



Australian Capital Territory

Magistrates Court

COVID-19 Measures – Revised Arrangements (No 2)

This Practice Direction takes effect from 14 September 2020.

The Practice Direction issued on 2 June 2020 is revoked.

Ongoing special measures

1. Physical distancing requirements and increased hygiene standards will continue to apply to all matters heard in the Magistrates and Childrens Court.
2. Practitioners should take particular note of the order made under s. 50 of the *Court Procedures Act 2004* which remains in force. Practitioners should make their clients aware of the content of that order. If necessary, the measures contained in it will be enforced. A copy of the section 50 notice can be found at:
https://courts.act.gov.au/_data/assets/pdf_file/0011/1507970/200331-ORDER-s-50-Court-Procedures-Act-2004.pdf
3. Unless a contrary direction is given, only those with a direct interest in the proceeding currently being heard will be allowed in the designated court room.
4. Parties for any matter must not enter the room until invited to do so after the preceding matter is completed and any hygiene requirements have been addressed.
5. Documents can be filed via:
 - i. eLodgement (where available for civil matters only); and
 - ii. over the counter.

Documents will no longer be accepted via email (with the exception of Childrens Court matters) or by leaving a hard copy in a sealed envelope in the post box in the foyer of the ACT Law Courts building.

6. Childrens Court matters may continue to be filed via email.
7. All fees applicable under the *Court Procedures (Fee Determination) 2020 (No 2)* remain payable. The process for payment of those fees can be found on the court website at <https://www.courts.act.gov.au/magistrates/fees,-fines-and-costs>
8. Any party may apply for special arrangements in light of the current COVID-19 emergency, such as a health vulnerability or travel limitation. Such applications should be addressed to the Registrar at least two clear business days in advance of the proceeding taking place. Applications may be made by email to mclistings@courts.act.gov.au. All other parties to the proceeding must be included in the email communication.

9. Criminal case conferencing will remain on hold until resumption of court business in January 2021.

Resumption of usual business

10. The court has resumed its usual business with all hearings in person unless otherwise ordered.
11. Parties who wish to apply to be heard other than in person will need to seek and obtain leave under the *Court Procedure Rules 2006*.
 - a. Applications for bail and mentions of matters for people in custody will be considered with legal representatives in person and defendants appearing by audio visual link or telephone link from the AMC or by audio visual link from within the court precinct.
 - b. Unless otherwise ordered the following civil lists will recommence in person unless otherwise ordered:
 - i. Return of subpoenas list (including subpoenas issued for Family Violence and Protection Orders as well as care proceedings);
 - ii. Family Violence and Protection Order interim applications; and
 - iii. Court ordered mediations.
12. Return of subpoena matters are listed for Thursdays at 2:15pm.

Caveat

13. In all cases, this practice direction is subject to judicial directions specific to a proceeding.

By direction of the Chief Magistrate and Magistrates.



Helen Banks
Acting Registrar
ACT Magistrates Court
9 September 2020