

Licensing Tribunal of the City of Hamilton

Policy respecting the Recording and Livestream Broadcasting of Hearings

Guiding Principles:

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

The Tribunal must balance public access to its proceedings with the fair administration of justice and the protection of the rights of the parties. Accordingly, tribunal hearings shall be broadcast via livestream on the City's digital platforms, subject to specific requests not to livestream a particular hearing.

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;

"livestream" means to broadcast audio and video of an event over the internet as it happens; 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. All hearings before the Tribunal shall be livestreamed via the City's preferred streaming platforms from time to time.

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 party may request that a hearing or part of a hearing not be livestreamed by making a such a request to the Tribunal at the outset of the hearing.
3. In considering a request under section 2 to not livestream a hearing, the Tribunal may consider:
 - (i) whether sensitive, proprietary or confidential information of a business, financial or personal nature is likely to be disclosed during the hearing;

- (ii) whether there are ongoing criminal or regulatory hearings involving the same parties or subject matter of the hearing;
 - (iii) whether the livestreaming of a hearing is likely to impact on the willingness of a party or a witness to attend a hearing or to give evidence that is honest, candid or complete;
 - (iv) whether any party would be prejudiced by the livestreaming of the hearing; and
 - (v) such other matters as the parties may raise and the Tribunal may consider appropriate.
4. In determining whether to permit a request not to livestream a hearing made under section 2, 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. Livestreaming will be suspended for 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.
 6. No other form or recording or broadcasting of a hearing is permitted unless prior permission has been given by the Tribunal.
 7. 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.
 8. 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 Tribunal should be informed in advance of the hearing so that the meeting room can be set up to accommodate the verbatim reporter.
 9. A recording or copy of a live stream broadcast of a hearing permitted under section this policy may be used only for the dissemination of news and information in a manner that is consistent with the Canadian Association of Broadcasters Code of Ethics.