



UPDATED FACE-TO-FACE IN COURT PROTOCOL

12 JUNE 2020

The Family Court of Australia (FCoA) and the Federal Circuit Court of Australia (FCC) are increasing face-to-face hearings in a staggered way over the coming months commencing Monday, 15 June 2020. This is the most appropriate way, at present, for the Courts to balance important health and safety considerations of judges, staff and the community with the need to continue providing an essential service for Australian families. This protocol is designed to reduce the risk of being in close contact with a court user who may be infectious and replaces the previous Face-to-Face in Court Protocol dated 23 March 2020.

Following detailed risk assessments, the Courts have developed coronavirus safety controls. By applying these controls, the Courts can best ensure the safety of judges, staff and anyone coming into our buildings.

As government advice on community restrictions changes, the Courts will permit a greater number of litigants and their legal representatives to return to court registries in person.

The Federal Court Entity has engaged Amtec Disaster Recovery to undertake a full assessment of all permanent registries. The assessment methodology has been replicated across the buildings of all permanent registries.

We have put in place arrangements in all public areas to help people maintain 1.5 metre distance. As well as floor and seat markings, we have introduced a series of posters throughout our court buildings to remind court users of the requirement to maintain a 1.5 metre distance and to wash hands thoroughly and regularly. We have introduced additional cleaning measures to ensure our buildings are clean.

1) Listings

Any face-to-face hearings from Monday, 15 June 2020 need to be approved by the relevant case management judge (in consultation with the Chief Justice/Chief Judge).

Priority will be given to urgent trials and urgent hearings of applications that the judge considers cannot be dealt with via Microsoft Teams or over the telephone.

The Courts will stagger listings 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. This will include recess and adjournment times.

The start times of hearings must be listed at 30 minute intervals.

e.g. Judge A – 9:30am to 12:30pm; 1:30pm to 4:00pm
Judge B – 10:00am to 1:00pm; 2:00pm to 4:30pm

To reduce the length of any face-to-face hearing, where possible, parties should provide written submissions or consider holding electronic hearings if necessary.

2) Courtrooms and courtroom procedure

Separated and designated courtrooms will be used for face-to-face hearings if possible, to reduce the number of people waiting in the same area in the foyer/registry building.



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

Practitioners and parties will not be able to go to other floors in the court registry save for the entrance and the floor their courtroom is located on. Practitioners and parties are to leave the courtroom immediately after their hearing has concluded, and then make their way promptly to the registry exit.

No more than 8 people (excluding the judge and associates) should be in the courtroom at any one time. Witnesses who are not parties will be required to leave the courtroom after giving evidence.

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

All those attending the Courts for hearings are encouraged to download the Australian Government Department of Health COVIDSafe app. Alternatively, the Courts ask (but do not require) that the names and contact details of the attendees be provided to the associate for contact tracing purposes. These details will only be disclosed to health authorities if required by them.

During hearings, appearances are to be provided orally or by email, not by written appearance slips.

Court books for trials are to be provided electronically and a copy is to be provided for each witness and party prior to the hearing. No hardcopy documents should be handed up in court. The Courts will not be providing jugs, glasses or water in the courtrooms. Water is available on each floor to fill personal water containers.

3) Cleaning

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

After a hearing, the courtroom will be closed and appropriate surface cleaning will take place. A cleaning protocol has been provided to cleaning staff.

4) Security

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

