



District Court of New South Wales

Coal Miners' Workers Compensation List
Special Statutory Compensation List

HEALTH EMERGENCY PRECAUTIONS

Hearings

If matters in these lists do not settle, the hearing of them will proceed, with the following precautions to be observed.

1. Surfaces in the Court Room are cleaned and sanitised daily. If more than one witness is to be called in any case, the witness box will again be sanitised before it is occupied by a new witness.
2. All surfaces in the Court Room will be sanitised if a second case proceeds on the same day.
3. Counsel must not move lecterns. Counsel must not change places.
4. Solicitors must not sit at the Bar table, but behind Counsel and observe the physical distancing requirement.
5. Permission to approach a witness in the witness box will be refused, unless absolutely required.
6. Showing documents to witnesses in the box should only be a requirement of last resort. Often it is completely unnecessary. This minimises the need for the Court officer to approach both Counsel and the witness.
7. The least number of hands should touch tender documents.
8. The door to the Court Room will be kept open to avoid multiple touching of the plates/handles. Noise in the public waiting area is to be kept to a minimum.

Redemptions

Redemptions in the Coal Miners' Workers Compensation List will be dealt with by affidavit. The worker's affidavit should include this information (at minimum):

1. Age.
2. Dependants.
3. Financial position: whether owns own home, amount of any mortgage; superannuation; any other investments; any debts.
4. Any refunds owed to Centrelink or to Medicare.
5. Whether any preclusion period for social security benefits.
6. Identity of person(s) providing legal advice.
7. Amount of the redemption.
8. Execution of form of consent.

If the worker's lawyers have advised the worker that the sum proposed is inadequate, a confidential memorandum to that effect is to be provided to the Court, stating the reason(s) for that advice.

The Court will endeavour to deal with these applications in Chambers when it has received:

- (a) Original Short Minutes of Order signed by a lawyer for each party, and
- (b) The worker's affidavit, and
- (c) Any confidential memorandum.

If no confidential memorandum is received with the worker's affidavit, the Court will presume that those advising the worker have recommended the redemption to him or her.

Call Overs

Call overs in the Special Statutory Compensation List and the Sydney Coal Mining List will continue. Practitioners are to advise the Court officer of their appearance so that it will be recorded. All practitioners are to wait outside the Court until their matter is called. Matters will not be called by their order in the list but in a way to minimise those attending, e.g. a solicitor with only one matter might have it called first, even though it is last in the printed list. A practitioner with a large number of matters may be permitted to sit in the Court after his or her first matter has been dealt with.

NEILSON DCJ - 27 March 2020