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15 April 2020

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Dear Presidents

Federal Court of Australia – Coronavirus (COVID-19) – Update 18

There are only two matters that I wish to raise with you.

The National Practitioners / Litigants Guide to Virtual Hearings and Microsoft Teams is available on the website. It includes the following:

4.2 WHAT IS EXPECTED OF PARTICIPANTS

- 4.1.1 The same formal etiquette and protocol of a physical Court is expected in the Virtual Court.
- 4.2.2. The matter will be called and the Court will ask for appearances.
- 4.2.3. Judges are to be addressed as ‘Your Honour’, and registrars are to be addressed as ‘Registrar’.
- 4.2.4. Where a judge has elected to robe, counsel must also robe.
- 4.2.5. The Court may elect to dispense with any of the usual formalities, and the parties are expected to act accordingly.

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4.3 WITNESSES

4.3.1. The same expectations for participants above at 4.2. also applies to witnesses in a Virtual Hearing.

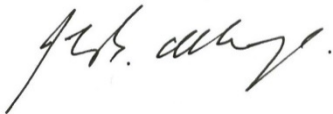
Some practitioners, parties and witnesses appear to be ignoring these expectations. There was a report by a journalist of practitioners stating how they appeared in casual clothing at an interlocutory hearing. Witnesses have also apparently given evidence from their homes casually dressed.

This is not the occasion to discuss the necessary formalities of these hearings. Perhaps the document, by referring to “Virtual Hearings”, misleads people. They are real hearings conducted by technology that enable people to be, and see others, at a distance. The hearing is a hearing of the Court; not a casual engagement.

I would be grateful if you would remind your members of these matters.

Also, it goes without saying that the Court expects the parties and legal representatives to be in places where they can and where they should practise appropriate social distancing.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Allsop', written in a cursive style.

The Hon James Allsop
Chief Justice