



# Australian Courts in the age of Covid 19

Emeritus Professor David Bamford  
College of Business, Government and Law

# This brief presentation outlines:


- How Australia has responded to Covid 19
- How the justice system has responded to Covid 19



# Australia's response to Covid 19



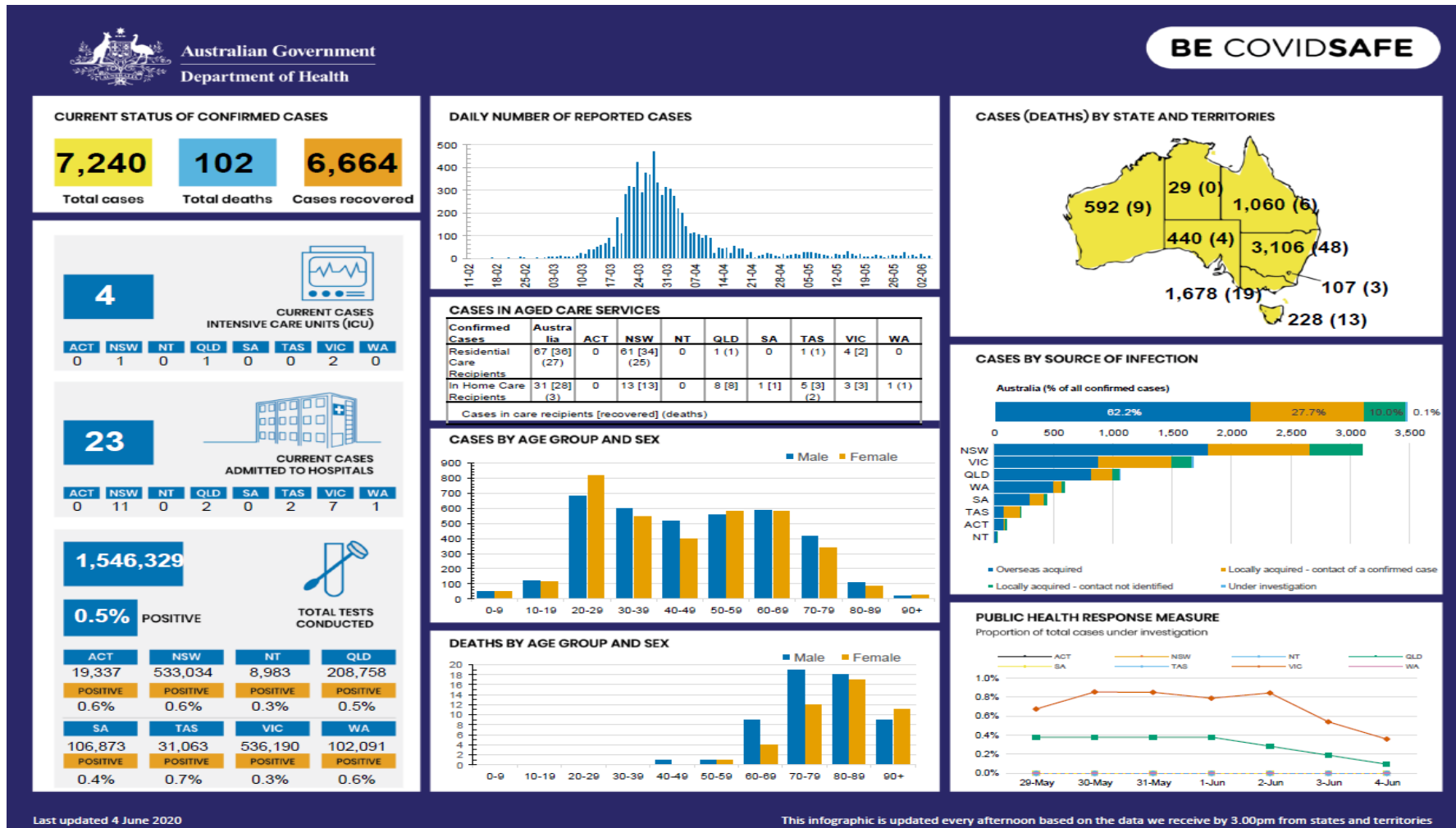
- Federal system of government
  - National govt
  - 6 State govts
  - 2 Territory govts
- National govt
  - International affairs
  - Border security
  - Quarantine
  - Controls most of the taxes

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- State and Territory govts
    - Criminal law
    - Health and welfare services
  - So great need for co-operation between levels of government but means that differences can arise between different parts of Australia
  - Radical new creation – a National Cabinet made up of the Prime Minister and the State Premiers

- National Cabinet regarded as great success. It has set the general guidelines for all the States and Territories. States and Territories can vary timing and content of what they do depending on their circumstances.
- Australia moved quickly:
  - started screening travelers from China in late January;
  - Began banning travelers from China 5 February
  - first covid death in Australia on March 1 ( a returning cruise ship traveler)
  - March 16 beginning of lockdowns and shut downs
  - March 18 &19 Australians told not to leave Australia and incoming travel stopped for non-residents

- Major economic stimulus packages introduced mid-March – govt paying \$A750 week to employers who have suffered from closures for each employee
- Banks suspended mortgage repayments for those who borrowed money
- Landlords told they cannot evict tenants who cannot pay their rent
- Bankruptcy rules changed
- All this until Sept 2020.

# Results





# Australian Courts in time of Covid

- Response by courts is evolving with the decline in covid cases
- Initially almost total shut down for all but urgent matters
- Serious criminal cases are heard by juries so they were stopped and only starting to resume in some States
- Almost all civil cases are heard by single judge alone so they resumed much more quickly, especially in the higher courts
- Lower courts are still deferring ordinary cases and only hearing urgent or critical cases

- But how they are hearing cases has changed dramatically
- The big move is to – electronic hearings
  - Almost all procedural hearings are decided on the documents
  - If oral hearing is required it is done by telephone or video conference
  - All papers to be filed electronically
- Higher courts generally have better technology so they have been able to resume operating more easily. Lower courts have many more cases and often poorer technology so they have bigger challenges