

6 October 2020

Her Hon Julie Wager
Chief Judge of the District Court of Western Australia
Chief Judge's Chambers
District Court of Western Australia

By email: chief.judge.dcchambers@justice.wa.gov.au

Dear Chief Judge

CONTINUING COVID-19 PROCEDURES

There has been some discussion in the profession as to whether any of the procedures adopted by necessity during the COVID-19 shutdowns would be of value in the longer term.

Civil jurisdiction

The Law Society of Western Australia's view in relation to civil matters is that:

- remote hearing procedures, whether by telephone or video, are not suitable for any matters where there is substantive argument.
- they may be of value however in routine directions hearings or listing conferences.
- in any event, a departure from appearing in person should only be by consent of all parties involved and if that is not forthcoming, all parties should attend in person.

The Law Society would be grateful if the Court's policy on remote hearings could be set out in a practice direction.

Criminal jurisdiction

In respect to criminal matters, the Law Society understands that Legal Aid WA has written to Your Honour proposing that the following procedures introduced due to the COVID-19 pandemic be retained:

- Compulsory Criminal Case Conferences (with some variations).
- audio link and video link appearances for administrative type hearings (e.g. trial listing hearings and sentence mention appearances).
- the allocation of 'not before' times for sentencing matters.

In the Law Society's view, the above procedures have improved the efficiency of the court process and should be retained.

The Law Society understands that a meeting to discuss these procedures may be held in due course between Your Honour and various stakeholders including the Supreme Court, Legal Aid WA, the Aboriginal Legal Service of Western Australia, the Office of the Director of

Public Prosecutions, the Office of the Commonwealth Director of Public Prosecutions and the Criminal Lawyers Association.

The Law Society would appreciate the opportunity to attend such a meeting and participate in discussions regarding retaining some of the changes made to criminal procedure due to the pandemic.

If you have any queries or would like to discuss the above further, please contact Mary Woodford, General Manager Advocacy on 9324 8646 or mwoodford@lawsocietywa.asn.au

Yours sincerely

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Nicholas van Hattem
President