

PRACTICE DIRECTION NUMBER 3 OF 2006

DISTRICT COURT OF QUEENSLAND

DIGITALLY RECORDED PROCEEDINGS: MEANS OF IDENTIFYING PROCEEDING, THOSE APPEARING, AND WITNESSES

The State Reporting Bureau (SRB) has implemented digital recording of court proceedings in the State of Queensland.

The new system does not necessitate the physical presence within the courtroom of any SRB personnel. Rather, the recording is monitored from any SRB office within the State. In appropriate cases, one SRB officer may monitor, simultaneously, a number of court proceedings from a number of different locations.

This new regime will not prejudice, but may enhance, the service previously offered, and the integrity of the recording.

But because no SRB officer need be present within the courtroom, and ordinarily will not be present, measures must be taken to ensure the sufficient identification of:

- (a) the proceeding being recorded;
- (b) the legal representatives appearing, or parties appearing in person; and
- (c) the names of the witnesses giving evidence.

To that end, the following requirements must now be met.

Lists of witnesses

1. Subject to paragraph 2, when a party intends to call one or more witnesses to give oral evidence at a trial or other hearing, that party must deliver to the SRB a list of those witnesses, in accordance with paragraph 3, by 4.30 pm on the day prior to the commencement of the trial or hearing.
2. That requirement does not apply in the case of an accused person in a criminal trial, but it does apply to the prosecution.
3. The list must specify the number of the proceeding, and the names of all parties to it, and may be delivered to the SRB either:
 - (a) by emailing the list to SRBWitness@justice.qld.gov.au; or
 - (b) by sending the list by facsimile to the Assignor on (07) 3247 9156; or
 - (c) by personal delivery of the list to the nearest SRB office.

Announcing a proceeding

4. At a callover or review, the proper officer of the court, usually the Judge's Associate, at the Judge's request, or the party requesting that the matter be dealt with, will announce the title of the proceeding in sufficient detail to identify the proceeding – by naming the parties and specifying the file number.
5. In all other cases, principally trials, appeals and hearings in the applications jurisdiction, the presiding Judge will direct the proper officer of the court, usually the Associate, to “call the case” – which will involve that officer's identifying the parties to the proceeding and specifying the file number.

Announcing appearances

6. Except at callovers and reviews, a party appearing in a proceeding, whether a legal representative or a person appearing without legal representation, will at the outset state:
 - (a) his or her surname and initials (spelling the surname, save where the spelling is obvious);
 - (b) 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;and
 - (d) the name of the instructing solicitor, or the solicitor with whom the person is connected, as the case may be.

Calling witnesses

7. When a witness is called to give evidence, the person calling the witness will spell the given and surname of the witness (save where the spelling is obvious).

General – Appearance slips

8. To assist in identifying counsel, solicitors or employees of practitioners appearing at any hearing of a proceeding including at a callover or review, practitioners shall complete an appearance slip on the form provided indicating the practitioner's name, professional status including where relevant, the name of the instructing solicitor's firm and the party for whom the practitioner is appearing. Persons appearing without legal representation shall also complete the appearance form. The completed form is to be handed to the bailiff prior to the commencement of the hearing.

Chief Judge PM Wolfe

6 November 2006