

QCAT Practice Direction No. 4 of 2022

COVID-19 ARRANGEMENTS FOR GUARDIANSHIP MATTERS

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REASON FOR THIS PRACTICE DIRECTION

1. In light of the current rates of community transmission of COVID-19, and the need to seek to ensure the health of QCAT staff, members and users, so far as is practicable, this practice direction is intended to limit, as much as possible, the number of persons attending at QCAT premises.
2. As such, this practice direction seeks to ensure, amongst other things, that:
 - a. applications and documents are provided to the Tribunal by remote means (email or post) wherever possible; and
 - b. hearings are dealt with by remote means (telephone or video conferencing) wherever possible.

FILING OF APPLICATIONS AND OTHER DOCUMENTS TO BE DONE ELECTRONICALLY OR BY POST UNLESS IMPOSSIBLE

3. All applications and documents should be provided to the Tribunal by email (preferably) or by post in accordance with the instructions given by the QCAT registry.

WHERE IT IS NOT POSSIBLE TO FILE AN APPLICATION OR DOCUMENT ELECTRONICALLY (THAT IS, ONLINE OR BY EMAIL) OR BY POST

4. Applications or other documents should **only** be provided to the Tribunal in person **if it is not possible** for the person to provide the documents electronically or by post. In such circumstances, a person must not attend in person in the registry unless the person:
 - a. has not been currently diagnosed with COVID-19;
 - b. is not presently awaiting the results of 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.

EMAILS AND POST MUST CONTAIN CERTAIN INFORMATION

5. To seek to ensure that emails make their way to the relevant QCAT file, it is very important that emails to the registry contain sufficient information to identify the correct matter. As such all emails to the registry must contain, in the header of the email:
 - a. the name of the adult, the subject of the application/s, and
 - b. once the matter has been allocated a QCAT number, the QCAT number; and
 - c. the hearing date, if one has been allocated.
6. To seek to ensure that all posted documents make their way to the relevant QCAT file, it is very important that those documents include on them, or in a cover note, sufficient information to identify the correct matter. As such all documents posted to the registry must contain:
 - a. the name of the adult, the subject of the application/s, and
 - b. once the matter has been allocated a QCAT number, the QCAT number, and
 - c. the hearing date, if one has been allocated.

ALL ORAL HEARINGS TO BE CONDUCTED REMOTELY UNLESS OTHERWISE DIRECTED BY THE TRIBUNAL

7. Irrespective of whether the Notice of Hearing states that personal attendance is required, until further notice, all oral hearings will be conducted by remote conferencing, unless otherwise directed by the Tribunal.

8. "Remote conferencing" means audio or telephone conferencing and video conferencing.
9. The means of remote conference will be at the discretion of the Tribunal, however, it is expected that most remote conferencing will be by audio or telephone conferencing.

PARTIES ATTENDING AT ORAL HEARING MUST PROVIDE TELEPHONE CONTACT DETAILS NO LATER THAN 3 BUSINESS DAYS BEFORE HEARING

10. If an active party, their representative/s or a witness intends to participate in a hearing, the party **must** advise the QCAT registry **no later than three (3) business days before the hearing** of the telephone number upon which they will be contactable for the hearing, and, where possible, an additional alternative telephone number.
***A reminder:** all emails to the registry must contain the information set out in paragraph 5 above.
11. Failure by a party to provide the information may result in the matter being dealt with in the party's absence.

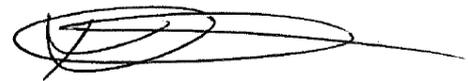
PARTIES SEEKING TO APPEAR IN PERSON RATHER THAN BY REMOTE CONFERENCING

12. If an active party seeks to appear in person at the hearing, (that is, not by remote conferencing) that active party must give written notice to the QCAT registry no later than three (3) business days before the hearing. The written notice (which can be an email) must set out the grounds upon which the active party relies as justification for attending in person.
***A reminder:** all emails and post to the registry must contain the information set out in paragraphs 5 and 6 above.
13. The Tribunal will then decide how the matter will proceed, including whether a personal appearance by the active party will be permitted. That decision may be made by the Tribunal on the papers or at a directions hearing, in the discretion of the Tribunal.
14. In cases where the Tribunal permits the personal appearance of an active party, that person shall, before being admitted to the hearing room, provide, in writing, their full name, address, and contact telephone number and confirmation that the person:
 - a. has not been currently diagnosed with COVID-19;
 - b. is not presently awaiting the results of 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.
15. Further, where the Tribunal permits the personal appearance of an active party, and the proceeding is to be heard in a Magistrates Court, that person must also comply with any relevant Magistrates Court practice direction. At the time this practice direction was issued, the relevant Magistrates Court Practice Direction was No. 5 of 2021: <https://www.courts.qld.gov.au/courts/magistrates-court/practice-directions>

ON THE PAPERS HEARINGS

16. From time to time, the Tribunal hears and determines matters “on the papers”, that is, based on the documents received by the Tribunal, without an oral hearing.
17. In matters where the Tribunal considers that the matter might properly be dealt with on the papers, the Tribunal will advise the parties, in writing.



*Hon Justice Kerri Mellifont
President*

11 January 2022