

MAGISTRATES COURT OF TASMANIA

PRACTICE DIRECTION

No 1 of 2020

COVID-19 Variations to Practice - Civil Division

The Magistrates Court is an essential service and will continue to operate on a limited basis as the circumstances dictate. This practice direction sets out variations to the management of the Court's civil caseload which aim to reduce the impact of COVID-19 by requiring e-filing of documentation and audio/audio visual appearances to limit the number of people required to attend court buildings.

This practice direction takes immediate effect and will apply until further notice.

Scope

This practice direction applies to the following jurisdictions:

- Minor Civil
- Civil
- Residential Tenancy
- Administrative Appeals

The Magistrates Court will continue to deal with the following:

- Urgent residential tenancy matters
- Urgent civil matters, including any matter commenced by originating application
- Matters currently listed for directions hearings
- Mediation/conciliation conferences
- Costs Assessments

Listings by Audio or Audio Visual Conference

Civil court listings will be conducted by audio or audio visual conference.

Parties and legal representatives must advise the registry of their contact telephone number for the purposes of attending audio conferences and of any changes to their contact details.

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.

Fees for audio and audio visual conferences will be waived until further notice.

Email Lodgement

All documents are to be filed by email.

Once a document commencing proceedings is filed in the registry the document will be processed in due course and where necessary a court date will be allocated.

The registry will advise the party/parties of a date in due course.

The relevant registry at the following addresses:

- registry.hobart@justice.tas.gov.au
- registry.launceston@justice.tas.gov.au
- registry.devonport@justice.tas.gov.au
- registry.burnie@justice.tas.gov.au

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 lodged by email, together with any supporting documents.

Urgent Residential Tenancy Applications

Residential tenancy applications and other documents should be filed by email.

Any urgent residential tenancy matter must be accompanied by a letter setting out why the matter is said to be urgent.

A magistrate in chambers will determine the urgency of the matter and it will be listed accordingly.

Urgent Civil Matters

Any urgent civil matter must be accompanied by a letter setting out why the matter is said to be urgent.

A magistrate in chambers will determine the urgency of the matter and it will be listed accordingly.

Directions Hearings

All matters that have been allocated a date for a directions hearing will proceed by audio link only. Parties and their lawyers are excused from attending the court building.

The registry will contact the parties and their legal representatives to confirm contact details.

Mediation/Conciliation Conferences

All matters that have been allocated a date for a mediation/conciliation conference will proceed by audio link.

The registry will contact the parties and their legal representatives to confirm contact details.

New listings for mediation/conciliation conferences will proceed by audio link.

Costs Assessments

All matters that have been allocated a date for a costs assessment will proceed by audio link.

The registry will contact the parties and their legal representatives to confirm contact details.

Civil Hearings and Interlocutory applications etc.

Any matter that has been listed for any type of hearing, including any residential tenancy and interlocutory hearings, will be adjourned to a date to be fixed.

The registry will confirm in writing that the hearing has been adjourned to a date to be fixed. The registry will determine the date and advise the parties of the new date in due course.

Conditions of Audio Conferences

This Practice Direction overrides the audio conference fee provisions set out in Circular to Practitioners No 3 of 2019. Audio conference fees are waived for the civil matters listed above until further notice.

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.

Service of Documents

If a party is served with a document that requires the party to attend court, whether in person, by audio or audio visual conference, the party must also be served with:

- a copy of this Practice Direction; and
- an audio conference booking request form.

The party who has been served with the document must lodge the audio conference booking form with the relevant registry at least two business days before they are required to appear.

Registry Practice

Notices and orders issued by the registry requiring the attendance of a party must be accompanied by:

- a copy of this Practice Direction and
- an audio conference booking request form.

C J Geason
Chief Magistrate

24 March 2020