

Dear Practitioners

RE: BRCXXXX/20XX – [NAME OF MATTER] - hearing by VIDEOCONFERENCE

We refer to the above matter and note that it is listed for trial commencing on **XXX 2020** for a period of **X days**.

The Court is introducing the use of videoconference hearings using Microsoft Teams. The desktop version of Microsoft Teams can be downloaded without fee from <https://products.office.com/en-au/microsoft-teams/download-app>. Alternatively, participants do not have to download Microsoft Teams, but can use the web browser version in Chrome or Safari.

This matter has been identified as suitable to proceed via a videoconference hearing.

Please provide by return email - personal email addresses for counsel who will be appearing, instructing solicitors, parties and witnesses. Generic firm email addresses or personal assistant addresses cannot be used.

Hearing logistics

Upon receipt of all email addresses, Chambers will send a meeting invitation to all participants, which should be accepted immediately.

At the time of trial, the purple 'meeting' invitation link contained in the invite should be used to access the hearing. Alternatively, the meeting can be accessed from the calendar in Microsoft Teams.

Participants will be admitted to a virtual lobby in Microsoft Teams, and the Associate will then accept each participant into the hearing and will then be in open court.

Counsel appearing, instructing solicitors and parties should be ready in the virtual lobby 10 minutes prior to the listed hearing time.

A test of the hearing will occur on **XXX at XXam/pm** to ensure all technology is working smoothly. A separate meeting invitation will be sent for the test. All participants should ensure they have an appropriate microphone aside from the standard microphone in a laptop, such as a headset or the microphone attached to headphones.

Parties should have their microphone muted and cameras switched off when they are not required to be speaking or to be seen, as the judge directs.

Documents

All documents to be relied upon at trial (e.g. Applications, Responses, affidavits, case outlines) must be e-filed on the Commonwealth Courts Portal.

Any additional document to be tendered at the trial (i.e. that are not already annexed to an affidavit) should be provided in electronic format to all parties prior to trial and be sent to Associate.JusticeCarew@familycourt.gov.au when being tendered. NB. This does not relieve a party

from complying with their ongoing duty to provide disclosure of all documents relevant to an issue in the proceedings in a timely manner. If a party's disclosure obligations are not complied with they may not be able to tender a document.

Practitioners must have ready access to all documents in electronic format in order to be able to email them through to the Associate email address at short notice during the hearing.

If documents are unable to be emailed due to size or quantity, please advise Chambers as soon as possible.

Court procedure

Hearings by videoconference are an electronic courtroom and courtroom formality should be observed. All the attendant Rules of Court, responsibilities and restrictions remain applicable, including:

- restriction on publication of court proceedings pursuant to section 121 of the *Family Law Act 1975* (Cth);
- restriction on recording a hearing or trial, or part of a hearing or trial, pursuant to rule 1.19 of the Family Law Rules 2004;
- Counsel are not required to robe but should wear bar jacket and jabot, and can remain seated when addressing the judge;
- Whilst the meeting invitation will be sent from an Associate's individual email address, all communication must be sent to the Chambers email address, Associate.JusticeCarew@familycourt.gov.au, in accordance with the standard Chambers Communication Protocol (attached);
- Parties should adhere to the Guide for Witnesses Giving Evidence by Videolink document (attached);
- The restrictions on communication with chambers other than as provided in the Chambers Communication Protocol (attached) remain in place.

As counsel and practitioners may need to be in separate rooms to maintain social distancing, discreet mobile phone or tablet usage is permitted for communicating or obtaining instructions, provided the devices are on silent, and that practitioners and parties mute their microphones in Microsoft Teams when they are communicating.

Regards

Associate to the Honourable Justice Carew