



# Safe Online Koori Court Operating Guidelines for 'Elders and Respected Persons'

**Be prepared. Be visible. Be heard.**

In response to the Coronavirus (COVID-19) pandemic the Koori Court is temporarily introducing virtual Koori Court hearings via the Online Magistrates Court (OMC) WebEx platform. This temporary operational change in the way we hear matters will ensure we continue to provide culturally appropriate hearings and services for Aboriginal people without further delay.

## OMC WebEx Koori Court Process

Three elements of the Koori Court process will be conducted over the same single WebEx sitting:

- 1) Pre-hearing discussion with the Magistrate and Koori Court Officer
- 2) The hearing (formal Sentencing Conversation) and
- 3) Debrief with the Magistrate and Koori Court Officer.

## Pre-hearing preparation

### 1. Location:

- › ERPs will be attending the hearing from a safe location at their home or a suitable location as arranged prior to the hearing

### 2. Your Surrounding:

- › Create a safe and quiet, separate place to work so that confidentiality is ensured. Make sure that no one can see your work device's screen, and that no one can hear what is being said.
- › Limit distractions and find a simple background.
- › Dress as if you are attending Court, as the screens used in the Court room are large and you will be seen clearly in the court.

### 3. Technology Device:

- › Use CSV devices only. A KC iPad will be provided to the sitting ERPs up to 5 days prior to the hearing to provide you with enough time to make yourself familiar with the device



#### 4. Ask questions:

- › Contact the Koori Court Officer to clarify any questions that you may have.
- › Your Koori Court Officer will be available to assist you to use the WebEx on the iPad and will be able to talk you through any technical issues, along with the court registrars if required.

#### 5. Technical Issues:

- › Know that if your video or audio drops out, or your internet connection fails, that the Koori Court Officer and respective court registrar/personnel will reconnect you via video/audio or via your telephone, as soon as possible.

#### 6. Sitting Fees:

- › Be assured that your sitting fee will not be impacted if you are disconnected from the hearing due to technical issues.

## The Hearing

### 1. Audio and Visual Process Set up:

- › You will be brought into the virtual court by the Magistrate.
- › You will then need to introduce yourself.
- › The cultural conversation is of utmost importance – when carried out via OMC WebEx it is important to speak slowly. Pauses are welcome.
- › Encourage and give the accused time to speak/respond to you.
- › Before the hearing starts, ensure that you are visible and that everyone can hear you (vice versa)
- › Ensure that your mute function is working properly. You will need to use the mute button when not speaking to block out background noise.
- › To mute or unmute, click on the microphone button. The microphone will turn red if it is on mute.
- › Refrain from using the chat function, as everything needs to be recorded in the hearing's minutes.
- › The KCO may use the chat tool if they want to encourage an ERP or the Magistrate to raise an issue pertaining to the conversation and feels it is best said by you
- › ERPs can use the chat tool if they need to take a break and want to bring it to the KCO's or Magistrate's attention without disrupting the hearing



## 2. Technical Issues:

- › If you drop out during the hearing or the cultural conversation the Koori Court Officer or court registrar will try and reconnect you, even if it's just via audio or telephone.
- › If you cannot be reconnected to the hearing, the hearing will continue. You will receive payment regardless.

## 3. Acknowledgement/Welcome to Country:

- › The Magistrate will formally open the court hearing by conducting an Acknowledgement of Country or invite an ERP or KCO to do so. This is usually discussed at the pre-court conference.

## 4. Introduction:

- › The Magistrate will ask you to introduce yourself and your role unless you would like the Magistrate to perform the introductions.

## 5. Cultural Conversation:

- › Virtual Koori Court hearings are limited to 1 hour to conform with Covid-19 government regulations.

## Debrief with the Magistrate and Koori Court Officer

- › To ensure confidentiality is maintained - Do not discuss any work matters with your family or friends. It is important to remember that even though you are not at the courthouse, the location you are appearing from is an extension of the court room.

## Notify your Koori Court Officer if you are having any issues

- › If you get stuck or encounter any issues, please contact your Koori Court Officer who will be able to guide and assist you with any issues.



# Safe Online Koori Court Operating Guidelines for Practitioners

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## Preparations before the Court Hearing

- 1: Documents** – Ensure all documentation is filed with the court at least 5 days before the hearing. In the event of any documentation being submitted late, please ensure it is sent not less than 1 day before the hearing to give all parties the chance to read everything. This includes documentation such as:
  - › Certificate of Readiness.
  - › All submissions.
  - › Any requests from the accused that family members, a support person or other who wish to attend the court hearing.
- 2. WebEx:**
  - › Please make yourself familiar with the jurisdictional WebEx guide for practitioners before your first KC Court hearing.
- 3. Prepare:**
  - › If possible, join an OMC WebEx Koori Court hearing to familiarise yourself with the Koori Court process and participants' roles.
- 4. Test Technical Equipment:**
  - › If you are participating in an OMC WebEx hearing, please check that your microphone and camera are working. Also, test the mute function of your microphone. Make sure that the setup of your device allows for good visibility of yourself and the Court room. If possible, use a headset.



## 5. Technical Issues:

- › Know who to contact in the event of technical issues.

## 6. Submissions:

- › KC sittings via the OMC are limited to 1 hour. To ensure the hearing's focus is on the cultural conversation, brief written submissions must be filed with the court 7 days before the KC sitting unless otherwise ordered by the court.

## During the Court Hearing

### 7. Audio and Visual Set up:

- › Before the hearing commences, ensure that you have positioned your device at the correct angle and that you are visible to everyone in the Court room
- › Ensure you can see all Court participants seated at the Court table.
- › Check that you have good quality audio of yourself and of participants in the hearing.
- › Check your mute function and keep your microphone on mute when you are not speaking in court.
- › Refrain from using the chat function.

### 8. Introduction:

- › The Magistrate will ask you to introduce yourself and your role.

### 9. Submission:

- › To ensure a maximised cultural conversation limit your oral submission, as court hearings will currently be truncated to a maximum of 1 hour in order to comply with government regulations.