

## QCAT Practice Direction No. 11 of 2020

### The filing and use of audio, video and photographs in tribunal proceedings

1. This Practice Direction prescribes the procedure for the filing and use of audio, video and photographs as evidence in all tribunal proceedings other than minor civil disputes.
2. The use of audio, video and photographs in tribunal proceedings to which this Practice Direction applies (“**relevant proceedings**”) requires the tribunal to make special arrangements for the hearing. It is the responsibility of any party seeking to rely on audio, video or photographs at the hearing to ensure that they comply with this Practice Direction.

### The use of audio, video and photographs

3. The tribunal will only accept audio, video or photographs in relevant proceedings that are on a USB storage device. The audio, video or photographs must be in one of the following file formats to be accessible by the tribunal:

<u>Container formats</u>	<u>3GP</u> , <sup>[a]</sup> <u>ASE</u> , <u>AVI</u> , <u>DVR-MS</u> , <u>FLV</u> , <u>Matroska (MKV)</u> , <u>MIDI</u> , <sup>[b]</sup> <u>QuickTime File Format</u> , <u>MP4</u> , <u>Ogg</u> , <u>OGM</u> , <u>WAV</u> , <u>MPEG-2 (ES, PS, TS, PVA, MP3)</u> , <u>AIFF</u> , <u>Raw audio</u> , <u>Raw DV</u> , <u>MXF</u> , <u>VOB</u> , <u>RM</u> , <u>Blu-ray</u> , <u>DVD-Video</u> , <u>VCD</u> , <u>SVCD</u> , <u>CD Audio</u> , <u>DVB</u> , <u>HEIF</u> , <u>AVIF</u>
<u>Audio coding formats</u>	<u>AAC</u> , <u>AC3</u> , <u>ALAC</u> , <u>AMR</u> , <sup>[a]</sup> <u>DTS</u> , <u>DV Audio</u> , <u>XM</u> , <u>FLAC</u> , <u>It</u> , <u>MACE</u> , <u>MOD</u> , <u>Monkey's Audio</u> , <u>MP3</u> , <u>Opus</u> , <sup>[b7]</sup> <u>PLS</u> , <u>QCP</u> , <u>QDM2/QDMC</u> , <u>RealAudio</u> , <sup>[c]</sup> <u>Speex</u> , <u>Screamtracker 3/S3M</u> , <u>TTA</u> , <u>Vorbis</u> , <u>WavPack</u> , <sup>[d]</sup> <u>WMA (WMA 1/2, WMA 3 partially)</u> <sup>[88]</sup>
<u>Digital Camcorder formats</u>	<u>MOD and TOD via USB</u>
<u>Photograph formats</u>	<u>PDN</u> , <u>PNG</u> , <u>JPG</u> , <u>JPEG</u> , <u>JPE</u> , <u>JFIF</u> , <u>EXIF</u> , <u>JXR</u> , <u>WDP</u> , <u>WMP</u> , <u>BMP</u> , <u>DIB</u> , <u>RLE</u> , <u>GIF</u> , <u>TGA</u> , <u>DDS</u> , <u>TIF</u> , <u>TIFF</u> , <u>WEBP</u>

4. Any audio, video or photographs that are not in one of the file formats specified above at paragraph 3, will not be accepted by the tribunal in relevant proceedings.

### How are audio, video and photographs filed?

5. Any audio, video or photographs provided on a USB storage device in accordance with this Practice Direction will, subject to any other order by the tribunal, be taken to be filed pursuant to [QCAT Rule 31](#).

6. If a party files a USB storage device containing audio, video or photographs, that party must also make a copy of the USB storage device and provide it to all other parties involved in the relevant proceedings.
7. If a party seeks to rely upon photographs contained on a USB storage device, the party must **also** file the correct number of full-colour hard copies of the photographs contained on the USB storage device, as directed by the tribunal.
8. The USB storage device must only contain files being used in connection with the relevant proceedings. If it appears that other information is on the USB storage device, then the tribunal may direct the parties to provide the audio, video or photographs on another storage device.
9. The tribunal will not accept audio, video or photographs stored in cloud-based storage, computing systems or other websites.
10. At the time of filing the audio, video or photographs, the party must ensure that the USB storage device is labelled and accompanied by a signed declaration available from QCAT's website at: <https://www.qcat.qld.gov.au/resources/forms>
11. If a party seeks to file a USB storage device, the device must be referred to as an attachment in a statement of evidence by a witness. The statement of evidence must provide a detailed description of each item on the storage device.

*Example: In a statement of evidence by a party the USB storage device is referred to as follows:*

*Example: 'Attached to this statement of evidence is a USB device containing photographs of the defective building work. A description of the photographs is as follows:*

*Photograph 1 shows....*

*Photograph 2 shows....*

*Photograph 3 shows....'*

*Example: 'Attached to this statement of evidence is a USB device containing video recording of the defective building work. A description of the video recording is as follows:*

*Video 1 – 30 seconds – shows...*

*Video 2 – 60 seconds – shows...'*

12. At the time of filing, each USB storage device filed must be contained in a sealed envelope on which the following is identified:
  - a) the QCAT file number;
  - b) the name of the party filing the USB storage device;
  - c) the details of the statement of evidence to which the USB storage device is attached. e.g. *USB storage device referred to in the statement of evidence of John Smith filed ...*

## After the hearing

13. Any audio, video or photographs provided to the tribunal on a USB storage device will not be returned to the party once the matter is completed. The storage device will be retained as part of the tribunal's record of proceedings.



*Hon Justice Martin Daubney AM  
President*

*4 December 2020*