

## **Family Provision List Guidelines – Coronavirus**

The List Judge has directed that, in order to minimise the need for parties or their legal representatives to attend Court, the parties must confer and make every effort to agree upon suitable consent orders which can be made in Chambers.

Agreed Consent Orders, in hard and soft copy (the Word format version), should be emailed to his Honour's Chambers as soon as possible and no later than 9:00 a.m. on the Wednesday before the matter(s) are returnable in the Friday List.

If Consent Orders cannot be agreed, a joint email should be sent notifying the Family Provision List Judge no later than 9:00 a.m. on the Wednesday before the matter(s) are returnable in the Friday List. The legal representatives or parties should check the online Court List on Thursday afternoon to see what time their matter is listed.

If a listing in Court is required, the following will apply:

- Legal representatives or parties, if not legally represented, must only attend for the listing at the allocated time.
- Legal representatives or parties, if not legally represented, must not enter the courtroom until the matter is called.
- Legal representatives or parties, if not legally represented, must depart the courtroom when their matter is completed.

The following process should be followed for matters in which agreement can be reached:

<u>First return</u>	Agreed directions for affidavits should be in the form of the white sheet on the Bar Table. See Annexure A below.
<u>Private mediation</u>	Agreed directions for private mediations should inform the Court: <ul style="list-style-type: none"><li>• the date of the private mediation;</li><li>• the identity of the mediator;</li><li>• whether there is any dispute as to the value of the estate;</li><li>• how costs of the mediator and mediation room are to be paid;</li></ul> and <ul style="list-style-type: none"><li>• if settled, the date by which orders can be provided to his Honour,</li><li>• if not settled, an agreed timetable for further evidence.</li></ul> <p><i>Note: mediations should take place no later than 5 weeks after the date of the directions unless good reasons are provided.</i></p>
<u>Court-annexed mediation</u>	A range of agreed available mediation dates should be provided to the Court. The Court should be informed: <ul style="list-style-type: none"><li>• whether there is any dispute as to the value of the estate; and<ul style="list-style-type: none"><li>• if settled, whether the Registrar is able to make the orders and, if not, the date by which orders can be</li></ul></li></ul>

	<p>provided to his Honour,</p> <ul style="list-style-type: none"> <li>• if not settled, an agreed timetable for further evidence.</li> </ul> <p><i>Note: mediations should take place no later than 5 weeks after the date of the directions unless good reasons are provided.</i></p>
<u>Settlement Conference</u>	<p>A range of agreed available settlement conference dates in Chambers, or before his Honour, should be provided to the Court. The Court should be informed whether there is any dispute as to the value of the estate.</p>
<u>Resolved, awaiting documents</u>	<p>If a matter has resolved, and further time is required to prepare settlement documents, the Court should be informed of the length of time required.</p>
<u>Resolved, with documents prepared</u>	<p>As soon as settlement documents reflecting the resolution of the proceedings are prepared these should be delivered to his Honour's box, in hard and soft copy (the Word format version).</p>
<u>Callover</u>	<p>Matters which are listed for Callover to obtain a hearing date should inform the Court:</p> <ul style="list-style-type: none"> <li>• the agreed hearing length;</li> <li>• number of witnesses required for cross-examination;</li> <li>• confirm that all evidence is filed, other than updating evidence;</li> <li>• agreed available dates for the hearing (noting that hearing dates will generally be allocated in the Family Provision Running Lists).</li> </ul> <p><i>Note: matters seeking a hearing date of 4 days or more will be referred to the Equity Registrar to obtain a date for hearing.</i></p>

Annexure "A"

**SHORT MINUTES OF ORDER – FIRST DIRECTIONS HEARING**

\_\_\_\_\_ v \_\_\_\_\_

Proceedings No. \_\_\_\_\_

THE COURT:

1. Directs the Plaintiff to serve, by 4:00 p.m. on \_\_\_\_\_, any affidavits and/or the notice of eligible persons referred to in Paragraph 6 of Practice Note SC Eq 7 that have not yet been served.
2. Directs the Defendant to serve, by 4:00 p.m. on \_\_\_\_\_, the affidavits referred to in Paragraph 9 of the Practice Note (excepting the affidavit in reply).
3. Directs each party to deliver only the original of any affidavit, not already filed, to the Chambers of the Family Provision List Judge by 4:00 p.m., 3 working days prior to the adjourned date, or alternatively, e-file any affidavit not already filed by 4:00 p.m., 5 working days prior to the adjourned date.
4. Orders that the proceedings be listed before the Family Provision List Judge on \_\_\_\_\_.

Dated: \_\_\_\_\_

**Legal representative of the Plaintiff**

Name [Printed]: \_\_\_\_\_

Signature: \_\_\_\_\_

**Legal representative of the Defendant**

Name [Printed]: \_\_\_\_\_

Signature: \_\_\_\_\_