

Magistrates Courts

Practice Direction No. 5 of 2022

Issued: 30 September 2022

Digitally recorded proceedings: Means of identifying proceedings, those appearing, and witnesses

Digital recording of court proceedings in the State of Queensland is now being undertaken by outsourced Transcription Service Providers (TSP).

The system being used does not require the physical presence within the courtroom of any TSP personnel and so 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 witnesses giving evidence.

To that end, the following requirements must be met.

Announcing appearances

1. A party appearing in a proceeding, whether a legal representative or a person appearing without legal representation, will, at the commencement of proceedings, state:
 - (a) Their surname and initials (spelling the surname);
 - (b) The professional capacity, if any, in which they appear including rank and title;
 - (c) The party or parties whom they represent 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.
2. If a person is appearing at a callover or a bulk review sitting and the Court elects to consecutively deal with multiple matters involving the person, he or she need only comply with paragraph 1 at the commencement of the first of those matters.

Calling witnesses

3. If a party intends to call one or more witnesses to give oral evidence at a trial or other proceeding, the party is to inform the presiding Magistrate before the commencement of the proceeding, the number of witnesses to be called and the names of those witnesses. Parties are encouraged to prepare and hand up a typed document listing the witnesses they propose to call.

4. When a witness is called to give evidence, the person calling the witness will spell the given name and surname of the witness if a typed witness list has not been provided.

Court type changes while Court is in session

5. Where there is a change in the type of proceeding or jurisdiction e.g., criminal proceeding (open court) to a domestic and family violence proceeding (closed court), parties must wait until the presiding Magistrate ensures that the Court Services Officer has had time to switch the recording 'destination'. The matter will not proceed until this step occurs. This is to ensure the matter is given the appropriate security access. This process will be repeated should Court move to open court proceedings immediately after being closed.

Repeal of former practice directions

6. Practice Direction 8 of 2006 is repealed.

Commencement

7. This Practice Direction takes effect from 4 October 2022.


Judge Janelle Brassington
Chief Magistrate
30 September 2022