



Queensland Indigenous Family Violence Legal Service

The Family Court of Australia and the Federal Circuit Court of Australia & the impact of Coronavirus:

What you need to know

The Family Court of Australia and the Federal Circuit Court of Australia (the Courts), play an essential role, especially in relation to hearing and determining matters related to the breakdown of marriages and family relationships including the determination of the division of marital property and the determination of parenting orders – who children of a relationship live with and who they spend time with.

The Courts, in response to the Coronavirus (COVID-19) pandemic impacting not only Queensland but Australia as a whole, have introduced measures to ensure that the essential court services they provide in Queensland are maintained, consistent with health advice.

What does this mean? Are the Courts still running?

- Yes – the Courts are still running but doing so in a different way during the COVID-19 period. The majority of matters coming before the Courts are being conducted by telephone or by video link through the use of Microsoft Teams and other similar platforms.
- During COVID-19, the Courts are prioritising urgent matters and those concerning the safety of children.
- The Courts have developed new Practice Directions in response to COVID-19 for electronic filing, viewing subpoenas, signatures on documents and affidavits and annexures to affidavits.
- The Courts have run a number of interim and final matters using Microsoft Teams.
- The Courts have also successfully run appeal hearings using Microsoft Teams.
- It will only be in exceptional cases that face-to-face in-court hearings will take place at the request of the parties involved. This will be determined by the Courts on a case by case basis and for the safety of all concerned, this application will only be granted by the Courts when absolutely necessary.

I have to attend the Courts for a face-to-face in-court hearing. Is this safe?

- Yes – it is safe to do so. If you are required to physically attend in person before the Courts, the hearing of your matter will be conducted strictly in accordance with the Courts “Face-to-face in-court Protocol. Social distancing requirements will also be strictly applied.
- The Face-to-face in-court protocol has been designed and put in place in the Courts to reduce the risk of infection for judges hearing and determining matters as well as court staff and court users, including you.
- The key features of the face-to-face in-court Protocol are:
 - (a) Priority will be given to urgent matters that a judge considers cannot be dealt with over the telephone or video conference platform;
 - (b) Listings will be staggered to reduce the total number of people waiting in the foyer or registry spaces;



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- (c) Short matters will be listed at 30 minute intervals;
- (d) Longer matters be listed for no more than 1.5 hours at a time, with sufficient time in between matters to allow the Courts to be cleaned;
- (e) Longer matters may be complemented with the use of written submissions or a further telephone/ video conference.
- (f) Parties are not to enter the court room until their matter is called, with no more than 8 people in the Court room at any one time.
- (g) Social distancing will be applied whilst in the Court room with parties required to sit in the designated seats. Social distancing will also be applied through security before entering the Courts building.
- (h) Once a matter is finalised in the Court, parties are to promptly leave the Court room and the Court building.
- (i) Additional cleaning of Court rooms will occur.
- (j) The Courts are currently investigating the availability of contactless thermometers to allow for non-invasive temperature measurements before a party physically enters the Courts registry building.
- (k) However, if you become unwell and start displaying any symptoms of COVID-19, you must immediately notify the Court and leave the building. Your matter will be adjourned to another date, which you will be notified of. The Courts will then ensure deep cleaning measures are then applied.

Are interviews with Family Consultants still happening?

- Yes – most interviews will be conducted by telephone or video link. However, there may be limited circumstances where a Family Consultant will need to conduct face-to-face interviews. Where this is required, it will be conducted at the Courts registry in accordance with the “*In-Person Interview Protocol*”.

If I have a matter in the Courts, is mediation still available?

- Yes – mediations are still available but being conducted through electronic mediation over video conferencing facilities such as Microsoft Teams.

I have parenting orders in place from the Courts but they are not being followed by the other party. What do I do?

- When Orders are made by a Court, they must be followed. COVID-19 has raised a number of issues for Australians, especially the restriction on movement within a State as well as travel to other States and Territories.
- It is very important that you seek legal advice about this issue. Queensland Indigenous Family Violence Legal Service (QIFVLS) is still here providing services remotely to communities and clients across Queensland, in the areas of Family Law, Domestic and Family Violence, Child Protection, Victims Assistance Applications and sexual assault matters.
- Please contact us on 1800 887 700 or email on help@qifvls.com.au and we will help you with your family law inquiry or refer you to the appropriate service who can. Together we will and can get through this.



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