



NEW SOUTH WALES  
**BAR ASSOCIATION**

**COVID-19: INFORMATION  
FOR ATTENDING COURT**

Latest news as at Tues 31 March PM

## ATTENDING COURT

**Courts and Tribunals have measures in place to conduct proceedings without the need for attending where possible, to respond to the developing COVID-19 pandemic.** The Association is in constant contact with the Courts and Tribunals. Click on the links below to jump to the latest information received about attending:

- [The Supreme Court of New South Wales](#)
- [The Land and Environment Court of New South Wales](#)
- [The District Court of New South Wales](#)
- [The Local Court of New South Wales](#)
- [The Children's Court of NSW](#)
- [NSW Coroners Court](#)
- [NCAT](#)
- [NSW Industrial Relations Commission](#)
- [Workers Compensation Commission](#)
- [High Court of Australia](#)
- [Federal Court of Australia](#)
- [Family Court of Australia & Federal Circuit Court of Australia](#)
- [Administrative Appeals Tribunal](#)
- [Fair Work Commission](#)
- [Copyright Tribunal of Australia](#)

**In accordance with NSW Health advice, DO NOT ATTEND A COURT/TRIBUNAL unless you:**

- are a party to a court or tribunal matter and no other arrangements are in place to conduct proceedings remotely;
- require face to face services of the registry and no other arrangements are in place to enable this remotely; or
- are a representative of a news-media organisation with a legitimate reason for attending.

**Despite the above, DO NOT ATTEND A COURT/TRIBUNAL if:**

- you have had close contact with someone diagnosed with or suspected or confirmed as having coronavirus (COVID-19) in the last 14 days;
- you are feeling unwell and experiencing any of the following symptoms - fever, cough, sore throat or shortness of breath; or
- you have travelled and returned from overseas in the past 14 days.

Registrars or Sheriff's officers may deny entry or request any person to leave a building.

## SUPPORTING MEMBERS & CLIENTS

The Bar Association continues to actively monitor COVID-19 developments and impacts on the Courts. Protecting the health, safety and interests of members, while continuing to promote the administration of justice and serve the public good, is our priority at this difficult time.

We are consistently updating our website and this point-in-time resource as information comes to hand. **However, please always double-check the latest Court resources directly as developments are changing quickly at this time and do not make any assumptions regarding your case without first doing so.**

### Key contacts

For the latest health information, please visit:

- Australian Government, Department of Health – COVID-19 Resources:  
<https://www.health.gov.au/resources/collections/novel-coronavirus-2019-ncov-resources>
- NSW Department of Health:  
<https://www.health.nsw.gov.au/Pages/default.aspx>

### Wellbeing

Be mindful of your resilience and wellbeing during this challenging time. If you're concerned about yourself or a colleague, visit [barcare.org](http://barcare.org)

# SUPREME COURT OF NEW SOUTH WALES

For further info & practitioners guidelines, visit [http://www.supremecourt.justice.nsw.gov.au/Pages/coronavirus\\_covid19\\_announcement.aspx](http://www.supremecourt.justice.nsw.gov.au/Pages/coronavirus_covid19_announcement.aspx)

**The Supreme Court [released the following notice](#) on 31 March 2020:**

## **PROTOCOL FOR ARRAIGNMENTS LIST**

Consistent with the announcement of the Chief Justice on 23 March 2020 published on the Supreme Court website, there will be no appearances in person in the arraignment list either by practitioners or the accused until further notice.

Fullerton J proposes to call through the arraignments list at 10:00 AM on Friday, 3 April 2020 utilising the available AVL technology in accordance with the procedure in s 22C(3) and (4) of the *Evidence (Audio and Audio Visual Links) Act 1998* (NSW) introduced following the passage of the COVID-19 Legislation Amendment Act 2020.

Section 22C(5) provides that the Court may direct that an "accused" and or "legal practitioner representing a party" to appear by audio or audio visual link "but only after the parties have had an opportunity to be heard".

Any practitioner who wishes to be heard on that question should furnish a submission in writing to her Honour's Associate and Tipstaff (and copied to the Crown) no later than midday on Thursday, 2 April 2020 setting out the basis upon which an order under s 20C(5) is resisted. The submission will be considered in chambers and the parties advised whether a direction will be made or not.

The Court is in the process of making the necessary arrangements, if possible, to have the accused that are in custody continue to appear via the established AVL system but in an audio 'interface' only with their legal representative in the Virtual Courtroom. That is, Fullerton J will see and hear the accused on the fixed screen in Court 9D and see and hear the accused's legal representative(s) and the Crown via a screen on the bench dedicated to the Virtual Courtroom. The expectation is that the accused and their representative will be in audio contact only while the Court is in session.

Where an accused does not wish to appear either from custody or via the Virtual courtroom where that person is on bail, the Court should be notified by an email to her Honour's Associate and Tipstaff, again no later than midday on Thursday, 2 April 2020.

Legal practitioners appearing in the arraignment list are to advise her Honour's Tipstaff ([jevan.griffiths@courts.nsw.gov.au](mailto:jevan.griffiths@courts.nsw.gov.au)) by email of their intended appearance (first initial and surname) no later than midday on Thursday, 2 April 2020.

Attached for your reference is a Fact Sheet published by the Court to assist participants in navigating the Virtual Courtroom environment.

The details to connect to Courtroom 9D are set out in the table below. Please use the web link below for video:

- Web Link (mobile devices, laptops):

<https://avl.justice.nsw.gov.au/invited.sf?id=10090887&secret=FFuZi3xxZjpYu2VxbPuWlQ>

- Telephone link: 02 8759 0887
- SIP Address (video suites): [10090887@justice.nsw.gov.au](mailto:10090887@justice.nsw.gov.au)

When prompted to provide your name please include the following details:

- List number;
- First initial of given name;
- Surname;
- Party you represent – R or D

If using a web browser to connect to the Virtual Courtroom, use either the latest version of Google Chrome or Firefox.

To minimise being disconnected, avoid connecting through a wireless connection. Instead use a hard- wired Internet connection, by plugging directly into your router or modem. This should give you a faster connection with minimal disconnects.

If you are disconnected from the Virtual Courtroom, join again using the link provided. As long as the Virtual Courtroom is in progress you should be able to reconnect.

If you are disconnected from the Virtual Courtroom and receive a prompt to enter a meeting ID and passcode those details are as follows:

- meeting ID: 10090887;
- passcode: FFuZi3.

Her Honour is hopeful of being able to give practitioners a specific time allocation for the calling over of the matters in the list to avoid practitioners and an accused who is not in custody 'dialling' and 'staying on line' until their matter is called. If that proves practicable, the matters in the list will be called over in the order in which they appear on the Court List on the Supreme Court website and at the time allocated to them on the list.

Practitioners (and an accused not in custody) should ensure they have joined the Virtual Courtroom in advance of the time allocated to them to ensure when their matter is called the practitioner (and the accused) will "appear". This is particularly important when an accused is to be arraigned.

To minimise noise and feedback during the proceedings, practitioners should ensure their devices are on "mute" and cameras off until their matter is called. Devices will need to be unmuted to address the Court.

Practitioners should then announce their appearance, including first initial. For those solicitors not addressing the Court directly, both the video and audio to their device off should remain off at all times.

Your attention is also drawn to the *COVID-19 Legislation Amendment Act 2020* and the consequential amendment to s 365 of the *Criminal Procedure Act* relating to Judge alone trials. The parties are encouraged to consider whether a JAT is feasible in the circumstances of the particular trial utilising the facility of the Virtual Courtroom.

If the consent of the accused is forthcoming, then the Crown should consider its position and advise the accused and the Court without delay. Where a JAT can proceed it may be possible to allocate that trial to a trial judge for case management.

Where an accused does not consent to a JAT, the matter will not be allocated a trial date or a trial judge. The matter will remain in the arraignment list for allocation at a later date.

**The President of the Court of Appeal issued the following statement on 31 March 2020:**

**COURT OF APPEAL ADDITIONAL REQUIREMENTS FOR THE FILING OF APPEAL BOOKS AND WHITE FOLDERS**

Until further notice, parties should, in addition to the current requirements for the filing of physical copies of Red, Orange, Blue and Black Books, and White Folders in the case of Summonses for leave to appeal, also provide an electronic copy of those books to the Court. The Registrar will accept USBs, CDs, and DVDs. Emails with links to documents may be accepted by prior arrangement with the Registrar.

The delivering of physical copies or USB electronic copies of appeal books or White Folders can be made to the foyer of the Registry by prior arrangement with the Registry.

Uplifting of books and folders for updating, and the uplifting of lower court files can also occur by prior arrangement with the Registry.

Enquiries should be made by email addressed to [courtofappeal@justice.nsw.gov.au](mailto:courtofappeal@justice.nsw.gov.au)

**The Supreme Court published Guidelines for Common Law Duty List matters and Equity Duty List matters on 26 on 27 March respectively, which are available here:**

[http://www.supremecourt.justice.nsw.gov.au/Documents/Home%20Page/Announcements/CL\\_Duty\\_Judge\\_procedure\\_20200327.pdf](http://www.supremecourt.justice.nsw.gov.au/Documents/Home%20Page/Announcements/CL_Duty_Judge_procedure_20200327.pdf)

[http://www.supremecourt.justice.nsw.gov.au/Documents/Home%20Page/Announcements/Duty%20List%20Guidelines\\_20200326.pdf](http://www.supremecourt.justice.nsw.gov.au/Documents/Home%20Page/Announcements/Duty%20List%20Guidelines_20200326.pdf)

**The President of the Court of Appeal made the following announcement on 24 March 2020:**

**Court of Appeal Authorities – New Procedure**

In response to COVID-19, changes have been made to the process by which the Court of Appeal receives authorities from practitioners ahead of hearings.

Until further notice, practitioners should no longer provide hard copies of authorities to the Level 12 authorities' box. Practitioners should continue to provide electronic copies of their lists of authorities to the President's Researcher by email at [coa.researcher@courts.nsw.gov.au](mailto:coa.researcher@courts.nsw.gov.au). Those lists should now be provided by 10am **three business days** before the hearing. Where lists of authorities contain references to secondary materials (for example, extracts from textbooks or second reading speeches), electronic copies of those materials in PDF format should also be provided to the President's Researcher by email at the same time as provision of the lists.

Any questions relating to the above instructions may be directed to the President's Researcher.

**The Supreme Court made the following announcement on 24 March 2020 regarding changes to procedures relating to the Commercial List, Technology & Construction List and Commercial Arbitration List**

Henceforth and until further notice, the usual Friday Commercial List, Technology and Construction List and Commercial Arbitration List will not be conducted in open Court.

Matters not disposed of by consent will be dealt with as follows:

The time for consent directions to be sent to his Honour Justice Hammerschlag will be extended to 4.00pm on Thursday 19<sup>th</sup> March 2020. Where there is no consent the parties are to forward to his Honour by 12.00 noon on Friday 20<sup>th</sup> March 2020 a brief position paper, (not exceeding one page for directions and two pages for motions) identifying what is in dispute and their respective positions on it.

If a hearing date is requested a range of mutual hearing dates should be provided.

His Honour will then determine matters in dispute on the papers unless a hearing is necessary and appropriate. If a party considers a hearing to be necessary and appropriate, it should state this and give reasons why. If a hearing is to be held it is likely to be by audio link or video link. The parties will be notified and arrangements made.

Matters which are not the subject of consent provided to the Associate by 12.00 noon on Thursday will appear in the list, notwithstanding that consent orders may be made later.

Enquiries are to be directed to his Honour's Associate, Colleen Sutton [by email](#).

The Supreme Court released [the following update on 22 March 2020](#):

### **COVID-19 – Changes to Court Operations**

It is essential for the wellbeing of the community and the maintenance of the rule of law that the Court continues to operate to the extent possible in the current challenging environment. The Court is responding to the developing COVID-19 pandemic by reviewing all operations to ensure all essential services are maintained and non-essential services continue for as long as practicable, consistent with health advice.

The Court is equipped to utilise online court, audio visual equipment and digital technology to allow matters to continue remotely. The Court's paramount consideration remains the wellbeing of all court users. Everyone must adhere to health advice in relation to social distancing, self-isolation, hygiene and the management of symptoms.

### **No personal appearances**

In line with the current health advice, on and from Tuesday, 24 March 2020 there shall be no personal appearances in any matters save in exceptional circumstances with the leave of the Chief Justice or head of jurisdiction. This also applies to unrepresented litigants.

The Court will contact parties in relation to future listings to advise of the video and teleconference facilities available for their specific matter. Listings may alter at short notice and practitioners should refer to the Court's website for updates and review the daily listing notices.

### **Electronic delivery of documents**

The Court will require all Court documents to be provided by electronic means through

- Online Court;
- E-subpoena;
- Online registry

Only where facilities do not presently exist for documentation to be provided electronically will those documents will be received by email. Details regarding email contacts for documentation will be provided shortly via the Court's website.

### **Public Registry and Duty Registrar**

The public registry will remain open on Monday, 23 March 2020 until 4:00pm. The public registry will be closed on and from Tuesday, 24 March 2020. Contact details for the Court Registry are on the Court's website. Face-to-face duty registrar services will also be suspended. Telephone appointments will continue.

### **Current jury trials**

Current jury trials will continue. Current trials already adhere to health advice in relation to social distancing. New jury trials are temporarily suspended.

### **Court annexed mediation**

Face-to-face Court annexed mediations will be temporarily suspended from [Monday, 23 March 2020]. Further information relating to Court annexed mediations will follow shortly. Mediations can proceed by way of teleconference.

### **Open justice**

The Court will be reviewing all operations with a view to maintaining open justice, consistent with the current constraints and health advice.

### **Health Advice**

Further information can be found at: NSW Health, [www.health.nsw.gov.au](http://www.health.nsw.gov.au) Health Direct, telephone 1800 022 222



**The Court has previously issued the following advice:**

**Changes to trials now in force**

- Jury trials commencing across NSW from Monday, 16 March 2020, are temporarily suspended.
- Current trials, where a jury has already been selected and empanelled, will continue.
- Judge alone trials, bail applications and civil trials are not affected.

**Changes to arrangements for Registrar Lists**

- Registrars' Lists will be conducted as much as possible either by the online court, where available, or by telephone link and, in the case of contentious matters, by videolink.
- The parties ARE NOT required to inform the court in advance whether they will be using video or teleconference facilities. All parties with an email address in JusticeLink will be contacted by email with information regarding connecting to the specific court for their listing via video and teleconference. General information regarding the conduct of video and teleconference lists is available [here](#).
- All parties are strongly encouraged to use the Online Court, where available, telephone or video conference facilities for Registrars' lists and to not attend in person.

**Guidelines and Fact Sheet for participants in Supreme Court Lists:**

The Court has published the following Guidelines to assist participants in the following Court Lists:

1. [The Expedition, Adoption and Defamation Lists](#)
2. [The Real Property List \[REVISED on 23 March 2020\]](#): view the updated Guidelines [here](#)
3. [The Family Provision List](#)
4. [The Corporations List \[REVISED on 23 March 2020\]](#): view the updated Guideline [here](#)

In addition, the Court has published [a Fact Sheet to assist participants in the Virtual Courtroom environment](#).

**There will be no changes to the way the Criminal Lists, such as Bails and Arraignments, and current Supreme Court Jury trials are currently being heard.**

# NSW LAND AND ENVIRONMENT COURT

For further information, visit <http://www.lec.justice.nsw.gov.au/>

## THE COURT HAS ISSUED A PROTOCOL FOR USING AUDIO LINK AND AUDIO VISUAL LINK, WHICH IS AVAILABLE HERE:

<http://www.lec.justice.nsw.gov.au/Documents/Other/LEC%20AVL%20conferencing%20protocol.pdf>

### TELEPHONE AND AUDIO VISUAL LINK CONFERENCING PROTOCOL

#### General Information

The protocols referred to in this announcement apply equally to all Court proceedings including mediations, listings and conciliations as well as hearings, other than the Monday regional call over which will continue to operate as usual by Telstra Telephone Conference.

#### 1. Conferencing will comprise the Court Hearing

All alternative arrangements for the conduct of hearings (either by Audio Link (Telephone Conferencing) or Audio Visual Link (AVL)) constitute a hearing of the Court. Parties and all participants are reminded that the usual Court etiquette and procedure will apply in these hearing methods. The usual standards of behaviour, respect and dress will apply.

#### 2. Telephone Conferencing

In most cases Telephone Conferencing can be arranged where a hearing is suited to the use of this form of communication.

Practitioners must consider whether the hearing is amenable to this form of communication. When the matter is called over the parties will be required to advise the Court whether the entire hearing is amenable to this form of hearing. If some other form (such as AVL or proceedings on the papers) is proposed the parties must be in a position to address the Court on these alternatives.

#### 3. AVL

At present the Court has one AVL available.

The Court will prioritise the use of the AVL to matters that are urgent and AVL is essential to the disposal of those proceedings.

If a party requires AVL to complete a hearing the parties will be required to advise the Court at call over whether the whole or only part of the hearing will require the use of AVL.

Where AVL is utilised the parties will be allocated a time period for AVL usage. This will facilitate the greatest availability of this facility to all Court users. A party will be allocated a fixed time period for the use of AVL and will be required to manage their case such that the AVL

component is concluded within that time period. Extensions of time beyond that allocated are unlikely to be granted except in exceptional circumstances.

Due to the scarce availability of the AVL facility practitioners are requested to carefully consider whether AVL is in fact required or whether the hearing can be accommodated by other procedures.

#### **4. Where the proceedings are unsuited to telephone or AVL conferencing**

The Court will use its best endeavours to continue to hear matters by the alternative measure outlined above. To accommodate these alternative measures the parties and the Court may have to adopt different approaches to conduct the hearings such as: the manner in which evidence is adduced; the use of alternative means of giving evidence (such as the use of photographs instead of physical inspections and the like); the use of detailed written submissions. The parties should consider whether the case is amenable to any alternative procedures.

The Court is also aware that the parties are entitled to conduct their case in a manner which is fair, and only adopting alternative hearing measures where it is in the interests of justice to do so. Should the parties consider that their case is not amenable to a hearing other than the usual face-to-face hearing this should be brought to the Court's attention and an application made to vacate any current hearing dates or to adjourn the proceedings.

#### **Procedures for conferencing**

##### **Telephone Conferencing**

1. Dial the phone number and Meeting ID provided to you immediately prior to your listed appearance time.
2. You will be greeted by the following audio message: *"Welcome to NSW Communities and Justice"*.
3. You may be requested to enter a PIN, disregard and you will be connected shortly.
4. Please note that at this point, you are 'live' in the Conference, all parties, including the Judge/Registrar/Commissioner can hear you, so please remain silent until your matter is called.
5. Whilst waiting for your matter to be called, please ensure that the audio on your device is muted so that no background noise can interfere with Court proceedings.
6. End the call when your matter is finalised.

NOTE: If you are listed before the Registrar, the Court will call the parties. Prior to the listing you will be required to message the Court with the Court case number, case name, contact name, party they are representing and direct number of the person appearing. Details can be forwarded via Online Court or email to [leclistings@justice.nsw.gov.au](mailto:leclistings@justice.nsw.gov.au)

### **Video Conferencing using a ‘Web Link’**

(When this facility is available to practitioners it can be utilised with laptop devices, iPads or mobile phones).

1. Ensure your device has a working camera. Video conferencing requires a camera to be enabled.
2. Ensure that your device has reliable connectivity and coverage.
3. If you are using a web browser to connect via the Web Link, please ensure your browser meets the following standards: Google Chrome (min. v.73), Mozilla Firefox (min. v.66). Please note it is NOT recommended to use either Internet Explorer (IE) or Microsoft Edge as these browsers do not support this particular software.
4. Click the Web Link provided immediately prior to your listed appearance time.
5. You will be asked to enter your name and details. Please use the following naming convention: *Surname – Party description* (Example: Doe – Plaintiff = representative John Doe – plaintiff’s representative).
6. Click “Join Meeting”.

### **Tips/ General Rules/ Troubleshooting for Conference Courtroom experience**

- Be in a quiet and private location to limit interference from background noise.
- Ensure that there is sufficient internet coverage and connection on your device.
- Ensure all relevant materials to be relied upon have been made available to the Court beforehand.
- Ensure you have capacity to obtain instructions privately – as this will be unable to be accommodated on the telephone or AVL conferencing facility.
- Observe all normal Court etiquette and protocols in the Conferenced Courtroom environment.
- Refrain from speaking over each other as much as practical to assist with the court’s transcribing process (further tips provided below to assist the transcription service).
- If you experience difficulties accessing the telephone or video conferencing facility, please note that the Court does not provide a technical support service.

### **Assistance with the transcription service**

- Court participants must announce and spell their appearances.
- Court participants must speak into microphones and speak one at a time so that they can be understood.

- If Court participants are appearing via video or telephone link, they must announce their appearance each time they speak.
- Competing noises in courtrooms increases difficulty for monitors to hear and will impact the quality of the transcript such as typing near microphones or shuffling of papers and coughing into microphones. Try to keep those types of noises to a minimum.
- If you can't hear what is being said in Court, the court monitor cannot hear it either.

### **Frequently Asked Questions**

*Can several participants use the same device to attend a Conferenced Courtroom (e.g. witnesses in the legal representative's office)?*

No. Legal representatives and supporting witnesses must use separate devices, and be in a different physical space when attending Conference Courtroom. If multiple participants want to connect to the Conference Courtroom at the same time, consider the use of a dedicated video conferencing suite.

*Can non-related parties (e.g. junior clerks) join the telephone/video conference to observe?*

The usual concept of open justice is applicable to the Conference Courtrooms. However, the Court discourages the wide sharing of Conference Courtroom contact information in order to minimise interruptions in the Conference Courtroom environment.

**In all cases, normal court protocols, etiquettes, procedures and restrictions apply. Any person participating in the conferencing who does not have leave to speak must put their calls on mute and silently observe so no background noise can interfere with court proceedings.**

### **THE COURT MADE THE FOLLOWING ANNOUNCEMENT ON 24 MARCH 2020:**

#### **Changes in Registry filing procedures**

From Tuesday 24 March 2020, the counter of the LEC Registry will not be personally attended by Registry staff. All documents should be filed by Online Registry, DX, post or courier, as previously advised. If filing of hard copy documents is necessary, a box has been provided in the public foyer near the counter for filing documents. The box will be regularly cleared and the documents processed by Registry staff and the processed documents returned to the parties.

### **THE ACTING CHIEF JUDGE RELEASED THE FOLLOWING UPDATE ON 24 MARCH 2020:**

#### **COVID-19 Further Restrictions**

In the COVID-19 Pandemic Arrangements Policy issued on 23 March 2020 the Court reviewed the then current health advice regarding social distancing with the aim of minimising personal attendances at Court listings (including hearings, conciliations, mediations and onsite views). The situation is changing rapidly. **In the light of current health advice the Court now directs that all listings proceed by telephone or AV.**

**The Court is equipped to utilise Online Court, Online Registry and telephone conferencing.**

**The unique circumstances of the Court's jurisdiction require a specific approach on a case by case basis to determine if it is feasible to deal with the matter via telephone or AV. If not, it is likely to be postponed.**

**The Court will implement a review of all matters listed from 30 March 2020 to 30 June 2020. Each matter will be listed for a telephone directions hearing to consider whether the listing can be conducted via telephone or other suitable arrangements are able to be made.**

**If it is determined that the matter cannot proceed, the listing date will be vacated and the matter will be listed for further directions.**

**In relation to the matters listed from Tuesday 24 March 2020 to 27 March 2020 the parties will be contacted by the Court on Monday 23 March 2020 to discuss the management of the particular listing.**

The COVID-19 Pandemic Arrangements Policy will be amended in the near future to reflect the need to consider whether matters can proceed by telephone or AV.

### **NEW COVID-19 PANDEMIC ARRANGEMENT POLICY IN FORCE FROM 23 MARCH 2020**

The Acting Chief Judge published **a COVID-19 Pandemic Arrangements Policy** on 20 March 2020. The policy is extracted below and available here: <http://www.lec.justice.nsw.gov.au/Documents/Policies/COVID-19%20Pandemic%20Arrangements%20Policy%20March%202020.pdf>

### **COVID-19 PANDEMIC ARRANGEMENTS POLICY**

#### **Commencement**

1. This Policy commences on 23 March 2020.

#### **Purpose**

2. The purpose of this Policy is to guide the conduct of hearings, conciliation conferences, and mediations in all classes of the Court's jurisdiction in response to the COVID-19 pandemic.

### **Application**

3. The Policy applies to:
- Court hearings, including:
    - On-site hearings under s 34B of the *Land and Environment Court Act 1979* (the Court Act); o Court hearings under s 34D of the Court Act;
    - Hearings of notices of motion and other interlocutory applications;
  - Conciliation conferences (including on-site inspections and any subsequent hearings) under s 34 of the Court Act;
  - Conciliation conferences (including on-site inspections and any subsequent hearings) for small-scale residential developments dealt with under s 34AA of the Court Act;
  - Hearings of matters under the *Trees (Disputes Between Neighbours) Act 2006* (tree disputes);
  - Mediations under s 26 of the *Civil Procedure Act 2005*; and
  - Delivery of judgments.

### **Filing documents and applications to the Court**

4. The parties and their representatives are to comply with the following procedures for filing documents:
- Parties in matters in Class 1, 2 (excluding tree dispute applications), 3, 4 or 8 are required to use Online Registry and Online Court where they are entitled and registered to do so.
  - Both Online Court and Online Registry operate 24 hours a day so that parties can use them at any time.
  - Originating process, including an application, summons or notice of appeal commencing proceedings, notices of motion, notices to produce and applications for the issue of subpoenas must be filed by Online Registry.
  - Online Court is to be used to seek directions in proceedings (including listing matters for conciliation conferences, mediations and hearings) and access orders for subpoenas and notices to produce.
  - Parties in Class 2 tree disputes are, whenever practicable, to file with the Court, and send a copy to the other party, or parties, their written statements of evidence, expert reports, photographs, plans, and submissions by email to the Court using the [lecourt@justice.nsw.gov.au](mailto:lecourt@justice.nsw.gov.au) email or by post to the Court Registry, at least 14 days prior to the hearing.

- Parties in Class 2 tree disputes and Class 5, 6 and 7 criminal proceedings and appeals must seek directions and access orders for subpoenas and notices to produce by email to the Court using the [lecourt@justice.nsw.gov.au](mailto:lecourt@justice.nsw.gov.au) email address, sending a copy of their email to the Court to the other party or parties in the proceeding at the same time. A party may likewise email the Court with their response to the applying party's application to the Court, but should do so within 24 hours of receiving the applying party's email.

### **Directions hearings and Lists**

5. For applications not able to be determined by the Court through means of Online Court or email, the Court will continue to conduct the Registrar's list and the Friday Judge lists, but these will be conducted by telephone. Parties and practitioners are to notify the Court in advance of the name and telephone number of their representatives who will be attending. The Court will telephone the parties' representatives when the matter is called in the list or parties will be advised to use the Telstra dial-in number.
6. Parties should advise the Court, when filing and responding to notices of motion and applications, whether the parties agree that the matter can be dealt with by the Court on the written material, without the parties being further heard.

### **Site inspections for hearings**

7. At least seven days prior to any scheduled site inspection, the parties are to advise the Court whether the site inspection is necessary or appropriate and if the location can accommodate social distancing requirements. The Court will advise the parties if it determines that a site inspection should not proceed.
8. Any site inspection will require compliance with social distancing practices, including maintaining a distance of 1.5 metres between people on site.
9. Site inspections will be limited to essential participants only, being as few representatives of the parties, their legal representatives and required expert witnesses as practicable.
10. If it is necessary to enter a building, the Judge or Commissioner will control the number of people allowed in the building at the same time and enforce the social distancing practices required.
11. The Court's *Site Inspections Policy*, stating that a maximum of six persons objecting to a development proposal should provide oral evidence on site, is temporarily suspended. Instead of giving oral evidence at the commencement of the hearing, objectors' evidence is to be reduced to writing and supplemented with any photographic evidence that would assist the Court to understand their concerns. In proceedings concerning an appeal against a Council, the Council is to provide the objectors' written material to the other party in advance of the hearing and tender it at the hearing.



12. In the event that a site inspection does not proceed, photographs and video presentations of the site, or relevant matters, that might have been seen or heard on-site may be admitted into evidence upon application to the presiding Judge or Commissioner.

### **Hearings in courtrooms**

13. A Judge or Commissioner may direct any person in a courtroom, including parties, practitioners or witnesses in the proceedings, to practice social distancing and sit at least 1.5 metres apart. This may require that only the advocates sit at the bar table and restricting the number of people in the courtroom at any one time. Seating in the public gallery of the courtroom may be required to be left vacant, such as leaving a spare seat or seats between people.
14. The Court may exclude non-essential participants from the courtroom. Only Court staff and legal representatives essential to the hearing of the matter should attend the courtroom.
15. Witnesses may be directed to attend the Court hearing at a nominated time to limit the number of people within the courtroom at any time.
16. To minimise the need for oral evidence at the hearing, parties should ensure that lay and expert witness evidence that can be reduced to writing is reduced to writing. The Court may direct that this be done.
17. Parties should consider whether cross-examination of any witness called by the other party is necessary, or whether the object of cross-examination could be achieved by other means, such as by providing further written evidence of another witness called by the party.
18. Parties should consider whether any cross-examination that is necessary can be conducted by telephone and, if so, advise the Court in advance so that appropriate arrangements can be made.

### **Concurrent evidence**

19. If expert evidence is to be given concurrently, the Court will direct that the witnesses practice social distancing and sit at least 1.5 metres apart. Where the space available in the witness box is insufficient, the Court may direct the witnesses to sit at the bar table for the purposes of concurrent evidence. This may require the temporary movement of advocates to other areas within the courtroom proximate to a microphone for recording purposes.
20. Witnesses may be placed on call to reduce the number of people in the courtroom at any time.
21. The number of witnesses giving concurrent evidence may be limited if social distancing cannot be achieved.

### **Submissions**

22. Parties may be directed to provide final submissions in writing to reduce hearing time in open court.

### **Section 34 conciliation conferences**

23. At least seven days prior to any scheduled site inspection for a conciliation conference, the parties are to advise the Court whether the site inspection is necessary or appropriate and if the location can accommodate social distancing requirements. The Court will advise the parties if it determines that the site inspection should not proceed and, in that event, the alternative venue for holding the conciliation conference, such as a courtroom.
24. Any site inspection will require compliance with social distancing practices, including maintaining a distance of 1.5 metres between all individuals present.
25. On-site inspections will be limited to essential participants only, being as few representatives of the parties, their legal representatives and required expert witnesses as practicable.
26. If it is necessary to enter a building, the Commissioner will control the number of people allowed in the building at the same time and the social distancing practices required.
27. In the event that a site inspection does not proceed, photographs and video presentations of the site or relevant matters that might have been seen or heard on site may be shown at the conciliation conference or hearing with leave of the presiding Commissioner.
28. For a conciliation conference held in a courtroom, the Commissioner will sit on the bench within the courtroom and the representatives of the parties will separate along the bar table in order to comply with social distancing requirements.
29. The Court's *Site Inspections Policy*, stating that a maximum of six persons objecting to a development proposal should provide oral evidence on site, is temporarily suspended. Instead of giving oral evidence at the commencement of the conciliation conferences, objectors' evidence is to be reduced to writing and supplemented with any photographic evidence that would assist to understand their concerns. The Council is to provide the objectors' written material to the other party and the Commissioner at the conciliation conference.

#### **Section 34AA conciliation conferences**

30. The practices outlined in this Policy in relation to conciliation conferences under s 34 of the Court Act will apply to conciliations held under s 34AA of the Court Act. The practices outlined in this Policy in relation to hearings will apply to any hearings held under s 34AA.

#### **Tree dispute hearings**

31. At least seven days prior to any scheduled site inspection for a tree dispute, the parties are to advise the Court whether the site inspection is necessary or appropriate and if the location can accommodate social distancing requirements. The Court will advise the parties if it determines that the site inspection should not proceed and, in that event, the alternative venue for holding the hearing of the tree dispute, such as a courtroom.
32. In the event that the scheduled hearing of a tree dispute cannot proceed onsite, the hearing may be conducted in a courtroom with the parties present or by telephone where appropriate.

### **Mediations**

33. The practices outlined in this Policy in relation to conciliation conferences under s 34 of the Court Act will apply to mediations under s 26 of the *Civil Procedure Act 2005*.
34. At least seven days before the scheduled mediation, the parties are to advise the Court if they agree that the mediation can be conducted by telephone and, if so, the names and telephone numbers of the representatives of the parties who will attend the mediation by telephone.
35. If an agreement is reached between the parties at the mediation, the presiding Commissioner will refer the matter to the Registrar to be dealt with by the Duty Judge.

### **Regional matters**

36. The Court will continue to conduct regional hearings, conciliations (including site inspections), and mediations in accordance with the procedures outlined in this Policy and, subject to the Judge or Commissioner being able to travel to the location of the hearing, conciliation or mediation.
37. If travel to the location is no longer feasible, the Court will make, in consultation with the parties, alternative arrangements for conducting the hearing, conciliation or mediation, such as by telephone, or listing the hearing, conciliation, mediation on another date.

### **Delivery of judgments**

38. Reserved judgments will continue to be handed down in Court by the presiding Judge, Commissioner or Registrar, or the Registrar on behalf of the presiding Commissioner.
39. The Court will make arrangements to have judgments delivered in court by telephone.
40. Upon being notified that judgment will be delivered, parties and practitioners are to provide the Court with the names and telephone contact details of the relevant representatives who will receive judgment or, if they do not wish to receive the judgment via telephone, they are to so advise the Court.
41. After delivery of judgment, a written copy of the judgment will be sent to the parties in accordance with the Court's usual practice.

### **Self-isolation and vacation of listings**

42. Any practitioner, party, expert, or person involved in court proceedings who is required to self-isolate, or who has been in contact with a person who is required to self-isolate, or who is sick, must not attend the Court premises, including the Registry, a courtroom or any other room in the Court building, or any conciliation, mediation, hearing or directions hearing in the proceedings.

43. If, by reason of the need to self-isolate or sickness, there is a need to vacate any listing, the party or practitioner should immediately apply to vacate the listing, providing reasons, and suggest alternative dates to reschedule the listing.
44. The following procedure applies for notifying the Court and vacating a listing:
  - (a) The party or practitioner is to send a request by Online Court (or email Listings if not an Online Court user) advising of the issue that has arisen and provide the telephone number and the name of the party or practitioner who should be contacted in the event of a telephone conference with the Judge or Commissioner allocated to hear the matter.
  - (b) Listings will forward the online communication to the Judge or Commissioner allocated to hear the matter.
  - (c) If possible, the Judge or Commissioner will respond to the online communication and resolve the issue online.
  - (d) Alternatively, the Judge or Commissioner will arrange for a telephone conference with the parties and practitioners to discuss the best way to resolve the issue (such as arranging for the person to give evidence by telephone or cancelling the on-site start and instead convening the matter in Court with social distancing measures in place).
  - (e) The outcome of the telephone conference will be confirmed in an online communication by the Court through Online Court.
  - (f) In the event that the issue is not resolved before close of business (4.30pm) on the day before the allocated hearing, conciliation or mediation, the listing will be vacated by the Court and the matter will be listed for an online communication for further directions, including listing the matter at another date.

**The Court previously published the following updated guidance on 19 March 2020.**

#### **Application to the Court where self-isolation necessary**

The Australian and NSW government require self-isolation to limit the spread of COVID-19 in various circumstances. Anyone required to self-isolate must not attend the Court building or any Court proceedings wherever conducted. **The Court will consider any application to vacate hearing or conciliation dates or other listings where a legal representative or other person involved in Court proceedings or a party is obliged to self-isolate.** Application should be made by Online Court and must include reasons and propose dates for a rescheduled listing.

#### **Minimising the spread of coronavirus (COVID-19) update 18 March 2020**

The WHO has declared the spread of COVID-19 a pandemic. The Court continues to monitor NSW Health announcements and health advice relating to (COVID-19) on a daily basis and make changes to minimise risk to the court members, staff and court users. The Court has implemented measures to reduce the need for personal attendance by parties and keep the Court operational as far as possible.

#### **Effective immediately:**

- Parties in Classes 1, 2 (excluding tree dispute applications), 3, 4 and 8 are **required** to use Online Registry and Online Court whenever available.
- Both Online Court and Online Registry will be operating 24 hours a day as normal and **parties must avail themselves of these resources.**
- Applications, appeals, notices of motion and subpoenas **must be filed by Online Registry where access is available.**
- **Online Court is to be used to seek directions** (including listing matters for conciliation conferences, mediations and hearings) and also access orders for subpoenas and notices to produce.
- Parties in Class 2 tree dispute applications and Class 5, 6 and 7 criminal proceedings and appeals must seek directions and access orders for subpoenas and notices to produce using the [lecourt@justice.nsw.gov.au](mailto:lecourt@justice.nsw.gov.au) email address.

**As the Court has telephone link services available, the Court requires listing of matters for directions or other orders by telephone whenever possible. The Court will continue to run a daily Registrar's list and the Friday Judge lists. These should be conducted remotely. Matters including procedural and contested matters must be dealt with on the papers and by telephone as far as possible.**

The Court is reviewing all matters including: conciliation conferences on a case by case basis to maximise the use of telephone facilities and AVL including for regional matters.

# DISTRICT COURT OF NEW SOUTH WALES

For non-attendances or enquiries, contact the Courts Service Centre on 1300 679 272 or email the court (see [www.courts.justice.nsw.gov.au](http://www.courts.justice.nsw.gov.au) for email addresses).

For further information, visit <https://coronavirus.dcj.nsw.gov.au/services/courts-tribunals-and-legal-services>

## **The Chief Judge issued the following notice on 31 March 2020:**

### **COVID-19 BAIL APPLICATION PROCEDURES**

#### **Application to Vary Bail**

On and **from 1 April 2020**, all applications to vary bail will be dealt with by a Judge in chambers except in compelling cases. Personal appearances will not be permitted at any time.

In a compelling case where a hearing is required, the application will be heard electronically by using the Virtual Court Room.

Before making an application to vary bail, the defendant must notify the prosecution of the bail condition(s) that is sought to be varied and the prosecution must notify the defendant whether it consents to the application.

All emails to an associate of a Judge concerning a bail application must be copied to the other party in the proceedings.

#### **Consent Application to Vary Bail**

An application to vary bail made by a defendant to which the prosecution consents must comply with the following:

1. The defendant is to email the associate of the List Judge or the Resident Judge of the relevant District Court:
  - (a) a copy of the current bail condition(s);
  - (b) the bail condition(s) that are to be varied by consent;
  - (c) the agreed terms of the bail condition(s) that have been consented to by the prosecution; and
  - (d) the reasons the defendant seeks the bail variation.
2. Where there is a surety to the defendant's bail, a separate email from the surety must be sent to the associate of the Judge in which the surety details the bail condition(s) that are to be varied and the surety agrees to the proposed variation of bail.

3. The prosecution is to email the associate of the Judge:
  - (a) the bail condition(s) that are to be varied by consent; and
  - (b) the agreed terms of the bail condition(s) that have been consented to by the prosecution.
4. The Judge may require further information from the parties before making a bail decision.
5. The associate of the Judge will notify the parties if and when the orders varying bail have been made.

These orders will be entered into JusticeLink by the associate immediately.

#### **Opposed Application to Vary Bail**

1. An application to vary bail condition(s) made by a defendant to which the prosecution does not consent must comply with the following:
2. The defendant is to email the associate of the List Judge or the Resident Judge of the relevant District Court:
  - (a) a copy of the current bail condition(s);
  - (b) the bail condition(s) that the defendant seeks to vary;
  - (c) the proposed terms of the bail condition(s) that is to be varied; and
  - (d) the reasons the defendant seeks the bail variation.
3. Where there is a surety to the defendant's bail, a separate email from the surety must be sent to the associate of the Judge in which the surety details the bail condition(s) that the defendant seeks to vary and the surety agrees to the proposed variation of bail.
4. The prosecution is to email the associate of the Judge:
  - (a) the bail condition(s) the defendant seeks to vary that is not consented to by the prosecution; and
  - (b) the reasons the prosecution opposes the bail variation.
5. The Judge may require further information from the parties before making a bail decision.

6. Where the Judge is unable to reach a bail decision on the information that has been provided by the parties, the Judge may decide that the application is a compelling case and must be heard electronically by the use of the Virtual Courtroom. The associate to the Judge will provide directions to the parties as to how and when the Virtual Courtroom hearing is to take place.

### Virtual Courtroom Practitioner Guide

Practitioners are asked to familiarise themselves with the Virtual Courtroom by reading the Virtual Courtroom Guide which can be located on the District Court website.

### Contact details

Current contact details of associates to List Judges and Resident Judges are as follows:

Region:	List/Resident Judge	Associate	Associate's email
Sydney	His Honour Judge O'Brien AM	Ms A Parkin	annie.parkin@courts.nsw.gov.au
Albury / Griffith	His Honour Judge Grant	Ms L Cohen	Lucia.Cohen@courts.nsw.gov.au
Armidale	His Honour Judge Hunt	Ms J Howard / Ms G James	jennifer.howard@courts.nsw.gov.au geraldine.james@courts.nsw.gov.au
Bathurst / Orange	His Honour Judge Turnbull SC	Mr T Primrose	thomas.primrose@courts.nsw.gov.au
Campbelltown	His Honour Judge Colefax SC	Ms A Arthur	ashlee.arthur@courts.nsw.gov.au
Coffs Harbour	His Honour Judge Priestley SC	Mr L Pedlow	Luke.Pedlow@courts.nsw.gov.au
Dubbo	Her Honour Judge N Williams	Ms C Edstein-Boyes	Courtney.Edstein-Boyes@courts.nsw.gov.au
Gosford	Her Honour Judge Bright	Ms R Jessop	rinelda.jessop@courts.nsw.gov.au



Lismore	His Honour Judge McLennan SC	Ms K Rogan	kylie.rogan@courts.nsw.gov.au
Newcastle	His Honour Judge Ellis	Mr J Carpenter	Joel.Carpenter@courts.nsw.gov.au
Parramatta	His Honour Judge Hanley SC	Ms C Philippe	charlotte.philippe@courts.nsw.gov.au
Penrith	His Honour Judge Buscombe	Ms E Adeyinka	esther.adeyinka@courts.nsw.gov.au
Tamworth	Her Honour Judge Payne	Ms J Cowley	janaya.cowley@courts.nsw.gov.au
Wagga Wagga	His Honour Judge Lerve	Ms L Cross	Lynne.Cross@courts.nsw.gov.au
Wollongong	His Honour Judge Haesler SC	Ms D Letich	dolores.letich@justice.nsw.gov.au

**The Chief Judge released the following updated notice on 30 March 2020:**

On and from 1 April 2020, the District Court of NSW will temporarily suspend **New** Judge alone trials, sentence hearings, Local Court Appeals, arraignments and readiness hearings, **where the defendant is not in custody**. This temporary suspension will be reviewed on 1 May 2020.

The Court will continue to hear to the extent and for as long as possible, consistent with health advice, all criminal matters **where the defendant is in custody**, with the exception of new jury trials which remain temporarily suspended.

**Re-Listing**

Registrars of the District Court will notify the parties of the date that suspended matters have been re-listed for mention. These re-listing dates for mention will not be before 1 May 2020. Present bail orders will continue for all matters that have been temporarily suspended.

**Applications to vary bail**

On and from 1 April 2020 all applications to vary bail will be dealt with by a judge in chambers. Personal appearances will not be permitted. The Court will shortly publish procedures to be followed for these applications.

**Prioritising hearings – bringing criminal matters forward where the defendant is in custody**

Practitioners are encouraged to notify the Court of:

1. Sentence hearings requiring priority, particularly those defendants whose time on remand is approaching the period likely to be served on sentence, and
2. Local Court appeals where the appellant has been sentenced to a full-time custodial sentence.

Where both the prosecution and defendant are ready to take an earlier hearing date and the hearing may proceed by use of a Virtual Court room, the Court may prioritise the hearing.

**Virtual Courtroom Practitioner Guide**

Practitioners are asked to familiarise themselves with the Virtual Courtroom by reading the Virtual Courtroom Guide, published on the District Court NSW website.

**The District Court published on 26 March 2020 a *Virtual Court Practitioner Guide*, which is available here:**

<http://www.districtcourt.justice.nsw.gov.au/Documents/Virtual%20Court%20User%20Guide%20-%20FOR%20PRACTITIONERS.pdf>

**The Chief Judge released the following updated notice of Procedural Changes on 25 March 2020:**

**Procedural Changes in the District Court- Covid-19**

In view of the continuing development of the Covid-19 pandemic, the District Court is making major changes to the operation of its criminal and civil jurisdictions. The Court is being progressively equipped with technology to enable the Court to continue its important role in the administration of justice by virtual means.

These changes are designed to assist in the prevention of the spread of Covid-19 in New South Wales.

On and from Monday 30 March 2020, the Court will endeavour to limit, as much as possible, personal appearances in court rooms by the technological enhancement of its current AVL system (the virtual court room).

Legal practitioners will be expected to appear by use of the virtual court room. The Court will shortly publish details on how the virtual court room can be accessed in the various locations that the Court is sitting.

### **Current Jury Trials**

Social distancing is being maintained in accordance with health advice in current jury trials and special arrangements have been made by the Sheriff of NSW for the wellbeing of jurors. These jury trials will continue. New jury trials remain temporarily suspended.

The notice is available here: <http://www.districtcourt.justice.nsw.gov.au/Documents/Procedural%20Changes%20-%20Covid-19.pdf>

**The [following information](#) concerning revised arrangements for the Arraignment List for the Downing Centre for Friday 27 March 2020 was also released by the Department of Communities and Justice:**

### **GUIDELINE FOR FRIDAY ARRAINGMENT**

This is information relating to important changes to the conduct of the Friday Arraignment list in the Downing Centre, Court 3.1.

In response to COVID-19, the Honourable Justice Price AM has [directed](#) that the list be heard in court 3.1 via Audio Visual Link (AVL) **commencing this week**.

To assist in efforts to contain the spread of COVID-19, Practitioners are invited to connect to their relevant appearance(s) through AVL. Instructions for connecting to the AVL system are to be provided by contacting the Arraignments List manager (email below).

In addition, to assist in running this list, matters will be allocated time slots within 15 minute windows. We ask that Practitioners connect to the AVL system 5 minutes prior to the allocated timeslot for your matter(s). The time slots for Friday's list will be available on the District Court website at the following [link](#) by COB Wednesday 24<sup>th</sup> March 2020. **It is requested that you advise of any difficulties with the listed arrangement at the earliest possible time via email ([Jackie.Junkovic@justice.nsw.gov.au](mailto:Jackie.Junkovic@justice.nsw.gov.au)).**

- Please note that the proceedings will be recorded consistent with ordinary court practice and it is prohibited for any attendant to make a prohibited recording.
- It is critical that parties understand that these appearances are scheduled and rely on practitioners appearing on time as advised.
- It is expected that court etiquette be adhered to consistent with appearing in person.
- Materials that are expected to be handed up in court will instead be emailed to the associate on the day (or earlier), following, if necessary, agreement between the parties.

- **There is an expectation that the prosecution and defence engage outside the virtual court as much as possible, to narrow down please, amend indictments, consider by consent bail reviews and follow any case management directions so that documents can be prepared and communicated earlier in a timely fashion.**

Please contact the above email in order to ensure that you are given the appropriate login details

The Arraignment List with time frames is available here:

<http://www.districtcourt.justice.nsw.gov.au/Documents/Arraignment%20List%20with%20time%20frames%20-%2027.03.2020.pdf>

**The Chief Judge released [the following update on 23 March 2020](#):**

#### **Covid-19 update on the District Court's Operations**

The Court is urgently reviewing its operations in response to the developing Covid-19 pandemic. In carrying out the review, the Court is working closely with the Attorney General, the Department of Communities and Justice and NSW Health.

**Current jury trials and Judge alone trials are to continue. No new cases in either the Court's criminal or civil jurisdiction are to commence today, other than new sentence matters or appeal matters in which the offender/appellant is appearing by way of AVL, unless otherwise authorised by the Chief Judge in consultation with the relevant List Judge or resident Judge.**

**Unless otherwise authorised, all criminal trials which may proceed by way of Judge alone or in which there are pre-trial issues to be determined are to be identified and stood over until Wednesday 25 March 2020.**

**All other criminal trials are to be vacated and given dates after October 2020.**

The Court's priority remains the health of all court users. Parties not essential to proceedings must not attend court houses and will be excluded from courtrooms. Social distancing is to be maintained at all times and all persons must comply with health advice.

The Court will utilise online court, audio visual equipment and digital technology to enable as many matters as possible to continue.

An update will be provided as soon as possible.

**The Court had previously advised the following.**

### **Changes to trials now in force**

- Jury trials commencing across NSW from Monday, 16 March 2020, are temporarily suspended.
- Current trials, where a jury has already been selected and empanelled, will continue.
- Judge alone trials, bail applications and civil trials are not affected.

### **Procedural Changes to Criminal & Civil Lists at the Sydney District Court, [commencing on 18 March 2020](#)**

#### ***Criminal Lists at the Sydney District Court***

- Arraignment lists conducted in Court 3.1 on Fridays will be divided into matters for arraignment and matters for sentence. Matters for arraignment will commence at 9:30am. Matters for sentence will not commence until 11:00am. Lawyers and their clients must not enter the courtroom until their matter is called. Lawyers should check the court list to determine when their matter is to be heard.
- For the trial call-over conducted at 9:30am Mondays in Court 3.1, lawyers and their clients must remain outside the courtroom until their matter is called.
- The Readiness Hearings presently conducted in Court 21A John Maddison Tower will be re-arranged and conducted to enable lawyers to appear by AVL (where possible) or to attend the Readiness Hearing by telephone. Precise arrangements will be notified to lawyers with matters in the list in the near future.

#### ***Civil Lists at the Sydney District Court***

#### **Judge's List, Defamation List, Professional Negligence List, Care List and the Approval List**

All lists and directions hearings conducted by Judges in the District Court in John Maddison Tower will be managed by interval sittings as follows:

- Parties must only attend John Maddison Tower for their listing at the allocated time;
- Parties must not enter the courtroom allocated for the listing until the matter is called;
- Parties must depart the courtroom when their matter is completed.

#### **General List**

The General List managed by the Judicial Registrar in Court 7D of John Maddison Tower will be conducted as follows:

- In the Online Court;

- Where the matter is not eligible for the Online Court, by telephone directions.

To attend a listing by telephone, dial the following number and use the following PIN at the time allocated for the listing: DIAL: 1800 062 923 PIN: 7762 8770 9768

### **Motions List**

The Motions List managed by the Assistant Registrars in Court 4A on Fridays will be conducted as follows:

- In the Online Court;
- Where the matter is not eligible for the Online Court, by attending the listing in Court 4A at the allocated time.

Parties must not enter Court 4A for the listing until the matter is called.

Parties must conduct management of the motion in accordance with the requirements of Civil Practice Note 1B, including:

- Commencing an Online Court request by 2pm and completing it by 6pm the Wednesday before the listing;
- Requesting any case management orders for the motion;
- Indicating if the motion is ready to be heard on the Friday listing and if so, an accurate estimate of the hearing;
- If a special fixture is required, to request a hearing date to be allocated in the Online Court.

### **Criminal Lists in the District Court at venues other than the Sydney District Court**

Lawyers will be notified of any procedural changes by the List Judge or the resident Judge.

# NSW LOCAL COURT

For non-attendances or enquiries, contact the Courts Service Centre 1300 679 272 or email the court (see [www.courts.justice.nsw.gov.au](http://www.courts.justice.nsw.gov.au))

For further information, visit <http://www.localcourt.justice.nsw.gov.au/>

**The Chief Magistrate issued the following notice on 31 March 2020:**

## **MEMORANDUM – COVID-19 ARRANGEMENTS (NO. 7)**

### **MANAGEMENT OF DOMESTIC AND PERSONAL VIOLENCE PROCEEDINGS DURING PANDEMIC PERIOD**

1. This memorandum outlines arrangements applicable to the management of applications for Apprehended Violence Orders (AVOs) in the Local Court during the pandemic period, including:

- The management of existing AVO hearings and mentions
- Changes to the listing of provisional orders
- Management of urgent AVO applications
- Arrangements for private AVO applications

2. The arrangements outlined below apply from **Wednesday, 1 April 2020** and will remain in place until magistrates are advised otherwise by the Chief Magistrate's Office.

#### **AVO hearings and upcoming mentions in period to 1 May 2020**

3. Consistent with Memorandum No.6 dated 24 March 2020, AVO hearings listed to 1 May 2020 will not proceed (per [1]), nor will any new AVO hearings be listed (per [23]).

4. The following arrangements apply in relation to the adjournment of AVO hearings listed during the period to 1 May 2020:

- a) **Where ADVO proceedings with related CAN:** proceedings will be adjourned to the same date as the CAN and continue to travel together as per usual practice.
- b) **Where ADVO without CAN:** proceedings will be adjourned for mention for no less than 3 months.

5. Where the matter has been listed for mention (i.e. to facilitate the defendant obtaining legal advice or to check compliance with a timetable for evidence) parties are permitted to appear in writing or by email at such a mention, including where seeking orders by consent. Any consent orders may be made in the absence of the parties. Where the application for a final order remains contested, the matter should be adjourned in accordance with the timeframes above at [4].

### **Arrangements for listing provisional orders**

6. The COVID-19 Legislation Amendment (Emergency Measures) Act 2020 amended the Crimes (Domestic and Personal Violence) Act 2007 (the Act) to facilitate changes to the listing of provisional orders during the pandemic period.

7. Pursuant to section 29(2), a provisional order must contain a direction for the defendant to attend court on a specified date. In normal circumstances, the specified date would be the next date on which the matter can be listed on a domestic violence list day at the appropriate court, and no later than 28 days after the order is made.

8. However, to facilitate alternative arrangements during the pandemic period section 29(4) has been introduced to provide for provisional orders to be listed up to 6 months from the date the order is made. This amendment commenced on assent on 25 March 2020.

9. Following the above amendments, NSW Police have advised the following in relation to the listing of fresh provisional orders:

a) **Where provisional order with no charge:** The order will be listed on a DV list day 3 months from the date the provisional order is made.

b) **Where provisional order with related charge(s):** The order will be listed on the same date the charge(s) is first listed, as per normal practices. In accordance with [5] of Memorandum No. 6 dated 24 March 2020, at the first return date the criminal charge(s) will be adjourned for a period of 8 weeks. As per usual practices, the provisional order must be adjourned to the same date and will continue to travel with the criminal charge.

c) **Where it is known that the application is contested:** Magistrates should set a timetable in accordance with Local Court Practice Note 2 of 2012: Domestic and Personal Violence Proceedings, with the following alterations. Wherever possible, Police may serve their evidence by email or post on the defendant. The defendant may lodge his or her evidence with the court by email by the date the matter is adjourned to for mention.

### **Duration of provisional orders**



10. As per existing requirements under section 29, a provisional order remains in force until it is revoked, the court makes an interim order, or the application for the final order is withdrawn or dismissed.

11. The above provision ensures protections in place under provisional orders managed in accordance with the arrangements outlined above will continue during the pandemic period, even where a provisional order does not come before the court for an extended period.

#### **Where fresh incident prior to determination of provisional order**

12. Further to the listing arrangements for provisional orders above at [9], NSW Police advise where a fresh incident occurs prior to the determination of the provisional order and an increase in protection is required, Police will apply for a fresh provisional order for the same parties.

13. The fresh provisional order application will:

- Refer to the incident that gave rise to the original provisional order;
- Include details of the fresh incident; and
- Be listed on the same court date as the original provisional order.

#### **Urgent AVO applications**

14. As stated at [22] of Memorandum No.6 dated 24 March 2020, the Court will continue to accept applications which are considered by the court to be urgent, including:

- Urgent applications to vary or revoke a final Apprehended Violence Order (AVO) pursuant to Part 10 of the Act
- Urgent applications by a defendant to vary or revoke a provisional order pursuant to section 33A of the Act
- Private applications for AVOs (see further arrangements below at [17]).

15. Where an application is thought to be urgent the court should be contacted by email in the first instance outlining the nature of the application and reasons why it is urgent.

16. Where a magistrate determines such an application is urgent, advice will be provided to the parties by email regarding arrangements for the court to deal with the application. The application may be dealt with by way of written submissions where the parties consent to doing so.

#### **Private applications for AVOs**

17. Persons seeking assistance with a private AVO application should be encouraged to seek remedies from Police. Where this is not possible, such persons should continue to be assisted by the registry.

18. Once the application has been completed to the satisfaction of the registrar and the registrar has determined whether to issue process:

a) **Where issue process:** Any application accepted for filing should be put before a magistrate in chambers immediately to determine whether it is necessary and appropriate to make an interim order in accordance with section 22. Regardless of whether an order is made, the matter should be listed for final determination on a date in no less than 3 months' time.

b) **Where refuse to issue process:** Any reasons for refusal should be prepared and any application seeking review of the refusal should be made as per usual procedures. Any application for review is to be put to the magistrate in chambers.

**The Chief Magistrate issued [the following notice](#) on 27 March 2020:**

#### **DOWNING CENTRE CIVIL LISTING ARRANGEMENTS DURING THE COVID-19 PANDEMIC**

It has become increasingly apparent that the capacity for Local Courts to continue to operate effectively across the breadth of their jurisdiction is being systematically compromised by progressive restrictions announced by governments. A review of the position in the civil jurisdiction at the Downing Centre leads me to conclude that **all listed hearings between 30 March and 30 September 2020 are abandoned.**

The Court understands that taking this action may disappoint parties to proceedings, however it believes there is little alternate choice in the current environment. Fortunately the delays in hearing matters in the Local Court are relatively short compared with other jurisdictions. In addition, steps have been taken in forward planning to allow for an intensive resumption of civil hearings should the current pandemic dissipate to the point where normal activities can be resumed.

As a consequence of the decision to abandon listed hearings as indicated above the following arrangements will be made:

1. All matters currently listed for hearing will be returned to the online court forthwith for case management
2. Any future listings in Court 7B of the John Maddison Tower (whether for mention/review/further direction) in relation to these hearings is hereby vacated
3. Subject to a return to normal activity the month of October 2020 will be allocated to review and re allocation of hearing dates.
4. Should it not be possible to re allocate hearing dates the matters will remain in the online court.

In due course Parties will be contacted online or via telephone as to any new listing date.

5. Any matter currently listed for review or directions in Court 7B is hereby vacated. Those matters will be returned to the online court for case management
6. Parties should contact the Sydney Civil Registry as to future listing of part heard matters or matters reserved for decision only as to future listings of such matters.
7. Where **absolutely necessary** hearings of notices of motion will be by teleconference before a magistrate. Any evidentiary material to be relied on should be filed by electronic means not less than 48 hours prior to the hearing. Submissions via teleconference will be restricted to 10 minutes per party.

#### **New Claims**

8. Filing/Service of Statements of Claim and defences to proceed according to normal time-lines if possible. They will be entirely managed by the Sydney Civil Registry on-line.
9. Any applications for leave to amend pleadings/extensions of time will be dealt with on line and will be determined by a Magistrate if necessary, in chambers, with orders made available to parties on-line.
10. Once pleadings are closed, at on-line call-over, parties will be directed to exchange evidence in 8 weeks' time. They will be given a further on-line call- over date 4 weeks after that exchange date.
11. These on-line procedures will replace the review and directions lists in Court 7B for **new** matters.

#### **CONTACT DETAILS**

Sydney Civil Registry: [sydneycivilregistry@justice.nsw.gov.au](mailto:sydneycivilregistry@justice.nsw.gov.au)

Phone: 1300 679 272

**PARTIES SHOULD CONFIRM THEIR OWN EMAIL AND PHONE DETAILS ARE WITH THE SYDNEY REGISTRY AND PROVIDE/UPDATE AS NECESSARY.**

**The Court encourages all parties to proceedings to engage in constructive discussion with a view to reaching an out of court settlement. Parties will be excused from attending any future in person or on-line listings where Terms of Settlement finalising the proceedings are filed prior to the relevant listing date.**

**The Chief Magistrate released [the following memorandum](#) on 26 March 2020:**

#### **ADDENDUM TO OPERATIONAL ARRANGEMENTS DURING COVID-19 PANDEMIC (NO. 6)**

Following discussions with the Bar Association regarding the recent memorandum of 24 March 2020 the following information is provided to ensure greater clarity.

**Paragraph 5** states that a physical appearance will not be required when the defendant or party is legally represented. It is implicit in that statement that there will be no need for the defendant or party to be physically present.

Where an unrepresented defendant or party to proceedings has the ability to communicate with the court by email or in writing then the arrangements that apply to legal representatives and their clients apply equally to unrepresented persons.

**Paragraph 7** is amended to read:

“Regrettably it will not be feasible to hear defended hearings where the defendant is in custody. **Subject to the requirement for notice of 3 days the Local Court will entertain an application for release of a defendant who is bail refused recognizing that a lengthy period of continuing incarceration may exceed the ultimate penalty that would have otherwise applied should the defendant have been found guilty at an earlier time.** Irrespective of whether the release application is successful the proceedings should be adjourned for not less than 8 weeks for mention only. Where the defendant is legally represented appearance on the release application may be by email.

Paragraph 18 is amended only **in the first sentence** to read “Where the defendant is on bail whether legally represented or unrepresented and the Court considers a sentence of imprisonment by way of full time custody or an Intensive Correction Order is the appropriate outcome the court will adjourn the proceedings for a period of 8 weeks”. The remainder of Paragraph 18 remains unaffected save to point out that where a defendant on bail appears through his legal representative then they are taken to have been excused from attendance.

### **Conduct of Proceedings within the Court**

Occasions may arise where a person or persons present in the courtroom, including a legal practitioner show symptoms, such as coughing or respiratory difficulty suggestive of illness. Magistrates of their own motion or if the possible illness is brought to their attention should act in the interest of the potential health impact on all persons within the courtroom.

In the current climate mitigating the risk of infection is to take priority over the continuation of proceedings. It should be accepted by Magistrates that as far as is reasonable during the pandemic they have a social duty to consider the health and wellbeing of all persons appearing before the Local Court.

Should such a situation arise Magistrates should adjourn the court as soon as practicable so that arrangements can be commenced by the person who appears to be ill to attend to the management of their circumstances.

If the situation arises in a multi court complex and there is an alternate courtroom available remaining proceedings should be moved from that court. The Registrar should be contacted to arrange for the former courtroom to be professionally cleaned.

Where such an alternative is not available it may be necessary to abandon continuation of proceedings before the Court on that day so that arrangements can be made to have the courtroom professionally cleaned.

The memo is available here: <https://inbrief.nswbar.asn.au/posts/08b347d11316f1372f3414b4c407d738/attachment/MEMORANDUM%20%20addenda.pdf>

**The Chief Magistrate released the following memorandum on 24 March 2020:**

### **LISTING ADJUSTMENTS DURING COVID-19 PANDEMIC (No. 5)**

In the changing environment brought about by evolving decisions within the Federal and State Government areas of responsibility the Local Court must necessarily adapt its arrangements to support the policy decisions taken in pursuit of limiting the impact of the pandemic. The following are the arrangements determined to address the current situation. They will take effect from Monday 30 March 2020. Previous arrangements are superseded. The following arrangements only apply to proceedings before the Local Court (which includes the coronial jurisdiction). It is expected the President of the Children's Court will issue a separate statement relating to the operations of that Court.

#### **Criminal Jurisdiction**

1. The decision to neither hear nor list any defended hearings until a review can be undertaken at the end of April 2020 is to remain in force. It is likely that these arrangements will be extended.
2. Police have been asked to list non bail matters such as Field Court Attendance notices or Future Court attendance notices 3 months into the future. It is not anticipated that the court will deal with these matters other than by way of adjournment unless they are relatively straight forward and amenable to disposition on the first return date.
3. Where a matter is listed and there is no appearance the matter will be adjourned for not less than 1 month. The Court will notify the person affected that if they do not appear on the next occasion or advise the court they wish the proceedings to be deferred, then the court will deal with the matter in their absence.

4. Where a matter before the Court appears to be a matter in which a custodial outcome is likely it will not proceed to sentence. Magistrates have been requested to defer the sentencing proceedings for not less than 8 weeks when the situation can be reviewed in light of current events.

5. Where a defendant is legally represented the lawyer may appear by way of email. A physical appearance will not be required. This includes a matter in which it appears a sentence of imprisonment is likely. In such matters the legal representative is requested to seek an adjournment for not less than 8 weeks. Such a request will be acceptable if provided to the Court in electronic form.

### **Custody matters**

6. All appearances by persons in custody are to be by Audio Visual Link (AVL). Corrective Services have been advised accordingly and requested not to bring any detained person before any court in person.

7. Regrettably, it will not be feasible to hear defended hearings where the defendant is in custody. These matters will require re-listing. At such time the Court will entertain an application for release recognizing that a lengthy period of continuing custody in the Local Court may result in a period of incarceration that would exceed the ultimate penalty that would have otherwise applied should the defendant have been found guilty at an earlier time. Matters in this category should be adjourned for not less than 8 weeks for mention only. Where the defendant is legally represented appearance may be by email.

8. From Monday 30 March 2020 the number of Courts dealing with persons in custody who are bail refused by police is to be centralised to certain city courts and regional courts. Arrangements with Police will result in persons refused bail appearing from certain police station by AVL to particular courts. In the Sydney Greater Metropolitan Area defendants will appear by AVL to Parramatta, Penrith, Campbelltown, Liverpool, or Central Court depending on the police station facilitating the appearance.

9. Matters in which bail is granted are to be adjourned to the Local Court where they would otherwise have been brought. Where appropriate brief orders may be made. Magistrates should excuse the defendant from appearing on the next occasion if they are legally represented. The legal representative may appear on the next occasion through the use of email setting out what orders are sought from the court.

10. Where a centralised court refuses bail the proceedings are to be adjourned to the court before which the matter would ordinarily appear. Subsequent appearances are to be by AVL. Where appropriate brief orders may be made. Legal practitioners may appear in the same manner set out in paragraph 8.

11. First appearances from a police station or correctional centre in the country are to be before the Local Courts at Wagga Wagga, Dubbo, Tamworth, Lismore, Port Macquarie, Newcastle and Wollongong irrespective of the court before which the proceedings would otherwise be brought. Ongoing supervision of matters involving the detention of a person remaining in custody after first appearance are to be case managed within the COVID-19 pandemic environment at the hub court.

12. Not every country court has access to AVL facilities. For this reason matters brought before a hub court and which there is a refusal of bail are to remain at the hub court and be case managed by AVL. Any application for a review of bail, including by or on behalf of persons in custody are to be lodged at the Hub Court in writing or by email. Unless the application is urgent, not less than 3 days' notice is to be given setting out the grounds on which the application is being made and the changes sought. No application which does not comply with the minimum 3 day period of notice period will be dealt with unless the change is by consent. All practitioners are reminded that the Registrar of a Court may deal with consent alterations to bail conditions.

13. All applications for a review of bail in respect of the Sydney Greater Metropolitan area are to be lodged with the Registrar at the Downing Centre irrespective of the Court at which they previously appeared. Wherever possible the application for review of bail is to be lodged in writing or by email. The prosecuting authority is to be given not less than 3 days' notice of the application, the grounds upon which it is being made and the changes contemplated. No application which does not comply with the minimum 3 day notice period will be dealt with unless the change is by consent.

#### **Early Appropriate Guilty Plea matters**

14. Contrary to the current Practice Note proceedings commenced as committal proceedings are to be adjourned to a hub court at which the DPP and Legal Aid appear irrespective of whether the accused is bail refused or released to bail.

15. Where an accused is legally represented their physical attendance, if on bail, is not required until the matter is before the Court for committal for Trial or Sentence. Where a party is unable to meet the purpose for which the matter is adjourned, whether for plea or committal for trial they are to notify the Court and the legal representative of the other side by email not less than 72 hours prior to the date fixed for committal setting out the reasons why the matter is to be adjourned. The court will advise both parties by email of the new date.

16. If the matter is to be finalised in the Local Court and the defendant is legally represented then the defendant need not be physically present provided full instructions have been given to their legal representative. This advice may be communicated to the court and the DPP by email. Where that takes place the physical appearance by the legal practitioner will not be required. The court will consider finalisation of the matter in the context of the arrangements for sentencing proceedings set out immediately hereunder.

#### **Sentencing proceedings in the Local Court**

17. The Local Court will accept a plea and sentencing submissions from a legally represented defendant that are in writing or by email. The physical appearance by the defendant or their legal representative will not be required unless the Court determines that it is necessary. This should only arise in matters where the court considers a conditional release order or community corrections order. Where that is the view of the Magistrate the

proceedings will be adjourned for either a physical appearance by the defendant or an appearance by the defendant through AVL. Where it is intended to utilise AVL the defendant or their legal representative is make the appropriate arrangement.

18. Where the Court considers a sentence of imprisonment is the appropriate outcome, whether by full time detention or by an Intensive Correction Order the Court will adjourn the proceedings for a period of 8 weeks. On that date a physical appearance by the defendant will not be necessary. Subject to the situation regarding the pandemic the matter will be listed for sentence at a later date. If the current situation remains at that time, the proceedings should be adjourned for a further 8 weeks. In this situation the legal representative may appear by email.

19. Where the defendant is in custody bail refused sentencing proceedings may take place by AVL from within a correctional centre. Where possible the legal representative may also appear by AVL

20. In all proceedings involving a plea of guilty by email or in writing the submissions made on behalf of the defendant are not to be any longer than 3 A4 size pages. Where there is reference to an authority in the submissions the reference is sufficient. A copy of the relevant case will not be required however the attention of the Court is to be drawn to the relevant parts of the judgment upon which submissions rely.

21. The court acknowledges the difficulties in relation to engagement in the process preparatory to a Section 32 application under the Mental Health (Forensic Provisions) legislation created by the shutdown. In such matters appearance by the legal representative can by email flagging the likelihood of such an application. In this situation the court should be asked to adjourn the proceedings for at least 8 weeks.

### **Urgent applications**

22. The Court will continue to accept proceedings that are urgent. However, where that is thought to be the position the court should be contacted by email in the first instance outlining the nature of the application and why it is urgent. If the magistrate at the Court to which such application is intended to be made considers there is sufficient basis for urgency then advice to that effect together with the arrangements to be made to deal with the application will be provided by email.

### **Defended Hearings**

23. In the current environment it will not be appropriate to allocate hearing dates where a plea of not guilty is entered. In those matters the court will adjourn proceedings for a period of THREE MONTHS at which time the position in relation to the impact of the pandemic will be reassessed. It will not be necessary for a defendant or their legal representative to appear in person. Appearance will be accepted in writing or by email.

**The Chief Magistrate previously released the following memorandum on 20 March 2020 by way of update.**



## **FURTHER CLARIFICATION OF LOCAL COURT ARRANGEMENTS FOR EAGP MATTERS DURING PANDEMIC PERIOD**

Following my memorandum of 16 March 2020 setting out arrangements for the Local Court proceedings during the pandemic period, the following clarification applies in relation to EAGP committal matters.

### **First return date/ brief service mention:**

**If defendant legally represented**, no physical appearance is required and matter may be dealt with electronically. The legal representative should communicate the fact of their representation in writing.

**If defendant unrepresented (not in custody)**, no physical appearance is required and defendant may email the court a request for adjournment in writing.

**If defendant unrepresented (in custody)**, the matter will proceed via AVL.

In all scenarios above, the magistrate will make necessary orders/ adjourn matter as per timetable in Local Court Practice Note Comm 2.

### **Brief confirmation:**

**If defendant legally represented**, no physical appearance is required and matter may be dealt with electronically. The legal representative should communicate the fact of their representation in writing.

**If defendant unrepresented (not in custody)**, no physical appearance is required and defendant may email the court a request for adjournment in writing.

**If defendant unrepresented (in custody)**, the matter will proceed via AVL.

In all scenarios above, the magistrate will make necessary orders/ adjourn matter as per timetable in Local Court Practice Note Comm 2.

### **Charge certification/ case conference adjournment:**

**If defendant legally represented**, no physical appearance is required and matter may be dealt with electronically. The legal representative should communicate the fact of their representation and make any applications in writing.

The defendant is not required to be present for the purposes of providing an explanation pursuant to section 59 of the *Criminal Procedure Act* and matters should not be adjourned to facilitate this.

See below for arrangements where entering a plea of guilty.

**If defendant unrepresented (not in custody)**, no physical appearance is required and defendant may email the court a request for adjournment in writing.

The defendant is not required to be present for the purposes of providing an explanation pursuant to section 59 of the *Criminal Procedure Act* and matters should not be adjourned to facilitate this.

**If defendant unrepresented (in custody),** the matter will proceed via AVL.

In all scenarios above, magistrate will make necessary orders/ adjourn matter as per timetable in Local Court Practice Note Comm 2.

**NOTE:** Pursuant to section 71(3) of the *Criminal Procedure Act*, I provide my **approval for case conferences to be held by telephone** where necessary and at the discretion of the parties.

### **Where entering pleas/ at committal**

**If defendant legally represented (not in custody),** physical appearance of legal representative and defendant is required when entering pleas/ at committal for all strictly indictable offences and all matters which are to be committed for sentence.

Otherwise, where no election is being made, no physical appearance is required by either legal representative or defendant. Legal representative may enter plea in writing.

**If defendant legally represented (in custody),** physical appearance of legal representative is required and defendant is to appear from custody via AVL when entering pleas/ at committal for all strictly indictable offences and all matters which are to be committed for sentence.

Otherwise, where no election is being made, no physical appearance is required by legal representative and defendant is not required to appear by AVL. Legal representative may enter plea in writing.

**If defendant unrepresented (not in custody),** physical appearance is required when entering pleas/ at committal for all strictly indictable offences and all matters which are to be committed for sentence.

Otherwise, where no election is being made, no physical appearance is required and defendant may enter plea in writing.

**If defendant unrepresented (in custody),** the matter will proceed via AVL.

### **The Chief Magistrate announced on 18 March that:**

Consistent with the objective of limiting the number of people presenting at court I have taken the decision to defer the hearing of all defended hearings that do not involve a defendant in custody and are scheduled to take place between Monday 23 March 2020 and Friday 1 May 2020. Hearings involving people in custody should continue as listed however wherever practical the appearance of the defendant should be facilitated by AVL.

**Magistrates on country circuits should review the pending court lists at non AVL courts. Hearings scheduled for the period 23 March 2020 to 1st May 2020 should be relisted to a Court on their circuit which has access to AVL for the purpose of allocating a fresh hearing date. Corrective Services are to be notified when and if this occurs. Best practice would be to do so by the issue of a Section 77 Order requiring appearance by AVL. In these circumstances magistrates may need to turn their mind to the position in relation to bail.**

The position will be reviewed by my office in the week commencing 27 April 2020 in light of further decisions of government and the status of the pandemic. It may be necessary to extend the deferral of the listing of defended hearings again.

In light of the publication of arrangements on Tuesday of this week and perhaps in response to this memorandum, which will be brought to the attention of stakeholders, there may be some defended matters that will become pleas of guilty. If that is the position they should be finalised on the day originally allocated for the hearing or at such later date the court considers appropriate.

### **The Directions by the Chief Magistrate in relation to Local Court procedures:**

#### ***Suspension of Hearings***

Hearings (Both Criminal and Civil) – Defended Not in custody: **Any listed from 23 March 2020 to 1 May 2020 to be vacated** and listed for mention in the week of the 4 May 2020. If a change of plea is indicated, may be listed earlier to be dealt with.

Hearings – Defendant In Custody – to remain listed and to be dealt with Via AVL.

Hearings **do not include:** Section 32 Matters, Annulment Applications or Part-heard matters for submission and decision only.

#### ***Method of Appearance***

In Corrective Services Custody - No prisoner will be taken to a Court (This includes First appearance, hearings, sentence matters and mentions). This is to reduce the risk of the virus being introduced to a vulnerable community within a correctional facility.

In Police Custody – Wherever possible first appearances should be dealt with via AVL from Police Stations regardless of the legislative requirements.

#### ***Matters not listed for hearing:***

If **Legally represented** allow to enter appearance and request adjournment or indicate plea in writing (le letter, email etc);

If **unrepresented** (not in Custody) on first occasion only (either when non-bail CAN or bail CAN) are allowed to email the court a request for adjournment or indicate plea via email or written notice of pleading.

If ***Plea of Guilty*** indicated will only need to attend court for sentence if magistrate believes serious enough to require attendance. **The only finalising orders in the absence of the offender are s10(1), s10A and fine.**

if plea of ***not guilty*** indicated, brief service orders to be made and adjourned and notified.

### ***Civil Claims***

Practitioners will be allowed to appear via telephone for small claims hearings, review lists, directions lists and motions list.

### ***Domestic Violence Proceedings***

Victims should only be required to attendance there is a need to have to give evidence.

# THE CHILDREN'S COURT OF NSW

For further information, visit: <http://www.childrenscourt.justice.nsw.gov.au/>

## THE PRESIDENT OF THE CHILDREN'S COURT RELEASED THE FOLLOWING UPDATE ON 24 MARCH 2020:

### PUBLIC NOTICE OF RESPONSE TO COVID-19 PANDEMIC No. 2

**24 March 2020**

In view of the further government announcements in relation to the continued spread of COVID-19 within New South Wales together with advice from the Chief Executive Officer, of Legal Aid NSW in relation to the reduced capacity of Legal Aid to continue to provide legal representation in the Children's Court during the pandemic I have made the difficult decision to make further changes to the sitting arrangements in the Children's Court.

#### **Information relevant to all cases in the Children's Court**

1. Subject to information contained below in relation to criminal proceedings all hearings in the care or criminal jurisdictions of the Children's Court which have been listed between Tuesday 24 March 2020 and Friday 1 May 2020 will be vacated.
2. Vacated cases will be listed for call-over on a date after 1 May 2020 to set a new hearing date. Part-heard matters may continue at the discretion of the relevant judicial officer in consultation with the parties. The judicial officer will need to consider whether arrangements can be put in place to ensure the safety of all persons involved in the hearing.
3. This direction does not prevent a party from seeking to re-list the matter for bail variation, release application, variation of court orders, an application for hearing on the papers or further directions that will assist the progress of the matter. Any such application should be made by email to the relevant court registry.

#### **Crime jurisdiction**

4. Notwithstanding the decision to vacate hearings between 24 March and 1 May 2020 a judicial officer may hear a case where the defendant is in custody as long as the young person is legally represented and appropriate arrangements can be put in place to ensure the safety of all persons involved in the hearing.
5. Crime lists will continue to operate. The young person's legal practitioner will be excused if they have submitted proposed orders by email prior to the date of court. The young person's legal practitioner must be available by phone or AVL on the date of court.
6. If a young person does not have legal representation the case will be adjourned for approximately 4 weeks.

7. At some locations the magistrate may appear by audio visual link (AVL) from another court (please see below)
8. From Wednesday 25 March 2020 and until Friday 3 April 2020 young persons appearing in custody on the first appearance of the relevant matter are to be listed at Parramatta Children's Court. Court vacation standard operating procedures will apply.
9. Police in regional areas may make an application under s 5BA(4) of the *Evidence (Audio and Audio Visual Links) Act 1998* for the young person to appear by AVL due to safety and welfare considerations but only where it is not practicable for the young person to be detained in a detention centre during the period between being charged with the relevant offence and the first appearance before the court (s 9 (3) of the *Children (Detention Centres) Act 1987*).
10. If the young person is granted bail the case is to be adjourned to the Children's Court where they would otherwise have been brought and young person is to be excused if legally represented on the next occasion. Young people are to be provided with information about contacting Legal Aid and in appropriate cases, the Aboriginal Legal Service upon release.
11. If the young person is refused bail the next court appearance is to be by AVL. The case is to be adjourned to the Children's Court where they would otherwise have been brought provided that court has AVL facilities. If not, the case should be adjourned Parramatta Children's Court
12. Where appropriate, brief orders or other case management directions should be made on the first appearance.
13. Discussions with key legal stakeholders will continue during this period and this arrangement may be continued.

### **Care jurisdiction**

14. Lists scheduled in the care jurisdiction of the Children's Court will continue to operate. Wherever possible parties and legal practitioners should not attend the court premises. Further advice to legal practitioners will be provided to support the attendance of legal practitioners by means other than personal attendance.
15. Where an application for an emergency care and protection order is made under s 46 of the *Children and Young Persons (Care and Protection) Act 1998* (the Care Act) or a care application is made following the removal or assumption into care of a child or young person under s45 of the Care Act the application is to be listed in the first instance at Parramatta Children's Court from Thursday 26 March 2020.

### **Children's Court circuits**

16. All travel of judicial officers as part of Children's Court circuits is suspended from Wednesday 25 March 2020. Children's Magistrates will continue to sit at Parramatta, Surry Hills, Campbelltown, Port Kembla, Woy Woy, Broadmeadow and Lismore. Children's Magistrates will continue to deal with cases by AVL from other courts on their respective circuits.
17. Parties should contact the court registry where they are due to appear for further information.

## General

18. The Children's Court will continue to work closely with key stakeholders to develop arrangements that will allow the Court to continue to operate during the pandemic without the need for physical attendance at Court.
19. Please note that arrangements are subject to change at short notice.

**The President's previous notice of changes is extracted below and has been published here:**

<http://www.childrenscourt.justice.nsw.gov.au/Documents/Coronavirus%20Public%20Notice.pdf>

## **PUBLIC NOTICE OF RESPONSE TO COVID-19 PANDEMIC 19 March 2020**

Like all court jurisdictions across Australia the Children's Court of New South Wales is facing unprecedented challenges in the face of the COVID-19 pandemic. Notwithstanding this, the justice system is critical to maintaining social cohesion in times of crisis and the Court will continue to operate to the extent that it is feasible to do so, including the conduct of hearings.

However, the safety and wellbeing of everyone involved in court proceedings is of the utmost importance and for this reason the Court is adjusting its processes.

Court participants should continue to monitor the website for the [Department of Communities and Justice](#) for updated information and instructions on what to do if you are required to attend the Children's Court. The advice on that website overrides the advice in this document.

## **General information relevant to all cases in the Children's Court**

- If you are represented by a lawyer you do not need to attend court unless your lawyer tells you that you need to.
- If you want to attend court regardless, you may, but you should also talk to your lawyer about whether they can make arrangements to allow you to listen to the court proceeding by phone when your case is dealt with.
- If you are required to come to court you should only bring a maximum of 2 support persons with you. If you are a child or young person, your parents or carers should come to court.

## **Children's Court criminal jurisdiction**

1. To ease current pressure on the court system police are directed to **list non-custodial matters approximately 6 weeks in advance** in lieu of the usual 3 weeks with the exception of domestic violence related offences and provisional orders.

2. Domestic violence related offences and provisional orders are to be **listed within 14 days** where the Children’s Court sits daily and **not more than 28 days** in other instances to ensure that the terms of a provisional order remain appropriate in the current circumstances.
3. However, parties can ask to re-list matters before the first court date. Contact the local registry where your case is listed or contact the Court Services Centre by phone on **1300 679 272** to ask how to do this.
4. All defendants should contact either Legal Aid or the Aboriginal Legal Service as soon as you have been issued a court attendance notice by police to get legal advice.

**Legal Aid youth hotline - 1800 10 18 10**

**Aboriginal Legal Service - 1800 765 767**

5. If you are the family member of a young person in custody you should contact **Youth Justice on 1300 135 330**.
6. Young people in custody will mostly appear before Court by Audio Visual Link (AVL) from a detention centre including the first court date and, if and when the Court sentences the young person.
7. Judicial Officers will be looking at bail conditions on the first date of court. Make sure you talk to your lawyer about whether these conditions are workable.
8. Some cases may be delayed.
9. Where a Youth Justice Conference is ordered by the Court the case should be adjourned for 3 months instead of 2 months.
10. Parties will be required to contact the Court in writing 7 days prior to the date of the hearing to advise if the hearing can still go ahead.

### **Children’s Court care and protection jurisdiction**

1. Directions lists and hearings will continue.
2. Parties are excused from attendance at directions lists if represented by a lawyer and lawyer has received the parties’ instructions.
3. Parties should be available to speak to their lawyer by phone on the day of court.



4. Where all the parties are in agreement in relation to what directions or interim orders might be appropriate for the Court to consider only one legal representative needs to attend court.
5. Parties will be required to contact the Court in writing 7 days prior to the date of hearing to advise if the hearing can still go ahead.
6. Dispute Resolution Conferences will continue to be conducted but will be adjusted as determined by the relevant Children's Registrar having regard to available facilities. The use of shuttle conferences, AVL and telephone will be considered.

#### **Children's Court education jurisdiction**

1. Applications for compulsory schooling orders currently listed before the Children's Court will continue to be dealt with.
2. No further applications will be filed by the Department of Education until June 2020.
3. Education conferences conducted by Children's Registrars that are currently listed will be conducted, subject to the discretion of the Children's Registrar.
4. No further education conferences are to be referred to Children's Registrars.

The Court will continue to work with stakeholders to refine these arrangements, including developing arrangements for legal practitioners to attend court by alternative means.

Please note that arrangements are subject to change at short notice.

# CORONERS COURT

For further information, visit: <http://www.coroners.justice.nsw.gov.au/>

## THE CORONERS COURT RELEASED THE FOLLOWING NOTICE ON 24 MARCH 2020:

### COVID-19 – CHANGES TO COURT OPERATIONS

The NSW Coroners Court recognises its responsibilities in reducing the risks associated with the spread of COVID-19.

It is essential the functions of the Forensic Medicine and Coroners Court Complex at Lidcombe are able to continue during the period of the pandemic. For this reason, precautions are in place to reduce the number of people attending the facility and to help ensure the safety of the broader community.

The NSW State Coroner Teresa O’Sullivan has implemented a number of changes to court proceedings to ensure the safe running of the entire facility and that all essential functions continue.

Only Coroners Court matters that can be conducted using technology to enable the appearance of parties, witnesses and family will proceed in the period up to 30 June 2020. Any inquests that need to be adjourned will be given a new inquest date. Families are being notified individually about the adjournment and new date.

All inquests that had been listed at country locations up until 30 June 2020 will be given new dates in due course.

We appreciate these changes may be distressing for families. Most of the families contacted have been very understanding and many are relieved they are not required to travel to attend court during the COVID-19 pandemic.

One of the key roles of the Coroners Court is determining how public safety can be improved and how future deaths can be prevented. With that responsibility, it is incumbent on the NSW Coroners Court to do what it can to ensure the safety, health and wellbeing of the whole community.

As the COVID-19 situation continues to evolve rapidly, these changes will be reviewed and modified as required. A detailed assessment of these changes will take place in early June.

# NCAT

For further information, visit <https://www.ncat.nsw.gov.au/Pages/coronavirus-information-for-people-attending-ncat.aspx>

**NCAT has issued the following update on 30 March 2020:**

## **Consumer and Commercial Division matters to be notified via email**

Parties in NCAT's Consumer Commercial Division may have noticed that email has been set as the preferred address for communication from the Tribunal. This is so that the Division can communicate with parties in the quickest way possible in the event of changes to their matter.

## **How can I update my email address?**

Parties can update edit or update an email address previously provided to NCAT using [eServices](#).

To access [eServices](#) you must first log in using your NCAT file number and Customer eNumber. This information can be found at the top right corner of your notice of hearing or on other NCAT correspondence.

If you are unable to use eServices, please contact the NCAT Registry on 1300 006 228.

**The following update has been issued by NCAT on 27 March 2020:**

## **Coronavirus (COVID-19): Updated changes to NCAT operations**

To minimise the need for parties to physically attend NCAT premises, the President has updated [NCAT's hearing and filing arrangements](#) in response to the evolving Coronavirus (COVID-19) pandemic. These changes are effective today, 27 March 2020.

## **Temporary arrangements to lodging documentation**

If you are unable to lodge your application or documentation online, by post or at Service NSW, NCAT is temporarily allowing parties to lodge documents by email. A new Procedural Direction, [Procedural Direction 6 - Filing of Documents](#), has been issued by the President in relation to this change.

For more information on what's required when lodging documents by email, refer to our guideline on [Temporary arrangements to lodging documentation](#).

Any further changes to NCAT services will be announced on the [Coronavirus \(COVID-19\) web page](#).

## **PRESIDENT'S MESSAGE: TEMPORARY CHANGES TO NCAT OPERATIONS - 27 MARCH 2020:**

### **Hearings**

In an endeavour to contain the effects of COVID-19 and keep the Tribunal operational as much as possible, the following temporary procedures are being implemented. The primary aim is to remove the need for parties to physically come to the Tribunal.

From 30 March 2020, The Tribunal (all Divisions and the Appeal Panel) will be conducting all stages of its hearings by phone, audio visual link or on the papers.

Where a matter is decided “on the papers”, this means the matter is decided without a hearing. This involves the Tribunal considering the documents that are lodged by all the parties and then making a decision about the case.

No face-to-face hearings will be conducted without prior approval of the President.

It is not possible for the Tribunal to continue hearing cases within its usual time standards. Priority will be given to urgent cases and less urgent cases will be listed in the last quarter of 2020.

At this stage NCAT will be prioritising cases as follows:

- Guardianship Division – matters where the risk to the person who the hearing is about is assessed as high, urgent or serious based on the information available to the Tribunal.
- Administrative and Equal Opportunity and Occupational Divisions – any matters that can be heard on the telephone or on the papers.
- Consumer and Commercial Division –
  - Tenancy matters

- Other urgent matters that arise in the following circumstances:
  - to address an imminent danger to a person's health or welfare;
  - to prevent unauthorised work being carried out;
  - to prevent property being damaged; or
  - where a lessee may be locked out of a retail shop or residential premises.
- Appeal Panel – any matters that can be heard on the telephone or the papers.

### Filing Documents

In order to further minimise the need to personally attend NCAT registries, the Tribunal will allow filing by email where a party is unable to post an application or other documentation. The requirements in relation to this are [attached here](#).

### Adjournments due to illness

If you are scheduled to attend by phone and you are too unwell to participate, for a reason related to the Coronavirus for:

- Guardianship Division matters, please contact the Registry by email or phone in the usual way;
- other Divisions and NCAT Appeal Panel matters, you can use this [email template](#) to contact NCAT and apply for an adjournment. In considering the application for adjournment, the Tribunal will take into account the current exceptional circumstances and any inability to obtain a medical certificate.

Please note that these measures are current at the date of this notice.

### Attending NCAT registries

Please try to avoid attending the NCAT registry in person. Do not attend if:

- If you have had close contact with **someone diagnosed with or suspected or confirmed as having Coronavirus (COVID-19)** in the last 14 days **DO NOT ATTEND NCAT**
- If you are feeling unwell and experiencing any of the following symptoms - fever, cough, sore throat or shortness of breath **DO NOT ATTEND NCAT**
- If you have travelled and returned from overseas in the past 14 days **DO NOT ATTEND NCAT**

**Registrars/Sheriff officers may deny entry or request any person to leave a building.**

NSW Health advise that people should **stay at home if they are feeling unwell or have been to a country considered at a higher risk of Coronavirus in the past 14 days.**

For the latest updates from NSW Health visit their [website](#).

#### **The President of NCAT issued the following update on 18 March 2020:**

In an endeavour to contain its effects and keep the Tribunal operational as much as possible, the Tribunal is implementing the following temporary procedures. The primary aim is to minimise the need for parties to physically come to the Tribunal in the near future and to develop methods of dealing with cases that do not require face-to-face contact.

#### **Listings other than substantive hearings**

- Directions hearings, callovers, conciliation conferences and some other interlocutory hearings will be conducted where possible by telephone or audio visual link, rather than in person.
- Return of Summons lists will be conducted by telephone.
- Precise arrangements regarding telephone or audio visual link hearings will be provided separately.

#### **Specific arrangements for substantive hearings in Divisions and for appeals**

- A ‘substantive hearing’ is a hearing, the outcome of which will determine the proceedings.

#### ***Administrative and Equal Opportunity Division and Occupational Division:***

- Substantive hearings may be conducted, with the consent of both parties, by telephone or audio visual link, where appropriate, at the discretion of the Tribunal Member presiding and depending upon the availability of the necessary technology.
- Mediations and substantive hearings will not be conducted in regional areas where the Tribunal Member presiding would need to fly to the regional location. If both parties agree, such mediations and substantive hearings may be able to be conducted by telephone or audio visual link, at the discretion of the Tribunal Member or mediator.

#### ***Consumer and Commercial Division:***

- Substantive hearings will continue to be conducted in regional areas at the current time.
- Consumer and Commercial Division Group lists with multiple parties will be re-organised to reduce the need for attendance by parties and to stagger hearing times. Effective Monday 23 March 2020, all Group lists are suspended until further notice. Group List

matters already listed at various venues across New South Wales will be adjourned to a further date to be fixed. Further information will be made available on the NCAT website and parties will be advised directly about when the Tribunal will deal with their applications. Future hearings will be by telephone wherever possible.

- Substantive hearings (whether listed for Greater Sydney or regional areas) may be conducted by telephone or audio visual link, where appropriate, at the discretion of the Member presiding and depending upon the availability of the necessary technology.

#### ***Guardianship Division:***

- All hearings will be conducted by telephone or audio visual link. After careful consideration of the welfare and interests of the people who are the subject of applications in the Division, and the demographics of our hearing participants, we have decided that in person hearings should not occur at this time in this Division.
- The Division will be deferring all but urgent reviews of existing guardianship and financial management orders which would otherwise be listed for hearing in May and June 2020. To extend the operation of those orders until a hearing can be held, a notice of hearing will shortly be issued to parties in relation to each of these matters, to advise of a hearing date later this year.

#### ***Appeal Panel:***

- Substantive hearings in appeals emanating from the Guardianship Division will be conducted by telephone or audio visual link.
- Substantive hearings in appeals emanating from the other three Divisions (Administrative and Equal Opportunity Division, Consumer and Commercial Division and Occupational Division) will be conducted by telephone or audio visual link, wherever possible. Where an 'in person' hearing is required, it is unlikely this would be conducted before October 2020, except in emergency or other exceptional circumstances.

#### **Hearing rooms**

Where you attend NCAT in person, you should bring your own plastic water bottles. Water jugs and water glasses have been removed from hearing rooms.

#### **Non-attendance at NCAT and request for adjournments**

If you are scheduled to attend NCAT in person but you are unable to do so, or you are scheduled to attend by phone and you are too unwell to participate, for a reason related to the Coronavirus:

- for Guardianship Division matters, please contact the Registry by email or phone in the usual way;

- for other Divisions and NCAT Appeal Panel matters, you can use [this email template](#) to contact NCAT and apply for an adjournment. In considering the application for adjournment, the Tribunal (including the Appeal Panel, where relevant) will take into account the current unusual circumstances and any inability to obtain a medical certificate.

Please note that these measures are current at the date of this notice. It is expected that the position may change as the situation develops and you should confirm the position seven days prior, and then on the day prior, to any hearing you are involved in.

Where hearing schedules are disrupted, priority will be given to the most urgent matters across the Tribunal.

### **Attending NCAT premises**

NCAT remains open for business. In order to adhere to NSW Health advice the following measures apply:

- **DO NOT ATTEND A TRIBUNAL unless you:**
  - **are a party to a tribunal matter or a party's legal representative;**
  - **require face-to-face services of the registry; or**
  - **are a bona fide representative of an established news-media organisation.**
- **Despite the above,** if you have had close contact with **someone diagnosed with or suspected or confirmed as having coronavirus (COVID-19)** in the last 14 days **DO NOT ATTEND NCAT**
- If you are feeling unwell and experiencing any of the following symptoms - fever, cough, sore throat or shortness of breath **DO NOT ATTEND NCAT**
- If you have travelled and returned from overseas in the past 14 days **DO NOT ATTEND NCAT**

### **Registrars/Sheriff officers may deny entry or request any person to leave a building**

NSW Health advise that people should **stay at home if they are feeling unwell or have been to a country considered at a higher risk of Coronavirus in the past 14 days.**

If you consider that this advice applies to you please **DO NOT ATTEND**. If you are a party to proceedings, you should [contact NCAT](#) or your legal representative.



# NSW INDUSTRIAL RELATIONS COMMISSION

For further information, visit:

[http://www.irc.justice.nsw.gov.au/Pages/IRC\\_research\\_information/IRC\\_research\\_information\\_announcements/IRC\\_research\\_information\\_announcements\\_2016\\_66.aspx](http://www.irc.justice.nsw.gov.au/Pages/IRC_research_information/IRC_research_information_announcements/IRC_research_information_announcements_2016_66.aspx)

**The Chief Commissioner released the following update on 20 March 2020:**

## **Updated Announcement - Listings during COVID-19**

The Commission continues to monitor the Commonwealth and State Governments' announcements and health advice relating to Coronavirus (COVID-19).

In an endeavour to contain the effects of the virus and to keep the Commission operational as much as possible, the Commission has implemented temporary procedures which were set out on the Commission's website on 16 March 2020

at [http://www.irc.justice.nsw.gov.au/Pages/IRC\\_research\\_information/IRC\\_research\\_information\\_announcements/IRC\\_research\\_information\\_announcements\\_2016\\_66.aspx](http://www.irc.justice.nsw.gov.au/Pages/IRC_research_information/IRC_research_information_announcements/IRC_research_information_announcements_2016_66.aspx).

The primary aim is to minimise the need for parties and representatives to attend the Commission in person in the near future and to develop methods of dealing with cases that do not require face-to-face contact so that the Commission can continue to operate in the current environment.

To assist with this aim, the Commission requires parties and representatives to observe the following protocols in addition to those set out on 16 March 2020.

## **Arbitration hearings**

1. Only those people necessary for the conduct of a hearing may attend the Commission for the hearing. The Commission will not allow any person to attend a hearing solely to observe proceedings. The Commission may inquire as to the reason why any individual is in attendance, and may ask persons to leave the Commission if they are not required for the hearing.
2. To the extent possible, parties must continue to maintain social distancing when in court or waiting to appear.
3. The Commission expects that all parties will have conferred as to which witnesses will be required for cross-examination and whether those witnesses could give evidence other than in-person and in what order witnesses will be called.

4. Only those witnesses who are genuinely required for cross-examination in-person should attend the hearing.
5. To the extent possible, witnesses should be required to attend the Commission as close as possible to the time at which it is estimated that they will be required to give evidence. The Commission will not be perturbed by reasonable delays caused by a witness being required earlier than anticipated.
6. Witnesses must leave the Commission once they are excused and they are not required otherwise in the matter. Consistent with point 1, they must not remain simply to observe proceedings.
7. To minimise the hearing time, the parties are asked to consider whether there are aspects of the proceedings, such as submissions, which might be conducted other than in person.
8. The Commission takes all care to ensure the cleanliness of its precincts, and aims to have some means available to the parties to maintain a safe working environment. In the current environment, the Commission expects that all persons attending the Commission take responsibility to ensure ongoing cleanliness, particularly at the bar table and the witness box. Parties are encouraged to bring items such as disinfectant wipes and hand sanitiser that they consider may be required. The Commission cannot guarantee that these items will be available to the parties and/or witnesses.
9. All water jugs and glasses have been removed from hearing rooms for the protection of people appearing before the Commission in the current environment. Parties will be allowed to use their own personal water containers in the hearing room.
10. If parties intend to provide documents to witnesses or to the Commission during the arbitration then it is expected that the copies provided to witnesses and the Commission will be kept in an environment and manner with the least likelihood of contamination by the COVID-19 virus.

### **Report Backs and Conciliations**

1. If parties intend to refer to documents in a report back or conciliation then these documents must be sent to the other party and the Commission at [irc\\_Commissioner\\_support@justice.nsw.gov.au](mailto:irc_Commissioner_support@justice.nsw.gov.au) no later than 3:00pm on the day before the matter is listed. When determining the documents to which you intend to refer, be conscious that the Commission has limited resourcing to print and collate these documents, and send only those sections of the documents that will be necessary for the report back or conciliation. These documents will not be taken to have been filed in the Commission but will be made available to the Commissioner to assist with conciliations and report backs.

NB: If this creates an administrative burden then further varied arrangements will be considered and parties should note that this practice only applies while measures are implemented to assist the Commission to operate during COVID-19.

### **Sittings outside Parramatta and Newcastle**

1. From Monday 23 March 2020 until Friday 29 May 2020 the Commission will only hear matters requiring in-person attendance at a hearing at the Commission's premises in Parramatta and Newcastle.
2. Commissioners will initiate contact with parties and/or representatives impacted by this measure to make alternative arrangements.

### **PREVIOUS ANNOUNCEMENT OF 16 MARCH 2020**

The Industrial Relations Commission is carefully monitoring the updated Commonwealth and State Governments' advice regarding COVID-19.

### **Directions hearings, conciliation hearings and report backs**

In an effort to mitigate the risks of exposure of Commission staff, parties and Commissioners to COVID-19 and to keep the Commission operational at this time, the Commission expects most conciliation hearings and all directions hearings and report backs to take place via teleconference, commencing from **Tuesday 17 March 2020**.

If you consider that the circumstances of your matter require in-person attendance at a conciliation or directions hearing then you should inform the other party of the reasons for this in writing as soon as possible, and provide your request and the other party's position to the Commission no later than **midday** on the **day prior to your listing**, and the Commission will consider the request. The Commission may also determine that the matter requires conciliation or directions to take place face-to-face and parties will be informed where this is the case.

**In all other circumstances, please provide your telephone contact information to the Industrial Registry at [irc\\_client\\_services@justice.nsw.gov.au](mailto:irc_client_services@justice.nsw.gov.au) or 02 8688 3516 as soon as possible, and no later than 3:00pm on the day prior to your listing.**

### **Arbitration hearings**

**At this time, matters listed for arbitration will proceed in-person unless parties make an application for alternative arrangements.** If you have a matter listed for arbitration, you should confer with the other party or its representative/s as soon as possible about any arrangements that can be made to limit persons required to attend the hearing, such as witnesses not required for cross-examination. If you consider that the circumstances of your matter are such that an adjournment is necessary then please contact the other party to obtain its position before making any request to the Commission.

**Self-isolation**

If you have received medical advice to self-isolate, or you meet the criteria set by NSW Health for self-isolation, you should not attend the Commission, and you will not be expected to do so. You should contact the Industrial Registry as soon as reasonably practicable at [irc\\_client\\_services@justice.nsw.gov.au](mailto:irc_client_services@justice.nsw.gov.au) or 02 8688 3516 to inform the Commission of your circumstances. Prior to making contact with the Registry, and where practicable, the Commission expects that you will contact the other party or parties to the matter, advise your circumstances to them, and discuss any alternative arrangements that may be necessary for your matter.

**Water Jugs and glasses**

Effective immediately, all water jugs and glasses will be removed from hearing rooms for the protection of people appearing before the Commission in the current environment. Parties will be allowed to use their own personal water containers during a hearing.

# WORKERS COMPENSATION COMMISSION

For further information, visit: <https://www.wcc.nsw.gov.au/publications/e-bulletin/2020-e-bulletins>

## THE PRESIDENT ISSUED A FURTHER UPDATE ON 27 MARCH 2020:

### **Week 1 of telephone conciliations, arbitrations and mediations**

In e-Bulletins 97 to 99, I announced changes to the Commission's operations in response to the escalating situation with the coronavirus pandemic. Since the start of this week, all staff have been working remotely (from home) and all listings (conciliations/arbitrations and mediations) have been conducted by telephone. The Commission also suspended in-person medical assessments to ensure the health and wellbeing of workers, doctors and staff. We hope to reach a position on the management of medical disputes within the coming days where a number can be recommenced safely.

The significant changes and our response to the evolving situation has only been possible because of the great team at the Commission and our progressive use of technology. Our staff have done a fantastic job to transition the entire Commission list to telephone while not missing a beat with business as usual tasks. My sincere thanks also to the valuable contributions of our arbitrator, mediator and approved medical specialist cohorts. We have had some technical glitches with our telephone service provider but on the whole things have run smoothly and we are confident these problems, mainly due to the sudden increase in traffic, will be ironed out for next week.

This week, the Commission successfully conducted 144 listings, namely, 73 initial teleconferences, 39 con/arbs and 32 mediations. A fantastic outcome.

I wish to express my appreciation to those who participated in telephone con/arbs and mediations this week, in particular arbitrators, mediators and lawyers, for their professionalism and patience in this new process. The feedback I have received has been extremely positive and encouraging. I also wish to also express my sincere thanks to SIRA, icare, WIRO, Bar Association, Law Society and members of our User Group, who have all made tremendous contributions in what have been rapidly changing circumstances.

For those who haven't already, I implore you to read the Commission protocol for participating in telephone con/arbs and mediations. The protocol is an evolving document, which will be periodically updated as we receive feedback and as things change.

I stress to lawyers the importance of thorough preparation for telephone con/arbs and mediations including:

- Early notification to the Commission of the names and contact numbers of attendees for their party;

- Insurers actual attendance at the telephone event;
- Properly instructing counsel;
- Consulting with clients and holding client conferences well in advance of the listing event; and
- Parties discussing the case with each other prior to the telephone event to narrow issues and give the best opportunity to resolve the dispute.

Together we will get through this. My best wishes to you, your colleagues and your families for their health and safety through this challenging period.

#### **THE PRESIDENT ISSUED AN E-BULLETIN UPDATE, AS OF 24 MARCH 2020:**

##### **Suspension of face-to-face medical assessments**

Since the Commission's last e-Bulletin, the situation with the coronavirus pandemic has intensified significantly. In response, the Commission has escalated changes to its operations by transitioning all staff to work from home and the conduct of all hearings and conferences by telephone.

The remaining issue of concern for the Commission, and for me personally, is the conduct of face-to-face medical assessments by the AMS cohort. I am concerned about the safety of workers, doctors and their staffs. I am particularly concerned about workers having to travel distances to AMS assessments and then travel home. Already some workers and doctors have made their own decisions not to proceed with assessments. These feelings are all completely understandable.

I have consulted medical and legal experts and cannot be given any guarantees for the health and safety of workers, medical specialists and staff. I am not satisfied that our pre-screening measures will be enough to prevent the possible transmission of the virus.

In those circumstances, I have made the difficult decision to cease all face-to-face medical consultations from tomorrow, 25 March 2020, until further notice. I did not make this decision lightly and am well aware of the significant impact it will have but my primary consideration must be the welfare of all.

We will continue to explore every possible alternative to face-to-face assessments, and we are in discussions with SIRA, icare, WIRO and medical experts regarding this.

Commission staff will commence today to inform workers and legal representatives of the cancellations. You will appreciate this has been a very difficult and demanding time for staff.

I would greatly appreciate your consideration for them and their task. Any pre-warning legal representatives are able to give their clients would be helpful

### **Suspension of mail by DX and post**

Given all Commission staff are working remotely, correspondence lodged by document exchange and post will not be attended to. All documents in proceedings should be lodged via the online portal. Any other general written communications should be by email at [registry@wcc.nsw.gov.au](mailto:registry@wcc.nsw.gov.au).

We will continue to update you by e-Bulletin. Please take care of yourselves and your loved ones.

**The Workers Compensation Commission had previously announced that commencing 23 March 2020 and until further notice, conciliations, arbitrations and mediations will be conducted by telephone. Given the current national health emergency, face-to-face conciliation, arbitration and mediation will only be held if approved by the President of the Workers Compensation Commission.**

The President of the Workers Compensation Commission has issued a new ***Protocols for Telephone Conciliations, Arbitrations and Mediations*** document, which is available here: [https://www.wcc.nsw.gov.au/\\_data/assets/pdf\\_file/0015/613131/WCC-Protocols-for-Telephone-Con-Arbs-and-Mediations-20.03.20-.pdf](https://www.wcc.nsw.gov.au/_data/assets/pdf_file/0015/613131/WCC-Protocols-for-Telephone-Con-Arbs-and-Mediations-20.03.20-.pdf)

The President also issued the following statement on 20 March 2020:

### **Protocols for telephone conciliations, arbitrations and mediations**

Yesterday, I announced in response to the escalation of the COVID-19 epidemic that the Workers Compensation Commission would implement procedural changes to our operations, namely, conducting conciliation/arbitrations (con/arbs) and mediations by telephone. The reasons for this are obvious – it allows the Commission to continue to deliver our important work but ensures, to the extent that we can, the health and wellbeing of our staff, arbitrators, mediators, parties, legal representatives and others who use our services.

While I expect that conducting con/arbs and mediations by telephone will pose new challenges not experienced in face-to-face conferences, these are extraordinary times which call for extraordinary measures. It is clearly in the interests of injured workers and legal representatives that the Commission remains open for business and I expect cooperation, respect and genuine participation from all involved.

For a number of legal practitioners, particularly counsel, conducting proceedings by telephone will be something new. I ask that you persevere; the Commission has been doing a large part of its business by telephone since it first opened its doors, with outstanding results.

To assist you during this period, we have prepared the following [protocol document](#), which provides a guide to participating in telephone con/arbs and mediations. I implore you to review and understand the document.

With patience and good will we will get through this together. As I said in my message yesterday, when the crisis is over we will return to the normal practices of the Commission.

The President of the Workers Compensation Commission issued the following message on 19 March 2020:

### **Commission operations – procedural changes**

Further to [e-Bulletin No. 97](#), and in view of the emerging situation with COVID-19, the following procedural changes will be implemented to the Commission's operations. These changes will be implemented during the currency of the COVID-19 crisis. Once the crisis is over, the Commission will return to standard operations. Section 354 of the *Workplace Injury Management and Workers Compensation Act 1998 (NSW)* supports these changes.

I am fully committed to the principle of in-person hearings and justice being conducted in the open. Such processes have integrity and enjoy widespread public support. They also afford the citizen the right to have their case heard and dealt with in a suitably formal process.

However, this long-held process must change due to the current coronavirus crisis. In this regard, I am balancing the competing demands of open justice against the prospect of justice being delayed. If the Commission's decision-makers or the staff who support them become unwell with this virus, we will be unable to deliver justice and thus justice would be denied. Furthermore, I do not wish to add any further risk to the health and well-being of the lawyers and litigants who come here every day in large numbers.

I reiterate that once this crisis is over, the Commission will return to in-person hearings. When this occurs will depend upon the best medical advice available.

From Monday 23 March 2020, I will be ceasing all in-person hearings and closing the Commission's hearing rooms. Decisions during this period will continue to be published on the Commission's website.

I will confer with stakeholders during the currency of the revised procedures to ensure their optimal operation and will implement any further changes or enhancements that may be required.



From Monday 23 March 2020, conciliation/arbitration proceedings, mediation conferences and presidential hearings will be conducted by telephone. In some circumstances, for example where a witness needs to give evidence, the proceedings may be conducted by audio-visual link. All arbitration proceedings and presidential proceedings conducted by telephone or audio-visual link will be recorded.

To make this system work optimally, parties, and in particular applicant's lawyers, should confer with their client regarding settlement well prior to the telephone conference. Parties will be contacted by the Commission Registry with the relevant details for the hearing.

In exceptional circumstances proceedings may be conducted in-person. If a party seeks that proceedings be conducted in-person, an application must be made in writing to the Commission's Registry setting out the reasons why. Parties will also be required to justify the persons who they seek to have present during the in-person proceeding. Parties should operate to minimise the persons who are present during the in-person proceeding. Their presence must be absolutely necessary for the proceedings at hand. I will determine each application for in-person proceedings on a case-by-case basis.

If I grant approval for proceedings to be conducted in-person, the following procedures will apply:

- (a) parties must only attend the venue for the proceedings at the allocated time;
- (b) parties must not enter the room for which the proceedings are conducted until the matter is called;
- (c) parties must depart the room and the venue at which the proceedings are conducted when their matter is completed, and
- (d) parties must within 24 hours of the commencement of proceedings confirm that no person attending is unwell or a carrier of the COVID-19 virus.

Please note that we will continue to utilise our [online lodgment portal](#) for electronic lodgment of forms and documents in respect of Commission proceedings.

I have discussed these proposed measures with The Law Society of New South Wales and the Bar Association. I have also consulted with the Commission's User Group. All three groups are very supportive of these proposed changes to practices in order to help the Commission and those who use its services contend with the current coronavirus crisis. I am indeed grateful to these groups for their sensible and pragmatic approach as well as some very practical and helpful suggestions they have made in order to enhance this change of process.

I cannot stress the point too highly that practitioners and their clients must comply with any directions that the Commission makes or any conditions that I might impose on any particular hearings. This is done with your well-being and the well-being of the Commission's members and staff in mind. I have every confidence that if everybody acts sensibly and does their duty in accordance with directions

regarding public health and any information put out by the Commission, we will be able to maintain the Commission's operations throughout this challenging period.

The Commission is very fortunate that the expenditure was made to develop the online portal and paper-lite approach to cases; this will serve us very well during this crisis.

Finally, I would also ask for your patience and understanding at this time. The Commission's staff are working very hard to enable these changes to be implemented from next Monday. I am confident that with the goodwill and co-operation of all involved, we can make this work for the benefit of the citizens of New South Wales.

### **Keeping you updated**

We will continue to review our protocols and inform you as we receive advice.

Please ensure you carefully read the e-Bulletins and monitor news alerts as we issue them.

# HIGH COURT OF AUSTRALIA

For further information, visit <https://www.hcourt.gov.au/>

On 22 March 2020 the Justices of the High Court issued Practice Directions Nos 1 and 2 of 2020, **which take effect on 23 March 2020**, “in relation to some of the measures the Court has implemented to ensure that the High Court Registry can continue to offer its full range of services to litigants, practitioners and members of the public during the current period”. The High Court advised as follows:

## **[Practice Direction No 1 of 2020 Electronic Filing of Documents](#)**

One measure is to move to a form of electronic filing for cases filed prior to the implementation of the Digital Lodgement System on 1 January 2020. For pending cases filed prior to 1 January 2020 documents should be filed as attachments to an email where possible. This will remove the need for litigants and practitioners to attend the Registry counter to file their documents in pre-2020 cases.

## **[Practice Direction No 2 of 2020 Opening of the Registry](#)**

The filing of most if not all material electronically (either by email or through the new Digital Lodgement System) will reduce the need for the Registry to remain open for six hours each working day as is provided by Practice Direction No 2 of 2017. Registry opening hours will from 23 March 2020 be reduced to 10:00am to 1:00pm.

The Practice Directions are extracted below and available on the High Court website at <https://www.hcourt.gov.au/registry/filing-documents/practice-directions>

## **HIGH COURT OF AUSTRALIA - PRACTICE DIRECTION NO 1 OF 2020 - ELECTRONIC FILING OF DOCUMENTS - CASES COMMENCED BEFORE 1 JANUARY 2020**

### **1. Commencement**

This Practice Direction takes effect on Monday, 23 March 2020.

### **2. Filing documents**

For the purposes of Rule 1.07.1 of the *High Court Rules 2004* documents to be filed in cases commenced before 1 January 2020 should, where possible, be forwarded as a PDF attachment to an email sent to the managing Registry:

Canberra: [Canberra.Registry@hcourt.gov.au](mailto:Canberra.Registry@hcourt.gov.au);

Melbourne: [Melbourne.Registry@hcourt.gov.au](mailto:Melbourne.Registry@hcourt.gov.au); or

Sydney: [Sydney.Registry@hcourt.gov.au](mailto:Sydney.Registry@hcourt.gov.au).

### 3. Copies of documents lodged by email

The person who sends the document must:

- (a) keep a paper or electronic copy of the document; and
- (b) if directed to do so by the Court, a Justice or the Registrar, produce a hard copy of the document.

20 March 2020

## **HIGH COURT OF AUSTRALIA - PRACTICE DIRECTION NO 2 OF 2020 - OPENING OF THE REGISTRY**

1. This Practice Direction takes effect on 23 March 2020.
2. Practice Direction No 2 of 2017 is revoked.
3. The office hours of the Registry shall be from 10.00 am to 1.00 pm.
4. Each office of the Registry shall be open during office hours on each day except:
  - (a) Saturdays and Sundays;
  - (b) any day observed as a holiday by the Australian Public Service or observed as a public holiday in the State or Territory of that office;
  - (c) the days between Christmas Day and New Years Day inclusive; and
  - (d) any day on which the building in which the office of the Registry is located is closed to the public.

20 March 2020

The High Court previously advised that:

- **The High Court of Australia will not be sitting in Canberra or on circuit in the months of April, May and June.**
- The Court will continue to deliver judgments and deal with special leave applications including hearings as necessary at individual registries and will hear any urgent matters that may arise by video link between registries and Canberra.
- Any enquiries should be directed to [enquiries@hcourt.gov.au](mailto:enquiries@hcourt.gov.au)
- The question of future sittings will be reviewed in June.

# FEDERAL COURT OF AUSTRALIA

For further information, visit: <https://www.fedcourt.gov.au/news-and-events/18-march-2020#content>

The Federal Court has [released the following information](#) for practitioners on 30 March 2020:

## Information for Court Users

- In **urgent circumstances**, face-to-face services may be provided after initial assessment via telephone. You can contact us on 1300 720 980.
- If practitioners are involved in current proceedings before the Court that are impacted by COVID-19, they are encouraged to direct enquiries for assistance, such as necessary adjournments, variations to timetables or preparation for hearings, to:  
Tuan Van Le, National Judicial Registrar  
Phone: (03) 8600 334.

The Chief Justice of the Federal Court of Australia released on 23 March 2020 a [practice measure](#) that will be put in place on 23 March concerning the operation of the Federal Court and a [guide for the use of the application presently being used by judges in the Court: Microsoft Teams](#). The Special Measures practice measure is extracted below.

The Court [also announced](#) on 23 March 2020 that:

Following the developments in the COVID-19 situation, and the need to protect our staff and all visitors to our buildings, we have decided to close our public facing counters and cease face-to face services from Tuesday 24 March 2020.

While the counters are closed, we are still working in registries and remotely to provide services and support practitioners and litigants via phone and other online services.

In urgent circumstances, face-to-face services may be provided after initial assessment via telephone.

You can contact us on the following number: 1300 720 980

This has been a difficult decision but one that is 100% focussed on the safety and wellbeing of our staff, court users and the community.

## **SPECIAL MEASURES IN RESPONSE TO COVID-19 (SMIN-1)**

### [Special Measures Information Note](#)

## **1. INTRODUCTION**

- 1.1 This Special Measures Information Note (SMIN-1) sets out arrangements for the continued operation of the Federal Court during the COVID-19 outbreak in Australia.
- 1.2 Due to the COVID-19 pandemic, where appropriate and necessary, the Federal Court is modifying its practices in order to minimise in person attendance on Court premises, with the Court's priority being the health and safety of the community, and in particular, parties, practitioners, judges and staff, and the families of all of these groups.
- 1.3 The cooperation of all court users and court staff is required in this regard.
- 1.4 This special measures information note takes effect from the date it is issued and, to the extent practicable, applies to all proceedings filed before, or after, the date of issuing.
- 1.5 This special measures information note remains in effect until and unless superseded or revoked.

## **2. REGISTRY OPERATIONS**

- 2.1 The Court will endeavour to keep registries open and operational, however, the Court seeks the cooperation of all court users to minimise in person attendance at registry counters.
- 2.2 As the situation remains fluid, all court users should telephone the registry ahead of any proposed in person attendance to verify that the registry is open and to discuss with registry staff any possible alternatives to in person attendance.
- 2.3 Special arrangements are in place in all registries to reinforce social distancing and good hygiene practices, and to minimise the length of in person interactions.

## **3. ELECTRONIC FILING OF ALL DOCUMENTS**

- 3.1 To the extent possible, all documents must be lodged for filing using the Court's electronic filing facility, elodgment.
- 3.2 Documents that are not able to be lodged through elodgment may be faxed or emailed to the relevant registry (at the registry email address available on the Court's website) for filing.
- 3.3 Court users who do not have access to the necessary electronic equipment, including self-represented litigants, should contact the registry by telephone for assistance. Public scanning facilities can be made available in each registry to facilitate the electronic filing of all documents.
- 3.4 Registry staff have been asked to minimise hard copy document handling. To the extent possible, hard copy documents should not be posted or hand delivered to registries.

#### **4. SIGNATURES ON DOCUMENTS AND AFFIDAVITS**

- 4.1 To facilitate the electronic filing of all documents, if access to scanning technology is limited, the Court will temporarily allow documents to be signed electronically, including by having the person signing the document type their name in the relevant space in the signature block in lieu of physically signing the relevant document.
- 4.2 The Court also acknowledges that remote working arrangements may pose significant challenges to having affidavits sworn or affirmed. The Court will accept the filing of unsworn affidavits on the understanding that, if required, these will later be sworn or affirmed when circumstances allow.

#### **5. SUBPOENAS AND INSPECTION OF DOCUMENTS**

- 5.1 Inspection of documents at all registries of the Court is to be by appointment only. Requests for an appointment should be made by emailing the relevant registry.
- 5.2 Legal practitioners and parties should only request an appointment to view subpoenaed materials if this is truly necessary for the conduct of the proceeding at the time. As a general guide, the Court will consider whether an appointment is necessary by reference to whether a matter is scheduled for hearing in the subsequent 4 weeks, or is otherwise urgent.

#### **6. TRIAGE PROCESS FOR NEWLY FILED JUDGE MATTERS**

- 6.1 A triage process has been introduced for newly filed judge matters. Newly filed judge matters, other than urgent duty matters and Full Court and appellate matters, will be provisionally allocated to the docket of the National Operations Registrar and will not immediately be given a first return date.
- 6.2 Parties will instead be contacted by the Court and asked to answer a number of questions relating to the proposed management of the matter. Parties will also be directed by the Court to provide agreed or proposed timetabling orders within 30 days of the matter having been filed.

#### **7. ALL COURT LISTINGS AND EVENTS, INCLUDING HEARINGS AND MEDIATIONS**

- 7.1 In order to remain open and operational, whilst protecting health, safety and wellbeing, the Court must work to limit in person attendance on Court premises.
- 7.2 To the extent possible, alternative arrangements will be put in place for all listings and events that would ordinarily require in person attendance. In particular, the Court will contact legal practitioners and parties to determine whether listings and events may able to be conducted on the papers, by telephone or by other remote access technology.
- 7.3 If alternative arrangements are not able to be put in place for listings and events that would ordinarily require in person



attendance, such listings and events will need to be vacated or adjourned other than in exceptional circumstances and with the express authorisation of the Chief Justice.

- 7.4 If you have an upcoming listing or event, wherever possible the Court will endeavour to contact you at least two weeks prior in relation to any alternative arrangements. If you have not been contacted by the Court or if you remain unsure of what is happening in relation to a particular listing or event please contact [NORTeam@fedcourt.gov.au](mailto:NORTeam@fedcourt.gov.au) by email, with the matter number and title in the subject line.

## **8. SHORT LISTINGS AND EVENTS, HALF A DAY OR LESS**

- 8.1 The Court will seek to accommodate any listings or events that would ordinarily require in person attendance for half a day or less without requiring in person attendance, either:
- (a) on the papers;
  - (b) by telephone; or
  - (c) by a combination of both of the above.
- 8.2 In some circumstances, short listings may also be able to be accommodated by other remote access technology, including video conferencing technology such as Microsoft Teams.
- 8.3 The preferred means of accommodating any short listings and events will be determined by the relevant judge or registrar, in consultation with legal practitioners and parties where appropriate.
- 8.4 Ahead of being contacted by the Court, legal practitioners and parties are encouraged to consider which aspects of their listings may be able to be dealt with by consent and/or on the papers, and to communicate with each other to seek to reach agreement on such matters.

## **9. LONGER LISTINGS AND EVENTS, OVER HALF A DAY**

- 9.1 Longer listings and events that would ordinarily require in person attendance for half a day or more will undergo a triage and prioritisation process. Legal practitioners and parties should work cooperatively with the Court, and with each other, to identify how and when longer listings and events may be able to proceed.
- 9.2 The Court has already been able to accommodate some longer listings and events, including contested hearings, through the use of remote access and file sharing technology, including Microsoft Teams.
- 9.3 Issues requiring consideration include reliability of the proposed technology, document security, availability and timing of transcripts, and the ability to live stream hearings so as to facilitate open and accessible courts.

- 9.4 A brief guide for practitioners on conducting hearings using remote access and file sharing technology has been published and will be updated regularly, as required.

## **10. URGENT MATTERS**

- 10.1 **Duty judge and registrar contacts for urgent matters are available on the Court's website and will continue to be updated daily. Any requisite modifications to the published application process for urgent duty matters will be notified by the relevant duty judge or registrar.**
- 10.2 **Any urgent queries specifically concerning the Court's response to the COVID-19 outbreak in Australia, including urgent requests for adjournment due to the impact of COVID-19, and other urgent queries concerning matters the subject of this Special Measures Information Note should be addressed by email to the National Operations Registry at [NORTeam@fedcourt.gov.au](mailto:NORTeam@fedcourt.gov.au), or you can contact the NOR Team duty contact for the day, as published on the Court's website. Such queries will be prioritised, allocated to a senior member of the NOR Team and attended to as a matter of urgency.**

### **The Chief Justice of the Federal Court of Australia advised on 20 March 2020 that:**

We are making good progress in the establishment of the court to external and external to external video facilities. A number of matters will be proceeding next week in this regard.

It is perhaps unnecessary to say that this is all moving quite rapidly. We are now making good progress in developing the video-conferencing facilities and we are now increasing priority in developing our capacity to work remotely. A number of cases will be proceeding in the next few weeks using the video-conferencing facility.

Once again I would like to thank the profession for their continued co-operation. Court is of the view that the delivery of justice is an essential service and we are working as quickly as we can in the most co-ordinated way that we can to ensure that the ability of the court to deal with matters brought to it will be uninterrupted and effective.

### **The Federal Court of Australia made the following announcement on Wednesday 18 March 2020:**

Further to the update posted yesterday, the Federal Court of Australia has now commenced communicating with all parties with matters listed for hearing in the upcoming months.

**Parties have been requested to identify (with the assistance of the Court) opportunities by which listings may proceed either by way of telephone conference or other remote access technology. The Court is working to ensure that as many listings as possible are able to**

**proceed. Matters may be able to keep the same date; they may not. They may be able to be done on the papers. These decisions will be based on information from litigants and considerations of workload and judicial availability.**

To the extent that matters listed in the 4 – 29 May 2020 Full Court and Appellate sitting period are impacted by this approach, the Court will be in contact with the relevant parties over the next week.

**The Court is not shutting down or vacating cases simpliciter. It is adjourning hearings in court so that the Court’s workload can be managed safely and without interruption. The Court is trying to remain consistently operational by minimising the risk of closures, with all the attendant cost and inconvenience that would cause, in particular to parties and practitioners.**

The first priority of the Court is the safety of litigants, practitioners and its judges and staff. The measures being adopted are intended to ensure that the Court remains open and functioning Court for litigants in this challenging period. This includes ensuring the necessary technology is in place to enable as many matters as possible to progress in a timely and effective way.

There will no doubt be some inconvenience for hearings that were scheduled in the coming weeks. The Court is seeking the co-operation of all parties and their representatives in working collaboratively to ensure the Court continues to be able to provide a safe, efficient and flexible service for parties over the coming months.

**This follows, and supplements, the Court’s announcement on 17 March 2020:**

This information supersedes all previous updates provided by the Court.

In light of the recent developments that led to the closure of the Lionel Bowen building in Sydney, the Federal Court of Australia is taking steps to reduce the risk to court users and court staff from in person attendance in court buildings, commencing Wednesday, 18 March 2020.

Unless specifically and individually excepted by the Court, all Federal Court of Australia listings that require in person attendance, including mediations and listings relying on video link from court premises listed up to 30 June 2020, are vacated. The Court is examining, as a matter of urgency, its capability to facilitate listings by remote access technology, without requiring in person attendance. Further information will be provided as soon as possible of alternative arrangements that may be able to be put in place.

In the meantime, parties with listed hearings up to 30 June 2020 will be contacted by the Court directly about the need for the matter to proceed and possible options for achieving that where appropriate.

The decision as to whether the listing will proceed in the short term and, if so, when and in what manner, will be made by the relevant judge or registrar in consultation with the Chief Justice.

Court users should closely monitor the Daily Court Lists to check which listings are proposed to proceed.

## Family Court of Australia & Federal Circuit Court of Australia

For further information, visit: <http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/online-services/covid/covid-news-hp> or <http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/online-services/covid/covid-news-hp>

Urgent enquiries regarding specific matters should be directed to the Chambers of the relevant Judge. Assistance, including necessary adjournments, should be directed at first instance, to Michael Raine via [michael.raine@familycourt.gov.au](mailto:michael.raine@familycourt.gov.au) or (08) 8219 1641.

General court-related enquiries can be directed to the National Enquiry Centre by email: [enquiries@familylawcourts.gov.au](mailto:enquiries@familylawcourts.gov.au) or 1300 352 000.

**The Family Court and Federal Circuit Court released a series of Questions and Answers on 31 March 2020 regarding parenting arrangements during the COVID-19 pandemic – these are available here:**

<http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/about/covid/covid-faq/>

<http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/about/covid/covid-faq/>

**The Chief Justice of the Family Court and Chief Judge of the Federal Circuit Court [released the following statement](#) concerning parenting orders on 26 March 2020:**

The Family Court of Australia and the Federal Circuit Court of Australia (the Courts) are acutely aware that the current pandemic is having an enormous impact on families and the Australian community.

Parents are naturally deeply concerned about the safety of their children and how the COVID-19 virus will affect their lives. Part of that concern in family law proceedings can extend to a parent's or carer's ability to comply with parenting orders and what should be properly expected of them by the Courts in these unprecedented times.

The purpose of this statement is to clarify that the Courts remain open to assist parties, and to provide parents with some general guidance. However, it is understood that every family's circumstances are different.

1. It is imperative that parents and carers act in the best interests of their children. This includes ensuring their children's safety and wellbeing. Whilst the Courts make orders that are determined to be in the best interests of a child, caring for and determining the practical day-to-day best interests of a child is primarily the responsibility of parents and carers.
2. Consistent with their responsibilities to act in the children's best interests, parents and carers are expected to comply with Court orders in relation to parenting arrangements. This includes facilitating time being spent by the children with each parent or carer pursuant to parenting orders.
3. In the highly unusual circumstances now faced by Australian parents and carers, there may be situations that arise that make strict compliance with current court orders very difficult, if not, impossible. This may be caused, for instance, where orders stipulate that contact with a parent occurs at a designated contact centre, which may not currently be operating. Or, the "pick up" arrangements of a child may nominate a particular school, and that school is now closed. Many state borders are also closed. In addition, there may be genuine safety issues that have arisen whereby one parent, or someone in close contact with that parent, has been exposed to COVID-19, and this may restrict the safe movement of a child from one house to another.
4. As a first step, and only if it is safe to do so, parties should communicate with each other about their ability to comply with current orders and they should attempt to find a practical solution to these difficulties. These should be considered sensibly and reasonably. Each parent should always consider the safety and best interests of the child, but also appreciate the concerns of the other parent when attempting to reach new or revised arrangements. This includes understanding that family members are important to children and the risk of infection to vulnerable members of the child's family and household should also be considered.
5. If an agreement can be reached about new parenting arrangements, even if they are to be adjusted for a short period of time, this agreement should ideally be in writing, even if by way of email, text message or WhatsApp between each other. This will be particularly important if there are later family law hearings and will assist all concerned, including the Court, to understand what agreement may have been reached.
6. If you feel that you need further guidance, the Family Relationships Advice Line can provide information, advice and telephone-based Family Dispute Resolution services to assist parents and carers to discuss any issues that arise and help them come to an agreement. The Family Relationships Advice Line can be contacted on 1800 050 321 or visit the [website](#).

7. Parents and carers can also mediate their differences through lawyers. Electronic mediation services are available from the Courts and through local Bar Associations and Law Societies during these restricted times. Visit their websites for more information.
8. If an agreement has been reached and consent orders have been developed to outline new or varied parenting orders, consent order applications can be filed electronically with the Court. This process is quick and usually conducted without a hearing.
9. If the parties are unable to agree to vary the arrangement, or if it is unsafe to do so, and one or both parents continue to have real concerns, the parties are at liberty to approach the Court electronically and seek a variation of the orders.
10. Where there is no agreement parents should keep the children safe until the dispute can be resolved. Also during this period of dispute, parents should ensure that each parent or carer continues to have some contact with the children consistent with the parenting arrangements such as by videoconferencing, social media, or if that is not possible, by telephone.
11. At all times, parents or carers must act reasonably. To act reasonably, or to have a reasonable excuse for not complying with Court orders, is a matter that is considered by the Court (pursuant to s70NAE of the *Family Law Act 1975* (Cth)).
12. It is imperative that, even if the orders cannot be strictly adhered to and are varied by the parties, the parties ensure that the purpose or spirit of the orders are respected when considering altering arrangements, and that they act in the best interest of the children.
13. The Courts appreciate that agreement by mutual consent may not be reached, particularly if one party has concern for their physical safety. Therefore, the Courts advise that if you or your child is in immediate danger, please contact your local police and seek medical advice if required.

In the meantime, the community should be assured that the Courts will continue to perform their duties during this time of crisis. Whilst changes to the Courts' operations have been implemented in accordance with the necessary restrictions placed on our community by the Commonwealth Government, the Courts remain open to assist Australian families in these challenging times.

Judges, Registrars and staff are committed to providing access to justice when called upon to do so. This includes conducting hearings both via videoconferencing through the use of Microsoft Teams or other platforms, or by telephone. The Courts are also conducting mediations electronically and through other safe means.

There will be, in exceptional circumstances, a small number of face-to-face in-court hearings. For the safety of all concerned, these will only be granted when absolutely necessary. Those hearings will be conducted in strict accordance with the [Face-to-Face in-Court Protocol](#) issued by the Courts. As in any other interaction, social distancing requirements will be strictly followed. Similarly, face to face interviews by family consultants will only take place in exceptional circumstances.

The Registries are still open for telephone appointments, electronic filing and the listing of urgent cases. Family Consultants will also continue their vital work through these electronic mediums as best they can.

### Family Dispute Resolution

The law requires separating families who have a dispute about children to make a genuine effort to try to sort it out through family dispute resolution (FDR) before filing an application for parenting orders in court.

This requirement applies to anyone wanting to file an application with a family law court. It also includes those seeking changes to an existing parenting order. There are a few exceptions to this requirement, such as cases involving family violence, child abuse or urgency.

Unless an exemption applies, parties seeking to have a parenting matter determined by a family law court will need to electronically file a certificate from an accredited FDR practitioner. The certificate is issued under Section 60I of the *Family Law Act 1975* and is commonly known as a Section 60I Certificate.

You can visit [Family Relationships Online](#) for more information about the services and advice available for families, including seeking services from an FDR practitioner.

An FDR practitioner is an independent person who can help people discuss issues, look at options and work out how best to reach agreement in disputes about children. You can search for an accredited FDR practitioner who has consented to be on the [Family Dispute Resolution Register](#) website.

For general information about parenting orders, the following pages may be visited:

- [Complying with orders about children;](#)
- [Parenting orders – obligations, consequences and who can help;](#)



- [How do I apply to the court when parenting orders have been breached or not complied with?](#)

More information on these measures are available from the Courts' websites:

<http://www.federalcircuitcourt.gov.au>

<http://www.familycourt.gov.au>

More information about how to self-assess for your personal risk for coronavirus (COVID-19) is available from the website of the [Commonwealth Government](#).

**In addition, the Family Court and Federal Circuit Court each issued a *COVID-19 Update: Information for parents* on 26 March 2020. These documents are extracted below:**

#### **FAMILY COURT OF AUSTRALIA: COVID-19 UPDATE: INFORMATION FOR PARENTS**

<http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/about/news/covid-info-parents>

The Family Court of Australia (the Court) has responded to the evolving impact of the COVID-19 pandemic and has made immediate and significant changes to court operations.

The aim of the new arrangements is to ensure that urgent and priority matters are able to be dealt with safely by the Court, whilst at the same time, ensuring appropriate social distancing requirement are adhered to.

The Court is acutely aware that the current pandemic is having an enormous impact on families and the Australian community but the Court will continue to provide an essential service to the community, especially in this time of crisis when people are under enormous stress.

The impact on the Court and how it can continue to deliver its services is constantly evolving and therefore the information provided is subject to change.

The following points outline some of the key arrangements currently in place:

- If you or your child is in immediate danger, please contact your local police.
- If you need advice on separation, family conflict or parenting disputes, as a starting point, you can contact the [Family Relationship Advice Line](#) on 1800 050 321.

If you have current proceedings before the Court, there are changes in the way your matter may be dealt with. The following points provide a general overview of those changes.

- Most court hearings and events will be done by telephone, and if possible, through video-conferencing options. For more details see the [COVID-19 updates and information](#).
- Some non-urgent matters may be postponed (adjourned to a future date) but this is at the discretion of the judicial officer.
- Court users will be notified prior to their court date whether their court event has been adjourned or will be facilitated by telephone.
- Only a very limited number and type of matter will be dealt with by face-to-face hearings or interviews.
- There have been changes to the way in which services provided through the Court's [Child Dispute Services and Registrars](#) will be conducted.
- It is unlikely that parties and lawyers will at this stage be required to physically attend court, however, if that is required, the hearing or interview will be conducted pursuant to the Court's [face-to-face in-court protocol](#) and [face-to-face interview protocol](#).
- [New instructions](#) have been developed in relation to divorce lists, Family Court of Australia Registrar lists, property lists, PPP500 lists and contravention lists, as well as Registrar conferences and Alternative Dispute Resolution (ADR) events.
- All new applications and other documents will need to be filed electronically through the [Commonwealth Courts Portal](#).
- A [Practice Direction](#) has been developed, which applies to all family law applications, including appeals, filed in the Court. This Practice Direction relates to Electronic Filing, Annexures to Affidavits and Viewing of Subpoenas.
- More information and instructions are available on [how to eFile](#) via the Portal.
- The Court's registry services will be provided remotely, by telephone and through other online services. In urgent circumstances, face-to-face services in a registry may be provided, but only after initial assessment.
- If assistance is required, please contact us through [Live Chat](#) or email [enquiries@familylawcourts.gov.au](mailto:enquiries@familylawcourts.gov.au)
- All information relating to court operations and COVID-19 can be accessed from the [COVID-19 updates and information](#) page.

#### **FEDERAL CIRCUIT COURT: COVID-19 UPDATE: INFORMATION FOR PARENTS**

<http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/about/news/covid-info-parents>

The Federal Circuit of Australia (the Court) has responded to the evolving impact of the COVID-19 pandemic and has made immediate and significant changes to court operations.

The aim of the new arrangements is to ensure that urgent and priority matters are able to be dealt with safely by the court, whilst at the same time, ensuring appropriate social distancing requirements are adhered to.

The Court is acutely aware that the current pandemic is having an enormous impact on families and the Australian community but the Courts will continue to provide an essential service to the community, especially in this time of crisis when people are under enormous stress.

The impact on the Court and how it can continue to deliver its services is constantly evolving and therefore the information provided is subject to change.

The following points outline some of the key arrangements currently in place:

- If you or your child is in immediate danger, please contact your local police.
- If you need advice on separation, family conflict or parenting disputes, as a starting point, you can contact the [Family Relationship Advice Line](#) on 1800 050 321.

If you have current proceedings before the Court, there are changes in the way your matter may be dealt with. The following points provide a general overview of those changes.

- Most court hearings and events will be done by telephone, and if possible, through video-conferencing options. For more details see the [COVID-19 updates and information](#)
- Some non-urgent matters may be postponed (adjourned to a future date) but this is at the discretion of the judicial officer.
- Court users will be notified prior to their court date whether their court event has been adjourned or will be facilitated by telephone.
- Only a very limited number and type of matter will be dealt with by face-to-face hearings or interviews.
- There have been changes to the way in which services provided through the Court's [Child Dispute Services and Registrars](#) will be conducted.
- It is unlikely that parties and lawyers will at this stage be required to physically attend court, however, if that is required the hearing or interview will be conducted pursuant to the Courts' [face-to-face in-court protocol](#) and [face-to-face interview protocol](#).
- [New instructions](#) have been developed in relation to divorce lists, Family Court of Australia Registrar lists, property lists, PPP500 lists and contravention lists, as well as Registrar conferences and Alternative Dispute Resolution (ADR) events.
- All new applications and other documents will need to be filed electronically through the [Commonwealth Courts Portal](#).
- A [Practice Direction](#) has been developed, which applies to all family law and general federal law applications filed in the Court. This Practice Direction relates to Electronic Filing and Viewing of Subpoenas.
- More information and instructions are available on [how to eFile](#) via the Portal.

- The Court’s registry services will be provided remotely, by telephone and through other online services. In urgent circumstances, face-to-face services in a registry may be provided, but only after initial assessment.
- If assistance is required, please contact us through [Live Chat](#) or email [enquiries@familylawcourts.gov.au](mailto:enquiries@familylawcourts.gov.au)
- Regional circuits that are conducted by the Federal Circuit Court are under review and some matters may be adjourned or conducted by telephone.
- Migration matters currently listed in the Federal Circuit Court which can be conducted appropriately by telephone or videoconference may proceed.
- The conduct of other General Federal Law matters (such as industrial law, human rights and consumer law) may proceed by telephone or video-conferencing options, at the judge’s discretion.
- Please note that Registrar migration lists have been suspended until July 2020 by [the Federal Court](#).
- All information relating to court operations and COVID-19 can be accessed from the [COVID-19 updates and information](#) page.

#### **The Courts released the following on 23 March 2020:**

- [An Update to the Profession](#) – COVID-19 Measures and listing arrangements for registrars and Child Dispute Services (CDS);
- [CDS Face-to-face Interview Protocol](#);
- [Face-to-face in Court Protocol - Registrar Work](#); and
- [Court diagram](#).

These documents are available on the Association’s website and **extracted below**. The Courts also [announced on 23 March 2020 that](#):

The Family Court of Australia and the Federal Circuit Court of Australia provide an important duty for the Australian community, especially during a time of crisis. The health and safety of the community, Judges and court staff is our priority, and therefore we have made further changes to our operations. **As of Tuesday 24 March, the Courts’ registry services will be provided remotely, by telephone and through other online services. In urgent circumstances, face-to-face services in a registry may be provided, but only after initial assessment via telephone.** Members of the public and legal practitioners who have an enquiry can contact us on the following numbers:

Family law enquiries: 1300 352 000

General Federal Law enquiries: 1300 720 980

## UPDATE TO THE PROFESSION

### **COVID-19 MEASURES AND LISTING ARRANGEMENTS FOR REGISTRARS AND CHILD DISPUTE SERVICES (CDS)**

**23 MARCH 2020**

The Family Court of Australia and the Federal Circuit Court of Australia (the Courts), the profession and the community are facing unprecedented challenges. COVID-19 is having a direct impact on the way the Courts are able to administer justice for Australian families. The Courts must adhere to the restrictive requirements that are necessarily imposed by the Government. As a result, they cannot administer justice in the usual way, and significant changes have had to be made. In doing this, the Courts are required to balance the health and safety of the community, the profession, Judges and staff with the need to continue this essential service. It is of paramount importance that the Courts minimise risk to all when conducting court hearings.

The Courts will continue to conduct court work within current parameters based on the advice of the Commonwealth Government Department of Health and the Chief Medical Officer.

This document contains an update as to the measures and listing arrangements that are being implemented by the Courts for Registrars and CDS to address these challenges.

The principle basis upon which work will be conducted in the Courts in the near future will be by telephone, and when it becomes possible, by videoconferencing. Only urgent matters will be dealt with by face-to-face hearings or interviews, which will be conducted pursuant to the face-to-face in-court protocol and face-to-face interview protocol (below).

The protocols set out in this notice and attached replace all previous communication relating to Court operations involving Registrars and CDS. Key differences include the inclusion of guiding principles and In-Court and Face-to-face Interview protocols.

#### **PRINCIPLES**

The key overarching principles relating to the work of Registrars and CDS during the period of the special arrangements for COVID-19 are as follows:

- I. Prioritising the safety of the community, Judges, Registrars, CDS and staff minimising the number of people in Court and implementing social distancing practices.
- II. The principle basis upon which work will be conducted by Registrars and CDS in the near future will be by telephone, and to the extent possible, by video technology. All work that can be shifted to telephone/video should be transitioned immediately.
- III. Only urgent or priority matters will be dealt with by in-court face-to-face hearings or interviews.

- IV. Any face-to-face hearings or interviews will be conducted in accordance with the relevant **face-to-face protocol**, including in relation to social distancing requirements.

## **REGISTRARS**

### **1. DIVORCE LISTS**

In the case of Divorce Lists the following telephone appearance procedure is to apply:

- a) ***Joint applications*** – will be done on the papers and parties are not required to attend Court.
- b) ***Sole applications*** –
  - i. will be done on the papers if there are no children to the marriage and parties are not required to attend Court.
  - ii. will require attendance via telephone by parties and lawyers if there are children under the age of 18 years.
- c) Where Court attendance is required, each matter currently listed will be sent an email advising that parties are to attend a virtual courtroom and will be provided a number to dial-in to the virtual courtroom. Parties and lawyers will also be requested to provide their direct contact details to each Registrar no later than 4:00pm two business days prior to the listing
- d) Respondents who request to appear in court personally should be advised to attend via telephone.
- e) If the applicant is seeking orders for dispensation of service, these will also be dealt with by telephone.
- f) If parties or lawyers still appear personally, rather than by telephone, the face-to-face in-court protocol will apply.
- g) Divorce lists will be staggered into 3 time slots per day. Each time slot will have a maximum of 10-12 matters listed.
- h) Rather than a single Registrar, the divorce list will be split between two Registrars who will conduct staggered telephone attendances.

### **2. FCoA REGISTRAR DIRECTIONS LISTS**

**In the case of FCoA Registrar Directions Lists the following telephone appearance procedure is to apply:**

- a) All FCoA Registrar Directions Lists will be conducted by telephone where limited to a procedural issue.
- b) Where a matter is contested, written submissions are to be filed at the direction of the Registrar with orders to be made in chambers.
- c) Parties with a matter currently listed will be sent an email by Registry staff advising of the above. In response to the email, parties and lawyers should provide their direct contact details to each Registrar no later than 4:00pm two business days prior to the listing. Parties must ensure they are available by telephone until they receive the Court's call.

d) In the event that parties are in agreement as to the future conduct of the matter, proposed interim consent minutes should be submitted as soon as possible by email to the Registrar for consideration.

### **3. DISCRETE PROPERTY LISTS, PPP500 LISTS AND CONTRAVENTION LISTS**

**In the case of Discrete Property Lists, PPP500 Lists and Contravention Lists the following telephone appearance procedure is to apply:**

- a) All Discrete Property Lists, PPP500 Lists and Contravention Lists will be conducted via telephone.
- b) Parties with a matter currently listed will be sent an email by Registry staff advising of the above. In response to the email, parties and lawyers are requested to provide their direct contact details to each Registrar no later than 4:00pm two business days prior to the listing. Parties must ensure they are available by telephone until they receive the Court's call.
- c) In the event that parties are in agreement as to the future conduct of the matter, proposed interim consent minutes should be submitted by email to the Registrar for consideration as soon as possible.
- d) In relation to matters in the Contravention Lists, where a matter needs to be listed before a judge for a contested hearing, the prioritisation of the matter will be at the discretion of the Judge. Any future listings will be subject to judicial capacity.

### **4. CONFERENCES AND ADR EVENTS**

**In the case of Conferences the following telephone or video procedure is to apply:**

- a) Final defended cases that are assessed to be of a lower priority, may be sent to an ADR event, and the trial otherwise adjourned to a date to be advised. All Case Assessment Conferences and Conciliation Conferences will be conducted via telephone or via video.
- b) Where Conferences are to be conducted via telephone/video, parties will be sent an email which will include dial-in details. Parties will also be requested to provide their direct contact details to each Registrar no later than 4:00pm two business days prior to the listing.
- c) Where Conferences are to be conducted using Microsoft Teams or other platform, parties will be sent participation details.
- d) Lawyers and parties are still required to provide/exchange the usual documents in advance of the Conciliation Conference (as ordered by the Judge/Registrar) and proposed orders to both the Court and to the other party prior to the conference.

### **5. FCoA SENIOR REGISTRAR LISTS**

**In the case of FCoA Senior Registrar Lists the following procedure is to apply:**

- a) Parties and lawyers should attend interim hearings by telephone to the greatest extent possible.
- b) The parties and lawyers are still required to provide a short case outline, identifying the evidence they wish to rely upon together with a minute of proposed orders.

c) Parties with a matter currently listed will be sent an email by Registry staff advising of the above. In response to the email, parties and lawyers are requested to provide their direct contact details to each Senior Registrar's chambers no later than 4:00pm two business days prior to the listing. Parties must ensure they are available by telephone until they receive the Court's call. d) Parties who request to appear in Court personally should contact the Senior Registrar's chambers by email and provide a brief outline as to why the matter is urgent and should remain listed for a face-to-face hearing.

e) Matters in a Senior Registrar Magellan Lists will be treated as urgent.

f) If the Senior Registrar directs the parties and lawyers to appear personally, a face-to-face hearing should strictly adhere to **the Face-to-face In-court Protocol**.

## CDS

### **1. CHILD DISPUTE CONFERENCES**

**In the case of Child Dispute Conferences, the following procedure is to apply:**

a) All Child Dispute Conferences (CDCs) will be conducted by telephone or videoconferencing.

b) Family Consultants will contact the parties directly.

### **2. CHILD INCLUSIVE CONFERENCES**

**In the case of Child Inclusive Conferences, the following procedure is to apply:**

a) For all new orders, Judges have been strongly encouraged by the Chief Justice to order CDCs (which will be conducted via telephone), rather than CICs, given the difficulty of having face-to-face contact. Therefore it is expected that CICs will be ordered only where there is an urgent requirement for a Family Consultant to see the children.

b) Existing orders for Child Inclusive Conferences (CICs) will, subject to the views of the Judge or Senior Registrar, be serviced as CDCs.

c) Where a CIC has been ordered, it will be conducted consistent with the Face-to-face Protocol as far as possible.

### **3. CHILD RESPONSIVE PROGRAM (FCoA)**

**In the case of Child Responsive Program, the following procedure is to apply:**

a) Meetings with the adult parties (MIA) will be conducted by telephone.

b) Necessary meetings with children (MCF) will proceed in-person as arranged at the Registry decided by the individual Family Consultant, in conjunction with their manager, and a Judge with necessary.



c) Meetings with children will be conducted consistent with the Face-to-face Protocol as far as possible.

#### **4. FAMILY REPORTS**

**In the case of Family Reports, the following procedure is to apply:**

- a) Interviews with adult parties will be conducted via telephone (or video). Adult parties will be contacted by CDS staff or, where interviews are to be conducted using Microsoft, parties will be sent participation details.
- b) Meetings with children will be conducted consistent with the Face-to-face Protocol as far as possible.

23 March 2020

### **FACE-TO-FACE INTERVIEW PROTOCOL**

#### **CDS**

This protocol is designed to reduce the risk of being in **close contact**<sup>1</sup> with a Court user who may be infectious. This is the most appropriate way, at present, for the Court to balance important health and safety considerations of Judges, staff and the community with the need to continue this vital work for Australian families.

#### **1) Interviews**

Interviews with adult parties will generally occur on a separate day via telephone and will be staggered.

In adhering to the principles of social distancing, interviews with children and parent/child observations must be limited to a maximum of 1.5 hours with the same individual(s). Observations will likely occur in a separate room to that used for the interviews with children.

To the extent possible, taking into account the age of the child, Family Consultants are to adhere to the principles of social distancing by keeping an appropriate distance (i.e. at least 1.5 to 2 metres apart). There should never more than eight people in the room other than the Family Consultant at one time.

#### **2) Cleaning**

Additional cleaning of interview rooms is being arranged.

<sup>1</sup> **A close contact** is typically someone who has been face-to-face for at least 15 minutes, or been in the same closed space for at least 2 hours, with a person that was infectious (World Health Organisation definition).

## FACE-TO-FACE IN COURT PROTOCOL

### REGISTRAR WORK

This protocol is designed to reduce the risk of being in **close contact**<sup>1</sup> with a court user who may be infectious. This is the most appropriate way, at present, for the court to balance important health and safety considerations of judges, staff and the community with the need to continue this vital work for Australian families.

The salient features of the face-to-face in court protocol for Registrars are set out below for the information of the profession.

<sup>1</sup> **A close contact** is typically someone who has been face-to-face for at least 15 minutes, or been in the same closed space for at least 2 hours, with a person that was infectious (World Health Organisation definition).

#### 1) Listings

##### *FCoA Interim Hearings*

Priority should be given to urgent matters (e.g. matters involving risks of family violence) that the Senior Registrar considers cannot be dealt with over the telephone.

Listings will be staggered to reduce the number of people waiting in the foyer/registry building. A list will be collated each day by the Judicial Services Team Leader to ensure that hearing times are sufficiently staggered to allow for cleaning.

Matter(s) will not be listed for more than 1.5 hours, and with sufficient space in between to allow cleaning to occur.

To reduce the length of any face-to-face hearing, where possible, it should be complemented with written submissions or telephone hearings if necessary.

#### 2) Courtrooms and courtroom procedure

No party is to enter the courtroom before their matter is called.

No more than 8 people (excluding the Registrar and Court Officer) should be in the courtroom at any one time.

Counsel, solicitors and parties are to adhere to social distancing by sitting in appropriately distanced seats as indicated in the courtroom diagram attached (i.e. at least 1.5 to 2 metres apart).

Parties are to leave the courtroom immediately after their hearing has concluded, and then make their way promptly to the Registry exit.

#### 3) Cleaning

Additional cleaning of courtrooms that are used for face-to-face hearings will occur as often as practicable when the court is adjourned during the day.

Hearings will be conducted for not more than 1.5 hours in the same matter. After that period, the courtroom will be closed and appropriate surface cleaning will take place.

To ensure the safety of staff, lawyers, litigants and witnesses, the same matter should not continue after the first 1.5 hour period.

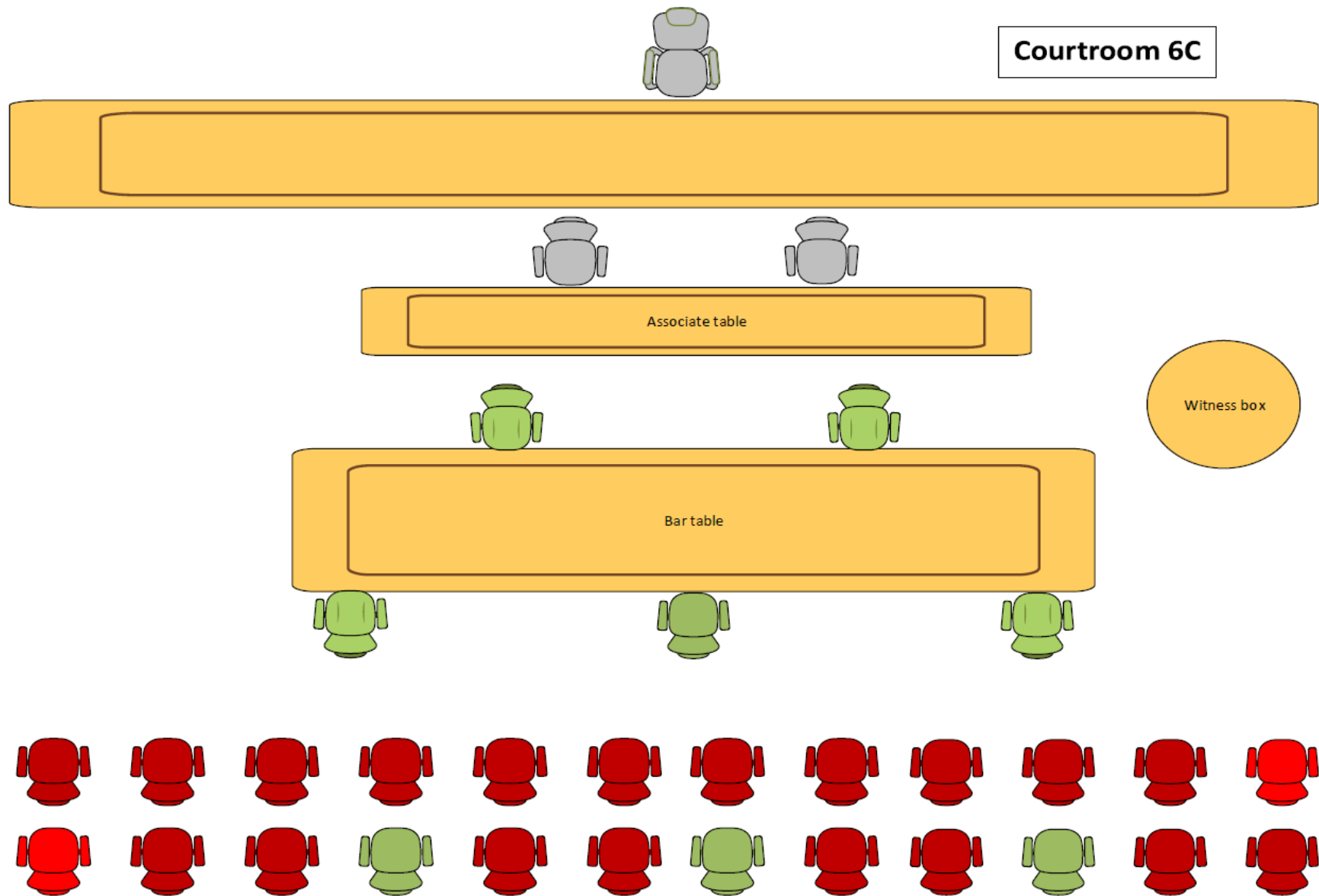
#### **4) Security**

Security screening should be staggered appropriately. Security will be instructed to ensure social distancing is observed whilst court attendees are queuing for security.

The Court is currently investigating the availability of contactless thermometers to allow for non-invasive temperature measurements prior to parties/practitioners entering the Registry buildings.

#### **5) Court attendees displaying symptoms**

In the event that any court attendees ill or display any symptoms of COVID-19, they should immediately notify the Court and proceed to leave the Registry. The Court will be adjourned and appropriate steps taken, including any deep cleaning required.



### **The Courts previously released the following on 19 March 2020:**

- a. An “**Update to the legal profession**”, which is extracted below and available here: <https://inbrief.nswbar.asn.au/posts/08b347d11316f1372f3414b4c40536a7/attachment/FCoA%20FCC%20Notice%20to%20the%20Profession%20-%20COVID%20measures%20and%20listing%20arrangements%2019%20March%202020.pdf> ;
- b. **Family Court of Australia, Practice Direction 2 of 2020 - Electronic Filing, Annexures to Affidavits and Viewing of Subpoenas**, which is available here: <http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/rules-and-legislation/practice-directions/>
- c. **Federal Circuit Court of Australia, Practice Direction 3 of 2020 – Electronic Filing and Viewing of Subpoenas**, which is available here: <http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/rules-and-legislation/practice-directions> .

### **Update to the profession – COVID-19 Measures and Listing Arrangements – 19 March 2020**

The Family Court of Australia and the Federal Circuit Court of Australia (the Courts), the profession and the community are facing unprecedented challenges. COVID-19 is having a direct impact on the way the Courts are able to administer justice for Australian families. The Courts must adhere to the restrictive requirements which are necessarily imposed by the Government. As a result, they cannot administer justice in the usual way, and significant changes have had to be made. In doing this, the Courts are required to balance the health and safety of the community, the profession, Judges and staff with the need to continue this essential service. It is of paramount importance that the Courts ensure that they are not putting parties at risk when conducting court hearings.

The Courts will continue to conduct court work within current parameters based on the advice of the Commonwealth Government Department of Health and the Chief Medical Officer.

This document contains an update as to the measures and listing arrangements that are being implemented by the Courts to address these challenges.

**The principle basis upon which work will be conducted in the Courts in the near future will be by telephone, and when it becomes possible, by videoconferencing. Only urgent matters will be dealt with by in court face-to-face hearings, which will be conducted pursuant to the face-to-face in-court protocol (below).**

#### **First instance family law proceedings**

Whilst variances may be adopted to suit the operational requirements of each Registry, the arrangements below are generally being implemented for first instance proceedings.

**A. For First Return Duty Lists, Abridgements, Mentions, Directions, and Interim Hearings the following telephone appearance procedure will generally be followed:**

- Parties in each matter currently listed for one of the above hearings will be contacted by the Court indicating that the matter will be heard by telephone;
- After being notified, a party may approach the court seeking that the matter not proceed by telephone hearing on the basis that:
  - i. it is not practicable to do so; or
  - ii. the matter is urgent and requires a face-to-face hearing in court.
- Parties who request a face-to-face hearing should contact the Chambers of the presiding Judge or the case-coordinator as appropriate by email and provide a brief outline as to why the matter is urgent and should remain listed for a face-to-face hearing. If the Court directs the parties to proceed by face-to-face hearing, the face-to-face in-court protocol will apply;
- If it is not practicable for the matter to proceed by telephone, and the matter is not urgent, the Judge may administratively adjourn the matter to a date to be advised, and if appropriate, send it to an ADR event;
- Otherwise, in response to the Court's correspondence, parties should provide their direct telephone contact details to the Court no later than 4:00pm two business days prior to the listing. Parties will be allocated an estimated time when they will be contacted on the day of their listing. Parties must ensure they are available by telephone until they receive the Court's call.
- In the event parties are in agreement as to the future conduct of the matter, proposed interim consent minutes may be submitted by email to the Court for consideration.
- Matters in a duty list where no Notice of Address for Service or Response has been filed are to remain listed to be dealt with face-to-face in Court:
  - i. the Applicant should appear by telephone;
  - ii. procedurally, the Respondent will be called outside the courtroom.

**B. For final hearings, the following procedure will generally be followed:**

- The presiding Judge will conduct a telephone callover of all matters listed in their docket for a defended hearing in the next 2 months.
- During the telephone callover, parties should inform the Judge of the urgency and status of the case, whether it may be susceptible to hearing by telephone either partly or fully, and whether it should be given priority over other cases listed for trial in that period.
- Cases that are assessed to be of a lower priority, may be sent to an ADR event, either to a private mediation or a conference with a Registrar and/or Family Consultant, and the matter will otherwise be adjourned for trial on a date to be advised.

- Practitioners are encouraged to consider how they can effectively facilitate ADR within the parameters of appropriate social distancing, including using videoconferencing or shuttle mediations.
- Cases that are assessed to be of a high priority, and remain listed for hearing, should follow the face-to-face in-court protocol, including giving consideration to conducting parts of the hearing by telephone or written submissions after the 1.5 hour time period has elapsed.
- Subject to any further developments or Government restrictions, this process may then be repeated for matters listed for final hearing in 3 and 4 months' time.

### **Appellate family law proceedings**

**The following arrangements apply to the Appeal Division of the Family Court of Australia until the end of May 2020. For listings after May 2020, further advice will be provided when available.**

- Appeals in Sydney commencing the week of Monday, 20 April 2020 and Monday, 18 May 2020 will each be conducted for no longer than 1.5 hours face to face in court with a judge or judges appearing by video or telephone where necessary.
- Appeals in Adelaide commencing the week of Monday, 4 May 2020 will each be conducted with the presiding judge in the courtroom for no more than 1.5 hours face to face in court and the other two judges otherwise appearing by video (or telephone if necessary).
- Appeals in Melbourne commencing the week of Monday, 4 May 2020 will each be conducted in a courtroom with all three judges appearing by video (or telephone if necessary).
- It may not be possible to list all appeals that are currently or will shortly be ready for hearing, and if necessary priority will be given to matters that are deemed urgent. There will also only be one appeal listed each day.
- Counsel (and their instructing solicitors where necessary), solicitor advocates, and selfrepresented litigants will be expected to attend the Court where the appeal is being heard, but requests can be made to attend by telephone depending on the circumstances and the nature of the appeal.
- It is not necessary for the parties who are legally represented to attend in person at the hearing, and through their legal representatives they are able to request to listen in by telephone.
- All documents to be provided to the bench must be sent electronically to the Appeal Registrar no later than 24 hours prior to the commencement of the hearing. A chambers order to that effect will be made by each Appeal Registrar in all appeals where a directions hearing has already been held. In addition, such an order will be included in the orders made at each future directions hearing.
- All directions hearings before Appeal Registrars will be conducted by telephone.

- In relation to single judge appeals and Applications in an Appeal, they will be conducted as directed by the judicial officer hearing them however, any hearing will not exceed 1.5 hours face-to-face in court and may be continued by telephone or by written submissions.
- In relation to all Applications in an Appeal, all parties will be asked whether those applications can be determined on the papers.

### **Telephone hearings**

- Parties will be provided with a listing time and operational instructions for the telephone hearing by the Court.
- Only the Judge and Chambers staff should be in the courtroom. Interpreters will also appear by telephone if possible.
- If a telephone hearing is not practicable, and the matter *is not* urgent, then it may be adjourned to a date to be advised.
- If a telephone hearing is not practicable and the matter *is* urgent, it will remain listed for a face-to-face hearing at the discretion of the Judge.
- Reserved judgments will be delivered in an empty courtroom, and reasons for judgment emailed to the parties in the usual way, nothing that no appearance is required.

### **Face-to-face hearings**

- Any urgent matter which requires a face-to-face hearing, should adhere to the **face-to-face incourt protocol (below)**.

### **Hearings on the papers**

- Judges are encouraged to consider any matter on the papers where possible in accordance with the usual Rules of Court.

### **Filing and Documents**

- All applications must be e-filed on the Commonwealth Courts Portal.
- Applications that are unable to be e-filed must be emailed to the Registry for filing and should not be posted or delivered to the Registry.
- In the Family Court, documents referred to in affidavits should be attached to the affidavit when it is electronically filed, or emailed to the Registry.
- For telephone hearings, any other document that would usually be handed up in Court during a hearing, including any minute of proposed consent orders, must be emailed to Chambers or the case co-ordinator in a timely way before the hearing. Proposed consent orders should be furnished in Microsoft Word format.
- If parties are attending a face-to-face hearing, the handing up of hard copy documents should be avoided.
- Practice Directions have been issued to facilitate these changes.



### **CDS events**

- Child Inclusive Conferences under section 11F will only be ordered where the judge considers there is an urgent requirement for a family consultant to see the children. This will primarily relate to urgent matters in duty lists. Otherwise Child Dispute Conferences will be ordered.
- All Child Dispute Conferences will be conducted by telephone. Parties will be sent dial-in details with relevant AAPT account numbers or, alternatively, will be asked to provide their contact details. There will be no requirement to attend Court in-person.
- Family report interviews scheduled will proceed as arranged, unless the parties are advised otherwise by CDS, but will be conducted consistent with social distancing principles as far as possible.

### **GFL**

- The Federal Circuit Court will conduct GFL hearings where necessary, including in urgent cases, via face-to-face hearings, however these will be kept to an absolute minimum.
- Wherever possible, hearings will be conducted by telephone, and only in urgent circumstances will be conducted face-to-face and adhere to the face-to-face in court protocol.
- For migration work, if the matter can be conducted by video or telephone, it is appropriate to proceed with these matters. For face-to-face migration hearings, until further notice, only urgent matters, such as detention cases and cases involving a minor, are to be heard.

## **FACE-TO-FACE IN COURT PROTOCOL**

This protocol is designed to reduce the risk of infection for judges, staff and court users when conducting face-to-face court hearings. This is the most appropriate way, at present, for the court to balance important health and safety considerations with the need to continue its vital work for Australian families.

The salient features of the face-to-face in court protocol are set out below for the information of the profession.

### **1) Listings**

Priority will be given to urgent matters that the judge considers cannot be dealt with over the telephone.

The Court will stagger listings to reduce the number of people waiting in the foyer/registry building.

Short matters for mention or directions hearings will be listed at 30 minute intervals.

Longer contested matters will not be listed for more than 1.5 hours, and with sufficient time in between listings to allow cleaning to occur.

To reduce the length of any face-to-face hearing, where possible, it may be complemented with written submissions or telephone hearings if necessary.

### **2) Courtrooms and courtroom procedure**

No party is to enter the courtroom before their matter is called.

No more than 8 people (excluding the Judge and Associate) may be in the courtroom at any one time.

Counsel, solicitors and parties are to adhere to social distancing by sitting in designated seats as indicated in the diagram on the door of the courtroom (reproduced below) and in the seats marked in each courtroom (i.e. at least 1.5 to 2 metres apart).

Appearances will not be required until the hearing commences, and then they should be provided from the Bar table orally.

Parties are to refrain from approaching the Associates' desk, and should not expect to be able to hand up any hard copy documents.

Parties are to leave the courtroom immediately after their hearing has concluded, and then make their way promptly to the Registry exit.

### **3) Cleaning**

Additional cleaning of courtrooms that are used for face-to-face hearings will occur as often as practicable between hearings and when the court is adjourned during the day.

Hearings will be conducted for not more than 1.5 hours in the same matter. After that period, the courtroom will be closed and appropriate surface cleaning will take place.

To ensure the safety of staff, lawyers, litigants and witnesses, the same matter will not continue after the first 1.5 hour period.

#### **4) Security**

Security screening should be staggered appropriately. Security will be instructed to ensure social distancing is observed whilst court attendees are queuing for security.

The Court is currently investigating the availability of contactless thermometers to allow for non-invasive temperature measurements prior to parties/practitioners entering the Registry buildings.

#### **5) Court attendees displaying symptoms**

In the event that any court attendees becomes ill or display any symptoms of COVID-19, they should immediately notify the Court and proceed to leave the Registry. The Court will be adjourned and appropriate steps taken, including any deep cleaning required.

# ADMINISTRATIVE APPEALS TRIBUNAL

For further information, visit: <https://www.aat.gov.au/>

## THE AAT MADE THE FOLLOWING ANNOUNCEMENT ON 25 MARCH 2020:

### TEMPORARY CLOSURE OF AAT REGISTRIES TO VISITORS

To help slow the spread of COVID-19 across our community, the AAT is closed to all visitors from Thursday 26 March 2020 until further notice.

You can do most of what you need to do with the AAT from your home or office:

- Lodge a new application (preferred method of lodgement)
- Submit a document for any case that has already been lodged with the AAT
- Email us about your new or existing application
- Send a general enquiry
- Provide feedback including compliments, complaints and suggestions

We have put a range of temporary measures in place, including to conduct hearings and conferences by video or telephone, or to postpone them where this is not possible. We have also temporarily suspended the issuing of non-urgent summonses.

Our staff remain available to answer your telephone and email enquiries, process applications and deliver other services in support of AAT members and Tribunal users.

Please continue to monitor this website for further updates.

General information about COVID-19 is available from the Department of Health.

## THE PRESIDENT OF THE AAT ALSO RELEASED THE FOLLOWING MESSAGE ON 25 MARCH 2020:

Below is an extract of a message sent recently by the Hon Justice David Thomas, President of the AAT, to people who [subscribe to our newsletters](#).

*‘...The AAT will temporarily cease ‘in person’ hearings, conferences and other events at our registries and instead aim, where possible, to deal with the cases by telephone or video link. We will contact impacted parties to discuss alternative arrangements.*

*...Like all courts and tribunals, indeed all of Australia, our response to the unprecedented challenge of the pandemic is designed to manage health risks and to slow the spread of disease, while continuing to operate as effectively as possible. We are guided by Australian and State/Territory Government protocols, and the advice of health experts.*

*I am conscious of the number of messages about COVID-19 you are all receiving from numerous sources and do not want to add to that burden with broad information. Please monitor our website for further updates on the inevitable changes we will need to make to our operations as the situation evolves...'*

The message is also available here: <https://www.aat.gov.au/news/covid-19-message-from-justice-thomas>

### **The AAT previously advised the following on 19 March 2020:**

The AAT has introduced [temporary changes](#) to its operations to limit the number of people visiting our registries in an effort to help slow the spread of the COVID-19 disease across our community.

We ask all AAT users to make use of our online services or, where this is not possible, [contact us](#) in another way without visiting a registry.

Our staff are available to answer phone and email enquiries, process applications and deliver other services to support AAT members and Tribunal users.

People who have 'in person' hearings, conferences and other events scheduled are being contacted directly to discuss alternative arrangements for their AAT case.

You can do most of what you need to do with the AAT without visiting a registry:

- [Lodge a new application](#) (preferred method of lodgement)
- [Submit a document](#) for any case that has already been lodged with the AAT
- [Email us](#) about your new or existing application
- [Send a general enquiry](#)
- [Provide feedback](#) including compliments, complaints and suggestions

If it is absolutely necessary to visit us in person, you should call ahead on [1800 228 333](#) to discuss arrangements.

# FAIR WORK COMMISSION

For further information, visit: <https://www.fwc.gov.au/about-us/news-and-events/coronavirus-covid-19-advice-visitors>

The Fair Work Commission [provided the following update](#) on 26 March 2020:

## **Coronavirus (COVID-19) updates & advice**

### **Keeping everyone safe**

The Fair Work Commission's ongoing focus is to ensure a safe environment for our clients and staff so we can continue to deliver services to the community.

### **Our counters are closed, but we're still operating.**

Please do not attend our offices unless a Commission Member specifically requests you to.

We continue to closely monitor the Australian Department of Health advice and will provide updates as new information emerges.

### **Workplace entitlements & COVID-19**

For information on your workplace entitlements and obligations if you are affected by COVID-19 go to the Fair Work Ombudsman's website:

- [Coronavirus and Australian workplace laws](#) and
- [Pay during stand down](#)

### **You can still make an application**

For everyone's safety, we have closed our counters. **We are no longer accepting applications in-person or by post.**

We ask that you:

- make your application using our [online lodgment service](#) or
- download and complete the right [form](#) and send it by email or fax to your nearest [Commission office](#).

If you're having trouble lodging an application, please call us on 1300 799 675.

All the same time limits and requirements still apply.

### **Urgent applications**

Urgent applications, such as applications to vary enterprise agreements or other instruments to deal with the consequences of COVID-19, can be sent to [COVID19Applications@fwc.gov.au](mailto:COVID19Applications@fwc.gov.au).

### **Processing & dealing with cases**

#### **Your case may take longer than normal to process**

We are doing our best to deal with all cases as quickly as possible.

Like most businesses and organisations, we have also been affected by the current situation.

This means that things are likely to take longer than normal. You may need to wait longer on the phone to speak to us than normal and it may take longer for us to reply to emails.

#### **Conciliation & mediation to be held by phone**

Some cases, such as unfair dismissal and workplace bullying cases, start with a conciliation or mediation with a Fair Work Commission staff member.

All staff conciliations and mediations will now be held by phone conference until further notice.

This means you can take part from home. You don't need to come to our offices. If you have a representative, they can join the conference call from their office or home too.

#### **Hearings & conferences to be held by phone or videoconference**

We will now hold all hearings and conferences by phone or videoconference where possible.

This change applies to cases that are already scheduled as well as to future proceedings.

If we have already scheduled a hearing or conference at our offices for your case, we will contact you about changes to your proceeding.

#### **Some cases will be dealt with on the papers**

We may decide to deal with your case 'on the papers'. This means a Commission Member will deal with your case using the written materials you and the other parties have lodged. If this happens, we will not need verbal submissions or evidence.

If we decide to deal with your case in this way, the Commission Member will give you Directions. Directions are instructions that set out what submissions and evidence you need to lodge in order that the Commission Member can make a decision about your case.

We will contact you if we decide to deal with your case on the papers.

### **Some cases will be postponed**

We are working to ensure that as many cases as possible can proceed.

However, some cases are not suitable to be held by phone, videoconference or on the papers. These cases will be postponed until it is safe to hold proceedings in person.

### **Find out how COVID-19 impacts specific case types**

- [Annual Wage Review 2019-20](#)
- [Anti-bullying](#)
- [4 yearly review of modern awards](#)
- [General protections \(dismissal\)](#)
- [General protections \(unlawful actions\)](#)
- [Protected action ballots](#)
- [Unfair dismissal](#)



# COPYRIGHT TRIBUNAL OF AUSTRALIA

For further information, visit: <https://www.copyrighttribunal.gov.au/>

## The Tribunal released the following COVID-19 Notice on 18 March 2020:

### **Filing of documents**

#### ***At a registry***

The Copyright Tribunal relies upon the registries of the Federal Court of Australia in relation to the over the counter filing of documents. Persons wishing to file documents in this manner should therefore look to notices or advice on the [Federal Court of Australia website](#) in relation to when a registry in a particular State is open.

#### ***Electronic filing***

In the event of any registry closure, and for those who wish in any event to file electronically, a document may be filed via the following email address: [query@fedcourt.gov.au](mailto:query@fedcourt.gov.au). This email address will be monitored for any filings (with an updated email address to be provided in due course).

### **General Inquiries**

General inquiries concerning the Tribunal should continue to be directed to the telephone numbers for the [Federal Court of Australia Registry](#) in the State or Territory concerned, according to any advice on the court's website.