

Supreme Court of Victoria

Practice Note No. 3 of 2002

Transcript In Civil Proceedings

The Chief Justice has authorised the issue of the following Practice Note:

1. Revocation Of Previously Applicable Practice Notes

Practice Notes Number 1 of 1997, Number 1 of 2001 and No 2 of 2002 are revoked.

2. Transcript In Civil Proceedings

This practice Note applies to all civil proceedings in the Supreme Court of Victoria whether heard in Melbourne or on circuit but not to hearings before Masters unless a Master so orders.

In the interests of the efficient administration of justice the Court has determined that unless the Court otherwise orders, there shall be transcript of the conduct of:

- all directions and interlocutory hearings,
- the trial of all civil proceedings,

and the cost of such transcript and incidental expenses shall be borne by the parties.

The Supreme Court has arranged a standing offer (the standing offer) with a preferred service provider (National Transcription Services Pty. Ltd.) for the provision of transcript in civil proceedings in the Court. The principal objective of the agreement is to ensure that transcript of high quality is provided to the Court and to the parties at reasonable cost.

3. Directions And Interlocutory Hearings

Directions and Interlocutory hearings typically involve multiple cases before the Court on any sitting day. To ensure the efficient management of cases the Court has determined that transcription services for Directions and Interlocutory hearings be provided by the preferred supplier, subject to s.130 (3A) of the *Evidence Act 1958*.

At the time of commencement of the proceeding, where the case is to be issued directly into a specialist list, or at the time of filing of a summons seeking entry into a list the party filing the material shall file a copy of a signed purchase order directed to the preferred supplier for the provision of recording and transcription services for all directions hearings and all other interlocutory hearings. That party shall deliver the original purchase order to the preferred supplier.

In cases now pending in the specialist lists the solicitor for the party who entered the case in the list must, before the next return of the Summons for Directions or other occasion when the case next comes before a judge, sign a purchase order to similar effect.

The solicitor, or the litigant if unrepresented, signing the purchase order shall pay the preferred supplier the cost of all transcript provided pursuant to a purchase order.

The ultimate burden of the cost of provision of transcript to the parties and the Court will be dealt with as part of the costs of the proceeding.

4. Trials

Subject to any contrary order of a Judge or Master, a hearing date for the trial will not be fixed unless the parties' solicitors, or the litigant if unrepresented, have signed and delivered a purchase order form to the preferred supplier (or, subject to the said s.130 (3A) entered into a contract with another licensed supplier) for the provision of transcription or recording services in accordance with the standing offer.

Transcript services are to be provided in accordance with the standing offer. They may be provided by the preferred supplier or, subject to the said s.130 (3A) by another supplier.

5. Court Room Setup And Technical Requirements

The principal purposes of this section are to ensure the efficient, successful and timely provision of civil transcription services in civil proceedings; and to address Occupational Health and Safety considerations in relation to the installation and use of equipment and associated cabling by transcript providers.

The Court has prescribed technical standards for connection to the audio and data cabling infrastructure within court rooms provided by the Court. These standards are maintained by the Information Technology Manager, Supreme Court of Victoria. All transcript service providers are to use the technical infrastructure provided.

The Court shall provide access to court rooms, not less than 30 minutes before the start of a hearing, for the purposes of setting up and testing transcript recording, production and distribution equipment. Any equipment installed for the purposes of real time transcript recording and distribution, particularly real time transcription services, should be demonstrably operational no less than 15 minutes before the start of court to ensure the successful reception of such broadcasted information by judicial officers and practitioners when the court begins.

DATED this 16th day of December, 2002.

Signed A.R. Traves, Senior Associate to the Chief Justice.