

## QCAT Practice Direction No 1 of 2014

### Hearing Protocol

Effective: 24 March 2014

1. This Practice Direction replaces Practice Direction No 6 of 2013, which is repealed.
2. The purpose of this practice direction is
  - (a) to inform all parties and legal practitioners appearing before the Tribunal of the procedure for opening, adjourning, resuming and closing the Tribunals' hearings.
  - (b) to ensure QCAT proceedings, Members, parties, representatives and witnesses to Tribunal hearings are correctly identified during the recording process to assist with the accurate and timely production of written transcripts of QCAT matters; and
  - (c) to clarify other hearing related protocols.
3. The reference to Members in this Practice Direction should be read to include Adjudicators and QCAT Justices of the Peace when constituting the Tribunal.

#### Opening, adjourning, resuming and closing QCAT hearings

4. With the exception of guardianship and minor civil dispute matters or unless otherwise indicated to the parties by the Member via the Hearing Support Officer before the proceedings commence, the Hearing Support Officer will announce the commencement, adjournment, resumption and closing of QCAT hearings as follows:

<b>Opening at commencement of days hearings</b>
<i>Silence, all stand. The Queensland Civil and Administrative Tribunal is now in session.</i>
<b>Short Adjournment</b>
<i>Silence, all stand. The Queensland Civil and Administrative Tribunal is adjourned until [time when hearing is to be resumed]</i>

**Resumption after short adjournment**

*Silence all stand. The Queensland Civil and Administrative Tribunal is now resumed.*

**Resumption and the commencement of a new hearing**

*Silence, all stand the Queensland Civil and Administrative Tribunal is now resumed.*

**Closing at the end of the day's hearings**

*Silence, all stand. The Queensland Civil and Administrative Tribunal is closed.*

5. When the announcement is made those present in the hearing room should, where possible, stand and remain standing in silence until the Tribunal Member enters the hearing room and takes their seat or leaves the hearing room, as the case may be.

**Identifying Proceedings, Those Appearing and Witnesses to QCAT Matters**

6. At the commencement of proceedings, the QCAT Member must identify the proceeding – by stating the full name of the matter before the Tribunal and specifying the file number. This also applies to hearings conducted on the papers where oral reasons are read into the record.
7. At the commencement of proceedings the QCAT Member will ask all parties appearing in the proceeding including a person who appears without representation to clearly state:
  - (a) his or her surname and initials (spelling the surname);
  - (b) the capacity, including the professional capacity, if any, in which he or she appears;
  - (c) the party or parties whom he or she represents, if that be the case including the name of any instructing solicitor and legal firm as the case may be.
8. In circumstances where a party is unable to announce their appearance, the Member should ensure that this information is read into the record on behalf of the party or is conveyed to the hearing support officer for retention in the Tribunal's records.

9. If a party is appearing at a directions hearing and the Member elects to consecutively deal with multiple matters involving that party, he or she need only comply with paragraph 7 at the commencement of those matters.
10. Where a witness is called to give evidence, the person calling the witness will spell the given and surname of the witness.

## **Dress**

11. Legal representatives appearing before the Tribunal should wear business attire.

## **Form of address**

12. Unless otherwise indicated by the Member the form of address of Members is:

<b>Member</b>	<b>Guideline</b>	<b>Example</b>
Judge	Refer to the judge as "Your Honour"	"Yes, your Honour"
Senior Member	Refer to the member as "Senior Member"	"Yes, Senior Member"
Member (including ordinary members and judicial members)	Refer to the member as Member followed by their surname	"Yes, Member Smith"
Adjudicator	Refer to the Adjudicator as Mr/Ms/Mrs	"Yes, Ms Jones"
Justices of the Peace	Refer to the Justices of the Peace as Mr/Ms/Mrs	"Yes, Mr Jones"



*Justice David Thomas  
President*

18 March 2014