

PLANNING AND ENVIRONMENT COURT
TEMPORARY ARRANGEMENTS (COVID-19)
(TELEPHONE APPEARANCES)

Until further notice the following temporary arrangements will apply to all matters listed for application, callover, directions, mention, pre-callover or review in Brisbane.

Unless otherwise directed by the Court:

- A. lengthy reviews and contested minor change applications are to be dealt with as required by PD 1 of 2019; and
- B. uncontested minor change applications are to be dealt with in accordance with the temporary arrangements practice note *“Temporary arrangements for the hearing of uncontested applications to make a minor change the development application and a development approval”*.

For matters listed in the daily law list, other than hearings:

1. Appearances should be by telephone, unless the advocate is appearing in person at a trial commencing at 10am.
2. By no later than 4pm the day before the appearance:
 - (a) each party must drop in the P&E Court draft judgment box at the Registry a hard copy of any material to be relied on by that party that is not already on the Court file (for example, draft judgments, documents to be tendered as an exhibit or affidavits to be filed by leave). The box is not to otherwise be used to deposit documents that should be filed (such as Notices of Appeal);
 - (b) the party with the onus must compile, and send an email to the Associate of the Judge hearing the matter which contains the following details:
 - (i) the barrister/solicitor/individual appearing for each party;
 - (ii) the firm name representing each party;
 - (iii) whether any orders/directions are agreed/not agreed as between the parties;
 - (iv) if the orders/directions are agreed as between the parties, a copy of the agreed orders/directions;
 - (v) if the orders/directions are not agreed as between the parties, the competing orders/directions, clearly identifying who is seeking each order;
 - (vi) a list of all material to be read by each party providing any applicable Court Document number or identifying the material to be filed by leave.

(See attachment A for an example of presentation of necessary information)

3. The relevant Associate will, upon receipt of the email referred to in paragraph 2(b), email the parties with the details for telephone appearances by chorus call.
4. Although a chorus call can be listened to by any interested person, only the person identified pursuant to paragraph 2(b)(i) is permitted to speak on behalf of a party unless the Court otherwise directs.
5. All persons joining a chorus call should place their phone on mute until their matter is called by the Judge or, if they are unable to do so, they must endeavour to avoid background noise.
6. A person joining a chorus call must not place the call on hold once they connect. (This is to avoid the risk of disruption from the hold music or messages.)
7. It is not necessary to ask the Judge if they have received a copy of the Orders emailed to the Judge's associate unless there is a reason to believe they may not have been received. In the interests of saving time, the courtesy can be dispensed with.
8. The persons dialling in should announce their appearances in order of the title of the proceeding.

Pre-callover review

9. At the pre-callover review of a matter, the parties will be expected to advise:
 - (a) the number of trial days sought;
 - (b) any constraints on witness availability;
 - (c) the Counsel retained in the matter and each constraint with respect to their availability that the Court will be asked to accommodate at the callover. The parties should not, however, assume that Counsel's availability or convenience will be accommodated;
 - (d) whether there are any witnesses whose evidence is requested to be provided by video-link or audio-link and, if so, the day of the hearing on which they are proposed to give evidence (for example, the first day after the opening, or the third day of hearing); and
 - (e) details of the health and safety plan addressing those issues outlined in the practice note "Court hearings – Health and Safety (COVID-19)".

Attachment A – Example Joint Email Contents

[Insert short form Court title]

Nature of Proceeding:	Appeal or Originating Application, and nature of relief (e.g. appeal against conditions, infrastructure charges for refusal; application for declaratory injunctive relief; application for enforcement orders.)
Listing type:	(e.g. application, callover, directions, mention, pre-callover or review)
Agreed/contested:	

Appearances:

	Appellant	Respondent	Co-respondent by election
Party:	Name	Name	Name
			[Insert row to identify any additional co-respondents by election)
Person Appearing:	Identify whether Counsel, Solicitor or acting in person or as authorised representative	Identify whether Counsel, Solicitor or acting in person or as authorised representative	Identify whether Counsel, Solicitor or acting in person or as authorised representative
Law firm:			
Material to be read: [Court Doc no. or leave to file required]			
Orders attached:			