SCHEDULE C TO PART 23

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Telephone hearings

1. The Court may order than an application or part of an application be dealt with by a telephone hearing.

2. The applicant should indicate on his application notice if he seeks a Court order under paragraph 1. Where he has not done so but nevertheless wishes to seek an order the request should be made as early as possible.

3. An order under paragraph 1 will not normally be made unless every party entitled to be given notice of the application and to be heard at the hearing has consented to the order.

4. No representative of a party to an application being heard by telephone may attend the Judge in person while the application is being heard unless the other party to the application has agreed that he may do so.

5. If an application is to be heard by telephone the following directions will apply, subject to any direction to the contrary:

(a) The applicant's legal representative must arrange the telephone conference for precisely the time fixed by the Court. The telecommunications provider must be capable of connecting the parties and the Court.

(b) He must tell the operator the telephone numbers of all those participating in the conference call and the sequence in which they are to be called.

(c) It is the responsibility of the applicant's legal representative to ascertain from all the other parties whether their legal representatives will be on the same or different telephone numbers.

(d) The sequence in which they are to be called will be:

(i) the applicant's legal representatives;

(ii) the legal representatives for all other parties; and

(iii) the Judge.

(e) The applicant's legal representatives must arrange for the conference to be recorded on tape by the telecommunications provider whose system is being used and must send the tape to the Court.

(f) Each speaker is to remain on the line after being called by the operator setting up the conference

call. The call may be 2 or 3 minutes before the time fixed for the application.

(g) When the Judge has been connected the applicant’s legal representative will introduce the parties in the usual way.

(h) If the use of a ‘speakerphone’ by any party causes the Judge or any other party any difficulty in hearing what is said the Judge may require that party to use a hand held telephone.

(i) The telephone charges debited to the account of the party initiating the conference call will be treated as part of the costs of the application.