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Dear Presidents

Federal Court of Australia – Coronavirus (COVID-19) – Update 23

Since my last letter to you on 4 May 2020, the Court has continued to operate using video, telephone and MS Teams technology. Allocations are proceeding in approximately 80-85% of all matters filed; and judges are hearing matters at a regularity approaching business as usual.

S 91X

As I have previously indicated the Court has appointed Mr John McMillan to undertake an independent review of the issues connected with s 91X of the *Migration Act 1958*. The number of possibly affected persons it is now higher than originally thought: 885. The current position is as follows.

The Court has commenced the notification of the 885 individuals. The affected individuals were parties to matters before the Federal Court and Federal Circuit Court between 2001 and 2020. The notification will be provided to both the individuals and any legal representatives. The issues that led to names for those persons being potentially accessible by the public have now been rectified. The

Court has been liaising with the Department of Home Affairs and the Attorney-General's Department in advance of the notification. A copy of the template letter being used for the notification is **attached**.

The public search function for Federal Law Search was re-enabled for Bankruptcy, Admiralty and Native Title on Monday 18 May 2020. The public search function for all other areas of law, excluding Migration and Appeals, will be re-enabled during the week commencing 25 May 2020. The Court is working hard to restore functionality to all other areas of Federal Law Search in a way that ensures appropriate protection for individuals whose identity should remain protected.

General approach as restrictions ease

As COVID-19 restrictions start to ease gradually, we have commenced cautious and measured planning for the next phase of Court operations.

A working group has been established to develop a transition plan to ensure that all planning is undertaken carefully and methodically. The health and wellbeing of all court users, the general public, staff and judges remain paramount considerations. We will continue to follow government health advice and we may need to vary our plans at short notice to respond to changing conditions to minimise the risk of transmission of COVID-19.

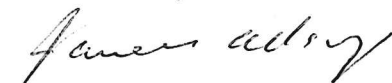
A key element of the transition plan will be a physical assessment of Court buildings to ensure that social distancing can be maintained and that protocols are in place as more people transition back to the workplace.

Amtek Disaster Recovery has been engaged to assist in the physical assessment of Court buildings. This will involve inspecting every room, courtroom, pathway and foot traffic area, lifts, toilets and seating. Rollout of the recommendations will then be undertaken, which will include installing signs and floor markings throughout the buildings. Amtek will undertake the assessments in the larger Commonwealth Law Court buildings. The assessment methodology will then be replicated across all remaining Court buildings, with Amtek overseeing the process.

This work will commence on Monday 25 May 2020 and should be completed by late June.

Once this work is complete the Court will be in a position to prioritise the work that requires an in person hearing, or in respect of what such a hearing would be preferable.

Yours sincerely



The Hon James Allsop
Chief Justice