



SPECIAL MEASURES IN RESPONSE TO COVID-19

(SMIN-1 FCoA Appeals)

Special Measures Information Note

Appellate Division of the Family Court of Australia

1. INTRODUCTION

- 1.1 This Special Measures Information Note (SMIN-1) sets out arrangements for the continued operation of the Appellate Division of the Family Court of Australia during the COVID-19 outbreak in Australia.
- 1.2 Due to the COVID-19 pandemic, where appropriate and necessary, the Appellate Division of the Family Court of Australia 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- 1.5 This Special Measures Information Note remains in effect until and unless superseded or revoked.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 Appellate Division of the Family Court of Australia will keep registries open and operational, by way of email filing only.
- 2.2 As the situation remains fluid, all court users should email the registry ahead of any proposed in-person attendance to verify whether the physical registry is open and to discuss with registry staff any possible alternatives to an in-person attendance.

3. ELECTRONIC FILING OF DOCUMENTS

- 3.1 All documents must be lodged for filing using the current email address for each Regional Appeal Registry, which are set out below.
- 3.2 Documents that are not able to be lodged through email may be faxed to the relevant registry for filing. Court users who do not have access to the necessary electronic equipment, including self-represented litigants, should contact the registry by telephone for assistance.
- 3.3 Please note that you will not be able to tender or file documents for a listing unless they are emailed to the relevant Regional Appeal Registry no later than 24 hours prior to the next listing of the matter.

4. SIGNATURES ON DOCUMENTS AND AFFIDAVITS

- 4.1 To facilitate the electronic filing of all documents, if access to scanning technology is limited, the Appellate Division of the Family Court of Australia 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 Appellate Division of the Family Court of Australia 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. The Appellate Division of the Family Court of Australia may also permit the witnessing of affidavits via Skype by an authorised witness, where the document is promptly filed after the witnessing and signing of the document.

5. 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 Regional Appeal Registry.

6. ALL COURT LISTINGS AND EVENTS, INCLUDING HEARINGS

6.1 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.

6.2 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 be able to be conducted on the papers, by telephone or by other remote access technology (including video).

6.3 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 may need to be vacated or adjourned.

6.4 If you have an upcoming listing or event, wherever possible the Appellate Division of the Family Court of Australia will endeavour to contact you at least two weeks prior in relation to any alternative arrangements. If you have not been contacted by the Appellate Division of the Family Court of Australia or if you remain unsure of what is happening in relation to a particular listing or event please contact the relevant registry by email, with the appeal file number and name in the subject line.

7. CONTACT DETAILS FOR APPELLATE DIVISION

7.1 In all appeal matters you should contact the relevant Regional Appeal Registry by email as a first preference. The relevant email addresses are:

7.1.1 Eastern Appeals Registry (Sydney): easternappeals@familycourt.gov.au

7.1.2 Northern Appeals Registry (Brisbane): northernappeals@familycourt.gov.au

7.1.3 Southern Appeals Registry (Adelaide/Melbourne): southernappeals@familycourt.gov.au

7.1.4 Western Appeals Registry (Perth) appeals.familycourt@justice.wa.gov.au

8. OBSERVING APPELLATE PROCEEDINGS

8.1 In accordance with principles of open justice, hearings can be observed by any member of the public. This is subject to the usual discretion of a single Judge or the Full Court, to determine that in particular cases, only certain people should be present during the hearing, or that certain people are not to be present during the hearing, as the case may be.

8.2 If a member of the public wishes to observe a hearing, or listen in to a hearing, they should contact the relevant Regional Appeal Registry using the contact details set out above, by no later than 8:30am AEST on the morning of the hearing.

THE HONOURABLE JUSTICE WILLIAM ALSTERGREN
CHIEF JUSTICE
FAMILY COURT OF AUSTRALIA
DATE: 14 APRIL 2020