

ATTACHMENT E

**REQUIREMENTS FOR NATIVE TITLE PROCEEDINGS
AND REMOTE FCA PROCEEDINGS**

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1. REQUIREMENTS – NATIVE TITLE PROCEEDINGS IN COURT LOCATIONS

1.1 Overview

Recording Services and Transcript Services in respect of Native Title Proceedings heard in Court Locations must be provided in accordance with the Statement of Requirements and the following additional requirements.

1.2 Personnel

All the Service Provider's personnel must:

- (a) be experienced in recording evidence from Aboriginal and Torres Strait Islander witnesses and demonstrate an awareness of the sensitivities that may arise in the taking and recording of Aboriginal and Torres Strait Islanders evidence;
- (b) possess demonstrated knowledge or experience and understanding of Aboriginal and Torres Strait Islander cultures and orthographies; and
- (c) be willing to operate as part of a small team in conjunction with the FCA and the Customer's personnel.

1.3 Taking the Evidence

The Service Provider must ensure that, in appropriate circumstances, the following action is undertaken:

- (a) a wordlist of all Aboriginal and Torres Strait islander names and other words in "language" is developed and maintained as they are spoken (unless compiled beforehand); or
- (b) the wordlist is provided to the Customer and all Litigants receiving Transcript on an as required basis, with a final wordlist provided with the last day of Transcript; and
- (c) the Service Provider is to arrange the provision of suitable assistance as appropriate to the circumstances, to ensure an accurate Recording of the Proceedings is made.

1.4 Group Evidence

Transcribers, In Court Monitors and other Service Provider personnel involved in Group Evidence in Native Title Proceedings must have the ability to record evidence in a group situation in which the following elements may be encountered:

- (a) individual persons responding to questions from counsel;
- (b) the person responding being prompted or corrected by others in the group;
- (c) the discussion of a question with one or more members of the group before a response is given; and
- (d) the identity of all persons speaking in the group evidence must be recorded.

1.5 Cultural Issues

All Service Provider Staff dealing with Native Title Proceedings must be sensitive to Aboriginal and Torres Strait Islander culture in general and the specific culture of the people from whom evidence is taken during the Proceedings.

1.6 Gender Restricted Evidence

Where cultural custom or beliefs requires evidence only to be recorded by a person of a particular gender, on request these arrangements must be made by the Service Provider.

Transcription of such evidence must also be by a person of the relevant gender and relevant material stored in a manner which complies with the relevant orders of the FCA. The Transcript of such evidence in hard copy form is to be identified through the use of different coloured paper covers or if provided electronically with appropriate access controls to ensure that only those who are authorised to see the Transcript do so.

All Transcript of gender restricted evidence is to be delivered to the appropriate persons in sealed envelopes, or if provided electronically, with appropriate access controls to ensure that only those who are authorised to see the Transcript do so.

1.7 Transcript Style Guide

The final Transcript is to be prepared and delivered in accordance with the Transcript Style Guide at Attachment B to the Statement of Requirements and in accordance with any additional requirements notified by the Customer or the FCA.

2. REQUIREMENTS – FCA REMOTE PROCEEDINGS

2.1 Overview

Recording Services and Transcript Services in respect of Remote FCA Proceedings must be provided in accordance with sections 1.2 to 1.7 above and the following additional requirements.

2.2 Portable Equipment

Suitable Portable Equipment for the purpose of amplification must be provided. This might include some or all of the following as appropriate:

- (a) The use of a minimum of four (4) lapel cordless microphones; and/or
- (b) The use of a minimum of six (6) corded table microphones;
- (c) The use of a hand-held microphone which can be passed from person to person in a group giving evidence (not including the Judge and Counsel);
- (d) The use of headphones or other means to enable others, where entitled, to hear the evidence being given; and
- (e) The ability to connect the recording equipment to a portable amplifier, for sound amplification, in any situation.

Specific equipment requirements include equipment to enable softly spoken witnesses to be heard (e.g. one FM radio transmitter and six portable receivers).

2.3 Back-Up Recording Equipment

The Service Provider must have back-up Recording Equipment readily on hand in the event of major equipment failure so that no hearing days are lost.

2.4 Additional Requirements for Taking the Evidence

In addition to the requirements at section 1.3 above, if not articulated by the Judge or Counsel during Proceedings, the Service Provider must:

- in the case of site visits, ensure that a clear record as to the location of the site is recorded and transcribed; and
- record and transcribe other unspoken matters relevant to the Proceedings such as the direction in which a person is pointing.

2.5 Video-Recording of Proceedings

On request, the Customer may require the taking of evidence to be video-recorded. For example, preservation evidence may be taken of older witnesses to ensure their evidence is available if they pass away prior to the conclusion of the Proceeding. The Service Provider should be able to undertake such video-recording, ensure that the sound of the evidence is clearly recorded on the video.

2.6 Transcript

The Service Provider must provide Transcribers capable of undertaking Monitoring and producing Transcript for Remote FCA Proceedings at the Remote Location which is to be delivered in accordance with Same Day Progressive Transcript requirements.