LICENSING COURT
OF SOUTH AUSTRALIA

PRACTICE DIRECTION NO. 11

I, Brian Patrick Gilchrist, the Licensing Court Judge, on the 1st day of June 2022, by virtue of the provisions of Section 16A of the Liquor Licensing Act 1997 and Rule 8 of the Licensing Court Rules 2012 do hereby make the following Practice:

The Government has recently made announcements to the changes relating to government health requirements and recommendations in light of the changing nature of the sources of possible infection and, in particular, the removal of various requirements such as face masks and QR Code Check in.

Whilst the Licensing Court wishes to continue to provide a vital public service we are still mindful of our responsibility to protect judiciary, staff and court users recognising the significant impact that COVID-19 has on the ability and willingness of people to attend at Court. Where possible we wish to mitigate any risks that might arise. The Licensing Court will continue to operate in accordance with SA Health advice and SA Government directions. Visitors will of course be expected to continue to comply with government requirements and exercise sensible precautions.

Despite the current health crisis, the Court has adapted well over the past two years and we have done our best to ensure that the wheels of justice have continued to turn by utilising technology. This Practice Direction now updates No. 10 in relation to the how services can be offered by means of hybrid attendances where necessary.

NON-ATTENDANCE

Do not attend the Licensing Court in-person if you have:

- tested positive for COVID-19; in accordance with SA Health advice, you must isolate for 7 days following your positive test result.
- been tested for COVID-19 and are awaiting results, or
- been directed to isolate or quarantine by SA Health, or
- if you have any COVID symptoms, no matter how mild, such as:
    - fever (a temperature of 37.5˚C or higher) or chills
    - cough
    - loss of taste or smell
    - sore throat
    - tiredness (fatigue)
    - runny or blocked nose
    - shortness of breath (difficulty breathing)
    - nausea, vomiting or diarrhoea
    - headache
    - muscle or joint pain
    - loss of appetite

REMOTE ATTENDANCE

The requirement to appear in court may be excused in certain circumstances. If you **do not intend to appear** because you honestly and reasonably believe you should self-isolate**, or** if a party or practitioner has a condition that makes them vulnerable to infection and for that reason does not feel safe attending at the Court, they may seek leave to appear remotely.

The request to appear remotely must be made at **least 2 days prior** to the scheduled hearing by emailing licensingcourt@sa.gov.au or alternatively contacting the Court on 8207 0954 (leave a voicemail message). Any request to appear remotely will be at the discretion of the presiding Judge. Staff will advise the solicitor/ party of the outcome of the request no later than the day before the hearing.

Where a request is made for permission to appear remotely by video link or telephone, the request must clearly state the reason for doing so. When submitting a request to appear remotely the practitioner or party must:

- provide a direct landline or mobile telephone number (for telephone conference),
- provide a direct landline or mobile telephone number and an accurate email address (for video link by Microsoft Teams),
- ensure that they are available to answer the telephone,
- understand that the telephone call may be made at any time during the relevant list,
- understand that if the telephone call is not answered, the matter will be dealt with in a manner that the relevant Judicial Member deems appropriate and
- understand that it is up to the practitioner to inform themselves of the outcome.

If your matter is listed with a number of other court matters (what is generally described as a callover) and a party is not able to attend, it is the Court's preference to contact that party by telephone. It is important that solicitors or parties ensure they make themselves available from the appointed time, bearing in mind that the court may not always call at that exact time given the volume of matters listed.

It is also the preference for directions conferences to be conducted by telephone unless otherwise advised.

Microsoft Teams may be used to facilitate longer hearings. The app does not require any other participants to download the software, as it can be launched from an internet browser. Prior to the hearing, the Court will send a calendar invite to all necessary parties. The invite has a link attached to it, which may be forwarded on as necessary to other participants. At the relevant time, parties are able to click 'join' to enter the virtual meeting space. When that happens, parties are admitted to a 'lobby' and subject to approval by the Judge's assistant, they may then enter.

Administrative Adjournments

A request for an administrative adjournment by a party or counsel on the first mention date will be allowed, so long as that request includes confirmation of the consent of the other party, provided that the request is submitted no later than 2 working days before the day of the hearing.

ATTENDANCE AT COURT

Masks
If you are deemed a close contact, you must follow directions including wearing a mask if attending the Licensing Court in-person.

If you are not a 'close contact' you are welcome to use a mask though it is now optional. All Court users should respect the personal choice of others. A Judicial Member may require you to use a mask or remove your mask during proceedings.

Hand Sanitiser and Social Distancing
Hand sanitizer will remain available within the Court precinct for users.

We strongly encourage Court users to practice social distancing (1.5m) where possible. A Judicial Member may require you or others in attendance to vacate a room if adequate distancing is not achievable.

Drinking Water
Court users are welcome to use their own drink bottle at the Licensing Court. Water dispensers to fill bottles are available in the Level 7 waiting area. Bottles of water are also available for purchase in the vending machine in the Level 7 waiting area.

Attendance at the Registry by appointment only
If you need to attend the Registry to view/copy case or summonsed materials, **you must contact court staff on 8207 0954 to arrange an appointment**. You should ring at least 24 hours before the time you wish to attend.

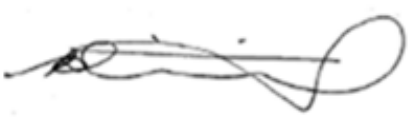
When you arrive at your allocated time, you must sign in with the Security Officer to assist contact tracing. You must leave the Court premises as soon as you have completed your viewing/copying.

Documents for hearings and conferences
You should lodge all documents electronically with the Licensing Court at least 24 hours prior to the scheduled hearing or conference. Documents can be lodged electronically by email by sending them to licensingcourt@sa.gov.au

Parties and practitioners are reminded of the requirement that all parties must be copied into any email communication with the Court.

CONCLUSION

The following directions are of course subject to any significant changes in infection rates or government requirements/recommendations.



His Honour Judge Gilchrist
The Licensing Court Judge