

# Practice Directions

## Local Court Act and Work Health Act

The following practice direction is issued pursuant to section 21 of the *Local Court Act* and section 95 of the *Work Health Act* and will apply from 1998.

### BACKGROUND

The procedures prescribed in this practice direction are designed to ensure that matters dealt with in the Local Court and Work Health Court jurisdictions are dealt with as efficiently and effectively as possible. Video conferencing facilities are now available in both Alice Springs courthouse and Nichols Place.

Video conferencing arrangements are to be made and confirmed to the Court as far in advance of the hearing as is reasonably possible. It is not acceptable to wait until the commencement of the hearing to notify the presiding magistrate that some evidence will be given by use of video conferencing facilities.

### PROCEDURES

When it is proposed to adduce evidence by use of video conference facilities:-

1. The party seeking to adduce evidence in that way shall, whenever possible, apply at a prehearing conference for an order that evidence

of a particular witness be given by use of video conference facilities and advise of any arrangements that have been made.

2. If the party is unable to apply at a prehearing conference, then the party shall apply by way of letter to the Judicial Registrar, serving a copy on the other party on the same day.
3. Unless another party objects in writing, within 7 days of the date of the application to the use of video conference facilities, the Registrar may make the order.
4. If another party objects to the use of the video conference facilities, the application shall be listed before the Registrar or a magistrate.
5. An application may be heard either -
  - a) by the Registrar or by a magistrate; and
  - b) in a prehearing conference or in open Court.
6. The Court may give directions in respect of the following matters -
  - a) which witnesses can give evidence by video conference;
  - b) whether the evidence in chief of the witness at any subsequent video conference shall be

confined to the witness statement

- c) the date, time and place of video conference; and
  - d) any other matter it thinks fit.
7. The party adducing evidence by use of video conference facilities shall
    - a) arrange and pay for the booking of the necessary facilities, both ends and all other associated costs and expenses. Notwithstanding, wherever possible the court facilities should be used;
    - b) the party should contact the other facility and make the booking, then ask that facility to contact the head of the orderlies section 8999 6085 to liaise with that person as to whether the times are suitable to the court;
    - c) make the booking of the court facilities by filling in the attached\* form; and
    - d) provide a signed undertaking in the form attached.

H Bradley, CHIEF MAGISTRATE  
9 June 1998

\* not reprinted in Balance

## Costs of Mediation

The following practice direction is issued pursuant to section 21 of the *Local Court Act* and will apply from 1st June 1998.

### Background

With the advent of the amended *Local Court Act* rules and the power of the Court to refer to mediation a question has arisen over the costs of mediation. The question is who will bear the costs of the mediation should it fail and the matter continue to hearing? Are those costs of the

mediation a cost recoverable as a cost of litigation?

### Procedure

It is in the discretion of the Court to decide whether the costs of the mediation are claimable. However, as a guideline, those costs will not be claimable. Each party will bear its own costs of the mediation unless the Court otherwise orders.

It will be up to the successful party to convince the magistrate presiding that those costs should be part

of the costs in the cause

Hugh Bradley,  
CHIEF MAGISTRATE  
1 June 1998

### BALANCE

Published by  
The Law Society of the NT  
GPO Box 2388  
DARWIN NT 0801  
Ph: (08) 8981 5104  
Fax: (08) 8941 1623

