

Local Court Act
PRACTICE DIRECTION

EVIDENCE BY VIDEO CONFERENCE

The following practice direction is issued pursuant to section 21 of the *Local Court Act* and will apply from 6th December 2002.

The practice direction of the 9th June 1998 is revoked.

BACKGROUND

The procedures prescribed by this practice direction are designed to ensure that matters in the Local Court jurisdictions are dealt with as efficiently and effectively as possible. Video conferencing facilities are now available in Alice Springs Courthouse, Nichols Place and Katherine Courthouse.

Video conferencing arrangements are to be made and confirmed to the Court as far in advance of the hearing as is reasonably possible. It is not acceptable to wait until the commencement of the hearing to notify the presiding Magistrate that some evidence will be given by the use of video conference facilities.

There has been a development in the Court's case management of Local Court cases. Once a matter is confirmed for hearing and is for two days or more it is referred to the Listing Registrar for allocation. Once a matter is allocated it is then up to the Magistrate to whom the file has been allocated to decide whether or not to allow evidence by way of video conference and when those arrangements can be made. This obviously means that the orders cannot be made in a prehearing conference in front of a Judicial Registrar.

PROCEDURE

When it is proposed to adduce evidence by use of video conference facilities –

1. The party seeking to adduce evidence in that way shall, whenever possible, seek the consent of the other side for that order.
2. If no consent is forthcoming then the application for leave shall be in the form set out by section 25A.
3. An application may be heard by the Magistrate to whom the file is allocated concerned of a Registrar if directed to do so by the Magistrate.
4. The Court may give directions in respect of the following matters –
 - a) which witness can give evidence by video conference;
 - b) whether the evidence in chief of the witness at any subsequent video conference shall be confined to the witness statement;
 - c) the date, time and place of the video conference; and
 - d) any other matter as it thinks fit.

5. The party adducing evidence by use of video conference facilities shall –
- a) arrange and pay for the booking of the necessary facilities at both ends and all other associated costs and expenses **note**: where ever possible the court facilities should be used;
 - b) the party should contact the other facility and make the booking then ask that facility to ring the head of the orderlies section on 89996085 to liaise with that person as to whether those times are suitable to the court;
 - c) make the booking of the court facilities by filling in the attached form; and
 - d) providing a signed undertaking in the form attached to meet the costs of the communication link.

HUGH BRADLEY
CHIEF MAGISTRATE

5th December 2002