

QCAT Practice Direction No 4 of 2010 (replacing QCAT Practice Direction No 7 of 2009)

Proceeding by remote conferencing

This Practice Direction replaces Practice Direction No 7 of 2009.

Participation in directions hearings by telephone

1. A party may participate in a directions hearing by telephone if, at least 3 business days before the hearing, they notify the case manager or the Principal Registrar of the phone number on which they will be available. Parties are requested to notify a landline number, whenever possible. A number of matters are listed for directions in sessions scheduled for one hour. Accordingly, parties participating by telephone should make themselves available for one hour after the time notified for their directions hearing.

Participation in guardianship and other proceedings by telephone

2. A person entitled to participate in hearings under the Acts listed below, may participate by telephone if, at least 3 business days before the hearing, they notify the case manager or the Principal Registrar of the phone number on which they will be available. Parties are requested to notify a landline number, whenever possible.

Guardianship and Administration Act 2000
Powers of Attorney Act 1998

Proposal for a party to participate in another proceeding or for evidence to be given by telephone or video link

3. If a party wishes to participate in a hearing or have evidence given by telephone or video link, they should first seek the views of the other parties to the proceedings.
4. If no other party objects to the proposal the party should obtain the consent in writing of all other parties (email communication will suffice) and provide that to the tribunal so appropriate arrangements may be made.
5. If any other party objects to the proposal, the party must apply to the tribunal for directions. The application must state why the proposal is necessary or convenient, including any reasons it is not possible or practicable for the party to participate in the proceedings or the witness to give evidence in person.

What the party must do if use of telephone or video link is allowed

6. If use of telephone or video link is allowed the party who requested its use must:
 - (a) If possible, arrange for the relevant person to have access to a land line telephone;
 - (b) establish whether the witness will give evidence on oath or by affirmation and ensure they have with them what is needed to do so;

- (c) follow the tribunal's instructions about how the telephone or video link is established for the proceedings;
- (d) explain to a witness giving evidence by telephone or video link that:
 - (i) the evidence will be given in recorded proceedings;
 - (ii) the witness may be questioned by others, including tribunal members;
 - (iii) the witness must ensure not be interrupted while giving evidence and, unless otherwise ordered, must be alone and give their evidence without the assistance of others.

What a witness must do if giving evidence by telephone or video link

7. A witness giving evidence by telephone or video link must have with them when giving evidence a copy of any statement they have given in the proceedings and any document they possess which relates to their evidence.

Justice Alan Wilson
President

1 April 2010