

63. Practice Direction No 8 of 2009 – Vulnerable Witnesses – Recording Trial Evidence

Section 21E of the *Evidence Act* provides that if a vulnerable witness is to give evidence in criminal proceedings and facilities are available for making an audio visual record of the evidence, a court may direct that an audio visual record be made of the witness's evidence.

1. If a party to criminal proceedings, other than a special hearing conducted under s21B of the *Evidence Act*, intends to call a vulnerable witness, not less than seven (7) days prior to the date fixed for the commencement of the trial the party shall give notice of that intention to the court and to the other party.
2. The notice shall provide sufficient particulars of the vulnerable witness to identify the age of the vulnerable witness and whether the witness is a complainant or otherwise.
3. Unless a Judge orders otherwise, an audio visual record of the evidence of the vulnerable witness will be made.
4. If a party objects to the audio visual recording of the evidence of the vulnerable witness, not less than two days prior to the date fixed for the commencement of the trial the party shall file and serve a notice giving brief reasons for the opposition.

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