



# **MAGISTRATES COURT OF TASMANIA**

## **Practice Direction 5 of 2020**

### **Resumption of Civil Division Court Practices**

- Practice Direction 1 of 2020 is revoked from 28 June 2020.
- This Practice Direction will commence on 29 June 2020.

#### **GENERAL**

- The following measures are intended to continue to minimise the number of people attending the Magistrates Court buildings state-wide to reduce the impact of COVID-19.
- These measures will continue to be reviewed in response to public health advice.
- Those entering the Court must continue to comply with physical distancing and hygiene standards as well as the directions of court staff and security officers. Those who do not comply may be required to leave the Court building.
- Details of physical distancing and hygiene measures are set out on the Court's website.
- The Court is committed to continuing the use of audio and audio visual links wherever appropriate.
- Any person who is not a participant in the proceedings may be required to remain outside the court building.

#### **SCOPE**

- This practice direction applies to the following jurisdictions:
  - Minor Civil
  - Civil
  - Residential Tenancy
  - Administrative Appeals

## COURT APPEARANCES

- Wherever possible civil matters will be dealt with by audio or audio visual link, unless a magistrate directs otherwise.
- The hearing of contested matters will resume from 1 July 2020. The registry will advise parties of the date and time of listings.
- Hearing dates which were vacated will be listed for directions hearing.
- Civil miscellaneous listings will resume from 1 July 2020. The registry will advise parties of the date and time of listings.
- Directions hearings will resume from 1 July 2020. The registry will advise parties of the date and time of directions hearings.
- Residential tenancy matters will be listed except for those applications relying on non-payment of rent until further notice.
- Administrative appeals will resume from 1 July 2020.
- Civil conciliation conferences will continue to be listed and may be in person or by audio or audio visual link, as the conciliator or District Registrar direct.
- Costs assessments will resume immediately and will be dealt with by audio link, unless directed otherwise by the costs assessor.

## AUDIO AND AUDIO VISUAL CONFERENCE BOOKING

- Lawyers who wish to appear by audio or audio visual link, or whose clients wish to, must complete the audio/audio visual conference booking form for each court appearance.
- If you do not have a lawyer and you wish to appear by audio or audio visual link, you must complete a booking form for each court appearance.
- The audio/audio visual conference booking form is available on the Court's website at: [Conference Booking Form](#). You must complete a booking form and return it to the Court at least 2 days before your court date.
- If you are unable to complete the audio/audio visual conference booking form you may provide your email/telephone details to the Court using the contact details below.
- Booking forms must be sent to the following addresses:

○ Hobart	<a href="mailto:registry.hobart@justice.tas.gov.au">registry.hobart@justice.tas.gov.au</a>	(03) 616 57136
○ Launceston	<a href="mailto:registry.launceston@justice.tas.gov.au">registry.launceston@justice.tas.gov.au</a>	(03) 677 72945
○ Devonport	<a href="mailto:registry.devonport@justice.tas.gov.au">registry.devonport@justice.tas.gov.au</a>	(03) 647 84353
○ Burnie	<a href="mailto:registry.burnie@justice.tas.gov.au">registry.burnie@justice.tas.gov.au</a>	(03) 647 77145

- A party who is served with a document requiring their attendance at court by audio link must lodge the audio conference booking form with the court by email at least two business days before the listing of the matter.
- Failure to appear at an audio or audio visual conference may result in the matter being dealt with in the party's absence.
- There will be no fee for audio and audio visual links.

## **FILING DOCUMENTS**

- Wherever possible documents should continue to be filed by email.

## **FILING FEES**

- If a filing fee is payable the Payment of Court Fee form must be completed and lodged at the time of filing.
- Alternatively, EFT payments may be made by telephone to the relevant registry.

## **FEE WAIVER**

- If a fee waiver is sought the fee waiver form must be completed and may be lodged by email, together with any supporting documents.

## **CONDITIONS OF AUDIO CONFERENCES**

- The parties and legal representatives are required to ensure that the registry has their contact telephone number for the purposes of attending an audio conference.
- The telephone number supplied must be a direct line to the person attending the conference and not via a call centre and/or reception.
- When using a mobile phone the party must ensure that they are in an area with good reception, able to give the court their full attention during the proceedings and that there is no background noise such as wind, traffic, machinery etc. that may affect the audio quality.
- Any person appearing before a court by audio conference must adhere to normal court protocols i.e. as if they were personally in the courtroom.
- A person appearing by audio conference must be available at the appointed time and must remain available until the court contacts them. The audio conference may be one of several matters listed before the court and other matters may be dealt with first. A failure to answer when the court calls the nominated number may be considered a failure to appear before the Court and the matter may be dealt with in the party's absence.
- Audio conference proceedings must not be recorded without the magistrate's or conciliator's permission.

**C J Geason**  
**Chief Magistrate**

22 June 2020