

File Reference Number:2022/1435

I am Shaun

foi+request-8133-aa61eac7@righttoknow.org.au

Dear Shaun

DECISION ON YOUR FREEDOM OF INFORMATION REQUEST

I refer to your Freedom of Information request dated 14 February 2022.

This application states:

i require the following documents at points a, b and c below:

When a qualified employee, PUBLIC SERVANT, or other at the Law Courts of the ACT and Tribunal Administration did/does:

1. trespass upon the case of a man or woman that require to prosecute a claim in a common law Court of Record at the Supreme Court of the Australian Capital Territory; and/or
2. unlawfully restyle a claim by a man or woman from "at the Supreme Court of the Australian Capital Territory" to "in the Supreme Court of the Australian Capital Territory"; and/or
3. unlawfully restyle the name of a man or woman to be that of a legal entity; and/or
4. unlawfully deny or defer a man or woman justice; and/or; unlawfully deny or defer a man or woman right; and/or
5. unlawfully threaten a man or woman from accessing the said Supreme Court; a venue for any man or woman to prosecute a claim; and/or
6. not carry out all that must be done for a man or woman to prosecute a claim at the said Supreme Court (or other);

i require:

- a. the documented name(s) and contact information of the 3rd party/external auditor(s) to the said Law Courts that are responsible for auditing trespass, unlawful conduct, corruption and fraud by a qualified employee, PUBLIC SERVANT or other at said Law Courts as per points 1 to 6 above; and

p (02) 6205 0000 | e feedback@courts.act.gov.au

GPO Box 370, Canberra ACT 2601

ACT Law Courts Building, 4-6 Knowles Place, Canberra ACT 2601

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- b. the internal documents that have been provided to the ACT Ombudsman (or other ACT Government office) that identify said risk, liability and failure of administrative procedure(s) at the said Law Court as points 1 to 6 highlight; and
- c. the name(s) and position(s) of the qualified employee, PUBLIC SERVANT or other that has responsibility and liability for oversight of unlawful action at points 1 to 6 above;

Authority

I am an information officer authorised to make decisions about access to information held by the ACT Courts and Tribunal, in accordance with section 18 of the [FOI Act](#).

Decision

I have attached a copy of the earlier responses on 8 November 2021 which you make reference in this new FOI request and another response signed by Jayne Reece, acting in the role of Principal Registrar and CEO on 20 January 2022.

Your new request (described above) does not appear to be a request for any Court or Tribunal documents and appears to be asking for information about complaint mechanisms or oversight bodies related to the ACT Courts and Tribunal.

If you wish to make a complaint about the ACT Courts and Tribunal you can visit our Complaints and Feedback webpage at www.courts.act.gov.au/complaints to determine the relevant person or agency to send your complaint.

If you wish to find out more about oversight bodies for the ACT Courts and Tribunal, please search the websites of the:

ACT Integrity Commission www.integrity.act.gov.au

ACT Ombudsman www.ombudsman.act.gov.au

ACT Audit Office www.audit.act.gov.au

ACT Parliament www.parliament.act.gov.au

ACT Judicial Commission www.actjudicialcouncil.org.au

Information about the roles of the oversight bodies is available on their websites. As per section 53 of the FOI Act, I confirm no information about oversight agencies is held by ACT Courts and Tribunal.

If you are not sure where to send your complaint, you can email a complaint to the ACT Attorney-General's email address rattenbury@act.gov.au whose office will determine where it needs to be referred.

In regard to the scope of your request, section 45 of the FOI Act provides that I can refuse to deal with parts of an application where the information is available on a public register. Section 43(1)(d) of the FOI Act provides I can refuse to deal with parts of an application where the government information is already available to the applicant. I invoke these sections of the FOI Act given the ACT Courts and Tribunal has explained how you can access publicly available information relating to Court processes, oversight bodies and complaints via a number of responses to your requests.

Online publishing – disclosure log

Under section 28 of the Act, JACS maintains an online record of access applications called a disclosure log. Your access application, my decision and documents released to you in response to your access application will be published on the JACS disclosure log no later than 10 days after the decision. Your personal contact details will not be published.

You may view the JACS' disclosure log at: <https://www.justice.act.gov.au/disclosure-log>

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published on the JACS disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at actfoi@ombudsman.gov.au or The ACT Ombudsman, GPO Box 442, CANBERRA ACT 2601

The review of decision application form is available at:
https://www.ombudsman.act.gov.au/data/assets/pdf_file/0026/79190/Apply-for-Ombudsman-review.pdf

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Ph: (02) 6207 1740
<http://www.acat.act.gov.au/>

Yours sincerely



Amanda Nuttall
Principal Registrar and Chief Executive Officer
ACT Courts and Tribunal

16 February 2022

I am Shaun
foi+request-8133-aa61eac7@righttoknow.org.au

Dear Shaun

DECISION ON YOUR FREEDOM OF INFORMATION REQUEST

I refer to your Freedom of Information request dated 25 November 2021, which was received by the ACT Courts and Tribunal on 13 January 2022 and is being treated as application made under the *Freedom of Information Act 2016* (FOI Act).

This application requests:

I [sic] require the internal directive, procedure, training documents (or other documents) that relate to the following:

- 1. There is no public document or evidence that a man or woman that wishes to prosecute a claim in a common law Court of Record at the Supreme Court of the Australian Capital Territory venue (or the Magistrates Court) must pay, only legal entities such as a Natural Person and a Corporation are required to pay to be in the said Court(s) of the ACT venue according to the available fee schedule, I [sic], require the said payment schedule documents that relate to a man and/or woman.*
- 2. The Magna Carta (1297) 25 Edw 1 c 29, and, the ACT Legislation Magna Carta (1297) 25 Edw 1 c 29 (currently at [https://www.legislation.act.gov.au/a/db ...](https://www.legislation.act.gov.au/a/db...)) reads: "We will sell to no man, and we will not deny or defer to any man, either justice or right"; is there a said internal document that is contrary to said Magna Carta and ACT Legislation that gives a qualified employee, PUBLIC SERVANT, or other, the right to sell a man (or woman) justice or right?*

Authority

I am an information officer authorised to make decisions about access to information held by the ACT Courts and Tribunal, in accordance with section 18 of the [FOI Act](#).

p (02) 6205 0000 | e feedback@courts.act.gov.au
GPO Box 370, Canberra ACT 2601
ACT Law Courts Building, 4-6 Knowles Place, Canberra ACT 2601

Decision

I note the ACT Courts and Tribunal emailed you on 17 November 2021 advising the following:

The dictionary section of the 'ACT Legislation Act 2001', available on the ACT Legislation Register at www.legislation.act.gov.au, states 'individual means a natural person'. Therefore all prescribed forms applicable to the ACT Courts and Tribunal are relevant to individuals such as yourself. Information about court processes is available at www.courts.act.gov.au. I note your emails about court processes do not seek any documents under FOI.

In regard to the scope of your request, section 45 of the FOI Act provides that I can refuse to deal with parts of an application where the information is available on a public register. All ACT legislation, the Court Rules, and Fee Determinations are publicly available on the Legislation Register which can be accessed at www.legislation.act.gov.au.

Section 43(1)(d) of the FOI Act provides I can refuse to deal with parts of an application where the government information is already available to the applicant. Additional information concerning fees for ACT Courts, including law and practice, can be accessed at www.courts.act.gov.au.

As per section 53 of the FOI Act I confirm no information regarding your request is held by ACT Courts and Tribunal.

You may wish to seek legal advice about your matter. Information about legal services in the ACT is available from: courts.act.gov.au/law-and-practice/find-a-lawyer.

Online publishing – disclosure log

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Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published on the JACS disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

The review of decision application form is available at:

https://www.ombudsman.act.gov.au/_data/assets/pdf_file/0026/79190/Apply-for-Ombudsman-review.pdf

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Ph: (02) 6207 1740

<http://www.acat.act.gov.au/>

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Jayne Reece', with a long horizontal flourish extending to the right.

Jayne Reece
Acting Principal Registrar and Chief Executive Officer
ACT Courts and Tribunal

20 January 2022

Principal Registrar and Chief Executive Officer

I am Shaun
foi+request-7984-396427d1@righttoknow.org.au

Dear Shaun

DECISION ON YOUR FREEDOM OF INFORMATION REQUEST

I refer to your Freedom of Information email, received by jacsfoi@act.gov.au on 19 October 2021. This request was referred to the ACT Courts and Tribunal on the same day and is being treated as application made under the *Freedom of Information Act 2016* (FOI Act).

You specifically requested access to:

*"... the Internal Policy or Directive or law or rule (or other) that states or reads (or similar to):
"a man must give up a right and become a Natural Person (or other legal entity) to prosecute
a common law claim in a ACT Court venue".";*

*"...the name of the qualified employee or assign (or other) that made it and the date of
making."*

Authority

I am an information officer authorised to make decisions about access to information held by the ACT Courts and Tribunal, in accordance with section 18 of the FOI Act.

Decision

In regard to your request for law and rules, section 45 of the FOI Act provides that I can refuse to deal with parts of an application where the information is available on a public register. All ACT legislation and the Court Rules are publicly available on the Legislation Register which can be accessed at <https://www.legislation.act.gov.au/>.

p (02) 6205 0000 | e amanda.nuttall@courts.act.gov.au
GPO Box 370, Canberra ACT 2601
ACT Law Courts Building, 4-6 Knowles Place, Canberra ACT 2601

Section 43(1)(d) of the FOI Act provides I can refuse to deal with parts of an application where the government information is already available to the applicant. Additional information concerning ACT Courts, including law and practice, can be accessed at <https://www.courts.act.gov.au/>.

As per section 53 of the FOI Act, I confirm no information relevant to the scope is held by ACT Courts and Tribunal. I am not aware of any such policies or directives within the terms of your request.

You may wish to seek legal advice about your matter. Information about legal services in the ACT is available from: [courts.act.gov.au/law-and-practice/find-a-lawyer](https://www.courts.act.gov.au/law-and-practice/find-a-lawyer).

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Via email: actfoi@ombudsman.gov.au

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Canberra City ACT 2601
Ph: (02) 6207 1740

<http://www.acat.act.gov.au/>

Yours sincerely



Amanda Nuttall
Principal Registrar and Chief Executive Officer

8 November 2021

Principal Registrar and Chief Executive Officer

I am Shaun
foi+request-7984-396427d1@righttoknow.org.au

Dear Shaun

DECISION ON YOUR FREEDOM OF INFORMATION REQUEST

I refer to your Freedom of Information email, received by jacsfoi@act.gov.au on 19 October 2021. This request was referred to the ACT Courts and Tribunal on the same day and is being treated as application made under the *Freedom of Information Act 2016* (FOI Act).

You specifically requested access to:

*"... the Internal Policy or Directive or law or rule (or other) that states or reads (or similar to):
"a man must give up a right and become a Natural Person (or other legal entity) to prosecute
a common law claim in a ACT Court venue".";*

*"...the name of the qualified employee or assign (or other) that made it and the date of
making."*

Authority

I am an information officer authorised to make decisions about access to information held by the ACT Courts and Tribunal, in accordance with section 18 of the FOI Act.

Decision

In regard to your request for law and rules, section 45 of the FOI Act provides that I can refuse to deal with parts of an application where the information is available on a public register. All ACT legislation and the Court Rules are publicly available on the Legislation Register which can be accessed at <https://www.legislation.act.gov.au/>.

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GPO Box 370, Canberra ACT 2601
ACT Law Courts Building, 4-6 Knowles Place, Canberra ACT 2601

Section 43(1)(d) of the FOI Act provides I can refuse to deal with parts of an application where the government information is already available to the applicant. Additional information concerning ACT Courts, including law and practice, can be accessed at <https://www.courts.act.gov.au/>.

As per section 53 of the FOI Act, I confirm no information relevant to the scope is held by ACT Courts and Tribunal. I am not aware of any such policies or directives within the terms of your request.

You may wish to seek legal advice about your matter. Information about legal services in the ACT is available from: [courts.act.gov.au/law-and-practice/find-a-lawyer](https://www.courts.act.gov.au/law-and-practice/find-a-lawyer).

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Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Ph: (02) 6207 1740

<http://www.acat.act.gov.au/>

Yours sincerely



Amanda Nuttall
Principal Registrar and Chief Executive Officer

8 November 2021

Principal Registrar and Chief Executive Officer

I am Shaun
foi+request-7975-e519b400@righttoknow.org.au

Dear Shaun

DECISION ON YOUR FREEDOM OF INFORMATION REQUEST

I refer to your Freedom of Information email, emailed to jacsfoi@act.gov.au on 18 October 2021. This request was referred to the ACT Courts and Tribunal on the same day and is being treated as application made under the *Freedom of Information Act 2016* (FOI Act).

You specifically requested access to:

"There is no ACT Legislation that reads/states (or similar):

"The law of the land is not common law"

Is there an Internal Policy or Directive or law or rule that makes the above (or similar) claim/statement?

If so, provide: a copy of the internal policy or directive or law or rule (or other) and the name of the qualified employee or assign (or other) and date."

Authority

I am an information officer authorised to make decisions about access to information held by the ACT Courts and Tribunal, in accordance with section 18 of the [FOI Act](#).

Decision

In regard to your request for law and rules, section 45 of the FOI Act provides that I can refuse to deal with parts of an application where the information is available on a public register. All ACT legislation and the Court Rules are publicly available on the Legislation Register which can be accessed at <https://www.legislation.act.gov.au/>.

p (02) 6205 0000 | e amanda.nuttall@courts.act.gov.au
GPO Box 370, Canberra ACT 2601
ACT Law Courts Building, 4-6 Knowles Place, Canberra ACT 2601

Under section 53 of the FOI Act, I confirm no information relevant to the scope is held by ACT Courts and Tribunal. I am not aware of any such policies or directives within the terms of your request. General information concerning ACT Courts, including law and practice, can be accessed at <https://www.courts.act.gov.au/>.

You may wish to seek legal advice about your matter. Information about legal services in the ACT is available from: [Find a lawyer - ACT Courts](#)

Online publishing – disclosure log

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GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

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https://www.ombudsman.act.gov.au/_data/assets/pdf_file/0026/79190/Apply-for-Ombudsman-review.pdf

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Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

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ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Ph: (02) 6207 1740

<http://www.acat.act.gov.au/>

Yours sincerely

A handwritten signature in black ink, appearing to read 'Amanda Nuttall', enclosed within a hand-drawn oval.

Amanda Nuttall
Principal Registrar and Chief Executive Officer

8 November 2021

Principal Registrar and Chief Executive Officer

I am Shaun
foi+request-7974-1416b420@righttoknow.org.au

Dear Shaun

DECISION ON YOUR FREEDOM OF INFORMATION REQUEST

I refer to your Freedom of Information email, emailed to jacsfoi@act.gov.au on 18 October 2021. This request was referred to the ACT Courts and Tribunal on the same day and is being treated as an application made under the *Freedom of Information Act 2016* (FOI Act).

This application requests:

"Is there an Internal Policy or Directive or law or rule that permits a qualified employee (or assign) of the ACT Law Courts And Tribunal Administration to:

- 1. deny a man justice or right*
- 2. defer a man justice or right*
- 3. deny a man access to a [sic] ACT Court venue for the purposes of to prosecute a claim in common law"*

Authority

I am an Information Officer authorised to make decisions about access to information held by the ACT Courts and Tribunal (ACTCT), in accordance with section 18 of the FOI Act.

The FOI Act facilitates the objective of public access to documents

Decision

In regard to your request for laws and rules, section 45 of the FOI Act provides that I can refuse to deal with parts of an application where the information is available on a public register. All ACT legislation and the Court Rules are publicly available on the Legislation Register which can be accessed at <https://www.legislation.act.gov.au/> As such, I will not be providing the information that you have sought in items 1 and 2.

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GPO Box 370, Canberra ACT 2601
ACT Law Courts Building, 4-6 Knowles Place, Canberra ACT 2601

Section 43(1)(d) of the FOI Act provides I can refuse to deal with parts of an application where the government information is already available to the applicant. Additional information concerning ACT Courts, including law and practice, can be accessed at <https://www.courts.act.gov.au/>. Information about Practice Notes, Practice Directions and Practice Directions for the Supreme Court and Magistrates Courts can be found on the courts' websites, here: [courts.act.gov.au/law-and-practice/](https://www.courts.act.gov.au/law-and-practice/).

A thorough search for documents has been conducted and no other records have been found that are within the scope of your request. As per section 53 of the FOI Act, I confirm no internal information relevant to item 1 and 2 of your request is held by ACTCT.

Disclosure of Information

The documents relating to the scope of your request for item 3 is outlined in the attached Schedule of documents for full release.

You may wish to seek legal advice about your matter. Information about legal services in the ACT is available from: [courts.act.gov.au/law-and-practice/find-a-lawyer](https://www.courts.act.gov.au/law-and-practice/find-a-lawyer).

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Via email: actfoi@ombudsman.gov.au

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GPO Box 370
Canberra City ACT 2601
Ph: (02) 6207 1740

<http://www.acat.act.gov.au/>

Yours sincerely



Amanda Nuttall
Principal Registrar and Chief Executive Officer

8 November 2021

Schedule of Documents

FOI Request from I am Shaun on 18 October 2021

Document Reference Number	Page Number	Date	Description	Decision	Category or Factor
1	2	10 September 2021	Orders made under section 50 <i>Court Procedures Act 2004</i>	Release in Full	

Restricted entry to the Courthouse to support public health Orders under section 50 Court Procedures Act 2004

1. The following members of the public must not be admitted to any part of the premises occupied by the Supreme Court of the Australian Capital Territory and/or the Magistrates Court of the Australian Capital Territory (the Courthouse):
 - a. a person who has been diagnosed with COVID 19 and who is considered to have an active case of COVID 19;
 - b. a person who is awaiting the result of a test for COVID 19;
 - c. a person who is required to quarantine or self-isolate by direction of the Chief Health Officer of the Australian Capital Territory;
 - d. a person who is a close contact of a person diagnosed with COVID 19;
 - e. a person who has no immediate business at the Courthouse, except that:
 - journalists reporting on proceedings; and
 - in an exceptional case, a judicial officer, registrar or sheriff may permit one support person to accompany a litigant or vulnerable witness who has business at the Courthouse.
2. A person with immediate business at the Courthouse must produce evidence of their requirement to be in the Courthouse.
3. A person who is in a public area of the Courthouse must wear a mask unless the person is:
 - a. expressly excused by a judicial officer, registrar or sheriff;
 - b. actively participating as a lawyer, party, witness or invited participant while a matter is being heard by a judicial officer, or registrar in a court or hearing room, unless the judicial officer or registrar directs that the person must wear a mask;
 - c. excused because of a certified health condition (see definition below).
4. Prior to entering the body of the Courthouse, all persons must check in:
 - a. via the "Check In CBR" app; or
 - b. if unable to do so, by providing contact details in the register held by the sheriff's officer or court security.
5. A member of the public must leave the premises if directed to do so by a judicial officer, registrar, authorised person or sheriff because of an apparent failure:
 - a. to maintain a distance of 1.5 m from other persons;
 - b. to wear a mask as required by 2;
 - c. to produce evidence of a certified health condition referred to at 3c;
 - d. to check in as required by 4.

In these orders:

Close contact means a person who:

- e. has been in close physical proximity with someone who has COVID 19, while that person was infectious, or
- f. has been in the same closed space with someone who has COVID 19, while that person was infectious.

Authorised person means: a person authorised pursuant to section 154(2)(c) of the Crimes Act 1900

Certified health condition means a physical or mental health condition or a disability that precludes the wearing of a mask, provided that the person claiming the condition is carrying either:

- a. a medical certificate or letter signed by a registered health practitioner (such as a doctor) or registered NDIS provider; or
- b. a statutory declaration

that establishes the condition.

Registrar means:

- a. The Registrar or Senior Deputy Registrar of the Supreme Court of the Australian Capital Territory; or
- b. The Registrar of the Magistrates Court of the Australian Capital Territory and deputy registrars of that court appointed under rule 6251(6) of the *Court Procedures Rules 2006*

Sheriff means: a person appointed pursuant to section 46(2) or (4) of the Supreme Court Act 1933

Penalty for contravention: 50 penalty units and/or 6 months imprisonment



Chief Justice Helen Murrell

10 September 2021



Chief Magistrate Lorraine Walker

10 September 2021