

QCAT Practice Direction No. 10 of 2022

Proceedings by remote conferencing and revocation of QCAT Practice Directions for all matters apart from guardianship matters

INTRODUCTION

1. This Practice Direction is effective from 17 October 2022.
2. It does not apply to guardianship matters.

PURPOSE

3. The purpose of this practice direction is to provide information and direction on:
 - a. how parties to a proceeding will be informed of an upcoming QCAT proceeding and the modes by which QCAT will hear and determine matters; and
 - b. what parties are required to do if they wish to give evidence by remote conferencing.
4. Unless otherwise ordered by the tribunal, all directions hearings, compulsory conferences, mediations, expert conclaves and tribunal hearings will proceed in accordance with the details outlined in the QCAT Notice of Hearing.

DEFINITIONS

5. 'Remote conferencing' means proceedings conducted using, but not limited to, Microsoft TEAMS, CISCO, teleconferencing, or videoconferencing.
6. 'Notice of Hearing' means written notice providing details of QCAT compulsory conferences, mediations, expert conclaves and tribunal hearings (including directions hearings, non-final hearings and final hearings).

REVOCACTION

7. The following QCAT Practice Directions are hereby revoked:
 - a. QCAT Practice Direction No. 1 of 2022 – COVID-19 Face Masks;
 - b. QCAT Practice Direction No. 2 of 2022 – COVID-19 Arrangements for Minor Civil Dispute Matters;
 - c. QCAT Practice Direction No. 3 of 2022 – COVID-19 Arrangements for Proceedings Other Than Minor Civil Dispute Matters and Other Than Guardianship Matters;

- d. QCAT Practice Direction No. 4 of 2022 – COVID-19 Arrangements for Guardianship Matters; and
- e. QCAT Practice Direction No. 4 of 2010 – Proceeding by remote conferencing.

PROCEEDINGS BY REMOTE CONFERENCING

- 8. Unless otherwise ordered by the tribunal, all directions hearings, compulsory conferences, mediations, expert conclaves and tribunal hearings will proceed in accordance with the details outlined in:
 - a. the QCAT Notice of Hearing sent to the parties; or
 - b. written directions given by the tribunal which serve as the QCAT Notice of Hearing, in accordance with:
 - i. paragraph 60 of Practice Direction No. 5 of 2022;
 - ii. paragraph 61 of Practice Direction No. 7 of 2022;
 - iii. paragraph 61 of Practice Direction No. 8 of 2022;
 - iv. paragraph 64 of Practice Direction No. 9 of 2022.

WHAT THE PARTY MUST DO IF PROCEEDINGS OR PART OF PROCEEDINGS ARE CONDUCTED BY REMOTE CONFERENCING

- 9. If a proceeding or part of proceedings are to be conducted by remote conferencing, the party must:
 - a. arrange for their representative/s, witnesses and any other person who is required to attend the hearing to have access to remote conferencing in accordance with the details outlined in the QCAT Notice of Hearing;
 - b. establish whether the witness called by the party using remote conferencing 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 remote conferencing will proceed;
 - d. explain to a witness giving evidence by remote conferencing called by the party 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 they are not interrupted while giving evidence and, unless otherwise ordered, must be alone to give their evidence without the assistance of others.

WHAT A WITNESS MUST DO IF GIVING EVIDENCE BY REMOTE CONFERENCING

10. Regardless of how a proceeding is conducted, whether in person or by remote conferencing, a party who has a witness giving evidence by remote conferencing must ensure the witness has with them a copy of any statement the witness has given in the proceedings and any document the witness possesses which relates to their evidence.



*Hon Justice Kerri Mellifont
President*

17 October 2022