

Novel coronavirus (COVID-19) advice for Courthouse Clients

Might you need to notify the court because of the Novel coronavirus (COVID-19)?

- Have you or someone in your home returned from any of the following countries in the past 14 days:
 - o Italy
 - o China
 - South Korea
 - o Iran?
- Have you been diagnosed as currently suffering from the COVID-19 virus?
- Have you received medical advice that you should presently be self-quarantining?

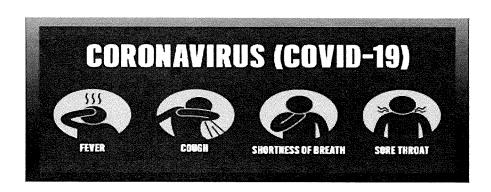
If you are in any of these categories and you are required to appear in Court please contact: the Southport Registry on 1300 516 700 or Email: courthouse.southport@justice.qld.gov.au

Do not present at the courthouse without further instructions.

For further information

Queensland Health continues to work closely with the Australian Government and other agencies to manage the outbreak of novel coronavirus (COVID-19).

Queensland Health shares regular update on its website: https://www.health.qld.gov.au/





SOUTHPORT MAGISTRATES COURT GUIDELINE 1 OF 2020

(MADE UNDER PRACTICE DIRECTION 2 OF 2020) COURT ARRANGEMENTS (COVID-19)

1. SOUTHPORT MAGISTRATES COURT

- All personal appearances by legally represented parties are excused.
- Until further notice all callovers will be conducted on the papers, without personal or telephone
 appearances required from legal representatives or defendants, with matters adjourned for three
 months from the date of listing.
- A number of courts will continue to operate as outlined in sections [2] [7] of this Guideline. The Court will continue to monitor capacity with a view to hearing as many matters as possible.
- Any party may choose to appear by telephone at a callover or mention.
- All legal practitioners have leave to appear by telephone or other audio visual link on the following conditions:
 - o Notify Southport Registry <u>courthouse.southport@justice.qld.gov.au</u> no later than 2pm the day prior to the appearance as to how they will appear and their telephone and email contact details and the matter (or matters) it involves.
 - o Southport Registry will give a time frame for appearance as advised by the Magistrate.
 - o Be available in a quiet place and contactable by email and telephone one hour before and after the nominated appearance time.
 - O Any documents to be relied upon are to be copied to the other party and the Court by email by 3pm the day prior to appearance.
- All non-legally represented parties have leave to appear by telephone or other audio visual link (subject to specific order of a Magistrate) on the following conditions:
 - o A written or email notification to Southport Registry <u>courthouse.southport@justice.qld.gov.au</u> no later than 48 hours prior to appearance giving contact details and the name of their matter is required.
 - o Be available in a quiet place and contactable on the supplied telephone number from 9am on the day nominated for their appearance.
 - o They may be contacted at any time on that day by telephone.
- Defendants in custody who are legally represented will have their appearance excused.
- Defendants in custody who are not legally represented will appear by video link.
- Legal representatives and other parties, including unrepresented defendants, may utilise either
 electronic adjournment or written requests to seek a specific date or make other requests. Such
 requests should be copied to all parties with a view to obtaining consent orders. For example, a
 legal representative or unrepresented defendant may advise the Court by email or in writing of a
 plea of not guilty. The Court will make orders for service of the brief of evidence if required and
 advise the legal representative or defendant by electronic mean of the order.

- Parties can continue to conference about the progress of the matter and advise the Court of any resolution or change of plea.
- All matters currently listed for hearing will be mentioned on the day listed and will be adjourned.
 The appearance of parties to these matters is excused or the parties may appear by electronic
 means. Any party may request the Court hear a matter because of urgency or special
 circumstances. Such requests can be by electronic means or telephone appearance and the other
 parties should be advised.
- All matters currently listed for pleas will be mentioned on the day listed. The Court will hear those
 matters where adjournments are not requested. Matters will be mentioned individually to reduce
 numbers of persons inside the courtroom. All defendants in custody in such matters will appear
 by video link.
- Civil applications currently listed for hearing will be adjourned on the papers subject to any application by a party to hear a matter because of urgency or special circumstance. Such requests can be by electronic means or telephone appearance and the other parties so advised.
- An urgent mention, plea or hearing may be requested in accordance with sections 4 and 5 of this guideline.
- Appearances for fresh matters in Arrest Court are required where a party is (1) not on bail or (11) is not legally represented.
- Nothing in this guideline restricts an individual Magistrate from determining to hear a matter that they have capacity on the day to hear.

2. ARREST COURT

- Courts 1 and 2 will sit every day from 9am.
- Court 1 will deal with the following matters:
 - o **9am 10am** Urgent traffic e.g., traffic matters where a licence has been immediately suspended or S.79E licence application.
 - o 10am 1pm New appearances, and adjournments (video or audio links)
- Court 2 will deal with the following matters:
 - o New arrests (custody)
 - o Listed video or audio link bail applications.
 - o Urgent bail applications.
- Juvenile in custody matters will be before the Children's Court Magistrates in court 11 where possible.
- In accordance with Practice Direction 3 of 2015 Southport Magistrates Court may have to hear urgent matters from other Courts that have had to close.

- The Queensland Police Service must ensure that all Police paperwork is transferred via IJIS prior to 07:30am on the respective date or provided to the Southport Police Prosecutions if matters are from other Magistrates Court Districts within the region.
- In respect of Defendants in custody from centres outside Gold Coast, the Queensland Police Service will need to notify Southport Police Prosecutions and make arrangements for appearances by telephone/video before the Southport Magistrates Court Arrest Court and that notification must be made by 07:30am on the respective date.

3. DOMESTIC VIOLENCE APPLICATIONS: COURT 3

- Courts 3 and 4 will continue to sit Monday to Friday. They will hear urgent applications for domestic violence orders Monday - Friday. They will also hear listed domestic violence applications in accordance with the current listings.
- All appearances by legally represented parties are excused.
- All appearances by aggrieved in police applications for domestic violence orders are excused.
- However any aggrieved may appear in a matter. To reduce risk, appearance by telephone is preferred, otherwise personal appearance is permitted.
- All parties may appear by telephone in accordance with section 1 of this guideline.

Urgent Police Applications

- Applications for Temporary Protection Orders ought not be made under any circumstances if the Respondent is detained or is located and is in the company of the Police. In those circumstances the Applicant Police officer ought to proceed by
 - Issuing a Police Protection Notice (s101)
 - Application for Protection Order including release conditions (s125) (2)

Police Protection Notice

The Applicant Officer ought issue a Police Protection Notice and make the Application returnable on the next Domestic Violence Call-over date for the Court 3 that will be at (A-K Monday, L-Z Tuesday). (NB If QPS decide to issue a PPN, the PPN takes effect from when a police officer tells a respondent about the existence of the PPN in any way, including by telephone, emails, SMS message, a social networking site or other electronic means -see s113 DFVPA).

Release Conditions and Applications for Temporary Protection Orders

- Section 129 DFVPA provides for the circumstances when a police officer must apply for a Temporary Protection Order. Under s 118, a police officer must, as soon as practicable after a person is taken into custody, prepare an application for a protection order.
 - The application for a Protection Order must be emailed to: M-Southport-DV@justice.qld.gov.au
- Under s 125 DFVPA, where a person is detained and a Police Protection Notice is not issued, and the releasing police officer reasonably believes a domestic violence order has been made, the releasing police officer can release the person on release conditions (s 125(2)).
- The Application for the Temporary Protection Order will then be considered pursuant to s129 (1) of the DFVPA on the next sitting date.

- If a Temporary Protection Order is made a copy of the Order will be transmitted by e-mail to the designated police email address for the relevant police station and the Application will remain listed for the next available sitting date.
- After hours urgent applications can still be made to the After Hours on call Magistrate as required.

Filing of New Applications by Private Parties

- If the application is not urgent, file the application by post to the Southport Registry.
- If the application is urgent, first contact the Queensland Police Service (QPS), and request them to obtain an urgent Temporary Protection Order or issue a Police Protection Notice (PPN) on behalf of the aggrieved.

Where:

- i. QPS determine and advise the person that it is not appropriate for them to issue a PPN or to seek an urgent Temporary Protection Order on behalf of that person; and
- ii. The person believes they have urgent grounds to seek a Temporary or other Protection Order, but cannot attend court to file their application due to the emergent situation notified by the court

THEN such person may lodge their application electronically: <u>M-Southport-DV@justice.qld.gov.au</u> for consideration by the court, and include email addresses and telephone contact details for all parties and relevant witnesses to the proceeding.

- Rule 9 of the Domestic and Family Violence Protection Rules 2014 (DFVPR) prescribes that documents under the Domestic and Family Violence Protection Act 2012 may be filed in person or by post. The court however has discretion under rule 6 DFVPR to waive compliance with this rule and accept applications filed electronically.
- Applicants will be notified by email as to whether or not the court has determined to waive compliance with rule 9 DFVPR and accept their application. Where the application has not been accepted, the Applicant must file their application by post during the emergent period notified.
- Where the application has been accepted, the Applicant and Respondent will be notified by email of the date and time and place where the application will be heard (unless the Applicant has requested under section 36 or 90 of the DFVPA that a Temporary Protection Order be made before the application is served on the respondent). This may be at Court 3, another courthouse, or it may be heard by a Magistrate constituting the Magistrates Court remotely. The Applicant and other parties will also be advised as to how and when the court may call upon them to provide further evidence, which may be by email or phone or other means, for the purpose of supporting or responding to the relevant application.
- If an aggrieved does not have access to email a private application, it may be lodged with the Southport Registry. The application will be reviewed by a Magistrate and, if required an immediate hearing for a Temporary Protection Order will be heard. If no urgent order is sought or granted, the hearing of the application will be given a date and time.

4. URGENT PLEAS AND BAIL APPLICATIONS

 On Monday to Friday Court 9 (or other Court as notified) will hear urgent pleas and urgent bail applications. Arrest Court 2 will also hear urgent bail applications and, subject to capacity, urgent pleas.

- Appearances for these matters will be in accordance with section 1 of the Guideline. A defendant in custody will appear by video link.
- Urgent pleas will only be listed when:
 - o the defendant <u>is in custody</u> and there is an expectation that the defendant may be released on or near the sentence date; or
 - o other special circumstances exist.
- Other special circumstances may include where a defendant has urgent obligations in another
 jurisdiction or there is some special hardship (for example, traffic matter where the defendant is
 suspended from driving).
- To arrange a hearing, of an urgent ball application or plea, the defendant or the defendant's legal representatives must contact the Southport Registry courthouse.southport@justice.qld.gov.au giving the reasons for requesting such a listing. A Magistrate will consider the request and direct a date for the matter to be heard. All material to be relied upon is to be provided to the prosecution and
- Southport Court <u>courthouse.southport@justice.qld.gov.au</u> two clear business days before the hearing.
- Appearances are in accordance with section 1. A defendant in custody will appear by video link.

5. AUDIO/VIDEO COURT

- Court 9 will hear all other urgent matters listed by arrangement with Southport Registry. They may then be allocated to another court that day.
- Urgent matters may be criminal and civil matters. Subject to availability of a Court and parties an urgent hearing may be listed.
- To arrange a hearing the party or the party's legal representatives must contact the Southport Registry <u>courthouse.southport@justice.qld.gov.au</u> giving the reasons for requesting such a listing. All other parties must be copied into the email.
- All appearances in the Court will be by audio or video link.
- If a matter is listed the parties will be notified by email the date and time of the listing.
- All material to be relied upon is to be provided to the prosecution or other party and Southport Court courthouse.southport@justice.qld.gov.au two (2) clear business days before the hearing.
- The Magistrate may require the parties to appear by audio link to determine whether the matter will be heard.

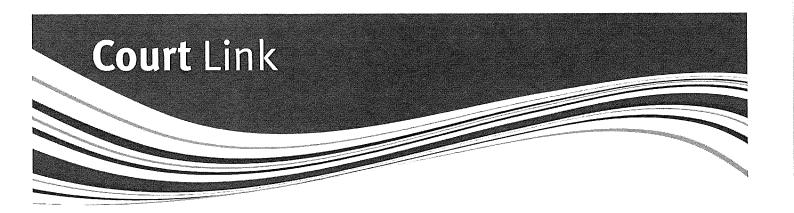
6. CHILDRENS COURT

- All in custody fresh arrests and bail applications for Juveniles will be before the Children's Court Magistrate in Court 11 where possible.
- All appearances by legally represented parties are excused.

- Until further notice all legal practitioners have leave to appear by telephone or other audio visual link conditioned:
 - Notify Southport Registry: <u>courthouse.southport@justice.qld.gov.au</u> no later than one hour prior to the appearance how they will appear and their contact details and the matter (or matters) it involves
 - Southport Registry will give a time for appearance
 - o Be available in a quiet place and contactable by email and telephone 30 minutes before and after nominated appearance time
 - Any documents to be relied upon are too copied to the other party and the Court by email by
 3pm the day prior to appearance.
- All matters other than urgent matters will be adjourned on the papers, without appearances, for three months from the date of listing.
- Appearances for new Children's Court charges can be by telephone unless the Magistrate orders otherwise.
- All matters involving non-legally represented parties before the Court will be adjourned on the papers with appearances excused. The adjournment date will be for a minimum of 3 months.
- All non-legally represented parties in child protection matters have leave to appear by telephone or other audio visual link (subject to specific order of a Magistrate) on the following conditions:
 - o A written or email notification to Southport Registry: courthouse.southport@justice.qld.gov.au no later than 48 hours prior to appearance giving contact details and the name of their matter is required.
 - o Be available in a quiet place and contactable on the supplied telephone number from 9am on the day nominated for their appearance.
 - o They may be contacted at any time on that day by telephone.
- The Court may not be able to list child protection hearings or Youth Justice hearings and only urgent hearings will be considered.
- An urgent mention, plea, bail application or hearing may be requested.
- To arrange such, the party or the party's legal representatives must contact the Southport Registry <u>courthouse.southport@justice.qld.gov.au</u> giving the reasons for, requesting such a listing. The request will be considered by a Children's Court Magistrate.
- If an urgent hearing is listed all material to be relied upon is to be provided to the prosecution and Southport Magistrates Court courthouse.southport@justice.qld.gov.au two (2) clear business days before the hearing.

7. PPPRA APPLICATIONS FOR ORDERS AND WARRANTS

- The Court 9 Magistrate will also hear police applications for warrants and orders or allocate these to another court.
- The only applications which should be made to the after hours, On Call Magistrates telephone are as follows:
 - 1) Search Warrants s150 (PPRA)
 - 2) Forensic Procedure Orders s458 (PPRA)



Court Link Program – Update (COVID-19)

This communique is to update key stakeholders in relation to the Court Link program's response to the impact of COVID-19 (Coronavirus).

New referrals to Court Link at all sites will be suspended for a period of three months effective 20 March 2020.

This decision will be reviewed as the current situation evolves and further advice provided when it is available.

All Court Link sites will continue to offer case management to current participants via phone support from Monday 23 March 2020.

We are mindful that other government departments and community based services are also impacted at this time and undergoing their own contingency planning. We will be doing our best to keep participants up to date with current health advice and referral options, recognising this will depend on availability and may change over time.

If you have updates for your service, please send this to us via the local Court Link email address, as per below:

Brisbane: courtlink@justice.qld.gov.au

Caboolture: caboolture.courtlink@justice.qld.gov.au
Cairns: cairns.courtlink@justice.qld.gov.au
Ipswich: ipswich.courtlink@justice.qld.gov.au

Maroochydore: maroochydore.courtlink@justice.qld.gov.au
Mount Isa: mountisa.courtlink@justice.qld.gov.au
Redcliffe: redcliffe.courtlink@justice.qld.gov.au
Southport: southport.courtlink@justice.qld.gov.au

We thank you for your understanding as we respond to this evolving health situation and work to protect the health and well-being of our staff while maintaining adequate service delivery to our participants.

If you have any questions, please do not hesitate to contact us on the local Court Link email address as above. One of the team will respond to your query as soon as possible.

QUEENSLAND COURTS



PERSONAL STATEMENT AND RECORD OF ATTENDANCE

Name:
Address:
Phone:
To the best of my knowledge, I confirm that:
 I have not been diagnosed with COVID-19; I have not been required to submit to a COVID-19 test; I have not been in close contact with another person who already has COVID-19; I am not suffering from any of the symptoms of COVID-19; I have not returned from overseas within the last 14 days, and I understand that the above details are being provided to QCAT (including my current contact details) should QCAT or a public health authority be required to contact me associated with public health measures.
The <i>Information Privacy Act 2009</i> allows the Queensland Civil and Administrative Tribunal (QCAT) to use, and disclose personal information in circumstances where collection, use and disclosure will lessen or prevent a serious threat to the life, health safety and welfare of an individual or to public health, safety or welfare. QCAT is collecting the personal information on this form from you to help keep you, the people you interact with and QCAT officers safe from the spread of COVID-19. We will only use and disclose this information for this purpose and the personal information collected on this form will be destroyed once advice is received from the Commonwealth Government that the COVID-19 has ended. Your personal information will otherwise be managed in accordance with the <i>Information Privacy Act 2009</i> .
Signature:
Date of attendance:

ABN 13 846 673 994 p: GPO Box 1639 Brisbane Queensland 4001 t: 1300 753 228 e: enquiries@qcat.qld.gov.au w: <u>qcat.qld.gov.au</u>

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FOR QCAT SECURITY OFFICERS AND HEARING SUPPORT OFFICERS ATTENDANCE CHECKLIST – WEEK COMMENCING 23 MARCH 2020

Allowed to appear in person without written reasons – must complete COVID-19 Notice unless the person has impaired capacity

Urgent MCD matters.

Guardianship applications.

Not allowed to appear in person in any circumstances

Non-urgent MCDs (these should have been adjourned).

Directions Hearings.

Compulsory Conferences.

Mediations conducted by DRB.

Strongly encouraged to appear by phone – must complete COVID-19 Notice

For all matters not mentioned above.

For hearings at 259 Queen Street

In relation to any uncertainty, QCAT Security is to contact the Registrar of the relevant area or alternatively the Deputy Principal Registrar 0409 646 049.

For hearings in South East Queensland

In relation to any uncertainty, the HSO should contact a HSO Team Leader.



QCAT Practice Direction No. 1 of 2020

Arrangements for the Queensland Civil and Administrative Tribunal for the week commencing 23 March 2020

Having regard to the emerging and evolving COVID-19 situation, the need to take appropriate and proportionate measures to provide healthy and safe working conditions for QCAT members, staff and the public who access QCAT's services, and the importance of QCAT continuing to deliver essential justice services to the people of Queensland, the following directions shall apply to all QCAT proceedings listed in the week commencing Monday 23 March 2020 (except those proceedings listed in regional centres before Magistrates):

- 1. The hearings in all non-urgent Minor Civil Disputes listed for the week commencing Monday 23 March 2020 shall be adjourned to a date to be fixed;
- 2. The hearings in all urgent Minor Civil Disputes will proceed as listed;
- 3. All Directions Hearings and Compulsory Conferences listed for the week commencing Monday 23 March 2020 shall be conducted by telephone; there are to be no personal appearances in any Directions Hearings and Compulsory Conferences next week;
- 4. In all other hearings listed for the week commencing Monday 23 March 2020 which are not Guardianship matters:
 - a) the parties are to be encouraged to attend by telephone, but on the basis that if they attend by telephone they will not be able to file or tender any further material on the day of the hearing;
 - b) if a party nevertheless insists on appearing in person, they must provide written reasons for wishing to proceed in that manner, in which case it will be a matter for the relevant member to determine, in their discretion, whether the proceeding shall proceed or be adjourned to a date to be fixed;
- 5. All Guardianship matters shall proceed in accordance with the present listing for the week commencing Monday 23 March 2020, but on the basis that parties are strongly encouraged to attend by telephone;
- 6. Only telephone mediations conducted at QCAT by Dispute Resolution Branch shall proceed as listed during the week commencing Monday 23 March 2020; any other mediations shall be adjourned to a date to be fixed;

PERSONAL STATEMENT AND RECORD OF ATTENDANCE PROCEDURE

For QCAT hearings from 23 March 2020

Background

On 18 March 2020, the President of QCAT issued QCAT Practice Direction No. 1 of 2020 – Arrangements for the Queensland Civil and Administrative Tribunal for the week commencing 23 March 2020.

QCAT Practice Direction No. 1 of 2020 requires that every party, witness and member of the public who requests to attend in person at a QCAT hearing during the week commencing Monday 23 March 2020 shall, before being admitted to the hearing room, provide written details of their full name, address, and contact telephone number along with written confirmation that the person:

- a) has not been diagnosed with COVID-19;
- b) has not been required to submit to a COVID-19 test;
- c) has not been in close contact with another who already has COVID-19 such as to require the person to self-quarantine (in accordance with Queensland Government guidelines and recommendations);
- d) is not suffering any of the symptoms of COVID-19; and
- e) has not returned from overseas within the preceding 14 days.

A Personal Statement and Record of Attendance Notice (COVID-19 Notice) has been prepared in accordance with this Practice Direction (see attached – Annexure 1).

Step by step process

For hearings at 259 Queen St

- 1. The COVID-19 Notice must be completed by all persons who attend a QCAT hearing in person prior to the parties going into a room. QCAT Security will have printed COVID-19 Notices readily available to handout to the public.
- 2. An area on Level 10 will be designated by QCAT Security for the completion of the COVID-19 Notice. The use of plastic pens should be made available in this designated area as these can be sanitised with disinfectant wipes.
- 3. QCAT Security must review and collect the COVID-19 Notices:
 - a. If a COVID-19 Notice cannot be completed because a person has impaired capacity, then QCAT Security should do their best to confirm with the adult's carer or support person that to the best of their knowledge the adult meets the criteria in the COVID-19 Notice, ensuring that the COVID-19 Notice is completed on this basis. If this cannot be confirmed by the carer/support person, QCAT Security should record the adult's name, address and phone number and ask the adult to leave.

- b. If a person cannot read the COVID-19 Notice for any reason, QCAT Security should read the COVID-19 Notice to the person and record on the COVID-19 Notice the person's responses.
- c. If a person refuses to sign the COVID-19 Notice or the person cannot confirm the COVID-19 Notice criteria, QCAT Security should record the person's name, address and phone number and ask the person to leave.
- 4. If the COVID-19 Notice could not be completed and the person has left the premises, QCAT Security should promptly advise the Case Manager/HSO/Member/Adjudicator of the situation.
- 5. The completed COVID-19 Notices should be stored by QCAT Security in a folder in the QCAT security office. This folder will be logged through e-docs folder #593431/1 to the QCAT security office location. If the folder is moved only with the permission of QCAT Security, e-docs will be updated.
- 6. After Commonwealth Government advice has been received that COVID-19 has ended, the Senior Legal Officer must advise the Executive Director and recommend that the COVID-19 Notices be destroyed accordingly.

For hearings in South East Queensland (where QCAT has no security presence)

- 1. The COVID-19 Notice must be completed by all persons who attend a QCAT hearing in person prior to the parties going into a room. The HSO must have printed COVID-19 Notices readily available to handout to the public. In approaching this, the use of plastic pens should be preferred as these can be sanitised with disinfectant wipes.
- 2. The HSO must review and collect the COVID-19 Notices:
 - a. If a COVID-19 Notice cannot be completed because a person has impaired capacity, then the HSO should do their best to confirm with the adult's carer or support person that to the best of their knowledge the adult meets the criteria in the COVID-19 Notice, ensuring that the COVID-19 Notice is completed on this basis. If this cannot be confirmed by the carer/support person, the HSO should record the person's name, address and phone number and bring this to the member's/adjudicator's attention.
 - b. If a person cannot read the COVID-19 Notice for any reason, the HSO should read the COVID-19 Notice to the person and record on the COVID-19 Notice the person's responses.
 - c. If a person refuses to sign the COVID-19 Notice or the person cannot confirm the COVID-19 Notice criteria, the HSO should record the person's name, address and phone number and bring this to the member's/adjudicator's attention.
- 3. For any of the factors raised in the paragraph directly above, the HSO should promptly advise the HSO Team Leaders of the situation via email.
- 4. The completed COVID-19 Notices should be provided by the HSO to the HSO Team Leaders on return to 259 Queen Street who will ensure that the COVID-19 Notices have been completed in full and provided to QCAT Security for secure storage.

SOUTHPORT MAGISTRATES COURT NOTICE TO PARTY – COVID-19 ARRANGEMENTS

- 1. Due to health risks associated with COVID -19 the Southport Magistrates Court is adjourning all hearings.
- 2. The notice which is attached tells you when your case will next be mentioned in Court.
- 3. This date is NOT a new hearing date.
- 4. If you think there are special reasons why your case should be heard earlier, then you must set out the reasons in writing and attach any documents. Send this to the Southport Courthouse email: Southport.courthouse@justice.qld.gov.au and to Police Prosecutions email on: Prosecutions.GoldCoast@police.qld.gov.au as soon as possible.
- 5. You are encouraged to contact Police Prosecutions email: Prosecutions.GoldCoast@police.qld.gov.au if you want to discuss any matter that you dispute. If you are able to resolve the issues in dispute, and a hearing is no longer required, please contact the Court: Southport.courthouse@justice.qld.gov.au and, where possible, it may be finalised at an earlier date.
- 6. At the next mention of your case you should NOT come to Court but provide a telephone number to the Court email: Southport.courthouse@justice.qld.gov.au. The Court will arrange to call you on that number you when we are ready for your case.
- 7. If you are subject to a bail undertaking your bail continues and is in force until the date listed in the attached Notice of Adjournment. Any conditions listed in your bail undertaking are also still in force.