

# LAND COURT OF QUEENSLAND

## PRACTICE DIRECTION No. 4 of 2009

### **Taking evidence and submissions by audio visual links and audio links**

1. Evidence and submissions may be taken in a proceeding by the Land Court by audio visual link or audio link in accordance with s.39Q – s.39Z of the *Evidence Act 1977*. The following procedure is intended to streamline the taking of evidence by audio visual link or audio link, and in particular, to avoid delay and disruption during the hearing.
2. A party wishing to have evidence or submissions taken by audio visual link or audio link must, at least fourteen (14) days before the date set for hearing, file and serve an application for an order that the evidence or submissions may be taken in that way.
3. Where such an order is made, a party calling a witness must, unless the Court otherwise orders –
  - a. (i) ascertain from the witness whether the evidence is to be given on oath or affirmed, and, where relevant, the form of oath to be taken; and  
(ii) where evidence is to be given on oath, ensure that the witness will have a Bible or other relevant holy book available;
  - b. explain to the witness that the evidence will be given in Court proceedings and recorded, and that the witness may be cross-examined by other parties or their lawyers and questioned by the presiding Member;
  - c. at least five (5) days before the commencement of the hearing, inform the Deputy Registrar of the audio visual or audio link number where the witness will be available;
  - d. arrange for the witness to be available to give evidence at a designated time (to be arranged with the Deputy Registrar) on the designated number.
4. In most cases, the Court will place the call to the witness, rather than vice versa.
5. Unless the Court otherwise orders, a party who applies to have evidence or submissions taken by audio visual or audio link must pay the expenses incurred in connection with taking the evidence or submissions in that way. Arrangements for meeting those expenses must be made with the Deputy Registrar prior to the witness giving evidence.

Carmel MacDonald  
President  
4<sup>th</sup> September 2009