

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999 – r. 62 – issue of practice note

TAKING EVIDENCE BY TELEPHONE (No. 1 of 2000)

[BY NOTICE OF THE VICE PRESIDENT ON 22 JULY 2003, THIS PRACTICE NOTE WAS RE-NUMBERED AND IS NOW PN 1]

PRACTICE NOTE

This practice note operates subject to the unfettered and overriding discretion of the member of the Commission into whose hands a particular matter falls. The purpose of the note is to ensure that all parties are aware of the approach to telephone evidence which will be taken in the ordinary case, to streamline the taking of evidence by telephone and to ensure that such evidence is taken with due solemnity. The practice note has no application to conferences including dismissal conferences. The practice note operates from the date of gazettal.

1. Telephone evidence will be taken from expert witnesses and on formal and uncontroversial matters. Telephone evidence will not be taken where credibility is an issue.
2. The Commission will bear the costs of taking telephone evidence from witnesses located within the State of Queensland. The party calling a witness will be expected to bear the cost of taking telephone evidence from a witness who is not located within the State of Queensland.
3. The party wishing to have evidence taken by telephone should inform the other party at the earliest opportunity. In the case of a dismissal hearing the matter should be raised no later than the call-over. Where there is not consent the matter is to be brought before the Commissioner hearing the matter for directions at the earliest opportunity. In dismissal cases the Vice President will organise a directions hearing by the Commissioner to whom the matter is allocated or by some other Commissioner.
4. Where consent is forthcoming for the hearing of evidence by telephone the Commissioner hearing the matter should be informed of that circumstance at the earliest opportunity. It is consistent with this note for the Commissioner hearing the matter to organise a directions hearing to further consider the question whether evidence should be taken by telephone.
5. In anticipation of the taking of evidence by telephone the representative of the party calling the witness must:–
 - (a) arrange for the witness to have immediate access to the telephone;
 - (b) ascertain from the witness the form of oath to be taken and ensure that the witness is equipped to comply with the formalities of the oath, or confirm that it is appropriate to affirm;
 - (c) explain to the witness that the evidence is being given in formal court proceedings, and is being recorded, and that the witness may be cross-examined by the representative of the other party and questioned by the Commissioner and that the witness must be careful to respond to questions put and answer only the questions which are put;
 - (d) arrange for the witness to give evidence from a place where the witness will not be interrupted by work or other requirements/commitments.
6. Prior to the time the evidence is to be given the party calling the witness to give evidence by telephone is to inform the Associate to the Commissioner hearing the matter of the telephone number of the witness.
7. In the case of proceedings outside the metropolitan area the Associate must be given 7 days notice that evidence is to be taken by telephone and of the telephone number in order that the administrative arrangements made (if possible) be made.

Dated this twentieth day of November, 2000.

D.R. HALL, President.

Operative Date: 1 December 2000
Practice Note – Taking Evidence by Telephone