



# **MAGISTRATES COURT OF TASMANIA**

## **Practice Direction 2 of 2021 COVID-19 Variations to Practice Criminal and General Division and Civil Division**

**Effective from 6pm 15 October 2021  
until 6pm 18 October 2021**

**This Practice Direction applies to the Hobart Registry only.**

**All other Registries continue to operate as normal.**

- The Magistrates Court will continue to operate.
- The following measures are intended to minimise the number of people attending the Magistrates Court buildings state-wide during the lockdown period to reduce the impact of COVID-19.
- The effect of this Practice Direction is that matters that otherwise would have been heard between the commencement of this Practice Direction and the end of the Lockdown period will not proceed and will be adjourned to a later date.
- These measures will be continuously reviewed.

### **GENERAL**

- The Hobart Court building is closed to the public and to all court users from 6pm 15 October until 6pm 18 October 2021 ('the lockdown period').
- All non-urgent matters listed for all courts from 6pm 15 October until 6pm 18 October 2021 will be adjourned to a later date. Only a limited number of urgent matters will be heard.
- Attendance at court for urgent matters will be by audio or audio-visual link only.
- All documents are to be filed by email to the relevant registry.
- Anyone who is due to appear before the Court during the lockdown period must contact the court and provide contact details.
- Lawyers whose clients have current matters listed must give the Court their own telephone numbers and email addresses as well as their client's. The information required is:
  - Matter number
  - Lawyer's and client's email address
  - Lawyer's and client's direct land line number
  - Lawyer's and client's mobile phone number
  - Lawyer's and client's audio visual communications resources (e.g. Skype, Zoom or video link facilities)

- If you do not have a lawyer, you must contact the court before your court appearance to provide:
  - your full name and date of birth,
  - a telephone number (direct land line number and/or mobile phone number) and/or email address so that you can appear by audio or, if available, audio visual link.
  - The matter number if you know it.
- Contact details must be given to Hobart registry by email to [registry.hobart@justice.tas.gov.au](mailto:registry.hobart@justice.tas.gov.au) or phone 6165 7136.

#### Staying Up-To-Date

- People with matters before the Court should check the Magistrates Court website for updates.

#### Appearing before the Court

- As soon as possible prior to your appearance in court you must contact the Court to provide your telephone number and/or email address so that you can appear by audio or, if available, audio visual link.
- Parties (including defendants in custody) and their lawyers must appear by audio or, if available, audio visual link during the lockdown period.
- If documents are to be provided to the magistrate they should be emailed to [registry.hobart@justice.tas.gov.au](mailto:registry.hobart@justice.tas.gov.au).
- There will be no fee for audio and audio visual links.

#### Adjourning Matters

- The Court will facilitate the consent adjournment of matters under s.50B *Justices Act 1959*, where appropriate. The form is attached and is also available at [Consent to Adjournment Form \(s50B\)](#).

#### Hearings

- No defended hearings will proceed. Those matters will remain listed for mention on the date they are currently set for the hearing and will be adjourned to a later date for mention only.

### **Bail Applications and Variations**

- The Court will continue to hear bail applications and variations.
- Bail applications will be dealt with by audio or audio visual link.
- Bail applications (other than oral applications) are to be emailed to [registry.hobart@justice.tas.gov.au](mailto:registry.hobart@justice.tas.gov.au)

### **Family Violence Order/ Restraint Order Applications**

- The Court will continue to hear urgent family violence and restraint order applications.
- Applications will be dealt with by audio or audio visual link.
- Family violence applications must be lodged by email. Applicants needing assistance with this process should contact the registry for advice.
- Restraint order applications must be lodged by email to [registry.hobart@justice.tas.gov.au](mailto:registry.hobart@justice.tas.gov.au) . Applicants needing assistance with this process should contact the registry for advice.

EFT Payment for restraint order applications may be made by telephone. Fee waiver applications must be submitted by email and accompanied by relevant supporting documentation.

### **Youth Justice Division**

- The Youth Justice Division will continue to operate by audio or audio visual link.
- Young people who are at Ashley Youth Detention Centre will appear by audio or audio visual link.
- Lawyers, other service providers, and/or young people will appear by audio or audio visual link.

### **Child Protection**

- All matters under the *Children, Young Persons and Their Families Act 1997*, except urgent applications where a child is at immediate risk, will be adjourned.
- Matters involving immediate risk will be dealt with by audio or audio visual link.
- Applications and any supporting documentation under the *Children, Young Persons and Their Families Act 1997* must be lodged by email to [registry.hobart@justice.tas.gov.au](mailto:registry.hobart@justice.tas.gov.au).

### **Court Mandated Diversion**

- Matters listed in the Court Mandated Diversion list will be adjourned to a later date.
- Court Mandated Diversion proceedings will be by audio or audio visual link.

### **Mental Health List**

- Matters listed in the Mental Health list proceedings will be adjourned to a later date.
- Mental Health list proceedings will be by audio or audio visual link.

### **Traffic Not Guilty Hearings**

- Traffic not guilty hearings are suspended.
- Defendants do not have to appear and will be served with a new date in due course.

### **Restricted Licence Applications**

- Restricted licence applications which are listed for hearing will be adjourned to a later date.
- Applications can still be made and should be emailed to [registry.hobart@justice.tas.gov.au](mailto:registry.hobart@justice.tas.gov.au) .

### **Contest Mention Lists**

- Matters listed in the Contest Mention list will be adjourned to a later date.
- Contest mention proceedings will be by audio or audio visual link.

### **Commonwealth Matters**

- All listed Commonwealth matters, including taxation matters, are suspended.
- Defendants do not have to appear and will be served with a new date in due course.

### **Civil Division Matters**

- Matters listed in the Civil Division list will be adjourned to a date to be advised. This includes matters in the following jurisdictions:
  - Minor Civil
  - Civil
  - Residential Tenancy
  - Administrative Appeals

**C J Geason**

**Chief Magistrate**

15 October 2021

FORM 40

Complaint No. ....  
COURT OF PETTY SESSIONS  
at Hobart/Launceston/Devonport/Burnie  
Section 50B *Justices Act 1959*

### CONSENT TO ADJOURNMENT

To the Clerk of Petty Sessions.....

In the matter of .....

The matter is set down for plea/mention/hearing at.....on

...../...../..... at ..... AM/PM.

We consent to the adjournment of those proceedings to..... on

...../...../..... at..... AM/PM for plea/mention/hearing **by audio link.**

Brief description of reasons:

COVID 19 Measures ☐

.....  
Complainant

Date...../...../.....

.....  
Defendant

#### Contact Details:

**Defence Counsel Phone:**

**Defendant Phone:**

**Defence Counsel Email:**

**Defendant Email:**

#### Court use only:

Approved by / for Magistrate.....

Signature.....

#### ATTENTION

**It should be noted that since the introduction of Text Messaging of reminders to persons on Police and Court Bail, where the case is being 'brought forward' from an original Police Bail date the Defendant may get a text message for the original bail date. First appearance text reminders are sent by Police and not the Magistrates Court.**