

Directions Hearings at the Federal Circuit Court (COVID-19)

Who is this Infosheet for?

The coronavirus (COVID-19) pandemic is having a substantial impact on court processes all around Australia. The courts have temporarily implemented changes in the way they operate in response to the pandemic.

This Infosheet provides details on the new procedure for Directions Hearings adopted by the Federal Circuit Court (FCC) to reduce the need for physical proximity of the parties. We note that this process is **temporary** and is subject to change. We have collected the latest updates and information in this Infosheet as of July 2021. We recommend that you contact the FCC's registry for the most up-to-date information.

IMPORTANT

- **In response to the ongoing pandemic, all Directions Hearings at the FCC are being held remotely (i.e. via video/audio call). This is a temporary measure and is subject to change in the coming months.**
- **You must keep your contact information up to date to make sure the court and the Minister's lawyers are able to contact you. If you need to change your address, phone number or email address, you must complete, file and serve a 'Notice of Address for Service' form.**
- **For more information on COVID-19, a 24-hour hotline is available to call for free at: 1800 675 398. In an emergency, call 000.**

What is a 'Directions Hearing'?

A Directions Hearing is a short hearing where the parties (the Applicant (you) and the Respondent) decide on a timeline for specific actions to happen before the final hearing date.

At a directions hearing, the Judge (or a Registrar, a person entitled to exercise certain powers on behalf of the Court) will make certain orders about how the case will proceed. This will usually involve a proposed timeline stating when each party is required to submit documents or forms, to amend or fix documents they have already submitted, make orders that define and summarise the issues that need to be determined by the Court, or orders that set the date for the final hearing.

It is not necessary to submit evidence or arguments for your case at a Directions Hearing. The purpose of a Directions Hearing is to agree on the timetable for your case and to resolve administrative issues.

Directions Hearings during COVID-19

- **Directions Hearings for migration matters have been suspended during the COVID-19 pandemic. This means you do not need to attend court unless the Court tells you otherwise, and your case will not be affected if you do not attend Court**
- The Minister's lawyers will communicate with you by email or by post to settle the matters that would usually be decided at the directions hearing. These are called 'consent orders', which are orders the Court will make if both parties agree to them (unless the Court does not think the orders are appropriate or fair). The consent orders will usually propose certain deadlines, such as the date certain documents need to be filed or served. For help with filing and serving documents with the Court, please see our **'HRLP Infosheet – Filing and Serving documents at the FCC (COVID-19)'**.
- If you agree with the terms of the orders, you will have to sign them and return them to the Minister's lawyers, who will give them to the court prior to the directions hearing. If you do not agree with the orders the Minister's lawyers propose, the Judge or Registrar will decide on which orders they want to make on the day of your directions hearing.

How do I update my contact details with the court?

- You need to keep your contact information up to date to make sure the FCC and the Minister's lawyers are able to contact you. If you need to change your address, phone number or email address, you must **complete, file and serve a 'Notice of Address for Service' form**. You can access the form here: <http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/forms-and-fees/court-forms/form-topics/all+jurisdictions/address>.
- The form must be 'filed' (given to the court) and 'served' (a stamped copy of the form given to the Minister's lawyers). For help with filing and serving documents with the Court, please see our **'HRLP Infosheet – Filing and Serving documents at the FCC (COVID-19)'**.

Who are the lawyers representing the Minister?

The Minister's lawyers will contact you and the FCC to advise that they are representing the Minister. In a court matter the Minister's lawyers are called the "Respondents". As you are applying for judicial review, you are the "Applicant" in a court matter.

The Minister's lawyers represent the Australian Government. They are not your lawyers and are unable to provide you with legal advice or assistance in your matter. If you are unsure or concerned about the identity or conduct of the Minister's lawyers, it is recommended you obtain independent legal advice.

Where can I get more information?

If you have an upcoming case with the FCC, support is available.

- **The ASRC may be able to provide you with free legal assistance.** To contact us, please call our Legal Triage Line on **0478 700 605** on Mondays and Thursdays between 10:30am – 12:30pm.
- **For information how COVID-19 may have affected your case** at the FCC, you can call **Victoria Legal Aid (VLA)** for free and confidential legal advice on **(03) 9269 0416**. When courts operate normally VLA offer a duty lawyer service at the FCC to assist unrepresented people on

the day of their directions hearings. For more information from the VLA, visit their website at: <https://www.legalaid.vic.gov.au/find-legal-answers/migration/get-help>.

- **For questions you have about the FCC**, you can make enquiries with the FCC by emailing them your questions at: VIC.Migration@fedcourt.gov.au, or calling the Victorian registry at **1300 720 980**.
- **For information about COVID-19** and how you can stay safe and comply with current restrictions and laws, visit the DHHS website at: <https://www.dhhs.vic.gov.au/coronavirus>. For information on Victoria's current restrictions, visit the DHHS website at: <https://www.dhhs.vic.gov.au/victorias-restriction-levels-covid-19>.

Disclaimer: This fact sheet provides general information to people seeking asylum in Australia through the onshore protection visa application process according to the law in July 2021. This fact sheet is not legal advice. You should not rely on this fact sheet to make decisions about your immigration matter. We strongly recommend that you get independent advice from a qualified legal practitioner or a registered migration agent. For information please visit: <https://www.mara.gov.au>.

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