

Applications for Leave for In Person Appearances in Sentence Proceedings

1. This Practice Note revises District Court Criminal Practice Note 25, which was signed on 8 November 2021 and commences on 15 November 2021.

Commencement

2. This Practice Note commences on 15 November 2021.

Review

3. This Practice Note will be reviewed in December 2021 or as otherwise may be necessary.

Introduction

4. Under [District Court Criminal Practice Notes 23 and 24](#), in person appearances are permitted in jury trials, judge alone trials and WHS Prosecutions trials and sentence hearings.
5. With the further easing of restrictions and increased vaccination rates, applications may now be made for leave to be granted for in person appearances in sentence proceedings which are listed for hearing on or after 15 November 2021.
6. All other matters will continue to be heard by use of the virtual courtroom.

Definitions

7. In this Practice Note:

“Court” means the District Court of NSW.

“court participants” includes counsel representing a party to proceedings, solicitors, accused persons, witnesses, victims, support persons and police officers.

“COVID-19 certificate” includes any NSW Government approved proof of vaccination or medical exemption.

“vaccinated” means that a person:

- a. has either completed a two-dose schedule of Pfizer Australia Pty Ltd, AstraZeneca Pty Ltd or Moderna Australia Pty Ltd, or received a single dose

of Janssen-Cilag Pty Ltd, and at least 14 days has elapsed since completing their vaccination schedule; or

- b. is exempt from vaccination pursuant to NSW Public Health Orders; or
- c. is taken to be a “fully vaccinated person” pursuant to NSW Public Health Orders.

Destruction of form

- 8. The Chief Judge directs that any forms provided in accordance with this Practice Note are to be destroyed once an outcome to the application has been established i.e. when a court participant is denied or granted leave to appear in person.
- 9. The Court also brings to the attention of court participants the Department of Communities and Justice’s [“Collection Notice Health Records DC Trials”](#) published on the Court’s website.

Application for leave

- 10. Where an application for leave for in person appearances at sentence proceedings is sought, solicitors for the parties must enquire as to the vaccination status of all their proposed court participants and forward that information in the form annexed to the relevant Judge, confirming that each proposed court participant is vaccinated.
- 11. When a court participant is stated to be vaccinated, the solicitor must sight his or her COVID-19 certificate provided by the Australian Government before providing that information to the relevant Judge in the form annexed.

Part-heard proceedings on sentence

- 12. An application for leave must be made to the Judge **no later than three business days prior to the sentence date**, by way of email to the Judge’s associate. A list of associate contact details is available on the Court’s [website](#).
- 13. Leave will not be granted to any person to attend the Court in person unless the Judge is satisfied that he or she is vaccinated.

Sydney District Court (Downing Centre and John Maddison Tower)

- 14. Other than in part-heard proceedings on sentence, an application for leave must be made to the Judge (where allocated) or to the Chief Judge (where a Judge has not been allocated) **no later than three business days prior to the sentence date**.

15. Leave will not be granted to any person to attend the Court in person unless the relevant Judge is satisfied that he or she is vaccinated.
16. Where a Judge has not been allocated, an application for leave must be made by email to the Chief Judge's tipstaves, Ms Jacinta Mitchell (Jacinta.Mitchell@courts.nsw.gov.au) and Ms Madison Thompson (Madison.Thompson@courts.nsw.gov.au).
17. Where a Judge has been allocated, an application for leave must be made by email to the Judge's associate.

All other District Court venues (including circuit sittings)

18. Other than in part-heard proceedings on sentence, an application for leave must be made to the Judge (where allocated) or to the Senior Judge (where a Judge has not been allocated) or circuit Judge **no later than three business days prior to the sentence date**.
19. An application for leave must be made by email to the Judge's associate.
20. Leave will not be granted to any person to attend the Court in person unless the Judge is satisfied that he or she is vaccinated.



The Honourable Justice D M Price AO
Chief Judge of the District Court
11 November 2021

Amendment History:

11 November 2021: This Practice Note revises former Practice Note 25, which was signed on 8 November 2021 and commences on 15 November 2021.



Application for leave for in person appearances at sentence proceedings

MATTER DETAILS

Case Name: Regina v

Case Number:

Bail status of the accused
person:

UNDERTAKING

- 1 I, _____, am the instructing solicitor for
the CROWN / ACCUSED PERSON [**delete whichever is inapplicable**].
- 2 I confirm that I have sighted the COVID-19 certificate of the proposed court
participant/s disclosed in Annexure A to this application and confirm that they
are vaccinated in accordance with para 7 of District Court Criminal Practice
Note 25.

SIGNATURE

Signature of legal representative:

Capacity:

Date of signature:

