue fresh warrants where necessary.

District Court venues other than Sydney

In matters that are in Lists on 22 September 2022, I suggest that these matters are brought forward for mention on Wednesday 21 September 2022 or on another earlier date suitable to the List Judge or Resident Judge. The local registry is to contact the relevant parties with the suitable date and issue fresh warrants where necessary.

Civil Jurisdiction

Notices of Motion

The Judicial Registrar will be notifying the parties in Notices of Motion and other matters in the Online Court listed in Sydney on the public holiday of new dates.

Part Heard Matters

For matters which are part heard and have been adjourned to re-commence on 22 September 2022, Judges are to have their associate contact the parties to arrange a new date. The new date is not to be confirmed unless the Judge has contacted the civil registry to ensure the date is suitable to the Court.

Dust Diseases Tribunal NSW

Part Heard Matters

For matters which are part heard and have been adjourned to re-commence on 22 September 2022, Judges are to have their associate contact the parties to arrange a new date. The new date is not to be confirmed unless the Judge has contacted the Registrar to ensure the date is suitable to the Tribunal.

LOCAL COURT OF NEW SOUTH WALES

As you are aware, the Prime Minister has declared a public holiday on Thursday 22 September 2022. As a result, the Local Court has made the following arrangements in relation to that day:

Public Holiday Bail Court

A Bail Court will operate physically at the Children's Court at Parramatta, as it does on weekends, and will be staffed by Acting Magistrates.

Downing Centre

- Special fixtures already commenced will continue but will not sit on 22 September;
- Special fixtures with their first day on 22 September will commence on 23 September;
- Part heard matters will be adjourned for mention in either the week of 26 September or 4 October;
- 5.1 matters will be adjourned for mention in either the week of 26 September or 4 October;
- Custody matters already listed in 4.2 and 4.3 will be listed on 23 September;
- DPP matters listed on 22 September will be relisted on 20 September;
- All matters for mention will be relisted in either the week of 26 September or 4 October.

All other Local Courts

- Part heard matters listed for finalisation on 22 September 2022 should be listed for mention only in the week commencing 26 September 2022 in order to fix a further part heard hearing date;
- Parties in matters listed on 22 September for hearing should also be listed for mention only in the week of 26 September in order to fix a hearing date;
- All matters listed for mention or sentence should be relisted for the week beginning 26.09.22 and 4 October 2022. Priority should be given to matters where the defendant is in custody.

NSW CIVIL & ADMINISTRATIVE TRIBUNAL

The National Day of Mourning for Her Majesty The Queen public holiday has been declared for Thursday, 22 September 2022. NCAT will be closed on this date.

All matters listed for 22 September 2022 will be rescheduled to a new date. You will be notified about a new date by phone, email or post shortly. There is no need for parties to contact NCAT unless requested to do so.

Urgent applications for the Guardianship Division

The Guardianship Division will still be available to hear urgent applications. If you need to make an urgent application outside business hours, please contact the Guardianship Division on 1300 006 228.

LAND & ENVIRONMENT COURT OF NSW

The Prime Minister has declared a public holiday for a national day of mourning on Thursday, 22 September 2022. As such, there will be no listings on the 22 September 2022 and the Land and Environment Court has made the following arrangements:

Matters listed to be heard by a Judge

The chambers of the presiding judge will contact the parties and make any necessary arrangements with them.

Matters listed to be heard by a Commissioner

On Wednesday, 14 September 2022, the registrar will list in the registrar's list each matter with a current listing before a commissioner on 22 September 2022 in order to make arrangements for an alternative listing of the matter and other case management directions. The court requests the parties to consult the court's published available range of dates and discuss alternative listings dates with each other and consider whether there are any other necessary orders that may need to be made in each matter.

Registrar's call over list

There will be no call over list conducted by the registrars on the 22 September 2022.

Land and Environment Court Registry

The court's registry will be closed.

Online Court and Online Registry

Both Online Registry and Online Court will continue to operate 24 hours a day as normal during the public holiday and parties are encouraged to avail themselves of these resources. Applications, appeals, notices of motion and subpoenas can continue to be filed by Online Registry. Online Court can continue to be used to seek directions and also access orders for subpoenas and notices to produce on the public holiday. Filings and requests in criminal matters can continue to be filed by email at LEC_criminalfilings@justice.nsw.gov.au.

Urgent Filings and Listings

If the public holiday is the last day for filing an application or an appeal, the application, appeal or originating process can be filed through Online Registry.

Parties seeking an urgent listing before the duty judge should contact the registrar using the after hours number 02 9113 8255.

CHILDREN'S COURT

- Registrars to confirm approach with their coordinating Magistrate
- Registrars to relist all matters listed on 22/9/22 ASAP by liaising with parties for new dates.

CORONIAL JURISDICTION

Registry staff will assist presiding Coroners will notify the parties and their families. The following matter is listed for 22/09/2022:

- Inquiry into the 2019-2020 Bushfires Before Magistrate O'Sullivan – DCJ Legal (counsel assisting) has advised it is expected the public holiday will have little impact as there will be sufficient time during the remainder of the inquiry to cover the planned evidence.
- Directions Hearing before Magistrate Grahame, was to be listed for 22/09/2022 but will now be listed on a different date.

A duty coroner will be available to respond to any Requests for Coronial Directions (RCDs) – Deputy State Coroner Huntsman is on duty.

DRUG COURT

- Parramatta and Sydney are the only locations sitting on Thursdays - Hunter is not sitting
- Parramatta and Sydney - Custody matters for 22/09 have been relisted to 21/09, with fresh warrants being prepared to be forwarded to Corrective Services.
- Parramatta and Sydney - List matters for 22/09 will be relisted on 19/09 and 29/09.

Operating arrangements for participants attending registry for urinalysis are confirmed:

- Parramatta after hours availability – 9am - 4pm all public holidays except Christmas
- Hunter – does not have court sittings or urinalysis on Thursdays – so no changes required.
- Sydney – no after-hours availability on public holidays

FEDERAL COURT OF AUSTRALIA

The Prime Minister's media release of Sunday, 11 September 2022 advised that Thursday, 22 September 2022 will be a public holiday to commemorate Her Majesty Queen Elizabeth II.

The court will not be sitting next Thursday unless a matter cannot be rescheduled and is of such urgency or necessity that would require a sitting on a public holiday. Any decision to sit will be made by the docket judge or the judges of a Full Bench after consultation with the National Operations Registrar and the Chief Justice. If a party has any doubt as to their matter, enquiries should be made of the docket judge or the National Operations Registrar.

Duty judges and duty registrars will remain available for urgent applications.

The Hon James Allsop

Chief Justice