



## NCAT Occupational Division Procedural Direction 2

### AUDIO-VISUAL LINK (AVL) FOR HEARINGS

This Procedural Direction applies to:	Proceedings in the Occupational Division
Effective Date:	21 March 2014
Replaces Procedural Direction:	Administrative Decisions Tribunal's Audio-Visual Link (AVL) for Hearings: Guideline
Notes:	You should ensure that you are using the current version of this Procedural Direction. A complete set of Procedural Directions and Guidelines is available on the Tribunal website at <a href="http://www.ncat.nsw.gov.au">www.ncat.nsw.gov.au</a>

#### Purpose

- 1.1 The general rule is that parties and witnesses must attend the Tribunal in person for hearings.
- 1.2 This procedural direction sets out the procedures for attending a Tribunal hearing by remote means such as an Audio-Visual Link (AVL) or telephone.
- 1.3 The type of hearing to which this guideline refers is any hearing of the dispute between the parties at which evidence is received and interim or final orders are sought from the Tribunal.

#### Circumstances where AVL may be appropriate

- 2.1 A person may participate as a party or a witness in a hearing from a remote location using AVL, with the approval of the Tribunal, if considered appropriate in the circumstances, such as where:
  - (a) the party or the witness is located more than 2 hours travel time from the hearing venue;
  - (b) the party or the witness has health, personal or professional reasons for being unable to attend in person;
  - (c) the party or the witness is in custody;
  - (d) the parties are in agreement about an alternative method of attendance.
- 2.2 Before approaching the Tribunal, the party seeking to vary the general rule must communicate with the other party and discuss the method of attendance and ask for their consent in writing.

## Requesting an Audio-Visual Link

- 3.1 To request a formal AVL the party must complete the “Application for Audio-Visual Link” form and give a copy to the registry and the other party no less than 10 working days before the hearing.
- 3.2 If the other party does not consent to the application, a letter outlining their position must be attached to the application. The application will be considered by the Tribunal member hearing the case.
- 3.3 If the application is granted, the parties will be advised by the registry and the requesting party must pay the (non-refundable) booking fee. The requesting party will be invoiced for additional call charges following the completion of the AVL.

## Responsibilities of Parties to an Audio-Visual Link

- 4.1 The party requesting the AVL is responsible for booking the remote site and notifying all participants of the details of the AVL including venue, commencement time and duration. Parties will need to take into account any time differences between the remote location and the hearing venue.
- 4.2 Parties must comply with any requirement in a foreign country that an oath or affirmation accords with local custom rather than Australian law.
- 4.3 Parties must decide whether another person needs to attend with the witness. The attendance of another person may be necessary to administer the oath or affirmation and/or to ensure that the witness does not receive any unauthorised assistance.
- 4.4 A document image camera is available for viewing images such as documents and x-rays. Each party should settle the order of documents to be shown to the witness prior to the transmission. The list should also be provided to the Tribunal.
- 4.5 Parties must arrive at the hearing room 15-20 minutes prior to the commencement of the AVL to allow the registry officer to:
  - (a) test the availability of the remote location;
  - (b) confirm participant details at the remote location;
  - (c) confirm the names of the Tribunal members, parties, and any legal representatives.

## Receiving Evidence from Remote Witness

- 5.1 Examination of a witness at a remote location will follow as closely as possible the practice that would take place for a witness in the hearing room.
- 5.2 During examination, cross-examination and re-examination, the witness will see the people in the hearing room including the person asking the question and those present in the hearing room will see the witness, and any other persons in the room with the witness.

## Technical Specifications

- 6.1 If the Tribunal is unable to connect with the external participants the parties must seek independent support from the external video conferencing or AVL support provider to facilitate an in-coming conference call to the Tribunal's system. Below is a technical summary of the Tribunal's system that may be of use to the external provider.
- 6.2 The Tribunal uses single video conference or AVL codecs for video conference or audio-visual links. These units are either Tandberg MXP3000 or Cisco TelePresence C40 using IP to connect to a ISDN gateway. Each video conference or AVL codec's default capacity is set to 512k per codec through the ISDN gateway. The Tribunal codecs use standards based algorithms for video and audio with H264 video at 25 fps and G.722 audio as the preferred connection protocol.
- Codec Manufacturer Cisco / Tandberg
  - Codec Model Tandberg MXP 3000 or Cisco TelePresence C40
  - Transmission Rate H320 via ISDN Gateway 512k
  - Transmission Algorithm H.264, G.722
- 6.3 The current AVL is delivered by ISDN (Integrated Services Digital Network) offering a high quality secure and reliable AVL. This is a dedicated phone line for the AVL equipment. It is not compatible with internet based connections such as Skype, VOIP and Appletalk. The remote site must also have an AVL system to facilitate the in-coming conference call to the Tribunal's system.

## Fees

- 7.1 The following fees apply to the use of the Tribunal's AVL system. Note that GST is not included in these charges and will be added to all accounts.
- The booking fee, which is non-refundable – \$110
  - Audio-visual links within Australia
    - Cost for 1st hour – \$200; per subsequent hour – \$140
  - Audio-visual links outside Australia
    - Cost for 1st hour – \$1400; per subsequent hour – \$1340

(Sgd)

21 March 2014

HON. WAYNE HAYLEN, QC

Deputy President