

Year	Date	Number	Title	Note
2002	28 May 2002	1/02	Questioning of Persons by Telephone	sup 2/90

**SUPREME COURT OF THE  
AUSTRALIAN CAPITAL TERRITORY**

**PRACTICE DIRECTION NO. 1 OF 2002**

**This Practice Direction supersedes Practice Direction No. 2 of 1990**

Although evidence will normally be given in person, it is open to the parties to consent to evidence being given by telephone or video link from anywhere in Australia or anywhere in the world. Where consent is not forthcoming, a party may apply for an order that the evidence be given by telephone or video link from other parts of Australia or the ACT. There is no power for the Court to order telephone or video link evidence from overseas. Commonwealth legislation (*Evidence and Procedure (New Zealand) Act* 1994) provides that audio visual evidence may be taken between Australia and New Zealand. This is given effect in Order 80G.

In any proceeding before the Court application can be made, or the Court can direct, under the *Evidence (Miscellaneous Provisions) Act 1991 – Part 3 – Use of Audio visual Links and Audio Links* that evidence be taken or a submission made by audio visual link or audio link, from a participating State. Similarly a recognised Court may, for a proceeding before it, take evidence or receive a submission by audio visual link or audio link from a person in the Territory.

Equipment, both the existing telephone equipment which has been used regularly for some time now, and new audio visual equipment installed in Courts 1, 2 and 5, is available.

Where the parties consent to the giving of evidence by telephone, practitioners must advise the Associate to the Judges or Master prior to the hearing/trial commencing, that telephone evidence is to be given in Court. It is then the responsibility of the practitioner to arrange with the witness the time he/she should telephone the Courtroom to give evidence.

Courtroom phone numbers are as follows:

Court 1 - 6267 2814  
Court 2 - 6267 2853  
Court 4 - 6267 2810  
Court 5 - 6267 2841  
Court 6 - 6267 2812

If the parties do not consent to the giving of evidence by telephone, application should be made to the Court in accordance with the procedure contained in Order 39, Division 39.2 rules 3-6 of the Supreme Court Rules. This procedure will apply both to audio and audio visual links.

If a direction is made by the Court with respect to an audio visual links, it is the responsibility of the practitioner to contact the Registrar providing Connection details and details of Participants as per the form attached. A protocol for the use of video conferencing equipment in Courtrooms will then be provided together with details of applicable fees/charges.

Practitioners should also note that it is important to advise of any time zone differences which may be relevant to the link.

By direction of the Judges

J.E. CIRCOSTA  
Registrar

To: The Registrar  
ACT Supreme Court

Video Conferencing facilities are requested in matter SC ...../.....

A direction was made by Judge ..... / the Master on .....(insert date)

**Details of Proposed Video Link:**

<b>Connection Details</b>	<b>ACT Supreme Court</b>	<b>Other Site</b>
Day/Date of Video link		
Commencement time		
Relevant telephone No.		
Contact Number	6267 2765	
Estimated duration of Video Link		

**Details of Participants:**

<b>Participants</b>	<b>ACT Supreme Court</b>	<b>Other Site</b>
Judge/Master/Registrar		
Number of Parties		
Number of Witnesses		
Other		