



### Rules For Electronic Hearings

Electronic hearings help to improve the Tribunal's efficiency and effectiveness by increasing the flexibility and responsiveness of its scheduling practices. It allows the Tribunal to schedule hearings more quickly, and can also facilitate hearings when a party is physically unable to travel, lives in an area where the Tribunal does not frequently hold hearings, or where transportation is difficult. Telephone hearings are most effective where the subject of the appeal is clear and uncomplicated. In those cases suitable to the electronic form of hearing, appeals can be scheduled faster, saving travel time and cost for all parties.

Sections 5.2 and 25.1 of the Statutory Powers Procedure Act give Tribunals authority to hold electronic hearings on procedural matters despite any objections of the parties. Tribunals may hold electronic hearings on any other matter unless a party objects and can show that the party is likely to suffer significant prejudice because of the mode of hearing that has been chosen.

The Tribunal strives to conduct hearings as efficiently as possible while maintaining a process that is accessible and fair.

#### 1. General

- 1.1 An electronic hearing means a hearing held by conference telephone or some other form of electronic hearing technology allowing persons to hear one another, and includes hearings conducted by video conference.
- 1.2 In an electronic hearing, all the parties and the members of the Tribunal participating in the hearing must be able to hear one another and any witnesses throughout the hearing.
- 1.3 An electronic hearing before the Tribunal is to be held in private and the proceedings of the Tribunal at such a hearing are confidential. Only the parties to a hearing can participate in an electronic hearing. Parties in telephone hearings must make arrangements to ensure that the privacy and confidentiality of the hearing are

	<p>maintained at their premises.</p>
<p><b>2. When an Electronic Hearing May Be Held</b></p>	<p>1.4 During the progress of a hearing the Tribunal may determine that another hearing format would be more appropriate and may direct that the hearing be rescheduled accordingly.</p> <p>2.1 The Tribunal may hold an electronic hearing to determine:</p> <ul style="list-style-type: none"><li>● Any procedural issues, or</li><li>● Any other matter, unless a party objects and the Tribunal is satisfied that holding an electronic hearing is likely to cause significant prejudice to the party.</li></ul>
<p><b>3. In deciding to hold an electronic hearing the Tribunal may consider any relevant factors, including:</b></p>	<ul style="list-style-type: none"><li>● The nature of the appeal and whether it is suitable to hear the matter by electronic hearing</li><li>● The type of evidence that may be required for the hearing, including whether credibility is an issue</li><li>● The ability to conduct a fair and private hearing</li><li>● The number of persons who may be involved in the hearing including parties, counsel and witnesses</li><li>● The need to expedite certain types of appeals</li><li>● Convenience to the parties</li><li>● A party's request for an electronic hearing and the reasons for the request</li><li>● Estimated duration of the hearing</li><li>● The cost and efficiency of conducting an electronic hearing</li><li>● Special circumstances, such as the unavailability of an interpreter</li></ul>

**4. A “Notice of Electronic Hearing” will be sent to the parties and will contain:**

- The time, purpose and manner of the hearing
- A statement that the only purpose of the electronic hearing is to deal with procedural matters, if that is the case
- If the electronic hearing is to deal with matters other than procedural issues, then a statement advising the party of the procedure for objecting to an electronic hearing if it is likely to cause the party significant prejudice
- A statement that if the party fails to object to the electronic hearing and does not participate in the hearing, the Tribunal may proceed without the party’s participation and the party will not be entitled to any further notice of the proceeding.

**5. Objections To Electronic Hearings**

- 5.1 Where the scheduled electronic hearing concerns issues other than procedural matters the Tribunal will not hold an electronic hearing if a party satisfies the Tribunal that such a hearing would likely cause the party significant prejudice.
- 5.2 If a party disagrees with the decision to hold an electronic hearing the party is required to give notice of his or her objection using the following procedures:
- A party may object to an electronic hearing that has not been restricted to procedural matters within 15 days after the Tribunal gives notice that an electronic hearing will be held.
  - Objections must be in writing including detailed reasons why the use of an electronic hearing will cause substantial prejudice to the objecting party.
  - An unrepresented Appellant who is unable to object in writing may object by telephone. In

	<p>this case the Tribunal will confirm the objection in writing.</p> <ul style="list-style-type: none"><li>• Objections should be directed to the assigned Client Service Representative</li><li>• The Tribunal may reject the objection if it is satisfied that there will not be significant prejudice to the objecting party.</li><li>• The Tribunal may, with or without inviting submissions from other parties, convert the hearing into another format by issuing a new Notice of Hearing.</li><li>• Where an objection is based on a particular concern, the Tribunal may resolve that concern and proceed with the electronic hearing.</li><li>• Where a party does not agree with the decision of the Tribunal to hold an electronic hearing the party may raise the objection again with the Tribunal member at the beginning of the hearing. The Tribunal member will determine if an electronic hearing will result in substantial prejudice to the party. If the Tribunal member accepts the objection, the hearing will be rescheduled into another format.</li></ul>
<p><b>6. Effect Of Failure To Participate In Electronic Hearing</b></p>	<p>6.1 If the person appealing fails, without reasonable cause, to be available for the hearing, the Tribunal may proceed in the absence of the party, and the party is not entitled to receive any further notice of the proceedings.</p>
<p><b>7. Written Submissions And Evidence</b></p>	<p>7.1 Parties must comply with the same disclosure requirements as for an oral hearing. Written submissions and evidence must be served on the other party and filed with the Tribunal in advance of the hearing in accordance with the relevant disclosure provisions in the Regulations.</p>