



CountyCourt
VICTORIA

COVID-19 response

Circuit criminal jury trials where physical distancing required – guide for the profession and court users

DOCUMENT CONTROL

Details

Document type	COVID-19 response
Reference	Circuit criminal jury trials where physical distancing required – guide for the profession and court users
Division	Criminal Division
Authorised by	His Honour Judge Mullaly, Head of the Criminal Division
Notes	This Guide applies when physical distancing and density quotients apply.

Release history

Version	Date	Author	Summary of changes
1	16/9/2021	Laurie Rumbold, Scott Smith, Winnie Wang.	Guide when density quotient and physical distancing apply.

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1. Circuit criminal jury trials

Application of guide

This Guide applies where there are density quotient or physical distancing requirements in courtrooms or court facilities used for jury trials.

Criminal trial process

- 1.1 For criminal jury trials at Geelong, Latrobe Valley, Mildura, Shepparton, Ballarat, Warrnambool and Wodonga
 - (a) the empanelment process will be conducted semi-remotely, using videolinks between:
 - (i) the jury pool room
 - (ii) trial courtroom (to achieve a reasonable panel size, panel members will be seated in the jury box, and in some locations in the body of the court); and
 - (iii) in an adjacent civil courtroom (in Mildura and Wodonga), or the jury deliberation room (in Warrnambool).
 - (b) the taking of excuses may be in-person in the trial courtroom (if written or verbal – at discretion of the trial judge) or remotely (if written – at discretion of the trial judge); and
 - (c) the juror parade will be conducted in-person in the trial courtroom.

COVID-safe health and safety overlays principles

- 1.2 The COVID-safe health and safety measures and overlays that remain are intended to comply with the Court's duty under the *Occupational Health and Safety Act 2004* (Vic) to ensure, so far as is reasonably practicable, the health and safety of judicial officers, staff, jurors and court users by:
 - (a) eliminating risks to health and safety so far as is reasonably practicable
 - (b) where it is not reasonably practicable to eliminate risks to health and safety, to reduce those risks so far as is reasonably practicable.
- 1.3 The measures outlined in this Guide are specific to jury trials.

Mutual obligations to health and safety

- 1.4 All participants in the jury trial will be apprised of, and where required appropriately reminded of, the mutual obligations of all participants to the health and safety of one another.
- 1.5 For example, jurors will be instructed that they have a responsibility to stay at home if they are unwell and not place the health and safety of judicial officers, court staff and other court users at risk.
- 1.6 All trial participants, including judges, court staff, jurors, counsel, practitioners, witnesses and any other persons permitted in the courtroom are asked to check the Department of Health (DH) lists of exposure sites (<http://www.coronavirus.vic.gov.au/exposure-sites>) on a daily basis to determine if they, or anyone they live with, or have contact with, may have been at risk of exposure.

Related documents and appendices

1.7 This guide should be read in conjunction with the following documents:

- (a) *Hand washing protocol* (See [Appendix 1](#))
- (b) *Safe use of hand sanitiser* (see [Appendix 2](#))
- (c) *Safe mask use and disposal protocol* (see [Appendix 3](#))
- (d) *Safe glove use and disposal protocol* (see [Appendix 4](#))
- (e) *Safe face shield use and disposal protocol* (see [Appendix 5](#))
- (f) [Court Services Victoria's COVIDSafe Plan](#).

2. Juries Victoria measures

COVID-19 information for jurors

- 2.1 Jurors will be asked to check the Juries Victoria website for information about the precautionary measures and guidelines for their attendance.
- 2.2 The Juries Victoria website includes advice that jurors are *not* to attend the Court, and must call Juries Victoria, if they:
 - (a) feel unwell, or have any symptoms of coronavirus (COVID-19)
 - (b) are awaiting test results for COVID-19
 - (c) are required, or anyone they live with is required, by public health authorities to take a COVID-19 test OR to stay at home in quarantine or isolation.

Applications for excuse or deferral

- 2.3 In addition to the more commonplace reasons for deferral (such as pre-booked leave, small business ownership, etc.) Juries Victoria will give greater consideration to excusing or deferring persons who may be particularly vulnerable to the consequences of COVID-19, or who, for example, would have difficulty complying with the requirement to wear a mask, or have issues with providing consent or undergoing a COVID-19 test if required.

Jury panel

- 2.4 The size of the jury pool will vary at each circuit court location.
- 2.5 A maximum of one jury empanelment will occur per day. Members of a panel who are not excused or not selected for a jury will be discharged from service.

3. General information

The trial courtroom

- 3.1 Physical distancing will be maintained throughout the trial process.
- 3.2 In line with Victorian public health advice, any persons in the trial courtroom will be seated 1.5 metres apart.
- 3.3 Instructing solicitors will need to maintain 1.5 metre distance (2 chairs distance) from the accused if permitted to be seated in the dock during the striking of the jury.
- 3.4 Jury boxes have been extended to ensure they provide appropriate physical distancing. In the body of the court, and at the bar table, signs or markings will indicate which seats may be used and which may not.
- 3.5 All persons present in the trial courtroom (including jurors after the choosing of a foreperson) will be expected to use the same seat throughout the trial.

The jury deliberation room

- 3.6 At some locations, the jury pool room will be used as the jury deliberation room in order to meet the '1 person per 4 square metres' density quotient and physical distancing where these requirements apply.

Masks

- 3.7 The Court's requirement for trial participants to wear masks is described by the following three settings:
 - (a) Mask setting 1 – mask-wearing by all trial participants is required
 - (b) Mask setting 2 – mask-wearing by non-speaking participants is required and opening and closing addresses made from the end of the bar table
 - (c) Mask setting 3 – mask-wearing is not required for trial participants save for limited circumstances (during empanelment only)
 - (d) Mask setting 4 – mask-wearing is not required for trial participants
- 3.8 The appropriate setting will be determined by health advice, and the Court will publish advice, on an ongoing basis, as to the setting that is currently in effect.
- 3.9 The chambers of the presiding judge will also advise parties of the setting prior to the commencement of a trial, and during a trial should the setting change.

Mask setting 1 – mask-wearing by all trial participants

- 3.10 Where health advice requires mask-wearing by all participants, all trial participants (judges, court staff, jurors, counsel, practitioners, witnesses and any other persons permitted in the courtroom) will be required to wear masks – including when speaking – save for in the following limited circumstances:

- (a) the accused will be required remove their mask when pleading during the arraignment
- (b) a juror may be required to briefly move their mask to one side, while holding the straps, during the callover and answering 'present' or 'excuse'
- (c) a juror may be required to remove their mask when addressing the Court during the provision of any verbal excuse, or when addressing the Court regarding a written excuse
- (d) a juror will be required to remove their mask during the empanelment of the jury and the parade
- (e) an in-person witness will be required to remove their mask when being sworn in and for a short period thereafter – as determined by the judge – for the purposes of identification
- (f) an in-person witness may be required to remove their mask for short periods – as determined by the presiding judge – to facilitate the assessment of the witness' credibility, during which period a face shield will be worn (see [Appendix 5](#)).

- 3.11 Any witness appearing remotely is not required to wear a mask while giving evidence.
- 3.12 Court staff will not be required to remove their mask at any time, save for the brief period required for identification to the jury panel during empanelment (if this is the preference of the judge). Court staff will continue to wear a mask immediately thereafter.
- 3.13 Courtroom microphones will be set to provide a measure of amplification (not just recording) to reduce the need of any person speaking to project their voice.
- 3.14 Counsel and instructing solicitors will be requested to wear a disposable mask provided by the Court (using the *Safe mask use and disposal protocol* in [Appendix 3](#)) to allow for any removal and disposal during the empanelment process when trial participants are asked to identify themselves for the benefit of the jury panel.

While masks may be removed pursuant to the exemptions in 3.10 (a – f) while in court, court users must continue to wear masks when moving throughout the court facility.

- 3.15 During orientation, jurors will be provided information (including an instructional video) on the correct process for changing masks as required throughout the empanelment process and the trial.
- 3.16 If a person removes a mask, they must dispose of it in the bin provided and use hand sanitiser before selecting and fitting a new mask.
- 3.17 The Court will continue to monitor the circumstances and will seek ongoing health advice to determine if this setting is appropriate.

Mask setting 2 – mask-wearing by non-speaking participants

- 3.18 Where health advice permits speaking participants to remove their masks, masks will be worn by all trial participants, save for in the following circumstances:
- (a) judicial officers and those speaking or addressing the court, including counsel and witnesses, may remove masks
 - (b) the accused will be required remove their mask when pleading during the arraignment
 - (c) a juror may be required to briefly move their mask to one side, while holding the straps, during the callover and answering 'present' or 'excuse'
 - (d) a juror may be required to remove their mask when addressing the Court during the provision of any verbal excuse, or when addressing the Court regarding a written excuse
 - (e) a juror will be required to remove their mask during the empanelment of the jury and parade
 - (f) any witness appearing remotely, or in-person is not required to wear a mask while giving evidence (after giving evidence in-person, a witness must use hand sanitiser before selecting and fitting a new mask).
- 3.19 As an additional measure of comfort to the jury, counsel will be required to conduct any address to the jury from the end of the bar table furthest from the jury. The instructing solicitor may also move position to sit near counsel as they address the jury.
- 3.20 Counsel and instructing solicitors should move towards the centre of the bar table (if required) when the opposing counsel is addressing the jury.
- 3.21 Those addressing the Court may choose to continue to wear a mask so long as they can be clearly heard and understood, at the discretion of the judge.
- 3.22 Any witness appearing remotely is not required to wear a mask while giving evidence.
- 3.23 Court staff will not be required to remove their mask at any time, save for the brief period required for identification to the jury panel during empanelment (if this is the preference of the judge). Court staff will continue to wear a mask immediately thereafter.
- 3.24 Courtroom microphones will be set to provide a measure of amplification (not just recording) to reduce the need of any person speaking to project their voice.
- 3.25 Counsel and instructing solicitors will be requested to wear a disposable mask provided by the Court (using the *Safe mask use and disposal protocol* in [Appendix 3](#)) to allow for any removal and disposal during the empanelment process when trial participants are asked to identify themselves for the benefit of the jury panel.
- 3.26 While masks may be removed pursuant to the exemptions in 3.18 (a – f) while in court, court users must continue to wear masks when moving throughout the court facility.
- 3.27 During orientation, jurors will be provided information (including an instructional video) on the correct process for changing masks as required throughout the empanelment process and the trial.
- 3.28 If a person removes a mask, they must dispose of it in the bin provided and use hand sanitiser before selecting and fitting a new mask.
- 3.29 The Court will continue to monitor the circumstances and will seek ongoing health advice to determine if this setting is appropriate.

Mask setting 3 – mask-wearing not required for trial participants save for limited circumstances (during empanelment)

- 3.30 Where health advice permits, the wearing of masks by all trial participants (including the judge, court staff, accused, counsel, instructing solicitors, witnesses, jurors) will be voluntary, and they will not be required to wear a mask (unless they wish to), save for during empanelment as follows:
- (a) If physical distancing is in place, during remote empanelment, jurors will be required to wear a mask during the empanelment process, up to the point of entry into the jury courtroom. Jurors may then remove their mask prior to entering the trial courtroom.
 - (b) If physical distancing is in place, during remote empanelment, instructing solicitors will be required to wear a mask while in the jury pool room (save for the period where they are required to remove their mask for the identification process) and in any public areas.
 - (c) If physical distancing is not in place, during empanelment, jurors will be required to wear masks while in the jury pool, in any public areas and while in the trial courtroom for empanelment (save for the points at which they are required to remove their mask – see paragraph 3.18 c – e). Jurors may remove their mask during the first adjournment after empanelment.
 - (d) Trial participants will be required to wear a mask when moving between locations in the public areas.
- 3.31 Following empanelment, empanelled jurors are not required to wear a mask unless they wish to.
- 3.32 Trial participants are required to carry a mask with them at all times.
- 3.33 Should instances of reported community transmission occur, the Court will seek urgent health advice with respect to the immediate re-introduction of mask wearing and at short notice, the Court may require all trial participants to revert to mask setting 1 or 2.
- 3.34 The Court will also continue to monitor the circumstances and will seek ongoing health advice to determine if this setting is appropriate.

Mask setting 4 – mask wearing not required for trial participants

- 3.35 During mask setting 4, masks are not required to be worn by all trial participants.
- 3.36 Trial participants may wear a mask if they wish, subject to the following:
- (a) those addressing the Court may choose to continue to wear a mask so long as they can be clearly heard and understood, at the discretion of the judge;
 - (b) the accused will be required to remove a mask when pleading during the arraignment;
 - (c) a juror will be required to briefly move a mask to one side, while holding the straps, during any callover and answering ‘present’ or ‘excuse’ during empanelment;
 - (d) a juror will be required to remove a mask when addressing the Court during the provision of any verbal excuse, or when addressing to the Court regarding a written excuse;
 - (e) a juror will be required to remove a mask during the empanelment of the jury.
- 3.37 If a person requires a new mask, they must use hand sanitiser before selecting and fitting a new mask.
- 3.38 Should instances of reported community transmission re-occur, urgent health advice will be sought with respect to the immediate re-introduction of mask wearing, and at short notice the

Court may require all trial participants to revert to mask settings 1, 2 or 3.

Court-provided disposable masks

- 3.39 Disposable masks will be available to all court users and those attending for jury service and participating in a trial.
- 3.40 Jurors or trial participants arriving at the Court wearing their own mask (for example, a non-disposable mask) will be provided with a disposable mask by Juries Victoria staff, and asked to wear a disposable mask, to allow for ease of removal, disposal and for fresh mask(s) to be used throughout the empanelment process and trial (if required). Jurors will be notified of this requirement by Juries Victoria staff.
- 3.41 Disposable masks will be available for jurors:
- (a) at entrance points before security screening
 - (b) in the jury pool room
 - (c) in the jury room.
- 3.42 Disposal bins and hand sanitiser will also be provided next to all masks distribution points to allow for safe mask use in accordance with the *Safe mask use and disposal protocol* (see [Appendix 3](#)).
- 3.43 In addition to the requirement that a new mask be worn whenever one is removed, on the advice that masks are to be refreshed every four hours, jurors and all court users will be provided with a fresh mask after any mid-sitting break (if in mask setting 1, 2 or 3 or if in mask setting 4 and the juror or court participant wishes to wear a mask) (see [Appendix 3](#)).
- 3.44 Supplies of additional masks and appropriate bins for safe mask disposal will be provided in the jury pool room trial courtroom and the jury room.

Face shields

- 3.45 This section ('Face shields') only applies in circumstances where the Court is in mask setting 1.
- 3.46 Where required, the use and disposal of a face shield will be in accordance with the *Safe use of face shield protocol* (see [Appendix 5](#)).
- 3.47 A number of assembled and sanitised single-use face masks will be available in a box near each witness box, alongside a disposal bin. The witness will be asked to use hand sanitiser before picking up and fitting a face shield. The witness can also place the face shield directly into the disposal bin upon completion of evidence to avoid any staff handling the shields.
- 3.48 A supply of masks will also be available for the witness to put on a fresh mask (after sanitising their hands) upon removal of the face shield.

Disposable gloves

3.49 Disposable gloves will be available to judges, court staff, legal representatives and jurors participating in a trial. The gloves will be available:

- (a) on the judge's bench (for the judge)
- (b) on the judicial staff bench (for judicial staff and jurors)
- (c) on the bar table (for legal representatives)
- (d) in the jury room (for jurors).

3.50 Hand sanitiser will also be provided next to gloves to allow for safe glove use and disposal in accordance with the *Safe glove use and disposal protocol* (see [Appendix 4](#)).

Cleaning

3.51 The Court has established an additional cleaning regime for the jury pool room, jury deliberation room, trial courtroom, other courtrooms used for empanelment and bathroom spaces with a focus on high touch points in areas used by multiple people. For example, high touch points in the witness box will be cleaned between witnesses.

Juror daily health screening questions

3.52 Upon entry to the Court building each day, members of the jury panel will be asked by a court security officer (and empanelled jurors will be asked by a court staff member) the following questions:

- (a) do you feel unwell, or have any symptoms of coronavirus (COVID-19)?
- (b) are you awaiting test results for COVID-19?
- (c) are you or anyone you live with required by public health authorities to take a COVID-19 test OR to stay at home in quarantine or isolation?

QR codes

3.53 In line with the Victorian Government health directions and record-keeping obligations, all trial participants (including jurors, counsel, bailed accused, solicitors, and witnesses) must sign in using the QR code digital system each time they enter the Court building. This includes if a trial participant leaves the building and returns on the same day for example, during lunchtime breaks.

3.54 If a trial participant does not have a mobile phone or other electronic device which enables them to electronically sign the QR code, trial participants will be assisted to sign in manually using a sign in sheet.

Expedited testing protocol

3.55 The Court and Court Services Victoria have developed an expedited testing protocol which will facilitate the testing of any trial participant for COVID-19. PCR testing can provide results of whether a person has been infected with COVID-19 within approximately 24 hours.

3.56 It is anticipated that a trial would be permitted to continue after a maximum adjournment of one day in order to facilitate the testing and receipt of PCR results.

3.57 Jurors will be advised in advance of attendance at court that they will be asked to consent to a testing protocol if selected as a juror and will be reminded of this during their orientation, although

completing the consent forms (and ultimately any testing) is voluntary.

- 3.58 Parties will be provided in advance of the trial with consent forms to complete (if they wish) and send to the chambers of the presiding judge for safe retention, in the event that expedited testing of counsel, instructing solicitors or witnesses is required.
- 3.59 The intention is to provide a quick and convenient means of arranging a test where the tests result can be provided to the individual and the Court in the quickest possible time. This enables the Court to act quickly from a health perspective and a trial perspective in the interests of all trial participants, minimising the inconvenience to all involved and ensuring swift action in the hopefully unlikely event a positive case was detected.
- 3.60 Jurors will be informed the forms will only be used for the purpose of facilitating a test if they agree to it at the time and will be destroyed once they are no longer needed following the completion of the trial.
- 3.61 Juries Victoria will retain juror’s consent forms and will be aware of the need for strict confidentiality in relation to juror information. Associates will retain consent forms of any other trial participants and will similarly hold such information in strict confidence.
- 3.62 In addition, the results of testing will be treated in strict confidence under privacy and health records legislation.

4. Pre-trial matters

- 4.1 It is suggested that, in addition to the usual matters, counsel should assist the Court by addressing the following matters, if not already raised with the judge’s chambers:
- (a) confirming witness arrangements particularly with regard to those witnesses that will appear remotely using videolinks
 - (b) whether an interpreter is required for the accused or any witness
 - (c) whether a view is required and what assessment has been made of the capacity to conduct a view with appropriate distancing/density
 - (d) confirming with the Court the anticipated desire of family or supports to attend the trial and that specific arrangements for limited in-court or remote viewing will need to be made.

5. Jury empanelment

Jury empanelment procedure – Ballarat, Geelong, Latrobe Valley and Shepparton

- 5.1 Spatial limitations and density quotients make it necessary to split the jury panel across multiple locations to ensure compliance with distancing and density requirements.
- 5.2 Jury empanelment will be conducted semi-remotely via videolink between:
- (a) the trial courtroom; and
 - (b) the jury pool room.
- 5.3 The jury panel will be split between the jury pool room and the jury box and additional seats in the trial courtroom.
- 5.4 The table below outlines modified procedures for a split jury empanelment. The empanelment process will maintain the juror parade when empanelling the jury, and the taking of excuses will be conducted in the trial courtroom.

Semi-remote empanelment

- 5.5 The below process is coordinated by the judge, 2 judicial support staff, and 1 Juries Victoria officer.

Event	Procedure
<p>Preparation of the trial courtroom (juror panel numbers, sanitation wipes, sanitiser, jury packs and disposal bins)</p>	<p>The juror panel numbers will be placed on/under the seats in the jury box and additional empanelment seating in the trial courtroom, numbered in sequential order.</p> <p>Sanitation wipes, sanitiser, and disposal bins to be placed in jury box, avoiding tripping hazards.</p> <p>Jury packs to be organised and placed at entry to jury box.</p> <p>Juries Victoria officer should take note of the juror panel numbers placed on the seats in the trial courtroom to assist directing these panel members to the courtroom upon arrival.</p> <p>If required, list of witnesses/parties placed on jurors’ seats.</p> <p>Juries Victoria will update the juror ballot cards and remove the cards of</p>

	<p>panel members that have failed to present for juror registration. Before the judge arrives on the Bench, Court staff (who have the responsibility of escorting panel members into the trial courtroom) should collect the updated juror ballot cards from the Juries Victoria officer and deliver the cards to the associate conducting the empanelment.</p>
<p>Preparation of the jury pool room</p>	<p>The jurors’ panel number will be placed on/under their seat in the jury pool room.</p> <p>Individual chairs in the jury pool room are numbered in sequential order.</p> <p>If required, list of witnesses/parties placed on/under jurors’ seats.</p>
<p>COVID testing consent forms</p>	<p>Juries Victoria staff distribute consent forms consistent with the Expedited Testing Protocol to members of the jury panel at check in.</p> <p>Individual pens will be provided.</p> <p>The consent forms will be collected by Juries Victoria staff (using gloves) before the commencement of the empanelment process.</p> <p>Any stationery used during this process must be sanitised by Juries Victoria staff before any re-use, using sanitising wipes.</p>
<p>Non-jury participants arrive early at Court</p>	<p>Non-juror court participants (including the accused) are instructed that they must enter the courtroom prior to the panel members.</p> <p>Judge calls on the matter to cover any final issues, and to advise participants that they must minimise all discussion when panel members start to arrive at the trial courtroom and are seated in preparation for empanelment.</p> <p>Judge remains on the bench to supervise the process.</p>
<p>Panel arrives at Court</p>	<p>Non-juror court participants (including the accused) enter the courtroom prior to the panel members.</p> <p>Tipstaff will attend the juror meeting point for juror registration to assist the Juries Victoria officer to coordinate the arrival of the panel.</p> <p>Jurors wearing a non-disposable mask, or their own personal mask, will be provided with and asked to wear a disposable mask, to allow for ease of removal, disposal and for fresh mask(s) to be used throughout the empanelment process and trial if selected as a juror.</p> <p>As members of the panel arrive at Court, and register with Juries Victoria staff, they will be directed to answer the following health screening questions:</p> <ul style="list-style-type: none"> • do you feel unwell, or have any symptoms of coronavirus (COVID-19)? • are you awaiting test results for COVID-19? • are you or anyone you live with required by public health authorities to take a COVID-19 test OR to stay at home in quarantine or isolation?

	<p>If the panel member answers ‘yes’ to any of the questions, they will not enter the pool room or trial courtroom, and will be directed to isolate and/or seek medical assistance as required.</p> <p>If the panel members answers ‘no’ to each question, they will be directed to sit in their assigned seat in either the jury pool room or trial courtroom.</p> <p>Where a panel member’s designated seat is in the trial courtroom, tipstaff or Juries Victoria officer will advise the panel member to use the bathroom facilities in the jury pool room if they need to do so, before tipstaff escorts the panel member to the door of the trial courtroom.</p> <p>Upon arrival, tipstaff will return to the juror registration point, and the associate will direct the panel member to take their seat in either the jury box or additional empanelment seating.</p> <p>This process is repeated until all panel members are in place.</p>
<p>Juror orientation/Tipstaff directions</p>	<p>Juries Victoria officer will be located in the jury pool room, with 2 judicial support staff in the trial courtroom.</p> <p>Tipstaff will establish a videolink between the jury pool room and trial courtroom.</p> <p>Tipstaff will confirm with Juries Victoria officer that all panel members are in place in the jury pool room.</p> <p>Juries Victoria staff will conduct orientation from the jury pool room via videolink. Jurors given briefing on mask wearing, hygiene, COVID safety measures, limiting exposure outside the court, bathroom location, testing protocol and requirement to complete testing consent forms. All jurors will complete consent forms as a component of the orientation.</p> <p>Tipstaff will give an overview of the process to the panel via videolink from the associate’s desk trial courtroom, describing the:</p> <ul style="list-style-type: none"> • arraignment • callover • movement to the courtroom for the taking of excuses – and provision of written excuses if required • empanelling of the jury and process of movement to the courtroom for the empanelment • challenges
<p>Judge opens court (authorisation and address to jury panel)</p>	<p>Videolink is continued.</p> <p>Judge, associate, tipstaff, counsel, instructing solicitors, accused and custodial staff will remain in the trial courtroom.</p> <p>Juries Victoria officer remains in the jury pool room.</p> <p>Tipstaff advise judge/associate court is ready.</p> <p>Matter is called on in trial courtroom in the presence of the jury panel.</p> <p>Judge declares the jury pool room an extension of the Court, and associate</p>

	<p>an authorised officer for the purposes of calling the panel and empanelling the jury.</p>
<p>Arraignment</p>	<p>Videolink is continued.</p> <p>To reduce the overall empanelment time, no initial callover is conducted prior to arraignment.</p> <p>Accused remain(s) in the dock while arraigned.</p> <p>If an accused is wearing a mask, they must remove their mask for the arraignment and dispose of the mask in the bin in front of dock (provided).</p> <p>Jury panel members in the jury pool room observe the accused during the arraignment via videolink from the jury pool room.</p> <p>Associate arraigns the accused from the trial courtroom, remaining at their desk for this process.</p> <p>After the accused is/are arraigned, they must use hand sanitiser (provided) and fit a new mask (provided) if required to wear a mask under mask settings 1 and 2, or if they choose to wear a mask under mask setting 3 or 4.</p> <p>Judge provides usual information (see s 32 of <i>Juries Act</i>).</p> <p>Judge advises jury panel that, when their number is called, potential jurors should state ‘present’ or if seeking to be excused, state ‘excuse’ during the callover.</p> <p>Judge reinforces that any panel members who are in vulnerable groups, or who have any other concerns should seek to be excused.</p> <p>Judge directs the associate to call through the jury panel.</p> <div data-bbox="533 1323 1356 2013" style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>CAMERA</p> <ul style="list-style-type: none"> • During the arraignment a portrait (from chest to above the head) close-up view of the accused will be seen by the jury panel in the jury pool room. • When the judge names court staff (if it is the practice of the judge), counsel and instructors, the camera view will be focused on the centre of the Bar table, allowing court participants to move into view of the camera, in sequence, as they are named. • If in mask setting 1, 2 or 3, each participant, including counsel and solicitors, must remove their mask to be seen. They must then dispose of the mask in the bin provided on the floor near the centre of the Bar table, then use hand sanitiser (provided on the Bar table), before selecting and fitting a new mask (provided on the bar table). • The camera view will then need to be returned to the judge for the call over. </div>

<p>Jury panel callover</p>	<p>Videolink is continued.</p> <p>Juries Victoria confirms with the associate that all panel members presented for juror registration; or alternatively, whether any panel numbers should be removed from the ballot.</p> <p>Associate reminds the jury pool that the numbers that will be called out are their panel numbers, which have been highlighted.</p> <p>Associate instructs the jury pool that when their panel number is called, they should stand at their seat and answer with 'present' or 'excuse'.</p> <p>If a juror is wearing a mask and where required by judge, jurors will be requested to move their mask to one side, or briefly take it off, using the mask straps, while answering the callover.</p> <p>Associate calls over the panel.</p> <div data-bbox="555 763 1378 1010" style="border: 1px solid black; background-color: #e6e6fa; padding: 10px; margin: 10px 0;"> <p>CAMERA</p> <ul style="list-style-type: none"> • Juries Victoria staff will pan the jury pool room camera across jury pool as the jury is called over, using pre-set views (if required). • The jury pool room view is of the judge. </div> <p>Associate will separate cards of jury panel members who seek to be excused for judge, further separating cards between panel members seeking to be excused who are present in the trial courtroom and those located in the jury pool room (where relevant).</p> <p>Associate queries if there are any jurors present whose panel number has not been called.</p> <p>Associate advises judge that all jurors are present.</p>
<p>Taking of excuses</p>	<p>Videolink is continued.</p> <p>Where panel members seeking to be excused are split across both the jury pool room and the trial courtroom, judge may instruct associate to deal with all panel members present in the jury pool room first before turning to those present in the trial courtroom (or vice versa).</p> <p>At the discretion of the judge, all panel members in the jury pool room seeking to be excused will attend the trial courtroom, in turn, when their number is called to provide verbal or written excuses.</p> <p>Alternatively, at the discretion of the judge, written excuses may be provided by the panel in the jury pool room to the court officer and conveyed to courtroom by the Tipstaff. Individual pens/notepads and hand sanitiser must be used.</p> <p>Associate reads the number of the panel member seeking to be excused, to avoid the judge handling cards.</p> <p>The tipstaff or associate will meet the jury panel member at a designated spot between the jury pool room and the trial courtroom (this varies between locations, but the jury panel member must be supervised at all</p>

times within public spaces during this process) before escorting them into the courtroom providing direction on where to stand when they arrive.

NOTE:

- Location set up for person to stand
- Materials provided for written excuses
- Sanitation station provided with masks, sanitiser and bin

Judge advises juror that sensitive excuse may be provided in writing, if panel member indicates this is required.

If verbal:

- the juror will be instructed to remove their mask and place it in the bin provided;
- if judge requires juror to give oath for purpose of seeking excuse, religious texts not used;
- the judge will hear and determine the excuse, and the juror will be asked to use hand sanitiser before selecting and fitting a new mask.

If written:

- panel member is asked to move to the witness box where the tipstaff/associate will provide the panel member with a clipboard, pen and paper to write his or her excuse. Hand sanitiser will be available by the witness box. The panel member will write his or her excuse on the paper provided, fold and hand to the tipstaff/associate.
- Tipstaff hands excuse to the judge following *Safe glove use and disposal protocol*;
- Written excuse is received by judge and then considered.
- Used clipboard and pen to be placed to one side for cleaning.

If the judge needs to question the juror on their written excuse, the juror will be instructed to remove their mask and dispose of it in the bin provided. In those circumstances, the juror will again be asked to use hand sanitiser before fitting a new mask.

Following the judge's determination, the tipstaff or associate will escort the juror back to the jury pool room and the Juries Victoria staff member direct they return to their assigned seat.

All potential jurors return to their assigned seat in the jury pool room – whether excused or otherwise.

If excused, the associate excludes the potential juror's number from the ballot for empanelment.

If there is more than one juror seeking to be excused, this process is then

	<p>repeated for all other jurors located in the jury pool room.</p> <p>Once the judge has determined excuses of panel members located in the jury pool room, associate will read the number of any panel member seeking to be excused who is located in the trial courtroom.</p> <p>The same process applies as above for the provision of verbal and written excuses, with the panel member exiting the jury box, or additional empanelment seating, and directed where to stand to provide their excuse.</p>
<p>Empanel jury</p>	<p>Videolink is continued.</p> <p>Judge directs associate to empanel a jury.</p> <p>Associate provides usual advice to the accused on rights to challenge.</p> <p>Defence counsel asks permission for instructing solicitor to stand beside accused in the dock, distanced at least 1.5 metres apart.</p> <p>Associate remains at the associate desk.</p> <div data-bbox="536 833 1358 1055" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>CAMERA</p> <ul style="list-style-type: none"> • The jury panel views the associate as they call each jury number from associate’s desk. • The view in the trial courtroom will be of the jury panel </div> <p>Before conducting the ballot, associate advises panel members located in the jury pool room that, if their number is called, they should stand and walk to the front of the jury pool room. Tipstaff or associate will meet panel member in designated spot before escorting them to the trial courtroom for the parade.</p> <p>Associate advises all panel members that, if their number is called, they will be required to first attend the sanitation station located in the courtroom near the walk-up location, remove their mask, and place it in the bin provided.</p> <p>Associate advises the jury panel that they will then be instructed to walk in front of the dock before returning to the walk-up location and waiting further instruction. If they are selected as a juror, they are to collect a selected juror lanyard from the walk-up location and place it around their neck.</p> <p>Associate then ballots the first potential juror.</p> <p>If the balloted juror is located in the jury pool room, the associate waits while tipstaff meets panel member at the designated spot before escorting them to the trial courtroom for the parade.</p> <p>When the balloted juror arrives and enters the courtroom, they are directed to the sanitation station near the walk-up location. Once mask removal has been performed, associate instructs the potential juror to pass in front of the dock and then return to the walk-up location (and, depending on the preference of the judge, to look at the accused).</p>

	<p>When the balloted juror returns to the sanitisation station, the associate starts the 5-second countdown timer.</p> <div style="border: 1px solid black; background-color: #f0f0f0; padding: 10px; margin: 10px 0;"> <p>NOTE</p> <ul style="list-style-type: none"> Once the potential juror returns to the walk-up location, the Court allows for 5 seconds for a challenge or request to stand aside. A clock displayed in courtroom shows a countdown of time in which to challenge/request to stand aside. The timer is displayed on a monitor and operated by the associate. </div> <p>After the expiry of the 5 second timer, if there is no challenge/request to stand aside, associate then instructs the panel member that they have been selected and to use hand sanitiser then pick up and put on a selected juror lanyard, then use hand sanitiser and select and fit a new mask, and that the tipstaff will now escort them back to the jury pool room or additional empanelment location where they are to return to their assigned seat.</p> <p>If challenged/requested to stand aside, no lanyard is provided, and the associate provides the same instructions on returning to the jury pool room.</p> <p>All jurors originating from the jury pool room are to return to the jury pool room – whether selected or otherwise.</p> <p>Associate must wait until the tipstaff has returned to the jury pool room before balloting the next potential juror.</p> <p>If a balloted juror is located in the trial courtroom, associate instructs them to stand (if located in the jury box, to exit the jury box), and attend the sanitation station near the walk-up location. The same process is then performed, with the potential juror instructed to pass in front of the dock before making their way back to the walk-up location.</p> <p>If no challenge/request to stand aside is made, associate then instructs the panel member that they have been selected and to return to the sanitation station, collect a selected juror lanyard, use hand sanitiser, select and fit a new mask, and return to their assigned seat in either the jury box or additional empanelment seating (If challenged, the same process applies without lanyard).</p> <p>This process is repeated until a jury of 12 to 14 has been empanelled.</p>
<p>Challenge for cause</p>	<p>An accused may challenge a potential juror for cause during empanelment.</p> <p>If a challenge for cause is made, the judge will instruct the tipstaff to escort the potential juror and other panel members located in the jury box outside the courtroom.</p> <p>Videolink to jury pool room is temporarily switched off to determine the matter (unless otherwise directed by judge).</p> <p>Judge hears and determines challenge for cause in absence of the</p>

	<p>potential juror and other panel members (unless otherwise directed by judge).</p> <p>Judge instructs tipstaff to collect the potential juror and other panel members from outside of the courtroom and escort them back to the trial courtroom.</p> <p>Videolink to jury pool room re-established.</p> <p>Judge advises the juror if they have been selected, or if they have been successfully challenged, and instructs the juror to use hand sanitiser and then select and fit a new mask before returning to their assigned seat in either the jury box or jury pool room (If selected they are to collect a juror lanyard).</p>
<p>12 to 14 jurors selected</p>	<p>Videolink is continued.</p> <p>Once 12 to 14 jurors are selected, judge discharges the balance of the jury panel and directs both selected and unselected jurors to remain seated in their assigned seats.</p> <p>Judge will advise that a short adjournment will now take place and that all jurors should follow the instructions from Juries Victoria officer and judicial support staff.</p> <p>Judge will also remind non-juror participants that they are to remain in the courtroom during the adjournment.</p> <p>Court is adjourned and judge leaves the bench.</p> <p>Videolink is terminated.</p> <p>Juries Victoria officer or court staff (depending on the location of the panel member) discharges the balance of the panel from the respective location, reminding discharged panel members not to speak with others, including selected jurors, when leaving. Juries Victoria officer or court staff provide discharged panel members with Juries Victoria information sheet before panel members leave the building (following <i>Safe glove use and disposal protocol</i>).</p> <p>The balance of the jury panel in both the trial courtroom and jury pool room are directed to the exit.</p> <p>Selected jurors in the jury box remain in the jury box.</p> <p>Any selected jurors occupying additional empanelment seats in trial court room are directed to collect an individual pack of sanitation wipes and hand sanitiser from the sanitation station, before taking a seat in the jury box.</p> <p>Tipstaff/associate instructs selected jurors to use hand sanitiser, and that sanitation wipes can be used to disinfect seating (if they wish to do so) before taking their seats (disposal bin provided).</p> <p>Selected jurors in the jury pool room are collected by tipstaff and escorted to the trial courtroom, providing the same instructions upon arrival.</p> <p>Juries Victoria officer advises cleaning staff that cleaning of jury pool room</p>

	<p>can take place (where the jury pool room is to be used as the jury room).</p> <p>Tipstaff advises the judge that all jurors are in place.</p>
Empanelled jurors sworn in as jury	<p>Matter is called back on.</p> <p>Jurors asked to stand and give an oath or make an affirmation. Under mask setting 1, 2 or 3, or if a juror chooses to wear a mask under mask setting 4, jurors to continue wearing a mask when giving an oath or making an affirmation, provided they can be clearly heard.</p> <p>Judge provides advice that, due to COVID-safe measures, religious text will not be provided for those wishing to swear an oath, but it will still have full force and effect.</p> <p>Judge instructs the associate to swear in the jury.</p> <p>Jurors sworn in.</p>
Overnight cleaning	<p>Entire jury pool room and trial courtroom cleaned and disinfected overnight.</p>

Jury empanelment procedure – Mildura, Warrnambool and Wodonga

- 5.6 Spatial limitations and density quotients make it necessary to split the jury panel across multiple locations to ensure compliance with distancing and density requirements.
- 5.7 Jury empanelment will be conducted semi-remotely via videolink across three areas:
- (a) the trial courtroom;
 - (b) the jury pool room; and
 - (c) an additional empanelment location, being either:
 - (i) an adjacent civil courtroom (Mildura and Wodonga); or
 - (ii) the jury deliberation room (Warrnambool).
- 5.8 The jury panel will be split between the jury pool room, the jury box and additional seats in the trial courtroom, and an additional empanelment location, being either the adjacent civil courtroom or the jury deliberation room.
- 5.9 The table below outlines modified procedures for a split jury empanelment. The empanelment process will maintain the juror parade when empanelling the jury, and the taking of excuses will be conducted in the trial courtroom.

Semi-remote empanelment

- 5.10 The below process is coordinated by the judge, 3 judicial support staff, and 1 Juries Victoria officer.

Event	Procedure
Preparation of the trial courtroom (juror panel numbers,	<p>The juror panel numbers will be placed on/under the seats in the jury box and additional empanelment seating in the trial courtroom, numbered in sequential order.</p> <p>Sanitation wipes, sanitiser and disposal bins to be placed in jury box,</p>

<p>sanitation wipes, sanitiser, jury packs and disposal bins)</p>	<p>avoiding tripping hazards.</p> <p>Jury packs to be organised and placed at entry to jury box.</p> <p>Juries Victoria officer should take note of the juror panel numbers placed on the seats in each location to assist directing these panel members to the courtroom upon arrival.</p> <p>If required, list of witnesses/parties placed on jurors’ seats.</p> <p>Juries Victoria will update the juror ballot cards and remove the cards of panel members that have failed to present for juror registration. Before the judge arrives on the Bench, Court staff (who have the responsibility of escorting panel members into the trial courtroom) should collect the updated juror ballot cards from the Juries Victoria officer and deliver the cards to the associate conducting the empanelment.</p>
<p>Preparation of the jury pool room</p>	<p>The jurors’ panel number will be placed on/under their seat in the jury pool room.</p> <p>Individual chairs in the jury pool room are numbered in sequential order.</p> <p>If required, list of witnesses/parties placed on jurors’ seats.</p>
<p>Preparation of the additional empanelment location</p>	<p>The jurors’ panel number will be placed on/under their seat in the additional empanelment location.</p> <p>Individual chairs in the additional empanelment location are numbered in sequential order.</p> <p>If required, list of witnesses/parties placed on jurors’ seats.</p>
<p>COVID testing consent forms</p>	<p>Juries Victoria staff distribute consent forms consistent with the Expedited Testing Protocol to members of the jury panel at check in.</p> <p>Individual pens will be provided.</p> <p>The consent forms will be collected by Juries Victoria staff (using gloves) before the commencement of the empanelment process.</p> <p>Any stationery used during this process must be sanitised by Juries Victoria staff before any re-use, using sanitising wipes.</p>
<p>Non-jury participants arrive early at Court</p>	<p>Non-juror court participants (including the accused) are instructed that they must enter the courtroom prior to the panel members.</p> <p>Judge calls on the matter to cover any final issues, and to advise participants that they must minimise all discussion when panel members start to arrive at the trial courtroom and are seated in the trial courtroom, or directed to the deliberation room (where required), in preparation for empanelment.</p> <p>Judge remains on the bench to supervise the process as panel members arrive at the courtroom.</p>
<p>Panel arrives at Court</p>	<p>Non-juror court participants (including the accused) enter the courtroom prior to the panel members.</p> <p>Tipstaff will attend the juror meeting point for juror registration to assist the</p>

	<p>Juries Victoria officer to coordinate the arrival of the panel.</p> <p>Jurors wearing a non-disposable mask, or their own personal mask, will be provided with and asked to wear a disposable mask, to allow for ease of removal, disposal and for fresh mask(s) to be used throughout the empanelment process and trial if selected as a juror.</p> <p>As members of the panel arrive at Court, and register with Juries Victoria staff, they will be directed to answer the following health screening questions:</p> <ul style="list-style-type: none"> • do you feel unwell, or have any symptoms of coronavirus (COVID-19)? • are you awaiting test results for COVID-19? • are you or anyone you live with required by public health authorities to take a COVID-19 test OR to stay at home in quarantine or isolation? <p>If the panel member answers ‘yes’ to any of the questions, they will not enter the pool room or trial courtroom, and will be directed to isolate and/or seek medical assistance as required.</p> <p>If the panel members answers ‘no’ to each question, they will be directed to sit in their assigned seat in either the jury pool room, trial courtroom, or additional empanelment location.</p> <p>Where a panel member’s designated seat is in the trial courtroom or additional empanelment location, tipstaff or Juries Victoria officer will advise the panel member to use the bathroom facilities in the jury pool room if they need to do so, before tipstaff escorts the panel member to the door of either the trial courtroom or additional empanelment location.</p> <p>Upon arrival, tipstaff will return to the juror registration point, and the associate/tipstaff will direct the panel member to take their seat in either the jury box, additional empanelment seating, or additional empanelment location.</p> <p>This process is repeated until all panel members are in place.</p>
<p>Juror orientation/Tipstaff directions</p>	<p>Juries Victoria officer will be located in the jury pool room, with 2 judicial support staff in the trial courtroom and 1 judicial support staff in the additional empanelment location.</p> <p>Tipstaff will establish a videolink between the jury pool room, trial courtroom, and additional empanelment location.</p> <p>Tipstaff will confirm that all panel members are in place in the jury pool room and additional empanelment location.</p> <p>Juries Victoria staff will conduct orientation from the jury pool room via videolink. Jurors given briefing on mask wearing, hygiene, COVID safety measures, limiting exposure outside the court, bathroom location, testing protocol and requirement to complete testing consent forms. All jurors will complete consent forms as a component of the orientation.</p> <p>Judicial staff member in additional empanelment location to ensure camera</p>

	<p>is focused on the associate’s desk in trial courtroom.</p> <p>Tipstaff will give an overview of the process to the panel via videolink from the associate’s desk in the trial courtroom, describing the:</p> <ul style="list-style-type: none"> • arraignment • callover • movement to the courtroom for the taking of excuses – and provision of written excuses if required • empanelling of the jury and process of movement to the courtroom for the empanelment • challenges
<p>Judge opens court (authorisation and address to jury panel)</p>	<p>Videolink is continued.</p> <p>Judge, 2 judicial support staff, counsel, instructing solicitors, accused and custodial staff will remain in the trial courtroom.</p> <p>1 judicial support staff remains in the additional empanelment location.</p> <p>Juries Victoria officer remains in the jury pool room.</p> <p>Tipstaff advises judge/associate court is ready.</p> <p>Matter is called on in trial courtroom in the presence of the jury panel.</p> <p>Judge declares the jury pool room and additional empanelment location (adjacent civil courtroom or deliberation room) an extension of the Court, and associate an authorised officer for the purposes of calling the panel and empanelling the jury.</p>

<p>Arraignment</p>	<p>Videolink is continued.</p> <p>To reduce the overall empanelment time, no initial callover is conducted prior to arraignment.</p> <p>Accused remain(s) in the dock while arraigned.</p> <p>If an accused is wearing a mask, they must remove their mask for the arraignment and dispose of the mask in the bin in front of dock (provided).</p> <p>Jury panel members in the jury pool room and additional empanelment location observe the accused during the arraignment via videolink.</p> <p>Associate arraigns the accused from the trial courtroom, remaining at their desk for this process.</p> <p>After the accused is/are arraigned, they must use hand sanitiser (provided) and select and fit a new mask (provided) if required to wear a mask under mask settings 1 and 2, or if they choose to wear a mask under mask setting 3 or 4.</p> <p>Judge provides usual information (see s 32 of <i>Juries Act</i>).</p> <p>Judge advises jury panel that, when their number is called, potential jurors should state ‘present’ or if seeking to be excused, state ‘excuse’ during the callover.</p> <p>Judge reinforces that any panel members who are in vulnerable groups, or who have any other concerns should seek to be excused.</p> <p>Judge directs the associate to call through the jury panel.</p> <div data-bbox="520 1223 1345 1955" style="border: 1px solid black; background-color: #f0f0f0; padding: 10px; margin: 10px 0;"> <p>CAMERA</p> <ul style="list-style-type: none"> • During the arraignment a portrait (from chest to above the head) close-up view of the accused will be seen by the jury panel in the jury pool room and additional empanelment location. • When the judge names court staff (if it is the practice of the judge), counsel and instructors, the camera view will be focused on the centre of the Bar table, allowing court participants to move into view of the camera, in sequence, as they are named. • If in mask setting 1, 2 or 3, each participant, including counsel and solicitors, must remove their mask to be seen. They must then dispose of the mask in the bin provided on the floor near the centre of the Bar table, then use hand sanitiser (provided on the Bar table), before selecting and fitting a new mask (provided on the Bar table). • The camera view will then need to be returned to the judge for the call over. </div>
<p>Jury panel callover</p>	<p>Videolink is continued.</p> <p>Juries Victoria confirms with the associate that all panel members</p>

	<p>presented for juror registration; or alternatively, whether any panel numbers should be removed from the ballot.</p> <p>Associate reminds the jury panel that the numbers that will be called out are their panel numbers, which have been highlighted.</p> <p>Associate instructs the jury panel that when their panel number is called, they should stand at their seat and answer with ‘present’ or ‘excuse’.</p> <p>If a juror is wearing a mask and where required by judge, jurors will be requested to move their mask to one side, or briefly take it off, using the mask straps, while answering the callover.</p> <p>Associate calls over the panel.</p> <div data-bbox="555 660 1378 1043" style="border: 1px solid black; background-color: #f0f0f0; padding: 10px; margin: 10px 0;"> <p>CAMERA</p> <ul style="list-style-type: none"> • Juries Victoria staff will pan the jury pool room camera across jury pool as the jury is called over, using pre-set views (if required). • Court officer in additional empanelment location will pan the camera across panel as the jury is called over, using pre-set views (if required). • Jury pool room view and additional empanelment location view is of the judge. </div> <p>Associate will separate cards of jury panel members who seek to be excused for judge, further separating cards between panel members seeking to be excused who are present in the trial courtroom and those located in either the jury pool room or adjacent civil courtroom (where relevant).</p> <p>Associate queries if there are any jurors present whose panel number has not been called.</p> <p>Associate advises judge that all jurors are present.</p>
<p>Taking of excuses</p>	<p>Videolink is continued.</p> <p>Where panel members seeking to be excused are split across the jury pool room, additional empanelment location and the trial courtroom, judge may instruct associate to deal with all panel members present in the jury pool room first before turning to those present in the additional empanelment location or trial courtroom.</p> <p>At the discretion of the judge, all panel members in the jury pool room and additional empanelment location seeking to be excused will attend the trial courtroom, in turn, when their number is called to provide verbal or written excuses.</p> <p>Alternatively, at the discretion of the judge, written excuses may be provided by the panel in the jury pool room and additional empanelment location to the court officer and conveyed to courtroom by the Tipstaff. Individual pens/notepads and hand sanitiser must be used.</p> <p>Associate reads the number of the panel member seeking to be excused,</p>

to avoid the judge handling cards.

The tipstaff or associate will meet the jury panel member at a designated spot between the jury pool room and the trial courtroom (this varies between locations, but the jury panel member must be supervised at all times within public spaces during this process) before escorting them into the courtroom providing direction on where to stand when they arrive.

NOTE:

- Location set up for person to stand
- Materials provided for written excuses
- Sanitation station provided with masks, sanitiser and bin

Judge advises juror that sensitive excuse may be provided in writing, if panel member indicates this is required.

If verbal:

- the juror will be instructed to remove their mask and place it in the bin provided;
- if judge requires juror to give oath for purpose of seeking excuse, religious texts not used;
- the judge will hear and determine the excuse, and the juror will be asked to use hand sanitiser before fitting a new mask.

If written:

- panel member is asked to move to the witness box where the tipstaff/associate will provide the panel member with a clipboard, pen and paper to write his or her excuse. Hand sanitiser will be available by the witness box. The panel member will write his or her excuse on the paper provided, fold and hand to the tipstaff/associate.
- Tipstaff hands excuse to the judge following *Safe glove use and disposal protocol*;
- Written excuse is received by judge and then considered.
- Used clipboard and pen to be placed to one side for cleaning.

If the judge needs to question the juror on their written excuse, the juror will be instructed to remove their mask and dispose of it in the bin provided. In those circumstances, the juror will again be asked to use hand sanitiser before selecting and fitting a new mask.

Following the judge's determination, the tipstaff or associate will escort the juror back to the jury pool room and the Juries Victoria staff member direct they return to their assigned seat.

All potential jurors return to their assigned seat in the jury pool room – whether excused or otherwise.

	<p>If excused, the associate excludes the potential juror’s number from the ballot for empanelment.</p> <p>If there is more than one juror seeking to be excused, this process is then repeated for all other jurors located in the jury pool room.</p> <p>Once the judge has determined excuses of panel members located in the jury pool room, associate will read the number of any panel member seeking to be excused who is located in the trial courtroom or additional empanelment location.</p> <p>If located in the additional empanelment location, juror seeking to be excused will be instructed to exit the additional empanelment location, where they will be greeted by the courtroom tipstaff.</p> <p>The same process applies as above for the provision of verbal and written excuses, with the panel member directed where to stand to provide their excuse.</p>
<p>Empanel jury</p>	<p>Videolink is continued.</p> <p>Judge directs associate to empanel a jury.</p> <p>Associate provides usual advice to the accused on rights to challenge.</p> <p>Defence counsel asks permission for instructing solicitor to stand beside accused in the dock, distanced at least 1.5 metres apart.</p> <p>Associate remains at the associate desk.</p> <div data-bbox="531 1133 1355 1355" style="border: 1px solid black; background-color: #f0f0f0; padding: 10px; margin: 10px 0;"> <p>CAMERA</p> <ul style="list-style-type: none"> • The jury panel views the associate as they call each jury number from associate’s desk. • The view in the trial courtroom will be of the jury panel. </div> <p>Before conducting the ballot, associate advises panel members located in the jury pool room and additional empanelment location that, if their number is called, they should stand and walk to the front of the room. Tipstaff or associate will meet panel member in designated spot before escorting them to the trial courtroom for the parade.</p> <p>Associate advises all panel members that, if their number is called, they will be required to first attend the sanitation station located in the courtroom near the walk-up location, remove their mask, and place it in the bin provided.</p> <p>Associate advises the jury panel that they will then be instructed to walk in front of the dock before returning to the walk-up location and waiting further instruction. If they are selected as a juror, they are to collect a selected juror lanyard from the walk-up location and place it around their neck. Juror then selects and fits a fresh mask.</p> <p>Associate then ballots the first potential juror.</p> <p>If the balloted juror is located in the jury pool room or additional empanelment location, the associate waits while tipstaff meets panel</p>

member at the designated spot before escorting them to the trial courtroom for the parade.

When the balloted juror arrives and enters the courtroom, they are directed to the sanitation station near the walk-up location. Once mask removal has been performed, associate instructs the potential juror to pass in front of the dock and then return to the walk-up location (and, depending on the preference of the judge, to look at the accused).

When the balloted juror returns to the sanitisation station, the associate starts the 5-second countdown timer.

NOTE

- Once the potential juror returns to the walk-up location, the Court allows for **5 seconds** for a challenge or request to stand aside.
- A clock displayed in courtroom shows a countdown of time in which to challenge/request to stand aside.
- The timer is displayed on a monitor and operated by the associate.

After the expiry of the 5 second timer, if there is no challenge/request to stand aside, associate then instructs the panel member that they have been selected and to use hand sanitiser then pick up and put on a selected juror lanyard, then use hand sanitiser and select and fit a new mask, and that the tipstaff will now escort them back to the jury pool room or additional empanelment location where they are to return to their assigned seat.

If challenged/requested to stand aside, no lanyard is provided, and the associate provides the same instructions on returning to the jury pool room or additional empanelment location.

All jurors originating from the jury pool room or additional empanelment location are to return to that room – whether selected or otherwise.

Associate must wait until the tipstaff has returned before balloting the next potential juror.

If a balloted juror is located in the trial courtroom, associate instructs them to stand (if located in the jury box, to exit the jury box), and attend the sanitation station near the walk-up location. The same process is then performed, with the potential juror instructed to pass in front of the dock before making their way back to the walk-up location.

If no challenge/request to stand aside is made, associate then instructs the panel member that they have been selected and to return to the sanitation station, collect a selected juror lanyard, use hand sanitiser, select and fit a new mask, and return to their assigned seat in either the jury box or additional empanelment seating (If challenged, the same process applies without lanyard).

This process is repeated until a jury of 12 to 14 has been empanelled.

<p>Challenge for cause</p>	<p>An accused may challenge a potential juror for cause during empanelment.</p> <p>If a challenge for cause is made, the judge will instruct the tipstaff to escort the potential juror and other panel members located in the jury box outside of the courtroom.</p> <p>Videolink to jury pool room and additional empanelment location is temporarily switched off to determine the matter (unless otherwise directed by judge).</p> <p>Judge hears and determines challenge for cause in absence of the potential juror and other panel members (unless otherwise directed by judge).</p> <p>Judge instructs tipstaff to collect the potential juror and other panel members from outside of the courtroom and escort them back to the trial courtroom.</p> <p>Videolink to jury pool room and additional empanelment location re-established.</p> <p>Judge advises the juror if they have been selected, or if they have been successfully challenged, and instructs the juror to use hand sanitiser and then select and fit a new mask before returning to their assigned seat in either the courtroom, jury pool room or additional empanelment location (If selected they are to collect a selected juror lanyard).</p>
<p>12 to 14 jurors selected</p>	<p>Videolink is continued.</p> <p>Once 12 to 14 jurors are selected, judge discharges the balance of the jury panel and directs both selected and unselected jurors to remain seated in their assigned seats.</p> <p>Judge will advise that a short adjournment will now take place and that all jurors should follow the instructions from Juries Victoria officer and judicial support staff.</p> <p>Judge will also remind non-juror participants that they are to remain in courtroom during the adjournment.</p> <p>Court is adjourned and judge leaves the bench.</p> <p>Videolink is terminated.</p> <p>Juries Victoria officer or court staff (depending on the location of the panel member) discharges the balance of the panel from the respective location, reminding discharged panel members not to speak with others, including selected jurors, when leaving. Juries Victoria officer or court staff provide discharged panel members with Juries Victoria information sheet before panel members leave the building (following <i>Safe glove use and disposal protocol</i>).</p> <p>The balance of the jury panel in the trial courtroom, additional empanelment location and jury pool room are directed to the exit.</p> <p>Selected jurors in the jury box remain in the jury box.</p> <p>Any selected jurors occupying additional empanelment seats in trial court</p>

	<p>room are directed to collect an individual pack of sanitation wipes and hand sanitiser from the sanitation station, before taking a seat in the jury box.</p> <p>Tipstaff/associate instructs selected jurors to use hand sanitiser, and that sanitation wipes can be used to disinfect seating (if they wish to do so) before taking their seats (disposal in bins provided).</p> <p>Selected jurors in the jury pool room are collected by the tipstaff and escorted to the trial courtroom, providing the same instructions upon arrival.</p> <p>Selected jurors in the additional empanelment location are escorted by the court officer in that room to the trial courtroom, providing the same instructions upon arrival.</p> <p>Court officer advises cleaning staff that cleaning of deliberation room can take place (where the deliberation room is used as the additional empanelment location).</p> <p>Tipstaff advises the judge that all jurors are in place.</p>
<p>Empanelled jurors sworn in as jury</p>	<p>Matter is called back on.</p> <p>Jurors asked to stand and give an oath or make an affirmation. Under mask setting 1, 2 or 3, or if a juror chooses to wear a mask under mask setting 4, jurors to continue wearing a mask when giving an oath or making an affirmation, provided they can be clearly heard.</p> <p>Judge provides advice that, due to COVID-safe measures, religious text will not be provided for those wishing to swear an oath, but it will still have full force and effect.</p> <p>Judge instructs the associate to swear in the jury.</p> <p>Jurors sworn in.</p>
<p>Overnight cleaning</p>	<p>Entire jury pool room, trial courtroom, and additional empanelment location cleaned and disinfected overnight.</p>

6. The jury trial in court – all locations

- 6.1 The following table outlines modified procedures to support the health and safety of judges, staff, jurors and court users from commencement of the trial to verdict.
- 6.2 The procedures are described on the basis that, after the empanelment process is completed, and the judge’s initial directions given, the judge should ordinarily adjourn for that day.
- 6.3 On the next day of the trial, the jurors will choose their foreperson prior to entering the trial courtroom for that day – allowing any necessary re-seating to take place in a safe manner (given the overnight cleaning that will have taken place).
- 6.4 Staggered start and finish times may be adopted where necessary to accord with local Magistrates’ Court of Victoria listings. For example, where the Magistrates’ Court conduct a

regular list on a specified day, which ordinarily requires a large number of court users attending in person, a delayed start time may be adopted to minimise traffic and congestion.

Event	Procedure
<p>First adjournment after jury sworn in</p>	<p>The court is adjourned to allow jurors to visit and familiarise themselves with jury room (under instruction of tipstaff) and have bathroom break.</p> <p>Relevant instructions based on current mask setting and associated requirements to be provided to jurors at this time.</p>
<p>Jury enter jury deliberation room</p>	<p>Tipstaff/jury keeper escorts jury to the jury room.</p> <p>Numbered stickers or labels identify which seats can be used. Each juror should use the same seat each day.</p> <p>Jury asked to choose seat and ensure use of that seat throughout the entire trial.</p> <p>Room cleaned and disinfected overnight and high touch points disinfected twice daily.</p> <p>Disposable cups and cutlery in kitchenette.</p> <p>Sanitising wipes and sanitiser available at kitchenette and in bathroom.</p> <p>Signs inside jury room with information on hygiene, sanitiser availability, coughing etiquette etc.</p> <p>Jury given briefing on hygiene, COVID safety measures, limiting exposure outside the court and mask wearing (if required).</p> <p>Jury informed of where their private bathroom, kitchenette and storage (pigeonhole) are and protocol for use.</p> <p>Disposal bins, hand sanitiser and replacement masks in deliberation room in prominent locations.</p> <p><i>Safe glove use and disposal protocol</i> displayed.</p> <p><i>Safe mask use and disposal protocol</i> displayed.</p> <p>Each juror supplied with a small bottle of hand sanitiser they can keep on them.</p> <p>Each juror supplied with individual pens, whiteboard markers and paper.</p>
<p>Initial directions to the jury following adjournment</p>	<p>Court resumes after adjournment.</p> <p>Jurors provided usual initial directions, in addition, provided directions on COVID safety including:</p> <ul style="list-style-type: none"> ● Importance of maintaining the same seat in the jury room and in the trial courtroom when they first return after choosing a foreperson. ● Importance of cough etiquette and hand hygiene. ● Importance of reporting if they experience symptoms at any time and to contact the court before coming in if symptomatic.

	<ul style="list-style-type: none"> • Importance of minimising their risk of exposure outside of court. • Importance of electronically signing in using the QR code digital system each time they enter the building, including if they leave the building and re-enter throughout the day for example, during lunchtime breaks.
Directions for choosing foreperson	<p>When considered appropriate by the presiding judge, the jury is asked to choose a foreperson.</p> <p>This should occur at a time so as to allow for overnight cleaning, before re-seating of the jury (i.e., the jury may be asked at the conclusion of one day to appoint a foreperson before commencing the following day).</p>
Jury takes assigned seats for trial after choosing foreperson	<p>Jury seats in court to be numbered on floor (not visible outside of the jury box) to help orient jurors and ensure they occupy the same seat.</p> <p>Tipstaff directs jury into trial courtroom and directs foreperson to sit in the appropriate seat.</p> <p>Judge reminds jury to keep those final assigned seats throughout the entire trial.</p>
Jury travels to and arrives at court for each day of trial	<p>Jury move to jury room.</p> <p>If required, lift protocol followed (following maximum capacity of persons per lift).</p> <p>On arrival into the Court each day, security staff or tipstaff/associate ask jurors if they answer ‘yes’ to any of the screening questions, on a poster, as follows:</p> <ul style="list-style-type: none"> • do you feel unwell, or have any symptoms of coronavirus (COVID-19)? • are you awaiting test results for COVID-19? • are you or anyone you live with required by public health authorities to take a COVID-19 test OR to stay at home in quarantine or isolation? <p>If yes to any of the screening questions, the juror should not enter and is given referral for testing as appropriate.</p> <p>If a juror is required to be tested or to isolate, the judge is informed so they can make decision about adjournment/discharge.</p>
Jury sits through session and is shown exhibits and other evidence	<p>Exhibits and other evidence that the jury is required to touch are minimised.</p> <p>Where there are physical exhibits, staff, lawyers, witnesses and jurors are provided with gloves to handle.</p> <p><i>Safe glove use and disposal protocol</i> (see Appendix 4) followed.</p> <p>Each juror provided with individual copies of documentary evidence, rather than shared folders. This minimises contact between jurors.</p>
Mask settings	<p><i>[If in mask setting 1]</i></p> <p>All trial participants will be required to wear a mask including when speaking – save for in the following limited circumstances:</p> <ul style="list-style-type: none"> • the accused will be required remove their mask when pleading during the

arraignment

- a juror may be required to briefly move their mask to one side, while holding the straps, during the callover and answering ‘present’ or ‘excuse’
- a juror may be required to remove their mask when addressing the Court during the provision of any verbal excuse, or when addressing the Court regarding a written excuse
- a juror will be required to remove their mask during the empanelment of the jury and the parade
- an in-person witness will be required to remove their mask when being sworn in and for a short period thereafter – as determined by the judge – for the purposes of identification
- an in-person witness may be required to remove their mask for short periods – as determined by the presiding judge – to facilitate the assessment of the witness’ credibility, during which period a face shield will be worn (see [Appendix 5](#)).

[If in mask setting 2]

Masks will be worn by all trial participants, save for in the following circumstances:

- judicial officers and those speaking or addressing the court, including counsel and witnesses, may remove masks
- the accused will be required to remove their mask when pleading during the arraignment
- a juror may be required to briefly move their mask to one side, while holding the straps, during the callover and answering ‘present’ or ‘excuse’
- a juror may be required to remove their mask when addressing the Court during the provision of any verbal excuse, or when addressing the Court regarding a written excuse
- a juror will be required to remove their mask during the empanelment of the jury and parade
- any witness appearing remotely, or in-person is not required to wear a mask while giving evidence (after giving evidence in-person, a witness must use hand sanitiser before selecting and fitting a new mask).

[If in mask setting 3]

During mask setting 3, masks are only required to be worn:

- during remote empanelment in the jury pool room, trial courtroom and other empanelment location (where relevant) (when density quotient and physical distancing applies).

[If in mask setting 4]

During mask setting 4, masks are not required to be worn by all trial participants.

Trial participants may wear a mask if they wish, subject to the following:

- those addressing the Court may choose to continue to wear a mask so long as they can be clearly heard and understood, at the discretion of the

	<p>judge;</p> <ul style="list-style-type: none"> the accused will be required to remove a mask when pleading during the arraignment; a juror will be required to briefly move a mask to one side, while holding the straps, during any callover and answering ‘present’ or ‘excuse’; a juror will be required to remove a mask when addressing the Court during the provision of any verbal excuse, or when addressing the Court regarding a written excuse; a juror will be required to remove a mask during the empanelment of the jury. <p>If a person requires a new mask, they must use hand sanitiser before selecting and fitting a new mask.</p> <p>Should instances of reported community transmission re-occur, urgent health advice will be sought with respect to the immediate re-introduction of mask wearing, and at short notice the Court may require all trial participants to revert to mask settings 1, 2 or 3.</p>
<p>Witness called to give evidence</p>	<p>[All mask settings]</p> <p>Vulnerable witnesses may give evidence remotely.</p> <p>[If in mask setting 1]</p> <p>An in-person witness will be required to wear a mask while giving evidence save for the following circumstances:</p> <ul style="list-style-type: none"> when required to remove their mask when being sworn in and for a short period thereafter – as determined by the judge – for the purposes of identification if required to remove their mask for short periods – as determined by the presiding judge – to facilitate the assessment of the witness’ credibility, during which period a face shield will be worn (see Appendix 5). <p>[If in mask setting 2]</p> <p>Any witness appearing remotely, or in-person is not required to wear a mask while giving evidence.</p> <p>After giving evidence in-person, a witness must use hand sanitiser before selecting and fitting a new mask.</p> <p>[If in mask setting 3 or 4]</p> <p>Where practicable and appropriate, other witnesses may still give evidence remotely.</p> <p>During mask setting 4, a witness is not required to wear a mask.</p> <p>[All mask settings]</p> <p>If giving an oath, religious texts not used and judge to advise swearing without text.</p>

	<p>Witness box cleaned and disinfected between in-person witnesses by cleaners – allow 10 mins to be effective.</p>
<p>Jury breaks for morning/afternoon break or lunch</p>	<p>Jurors are not confined at lunchtime – they may go for a walk, but they are reminded to limit their exposure.</p>
<p>Jury returns to court after break or lunch and trial continues</p>	<p>Jury assembles in jury deliberation room or jury pool room, based on relevant local practice, and staff member then directs them into the trial courtroom.</p> <p>Jurors sit in their allocated seats.</p>
<p>Jury retires for the day</p>	<p>Before leaving for the day, jurors reminded to limit their exposure outside the court.</p> <p>Staff member directs jurors into the deliberation room to collect their belongings, then jurors leave CCV.</p> <p>Court keeps a record of who was in the courtroom each day (jurors identified by number).</p> <p>Courtroom and jury room are cleaned before the start of next day.</p>
<p>If off-site view conducted</p>	<p>Location assessed in advance for capacity to distance by judge’s staff in coordination with the Chief Judge’s chambers.</p> <p>Judge’s chambers also liaise with Juries Victoria for transport, catering or other requirements.</p> <p>If location incompatible with distancing explore alternatives – for example, using video/models.</p> <p>Tipstaff delivers standard view brief in addition to safety brief (using script to be provided tailored for the particular case and location).</p> <p>Travel to location and back on large bus or multiple buses (additional staff required where multiple vehicles).</p> <p>Jurors and staff distanced on bus and asked to return to same seat.</p> <p>Location of view cleared of other people by the associate and tipstaff.</p> <p>Jurors and person conducting view instructed by tipstaff on keeping distance while view conducted.</p> <p>Under mask settings 1 and 2 or a juror wishes to wear a mask under mask settings 3 or 4, masks to be used throughout. Disposal bins, hand sanitiser and replacement masks will be made available on buses and onsite.</p>
<p>Counsel addresses to the jury</p>	<p><i>[If in mask setting 2]</i></p> <p>As an additional measure of comfort to the jury, counsel will be required to conduct any address to the jury from the end of the Bar table furthest from the</p>

	<p>jury. The instructing solicitor may also move position to sit near counsel as they address the jury.</p> <p>Counsel and instructing solicitors should move towards the centre of the Bar table (if required) when the opposing counsel is addressing the jury.</p> <p>Bar table to be cleaned and disinfected, each time counsel relocates to the end of the Bar table during any address to the jury, by cleaners.</p>
<p>At conclusion of trial, jury deliberates</p>	<p>Cleaning and disinfection of jury room to continue, with jury materials not visible to cleaners.</p> <p>Staff remind jury about hygiene.</p> <p>Jurors are provided with individual meals so as to avoid shared items.</p> <p>Jury keepers are outside the jury room, in the trial courtroom, or in a nearby location if the jury pool room is being used as the deliberation room.</p> <p>During deliberation, individually wrapped lunches will be provided to jurors delivered to the jury room.</p>
<p>Jury questions</p>	<p>Jurors return to trial courtroom and resume same seats.</p> <p>Question written down and handed to the judge via the associate (staff wear gloves).</p> <p><i>Safe glove use and disposal protocol</i> (see Appendix 4) followed after delivery of written question.</p> <p>Jurors may need to return to jury room during discussion with counsel.</p> <p>Jurors return to trial courtroom to same seats and judge provides answer to their question or directs them further.</p>
<p>Verdict</p>	<p>Jury indicates they have verdict to the jury keeper.</p> <p>Jury brought into the trial courtroom.</p> <p>Once verdict given jury discharged and return to collect belongings from the jury deliberation room and leave the building.</p>

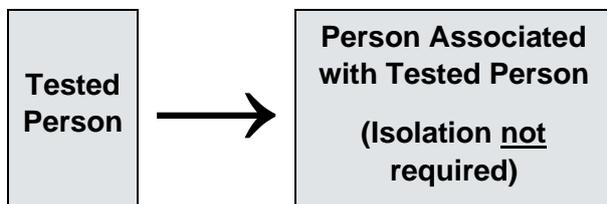
7. Guidelines if a trial is impacted by COVID-19

- 7.1 This set of guides outlines the actions to be taken in the event a trial is impacted by one of the following:
- (a) a trial participant is associated with a tested person (where the result is not yet known)
 - (b) a trial participant is tested for COVID-19 (including where trial participant directed to isolate)
 - (c) a trial participant becomes a confirmed case of COVID-19.
- 7.2 The following represent guidelines only and staff should follow the specific advice and instructions of the CSV COVID-19 Response Manager on the appropriate response for all trial participants whenever testing is arranged.

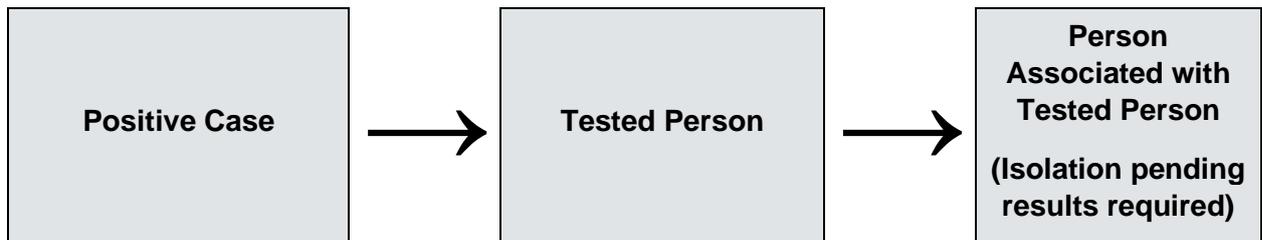
(a) Trial participant associated with tested person

- 7.3 If a trial participant is associated with a person being tested, the trial participant does not need to isolate (Scenario A), unless the person being tested is a contact of a known positive case (Scenario B) or the person being tested is otherwise required by the Department of Health to isolate for 14 days (Scenario C).

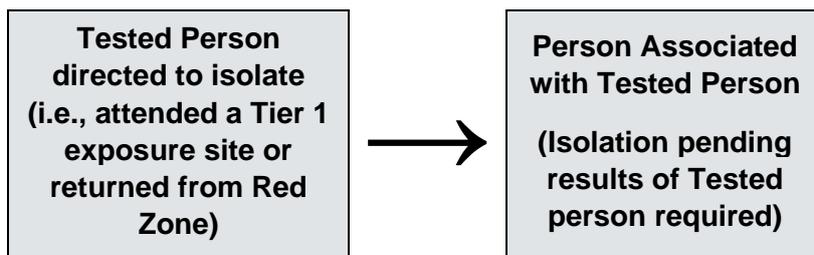
7.4 Scenario A



7.5 Scenario B



7.6 Scenario C



- 7.7 The following table outlines the process to be actioned for Scenarios B and C, if a trial participant advises that they are associated with a person ('Tested Person') and the Tested Person is a contact of a known positive case or is under a direction from the Department of Health to isolate for whatever reason (for example, the Tested Person attended a Tier 1 exposure site, or returned from a Red Zone).

7.8 A person will be an ‘Associated Person’ if they meet one of the following criteria:

- (a) had face-to-face contact with the Tested Person
- (b) shared a closed space with the Tested Person (this would include working in close proximity with the Tested Person)
- (c) live in a household with the Tested Person.

Scenario B and C	Actions
<p>Judge, staff member, juror, counsel, practitioner or witness reports they are associated with a Tested Person (where the result is not yet known)</p>	<p>Notification</p> <p>Juror notifies Juries Victoria by phone (if at home) or notifies tipstaff or Juries Victoria staff (if at the Court) that they are an Associated Person.</p> <p>Judge, staff member, counsel, practitioner or witness reports they are Associated Person.</p> <p>The Associated Person should not attend the court facility.</p> <p>If already at the Court, the judge, staff member, counsel, practitioner or witness should leave the court facility if they become aware that they are an Associated Person. If the Associated Person is a judge or court staff member, <i>Accident Incident Report</i> to be completed using the Accident Incident Reporting System (AIRs).</p> <p>If already at the Court, the juror should be isolated in a room by Juries Victoria staff (or tipstaff) until they receive further instruction from the judge.</p> <p>Judge should notify the Head of Criminal Division.</p> <p>Head of Division will notify associate/s and tipstaff, if not already notified.</p> <p>Directions to jurors and parties</p> <p>Judge to determine whether the trial should be adjourned <i>sine die</i> and ask the Associated Person to remain in isolation until test results of the Tested Person received or whether to discharge the jury.</p> <p>Associate to follow usual processes and make appropriate notifications to Juries Victoria and the relevant Registry staff in accordance with the judge’s decision.</p> <p>Adjournment</p> <p>If the trial is adjourned and if the Tested Person’s test results return negative, the associate is to liaise with the parties and the relevant Registry staff to arrange for the trial to be relisted if directed to do so by the judge.</p> <p>Associate to notify the parties and Juries Victoria staff of the resumption date once confirmed.</p> <p>Juries Victoria staff to notify jurors of the resumption date.</p> <p>If the trial is adjourned and if the Tested Person’s result is positive, the Associated Person will need to be tested, and the ‘Suspected case guide’</p>

	followed (see ‘Any person tested for COVID-19 during the trial’ in the ‘Suspected Case Guide’).
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(b) Trial participant tested (suspected case guide)

7.9 The following table outlines the process to be actioned if the Court receives notification that a person is experiencing symptoms associated with COVID-19, or is required to test and isolate under a direction from the Department of Health.

Scenario	Actions
Juror reports being symptomatic	<p>Notification</p> <p>Jurors are instructed by the judge that they should not attend the court facility if they are experiencing symptoms.</p> <p><i>Juror symptomatic at home</i></p> <p>Jurors instructed that they should contact Juries Victoria as early as possible (on the number provided) to advise if they will not be attending and provide reasons.</p> <p>If Juries Victoria staff receive notification that a juror will not be attending due to being symptomatic, Juries Victoria staff to advise the trial judge before following process for expedited testing if required.</p> <p><i>Juror symptomatic at screening</i></p> <p>If any juror reports experiencing symptoms at the entry screening questions by a Juries Victoria staff member, Juries Victoria staff to isolate the juror, and advise the local Senior Registrar and the trial judge.</p> <p><i>Juror symptomatic while at court</i></p> <p>If juror reports development of symptoms during the trial, the tipstaff removes the juror from the jury room (or other location) and escorts them to an empty meeting room on the same floor of the court facility (maintaining appropriate distancing), and advises the juror to remain in the room until they receive further instruction.</p> <p>Tipstaff notifies judge and associate (where relevant) that a juror has reported being symptomatic.</p> <p>Judge alerts the Head of Criminal Division that their trial has been disrupted due to a juror being symptomatic.</p> <p>Associate notifies Juries Victoria staff and local Senior Registrar that a juror has reported being symptomatic and advises of the juror’s location.</p> <p>Testing</p> <p>Juries Victoria arrange for a referral for testing (using the Expedited testing checklist).</p> <p>If juror did not attend the court and is at home, Juries Victoria staff will advise the juror that they will be receiving a call from Court Services Victoria to facilitate the testing process.</p>

	<p>If the juror is at the court facility, Juries Victoria staff to attend to the juror’s location (maintaining appropriate distancing) and advise that a qualified person will be in touch via telephone to facilitate testing (see Expedited testing checklist).</p> <p>Juries Victoria staff to advise local Senior Registrar and cleaning staff of the meeting room in which the juror is/was located for the purpose of cleaning once the juror departs.</p> <p>Testing of the juror will be conducted in accordance with the Expedited testing checklist.</p> <p>Advice regarding the appropriate response by other trial participants (i.e., need to isolate or be tested, etc.) is provided by the CSV COVID-19 Response Manager when testing is arranged. This should be communicated by the person arranging testing to the presiding judge.</p> <p>Directions to jurors and parties</p> <p>Judge to consider the advice provided by CSV COVID-19 Response Manager regarding the appropriate response by other trial participants.</p> <p>Judge to determine whether the trial should be adjourned <i>sine die</i> until test results are received or whether to discharge the jury.</p> <p>The Court will reconvene in the absence of the jury, and the judge will advise the parties of their intended course of action and invite submissions.</p> <p>Decision regarding the future conduct of the trial will be announced in the presence of the jury and direction given.</p> <p>Associate to follow usual processes and make appropriate notifications to Juries Victoria and Criminal/Civil Listings staff in accordance with the judge’s decision</p> <p>If the trial is to continue, the judge is to advise remaining jurors and parties of additional cleaning arrangements.</p> <p>Adjournment</p> <p>If the trial is adjourned and if test results return negative, the associate to arrange for the trial to be relisted when directed to do so by the judge.</p> <p>Associate to notify the parties and Juries Victoria staff of the resumption date</p> <p>Juries Victoria will notify jurors of the resumption date.</p> <p>If the trial is adjourned and if test results return positive, see Positive test guide.</p> <p>Cleaning</p> <p>If the person being tested has occupied any part of the building after an overnight cleaning, the trial courtroom, jury room and all spaces occupied by the symptomatic person will be cleaned.</p>
<p>Counsel reports being symptomatic during trial</p>	<p>Notification</p> <p>Counsel must not attend the court facility if they are experiencing symptoms and should report experiencing symptoms at any stage during the trial.</p>

	<p>Counsel must contact the judge’s chambers as soon as possible (by email or on a number provided) to advise if they are symptomatic and will not be attending.</p> <p>Associate to advise the judge that counsel has reported being symptomatic and will not be attending.</p> <p>Judge notifies the Head of Criminal Division that their trial has been disrupted due to counsel being symptomatic.</p> <p>Testing</p> <p>Associate for the judge contacts Court Services Victoria in compliance with the Expedited testing checklist to seek referral for urgent testing of counsel.</p> <p>Head of Criminal Division to advise judge that notification has been received.</p> <p>Advice regarding the appropriate response by other trial participants (i.e., need to isolate or be tested, etc.) is provided by the CSV COVID-19 Response Manager when testing is arranged. This should be communicated by the person arranging testing to the presiding judge.</p> <p>Directions to jurors and parties</p> <p>Judge to consider the advice provided by CSV COVID-19 Response Manager regarding the appropriate response by other trial participants.</p> <p>Judge to adjourn <i>sine die</i> until test results received.</p> <p>The Court to reconvene in the absence of the jury to discuss the future conduct of the trial with impacted counsel appearing remotely via telephone or videolink, where health status allows.</p> <p>After hearing from counsel, decision regarding the future conduct of the trial will be announced in the presence of the jury and appropriate directions provided.</p> <p>Associate to follow usual processes and make appropriate notifications to Juries Victoria and the relevant Registry staff in accordance with the judge’s decision.</p> <p>The judge to advise jurors and parties of additional cleaning arrangements.</p> <p>Adjournment</p> <p>If test results return negative, the associate is to arrange for the trial to be relisted.</p> <p>Associate to notify the parties and Juries Victoria staff of the resumption date and time.</p> <p>Juries Victoria will notify jurors of the resumption date.</p> <p>If test results return positive, see Positive test guide.</p> <p>Cleaning</p> <p>If the person being tested has occupied any part of the building after an overnight cleaning, the trial courtroom and all spaces occupied by the symptomatic person will be cleaned.</p>
<p>Instructing solicitor reports being</p>	<p>Notification</p> <p>Solicitors must not attend the court facility if they are experiencing symptoms.</p>

<p>symptomatic during a trial</p>	<p>If their instructing solicitor reports being symptomatic, counsel must advise the associate and opposing counsel via telephone or email; or alternatively, advise the judge when court resumes in the absence of the jury.</p> <p>Testing</p> <p>Associate for the judge contacts Court Services Victoria in compliance with the Expedited testing checklist to seek referral for urgent testing of instructing solicitor.</p> <p>Head of Criminal Division to advise judge that notification has been received.</p> <p>Advice regarding the appropriate response by other trial participants (i.e., need to isolate or be tested, etc.) is provided by the CSV COVID-19 Response Manager when testing is arranged. This should be communicated by the person arranging testing to the presiding judge.</p> <p>Directions to jurors and parties</p> <p>Judge to consider the advice provided by CSV COVID-19 Response Manager regarding the appropriate response by other trial participants.</p> <p>Judge to determine whether the trial can continue, should be adjourned <i>sine die</i> until test results received or whether to discharge the jury.</p> <p>Judge to consider whether it is appropriate to advise the jury that an instructing solicitor has reported being symptomatic and is undergoing testing.</p> <p>Adjournment</p> <p>If test results return positive, see Positive test guide.</p> <p>If test results return negative, the associate is to arrange for the trial to be relisted.</p> <p>Associate to notify the parties and Juries Victoria staff of the resumption date and time.</p> <p>Juries Victoria will notify jurors of the resumption date.</p> <p>Cleaning</p> <p>If the person being tested has occupied any part of the building after an overnight cleaning, the trial courtroom and all spaces occupied by the symptomatic person will be cleaned.</p>
<p>Witness reports being symptomatic during trial</p>	<p>Notification</p> <p>Counsel are directed by the judge to advise witnesses who are scheduled to give evidence that they are not to attend the court facility if they are experiencing symptoms.</p> <p>Counsel are directed to notify the associate and opposing counsel via telephone or email as soon as they are aware that their witness will be unable to attend to give evidence, as scheduled; or alternatively, advise the judge when court resumes in the absence of the jury.</p> <p>If a witness has been sworn in, and their evidence carries over into a second day, before excusing the witness, the judge should remind the witness that they are not to attend the court facility if they begin to experience symptoms overnight.</p>

	<p>Witness directed to notify relevant counsel if they are unable to attend court to continue giving evidence due to becoming symptomatic overnight.</p> <p>Counsel are directed to notify the associate and opposing counsel via telephone or email as soon as they are aware that a witness will be unable to attend to give evidence, as scheduled; or alternatively, advise the judge when court resumes in the absence of the jury.</p> <p>Testing</p> <p>If the witness has attended the court facility and commenced giving evidence, judge to request the witness undergo testing for COVID-19.</p> <p>Associate for the judge contacts Court Services Victoria in compliance with the Expedited testing checklist to seek referral for urgent testing of witness.</p> <p>Advice regarding the appropriate response by other trial participants (i.e., need to isolate or be tested, etc.) is provided by the CSV COVID-19 Response Manager when testing is arranged. This should be communicated by the person arranging testing to the presiding judge.</p> <p>Directions to jurors and parties</p> <p>Judge to consider the advice provided by CSV COVID-19 Response Manager regarding the appropriate response by other trial participants.</p> <p>If the health status of the witness allows, judge to consider whether it is appropriate in the circumstances to have the witness give (or continue giving) evidence via videolink.</p> <p>Judge to consider whether it is appropriate to advise the jury that witness has reported being symptomatic and is undergoing testing.</p> <p>If the witness has already attended in person and commenced giving evidence, judge to consider whether trial should be adjourned <i>sine die</i> until test results are received or whether to discharge the jury.</p> <p>If test results return positive, see Positive test guide.</p> <p>Cleaning</p> <p>If the person being tested has occupied any part of the building after an overnight cleaning, the trial courtroom and all spaces occupied by the symptomatic person will be cleaned.</p>
<p>Accused on bail reports being symptomatic</p>	<p>Notification</p> <p>Accused persons on bail are instructed by the judge that they should not attend the court facility if they are experiencing symptoms.</p> <p>Accused instructed that they should contact their legal representatives as early as possible to advise if they will not be attending and provide reasons.</p> <p>Counsel instructed by the judge that if the accused reports being symptomatic, they should advise the associate and opposing counsel via telephone or email as soon as possible or advise the judge when court resumes in the absence of the jury.</p>

	<p>Where the health status of the accused allows, the accused is required to appear remotely via telephone.</p> <p>Judge to alert the Head of Criminal Division that their trial has been disrupted due to an accused person being symptomatic.</p> <p>Testing</p> <p>Associate for the judge contacts Court Services Victoria in compliance with the Expedited testing checklist to seek referral for urgent testing of bailed accused.</p> <p>Advice regarding the appropriate response by other trial participants (i.e., need to isolate or be tested, etc.) is provided by the CSV COVID-19 Response Manager when testing is arranged. This should be communicated by the person arranging testing to the presiding judge.</p> <p>Directions to jurors and parties</p> <p>Judge to consider the advice provided by CSV COVID-19 Response Manager regarding the appropriate response by other trial participants.</p> <p>Judge to determine whether the trial should be adjourned <i>sine die</i> until test results received or whether to discharge the jury.</p> <p>The Court will reconvene in the absence of the jury and judge will advise the parties of their intended course of action and invite submissions.</p> <p>Decision regarding the future conduct of the trial will be announced in the presence of the jury and direction given.</p> <p>Judge to consider whether it is appropriate to advise the jury that the accused has reported being symptomatic and is undergoing testing.</p> <p>Where relevant, the judge is to consider appropriate orders regarding extension of the accused bail.</p> <p>Associate to follow usual processes and make appropriate notifications to Juries Victoria and the relevant Registry staff in accordance with the judge's decision.</p> <p>Adjournment</p> <p>If the trial is adjourned and if test results return negative, associate to arrange for the trial to be relisted.</p> <p>Associate to notify the parties and Juries Victoria staff of the resumption date.</p> <p>Juries Victoria will notify jurors of the resumption date.</p> <p>If test results return positive, see the Positive test guide.</p> <p>Cleaning</p> <p>If the person being tested has occupied any part of the building after an overnight cleaning, the trial courtroom and all spaces occupied by the symptomatic person will be cleaned.</p>
<p>Accused in custody</p>	<p>Notification</p>

reported being symptomatic	<p>Corrections Victoria to notify the chambers of the judge if an accused person in custody has reported being symptomatic at any stage during the trial and whether they have undergone testing for COVID-19.</p> <p>If required, and if the health status of the accused permits, the accused may appear remotely via videolink to discuss future conduct of the trial.</p> <p>Judge alerts the Head of Criminal Division that their trial has been disrupted due to the accused being symptomatic.</p> <p>Testing</p> <p>The chambers of the presiding judge to request that Corrections Victoria convey the test results of the accused to the Court once received.</p> <p>Associate to the presiding judge should seek advice regarding the appropriate response by other trial participants (i.e., need to isolate or be tested, etc.) from the CSV COVID-19 Response Manager. This advice should be communicated to the presiding judge.</p> <p>Directions to jurors and parties</p> <p>Judge to consider the advice provided by CSV COVID-19 Response Manager regarding the appropriate response by other trial participants.</p> <p>To be conducted in accordance with the 'Accused on bail reports being symptomatic' guidelines in this table (with any necessary modification).</p> <p>Cleaning</p> <p>If the person being tested has occupied any part of the building after an overnight cleaning, the trial courtroom and all spaces occupied by the symptomatic person will be cleaned.</p>
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<p>Corrections Victoria or Victoria Police staff report being symptomatic during a trial</p>	<p>Notification</p> <p>Judge’s chambers receive notification from Corrections Victoria or Victoria Police that a custody officer that has spent time in a particular courtroom has reported being symptomatic and has been directed to undergo testing for COVID-19.</p> <p>Associate to the presiding judge should seek advice regarding the appropriate response by other trial participants (i.e., need to isolate or be tested, etc.) from the CSV COVID-19 Response Manager. This advice should be communicated to the presiding judge.</p> <p>Judge’s chambers to notify the Head of Criminal Division.</p> <p>Testing</p> <p>Judge’s chambers to request that the results from the testing be conveyed to the Court when received.</p> <p>If notified that test results positive, see the Positive test guide.</p> <p>Directions to jurors and parties</p> <p>Judge to consider the advice provided by CSV COVID-19 Response Manager regarding the appropriate response by other trial participants.</p> <p>Judge to advise the parties in the absence of the jury that a Corrections Victoria custody officer has reported being symptomatic and is undergoing testing.</p> <p>Judge to consider whether it is appropriate to advise the jury that the custody officer has reported being symptomatic and is undergoing testing</p> <p>Judge to determine whether the trial should proceed or be adjourned <i>sine die</i> until test results received.</p> <p>Cleaning</p> <p>If the person being tested has occupied any part of the building after an overnight cleaning, the trial courtroom and all spaces occupied by the symptomatic person will need to be cleaned.</p>
<p>Any person tested for COVID-19 during the trial</p>	<p>Notification</p> <p>If any of the trial participants identified above are tested for COVID-19, they will be directed to self-isolate until they receive the results, and are therefore unable to attend the court facility, all appropriate notifications, testing and directions as per the above guidelines are to be applied, with any necessary modifications.</p>

<p>Any trial participant required or directed by DH to test for COVID-19 and isolate for 14 days</p>	<p>Notification</p> <p>If any trial participant is required under a direction or otherwise directed by the Department of Health (DH) to test for COVID-19 and isolate for a period of 14 days, all appropriate notifications, testing and directions as per the above guidelines are to be applied, with any necessary modifications.</p> <p>Directions to isolate for 14 days may include where the trial participant:</p> <ul style="list-style-type: none"> • has visited a Red Zone or Tier 1 exposure site; and/or • has been identified by the Department of Health (DH) as a primary close contact of a positive case; and/or • lives in the same home as a DH-identified primary close contact who is isolating; and/or • is directed by DH to test and isolate for 14 days for any other reason. <p>Testing</p> <p>Associate to the presiding judge should seek advice regarding the appropriate response by other trial participants (i.e., need to isolate or be tested, etc.) from the CSV COVID-19 Response Manager. This advice should be communicated to the presiding judge.</p> <p>Directions to jurors and parties</p> <p>Judge to consider the advice provided by CSV COVID-19 Response Manager regarding the appropriate response by other trial participants.</p> <p>Judge to determine whether the trial can continue, should be adjourned <i>sine die</i> until test results received or whether to discharge the jury.</p> <p>Judge to consider whether it is appropriate to advise the jury that a trial participant has reported being symptomatic and is undergoing testing.</p> <p>Cleaning</p> <ul style="list-style-type: none"> • If the person being tested has occupied any part of the building after an overnight cleaning, the trial courtroom and all spaces occupied by the person will need to be cleaned.
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(c) Trial participant tests positive (Positive test guide)

7.10 The following table outlines the process to be actioned if the Court receives notification that a person has subsequently returned a positive test for COVID-19 during a trial.

Scenario	Actions
<p>Juror diagnosed with COVID-19 during the trial (while trial is adjourned waiting test results)</p>	<p>Notifications</p> <p>Juries Victoria staff to notify the presiding judge, Chief Judge and Head of Criminal Division if a juror subsequently returns a positive diagnosis for COVID-19.</p> <p>Juries Victoria staff (or delegate/s) to notify remaining jurors that a juror has returned a positive diagnosis and that further health information and testing advice from Department of Health (DH) will be forthcoming.</p>

	<p>All necessary WorkSafe notifications must be made. Health and Safety Representatives (HSRs) to be notified.</p> <p>Contact tracing and testing</p> <p>Juries Victoria staff to liaise with DH to conduct contact tracing and assist to identify all persons considered a close contact with the juror in the 48 hours prior to becoming symptomatic.</p> <p>Chief Judge’s chambers or Senior Administrator Criminal Division to liaise with Juries Victoria and DH to provide relevant details of judges and court staff determined to be close contacts.</p> <p>Judges and other court staff identified as close contacts must follow the advice of DH regarding testing for COVID-19 and the need to self-isolate.</p> <p>Judges and other court staff must notify the Chief Judge and Head of Criminal Division, or their relevant manager or director of the test results once received.</p> <p>Directions to jurors and parties</p> <p>Judge will discharge the jury and advise Juries Victoria staff of their decision.</p> <p>Juries Victoria staff to advise remaining jurors whether they have been discharged or whether they will still be required to attend for the continuation of the trial when a resumption date is determined.</p> <p>Associate or case manager to notify the parties of the judge’s decision regarding the future conduct of the trial.</p> <p>Associate to follow usual processes and make appropriate notifications to the relevant Registry in accordance with the judge’s decision.</p> <p>Cleaning</p> <p>The jury room, trial courtroom and all spaces occupied by the positive person will be deep cleaned.</p>
<p>Witness tests positive for COVID-19 after giving evidence</p>	<p>Notification</p> <p>Before giving evidence in person, the judge requests that, should a witness subsequently test positive to COVID-19 within 14 days of giving evidence, or if they are determined by DH to be a close contact of a person who has tested positive and directed to self-isolate, they must contact the chambers of the judge on the number provided to advise the Court.</p> <p>The judge’s chambers to liaise with DH to determine whether the trial participants are considered to be close contacts and whether they will be required to self-isolate.</p> <p>Judge to alert the Chief Judge and Head of Criminal Division if their trial is disrupted due to the health status of a witness.</p> <p>All necessary WorkSafe notifications must be made. Health and Safety Representatives (HSRs) to be notified.</p>

	<p>Testing</p> <p>Judges and other court staff identified as close contacts must follow the advice of DH regarding testing for COVID-19 and the need to self-isolate.</p> <p>Judges and other court staff must notify the Chief Judge and Head of Criminal Division, or their relevant manager or director of the test results once received.</p> <p>If test results return positive, see the relevant guidelines in this table.</p> <p>Directions to jurors and parties</p> <p>Judge to determine whether the trial should be adjourned while DH determine if the trial participants are considered to be close contacts of the witness.</p> <p>Cleaning</p> <p>The courtroom and all spaces occupied by the positive person will be deep cleaned.</p>
<p>Any other trial participant is subsequently diagnosed with COVID-19 during the trial</p>	<p>Notifications</p> <p>When the relevant person is notified of a positive diagnosis for COVID-19, the relevant person is to notify the judge, Chief Judge and Head of Criminal Division.</p> <p>Juries Victoria staff (or delegate/s) to notify jurors that a trial participant has returned a positive diagnosis and that further health information and testing advice from Department of Health (DH) will be forthcoming.</p> <p>All necessary WorkSafe notifications must be made. HSR to be notified.</p> <p>All further notifications to be conducted in accordance with the ‘Juror diagnosed with COVID-19 during the trial (while trial is adjourned waiting test results)’ protocol.</p> <p>Contact tracing and testing</p> <p>To be conducted in accordance with the ‘Juror diagnosed with COVID-19 during the trial (while trial is adjourned waiting test results)’ protocol.</p> <p>Directions to jurors and parties</p> <p>To be conducted in accordance with the ‘Juror diagnosed with COVID-19 during the trial (while trial is adjourned waiting test results)’ protocol.</p> <p>Cleaning</p> <p>The courtroom and all spaces occupied by the positive person will be deep cleaned.</p>

APPENDIX 1: Hand washing protocol

How to wash your hands



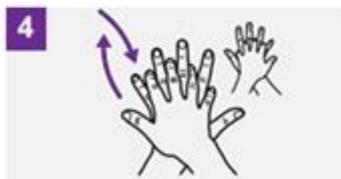
1 Wet hands with water



2 Apply enough soap to cover all hand surfaces



3 Rub hands palm to palm



4 Right palm over left dorsum with interlaced fingers, and vice versa



5 Palm to palm with fingers interlaced



6 Backs of fingers to opposing palms with fingers interlocked



7 Rotational rubbing of left thumb clasped in right palm, and vice versa



8 Rotational rubbing, backwards and forwards with clasped fingers or right hand in left palm, and vice versa



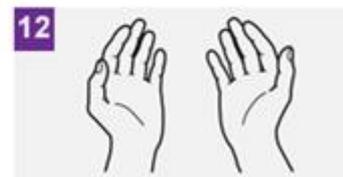
9 Rinse hands with water



10 Dry hands thoroughly with a single use towel



11 Use towel to turn off faucet



12 Your hands are now clean



APPENDIX 2: Safe use of hand sanitiser protocol

How to use hand sanitiser

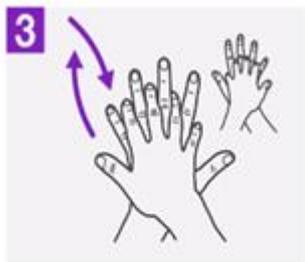
 Duration of the entire procedure: 20-30 seconds



Apply a palmful of the product in a cupped hand, covering all surfaces;



Rub hands palm to palm;



Right palm over left dorsum with interlaced fingers and vice versa;



Palm to palm with fingers interlaced;



Backs of fingers to opposing palms with fingers interlocked;



Rotational rubbing of left thumb clasped in right palm and vice versa;



Rotational rubbing, backwards and forwards with clasped fingers of right hand in left palm and vice versa;



Once dry, your hands are safe.



APPENDIX 3: Safe mask use and disposal protocol

How to put a face mask on



1 Clean your hands with soap and water or an alcohol-based hand rub.



2 Hold the mask by its tapes or loops, then tie the mask around your head or put the loops around your ears.



3 Make sure the mask covers your mouth and nose, and that there are no gaps between your face and the mask, and press the nose piece around your nose.



4 Do not touch the front of the mask while wearing it.

How to take off a face mask



1 Avoid touching the front of the mask. Only touch the ear loops or tapes.



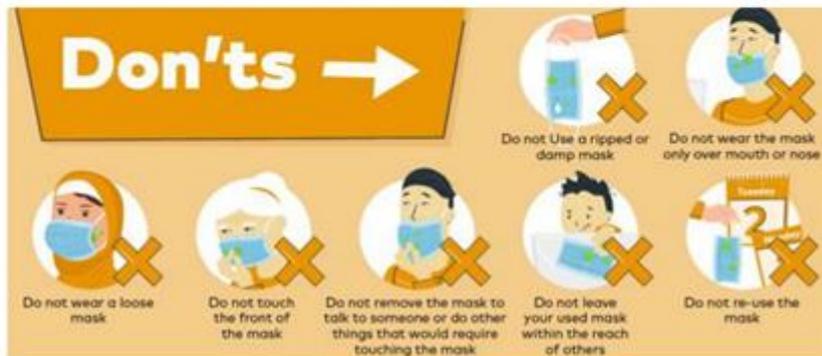
2 Take the mask off from behind your head by pulling the tapes or loops straight forward and moving the mask away from your face.



3 Throw the mask in the bin.



4 Clean your hands with soap and water or an alcohol-based hand rub.



See 'How to wear a mask', Australian Government Department of Health:
<https://www.youtube.com/watch?v=rsBL0yTZNTM>

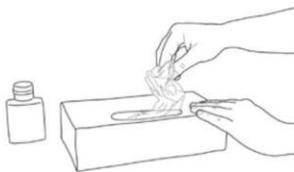
APPENDIX 4: Safe glove use and disposal protocol

USING GLOVES

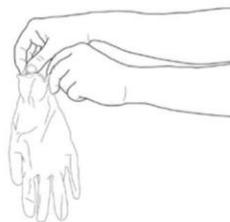
Hand sanitiser is required with glove use and should be performed:

- before putting on gloves
- after removing gloves.

I. HOW TO DON GLOVES:



1. Take out a glove from its original box



2. Touch only a restricted surface of the glove corresponding to the wrist (at the top edge of the cuff)



3. Don the first glove



4. Take the second glove with the bare hand and touch only a restricted surface of glove corresponding to the wrist



5. To avoid touching the skin of the forearm with the gloved hand, turn the external surface of the glove to be donned on the folded fingers of the gloved hand, thus permitting to glove the second hand

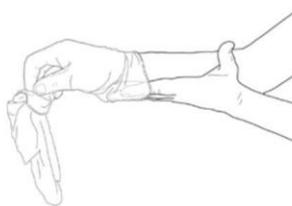


6. Once gloved, hands should not touch anything else that is not defined by indications and conditions for glove use

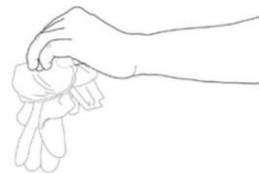
II. HOW TO REMOVE GLOVES:



1. Pinch one glove at the wrist level to remove it, without touching the skin of the forearm, and peel away from the hand, thus allowing the glove to turn inside out



2. Hold the removed glove in the gloved hand and slide the fingers of the ungloved hand inside between the glove and the wrist. Remove the second glove by rolling it down the hand and fold into the first glove



3. Discard the removed gloves. Single-use gloves should not be washed and reused

See Ansell's video '[How to properly remove single-use gloves](#)'.

APPENDIX 5: Safe use of face shield protocol¹

How to put a face shield on



1. Clean your hands with hand sanitiser.
2. Hold the straps of the face shield with both hands.
DO NOT touch the front of the face shield.
3. Expand the elastic with your thumbs and place the elastic behind your head so that the foam rests on your forehead.
4. Make sure the shield is about 3cm above your eyebrows and covers all of your face.

How to take a face shield off



1. Hold the straps of the face shield at your temples and pull forward and over your head.
DO NOT touch the front of the face shield.
2. Dispose of the face shield safely.
3. Use hand sanitiser after removing.

¹ Note, this protocol is only for use of face shields in the circumstances described in [3.10](#) regarding in-person witnesses on page 8-9.