

**PRACTICE DIRECTION GEN 1 OF 2011  
USE OF VIDEO LINK FACILITIES**

**1. Application**

- 1.1 This Practice Direction applies to all District Court hearings in which evidence is to be taken, or a party or legal practitioner is to appear, using a video link.
- 1.2 The Practice Direction comes into operation on 5 September 2011.
- 1.3 Practice Direction GEN 1 of 2010 is rescinded.

**2. Use of video link facilities**

- 2.1 The Court routinely uses video link facilities for certain hearing types, including Circuit Trial Listing Hearings and Sentence Mention Hearings. Where the Court routinely uses video link facilities for the particular hearing type, or otherwise decides to use a video link facility for a hearing, there is no obligation on a party to book the video link facility.
- 2.2 In other cases, the Court may be requested to make orders pursuant to [Evidence Act 1906 \(WA\)](#) (“EA”) s121 that evidence be taken, or a submission be received, by video link or audio link.
- 2.3 In both the criminal and civil jurisdictions, a party (“Applicant”) may seek orders pursuant to EA s121 by consent order (see [Rules of the Supreme Court 1971 \(WA\)](#) O 43 r 16 and Practice Direction [CRIM 4 of 2008](#), Consent Orders).
- 2.4 Where an application is made, or consent order filed, seeking orders pursuant to EA s121 the orders sought must specify the venue at which the witness, party or practitioner proposes to appear.
- 2.5 Where the venue at which the witness, party or practitioner will appear is within Western Australia, the Applicant must use reasonable endeavours to ensure that this venue is a video link facility set out in the Court’s List of [Preferred Video Link Facilities](#), as published from time to time by the Court (and available on its website).
- 2.6 Where the venue at which the witness, party or practitioner proposes to appear is not on the Court’s List of Preferred Video Link Facilities, the Applicant must file with the application or consent order a letter or an affidavit setting out how it proposes to comply with the obligations in Part 5 of this Practice Direction.

### **3. Booking of video link facilities**

- 3.1 Where an order is made pursuant to EA s121 for the use of a video link facility, the Applicant must send to the Court a Video Link Booking Request in the form published by the Court from time to time ([and available on its website](#)).
- 3.2 Unless there are exceptional reasons for not doing so, the Video Link Booking Request is to be received by the Court not less than 14 days before the date of the hearing in which the evidence is to be taken or submission received.

### **4. Fees and charges**

- 4.1 Where the Court decides to use a video link facility (for example a Circuit Trial Listing Hearing), no fees or charges are payable by the parties.
- 4.2 Where:
- (a) an order is made pursuant to EA s121; and
  - (b) the hearing relates to a criminal matter

the Court will not charge for the use of the video link facility . The Court has waived these charges pursuant to *Evidence (Video and Audio Links Fees and Expenses) Regulations 1999* (WA) reg 6. However, where the venue at which the witness, party or practitioner will appear is not on the Court's List of Preferred Video Link Facilities, then any charges levied by that venue will be the responsibility of the party making the application.

- 4.3 For all other use of video link facilities requested by a party, fees and charges are payable for the use of video link facilities as set out in to *Evidence (Video and Audio Links Fees and Expenses) Regulations 1999* (WA).

### **5. Obligations on the Applicant**

- 5.1 The Applicant must use reasonable endeavours to ensure that:
- (a) the room from which the video link is to be broadcast is able to be closed off such that only the persons permitted by the Court to be in the room are in the room;
  - (b) the quality of the video link is of a standard that is sufficient to provide continuous uninterrupted video images and clear and audible audio feed, so as to be easily seen and heard in the court room;
  - (c) the persons appearing on the video link are dressed appropriately for court, as if the person was actually present in the court room; and

- (d) the arrangements made with the venue from which the video link or audio link is to be broadcast maintain the dignity and solemnity of the court, consistent with the venue being treated as part of the court room for this purpose.

**PETER MARTINO**  
**Chief Judge**