

Licensing Tribunal of the City of Hamilton
Policy respecting the Recording and Broadcasting of Hearings

Guiding Principles:

The purpose of the Policy, made under the authority of the *Statutory Powers Procedure Act*, is to govern the recording/broadcasting of proceedings of the Hamilton Licensing Tribunal (the “Tribunal”).

The Tribunal must balance public access to its proceedings with the fair administration of justice. Accordingly, requests to record/broadcast proceedings are balanced with:

- ensuring proceedings are accessible to the public,
- ensuring proceedings take place without impediment;
- ensuring witnesses at proceedings do not feel constrained; and,
- ensuring the rights of parties at a proceeding to a fair hearing are not compromised.

Each hearing must be fair, with the rights of the parties protected. As such, subject to section 2 of this Policy, prior permission from the Tribunal is required for recording/broadcasting on a hearing-by-hearing basis.

Definitions:

In this Policy:

“broadcasting”, in all its forms, means the live or recorded transmission, by electronic means, of a photograph, motion picture, video recording or other recording capable of producing an aural or visual representation of a hearing; and,

“recording”, in all its forms, means taking, by electronic means, a photograph, motion picture, video recording or other recording capable of producing an aural or visual representation of a hearing.

Recording/Broadcasting Hearings:

1. A hearing before the Tribunal may not be recorded/broadcast unless prior permission has been given by the Tribunal.

A statement will be read at the start of the meeting by the Tribunal indicating that this is the case.

2. Despite section 1:
 - (a) Prior permission is not required to transmit live alphanumeric communications about a hearing to a publicly accessible medium (e.g. Twitter or a live blog) or to make an aural recording as notes for the purposes of reporting on a hearing. The Tribunal may act to limit these activities, in accordance with this Policy modified as necessary, if concerns under sections 3 or 4 arise during a hearing.

- (b) Permission will not be given to record/broadcast hearings or portions of hearings that are closed in accordance with the *Statutory Powers Procedure Act* when members of the public and the media cannot attend.
 - (c) Parties may arrange, at their own expense, for the attendance of a qualified verbatim reporter for the purpose of recording all testimony and submissions during a hearing and preparing a transcript. Permission is not required for this, but the Committee should be informed in advance of the hearing so that the meeting room can be set up to accommodate the verbatim reporter.
3. A request to record/broadcast a Tribunal hearing may be made to the Tribunal. The Tribunal may permit the request if the members are satisfied that:
- (a) access to a hearing by the members of the Tribunal, the other participants in the hearing as well as the members of the public and the media attending will not be impeded;
 - (b) the hearing will not be disrupted or delayed;
 - (c) no prejudice to any party in the hearing will result;
 - (d) no participants, including the parties, will be negatively impacted (for example, an individual participating as a witness may be reluctant to testify or testify fully); and
 - (e) the privacy interests of participants will be protected.
4. In determining whether to permit a request made under section 3, the Chair of the Tribunal will ask the parties and any witnesses about any concerns they may have. In addition, the Tribunal may hear submissions from any other interested person.
5. The Tribunal may permit a request made under section 3 subject to any conditions necessary to ensure the concerns raised under sections 3 and 4 are addressed. This may include limiting permission to only a part or parts of a hearing.
6. The Tribunal may, at any time during a hearing, withdraw or limit their permission to record/broadcast under section 5, if the concerns raised under sections 3 or 4 are no longer addressed.
7. A recording/broadcast of a hearing permitted under section 2(a) or section 5 may be used only for the dissemination of news and information in a manner that is consistent with the Canadian Association of Broadcaster's Code of Ethics.