

SUPREME COURT OF TASMANIA PRACTICE DIRECTION

No 1 of 2020

20 March 2020

CORONAVIRUS (COVID-19) RESPONSE – CIVIL LITIGATION AND APPEALS

This practice direction is published at the direction of the Chief Justice, the Honourable Justice A M Blow AO.

The objectives of this practice direction are to limit the risk of the spread of coronavirus through court users and staff, and to reduce the risk of substantial disruption to the conduct of the civil business of the Court. This practice direction takes immediate effect and will apply until further notice.

Full Court appeals

Every Full Court appeal will be the subject of a telephone directions hearing before the appeal is heard. Counsel will be expected to have given consideration to appearances by audio visual link and the filing of full written submissions in lieu of, or in addition to, the outlines required by Practice Direction No 5 of 2019.

Civil trials

Following the allocation of a trial date a telephone directions hearing will be convened. By the time of the directions hearing the parties will be expected to have given consideration to the following matters:

- The use of written witness statements.
- The suitability of some or all witnesses giving evidence by audio visual link.
- If there is to be no cross-examination of witnesses, whether appearances by counsel at the trial by audio visual link is appropriate.
- The filing of full written submissions following the conclusion of the evidence.
- Whether oral submissions in addition to written submissions are anticipated to be needed.
- Where the responsibility for the preparation of judges' papers or a court book rests with a self-represented litigant and satisfactory papers are not likely to be prepared, whether the practitioner for the other party should be required to endeavour to ensure that orderly papers are supplied.
- Other matters relating to efficiency which will reduce the amount of time counsel, the parties, witnesses and others need to be physically present in the Court room.

There will be no civil jury trials until further notice.

Appeals to a single judge and administrative law matters

The following two paragraphs apply to appeals to a single judge from the Associate Judge, inferior courts and statutory tribunals. They also apply to applications under the *Judicial Review Act 2000* and proceedings for relief in the nature of mandamus, certiorari or prohibition.

On a first return for mention, appearance by audio visual link is encouraged. The parties will be expected to (a) have endeavoured to agree on appropriate directions for the efficient conduct of the hearing; and (b) to have considered whether it is appropriate for some or all the parties to appear at the hearing by audio visual link.

By the time of the hearing the parties are to have filed full written submissions in lieu of, or in addition to, the outlines required by Practice Direction No 4 of 2017. Following the hearing an opportunity will be provided for the filing of responding submissions.

Hearings conducted by the Associate Judge

Where possible these hearings will be conducted from Court No 2, Salamanca Place, Hobart. The procedures for civil trials as specified in this practice direction will apply to the hearing and determination by the Associate Judge of proceedings commenced by writ or originating application which are within his jurisdiction to determine.

Interlocutory applications and applications for directions are not to be brought or contested until after the parties have made serious endeavours to resolve the matter with a view to the making of orders by consent or without opposition. Such applications are not to be brought or contested other than on the reasoned likelihood that the determination of the application will be productive in the just and efficient overall disposition of the matter commenced by the originating process.

Where all parties are legally represented on an interlocutory application or application for directions, which is not listed for telephone mention or hearing, practitioners are to appear by audio visual link.

On the mention or listing for directions before the Associate Judge of appeals to a judge and applications under the *Judicial Review Act 2000*, practitioners are to appear by audio visual link.

Where an originating application is endorsed with an appointment for "hearing", rather than for "mention" or "directions", on the first return date, such as in the case of mortgagee applications for possession and applications under the *Corporations Act 2001 (Cth)*, practitioners should appear by audio visual link. If there is to be a contested hearing the procedures set out in this practice direction for civil trials will apply, save that the first appearance may be used to resolve appropriate trial directions to avoid the need for a subsequent telephone directions hearing.

Reserved decisions

Final orders may be made in telephone hearings, or may be made in writing and sent to the parties by electronic means. Reasons for reserved decisions may be published to the parties by electronic means. Questions as to consequential orders may be reserved for hearing at a later

date or, by arrangement via the relevant judge's associate, may be determined on the written submissions of the parties without further appearance.

Mediations

Until further notice, all appearances at mediation conferences are to be by audio visual link, or where a participant does not have access to such a link, by teleconference.

Court attire

Practitioners appearing by audio visual link are not to be robed, but appropriate court room attire is required.

Connecting to the Court

Practitioners are required to notify the Court of their direct telephone landline, direct email address and mobile telephone number, and to notify the Court of any changes.

It is the responsibility of practitioners appearing by audio visual link to ensure that they have an audio visual connection to the Court at the time that a matter has been set down for hearing.

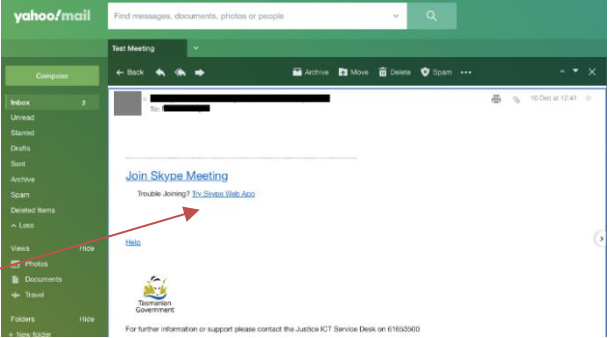
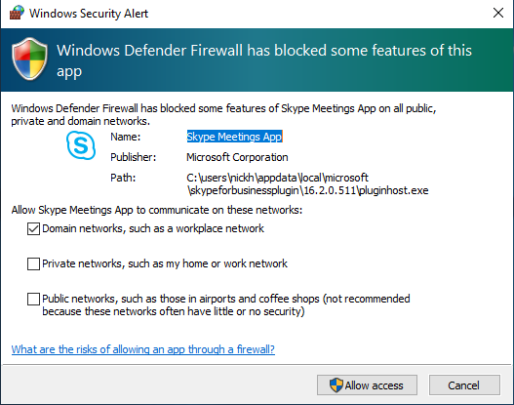
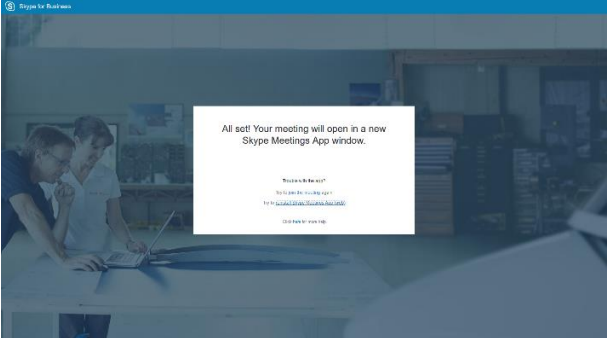
If during the course of a proceeding an audio visual link fails and cannot be promptly reinstated the hearing will be stood over and a new appointment will issue.

The procedure for connecting to the Court by Skype is as set out in the attachment. If further information or assistance is required, or the connection is to be by IP based video conferencing, court staff should be contacted.

INSTRUCTIONS FOR ATTENDANCE AT SKYPE® AUDIO-VISUAL MEETINGS

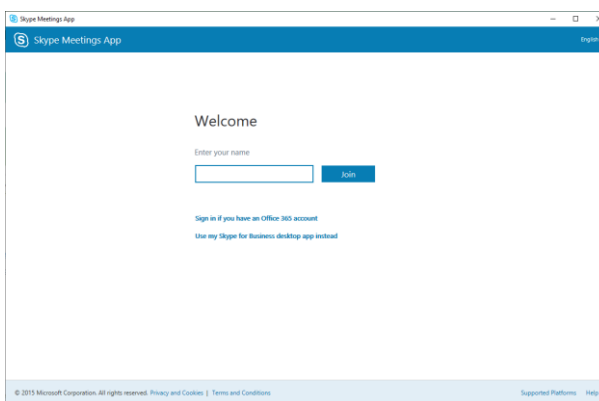
This document details how to join a Department of Justice “Skype for Business” meeting without using the “Skype for Business” client or needing a full “Skype for Business” login.

1. Installing the Skype Web App:

Step	Image
<p>Court staff will send a Microsoft Outlook calendar booking to your email address.</p> <p>In a non-Outlook email client it may look similar to the image (right) and it will contain hyperlinks to allow you to join the meeting.</p> <p>Clicking on the “Try Skype Web App” link in this email should automatically download and install the Skype Web App on your computer.</p>	
<p>Depending on your PC's configuration, you may see the following message during this setup process:</p>  <p>If you see this message box, accept the defaults and click “Allow Access”.</p> <p>Once the install is complete you will see this web page (shown right) and the Skype Meetings App will start automatically.</p>	

You can close off the Skype Meetings App window for now.

When the meeting is scheduled to start please see the following section on the next page for restarting the app and joining the Skype meeting.

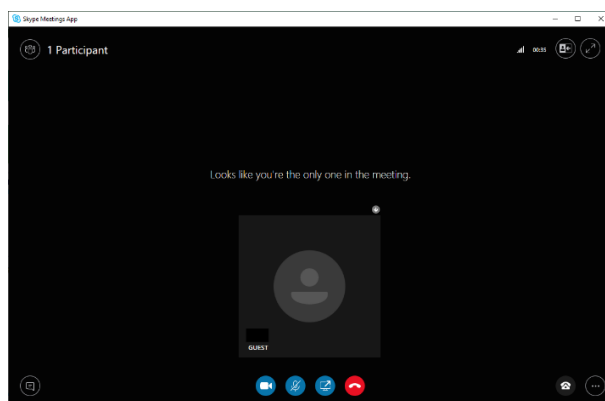


Please note: This document assumes that your computer has a working web cam installed as well as a microphone and sound output device (speakers/headphones). Setup of these items on your computer is outside the scope of this document and you should ensure these are working prior to proceeding.

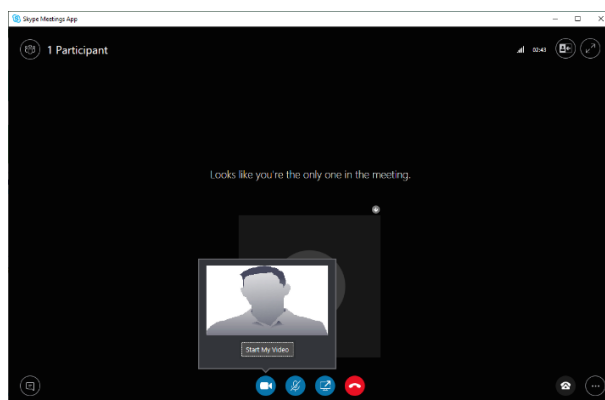
2. Join the Skype Meeting

Step	Image
<p>When the meeting is scheduled to start, click on the “Try Skype Web App” link in the original meeting email. The Skype Meetings App will start up automatically and prompt you for your full name for display to others during the Skype call.</p> <p>Please enter this information and click “Join” to enter the call.</p>	


Once you have joined the meeting the Skype Web App should appear as per the screenshot on the right.

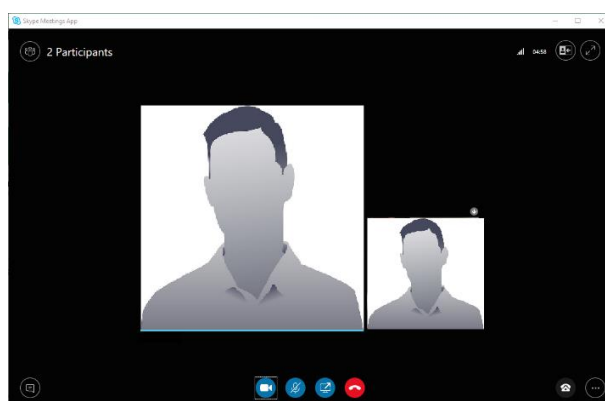



If desired you can enable your webcam by clicking on the camera icon at the bottom of this screen and then clicking "Start My Video".



As other people join the meeting they will appear in this application window.

If desired click on the "Full Screen View" icon  in the top right corner to make the far end picture full screen.



At the conclusion of the call, click on the call hang-up button  at the bottom of the Skype Web App meeting window.