



# Practice Direction Number 2 of 2023

## USE OF ELECTRONIC DEVICES IN TRIBUNAL HEARINGS

1. The purpose of this practice direction is to detail the permitted use of electronic devices in Mental Health Review Tribunal (Tribunal) hearings.

### Definitions

2. In this practice direction, the following definitions apply:
  - (a) “attendee” means any person attending a proceeding, whether that be in-person or remotely including via videoconference or telephone means;
  - (b) “electronic device” means any device capable of sending, receiving, or recording data (including capturing images) or any combination of those functions and includes any camera, smartphone, cellular phone, computer, laptop, tablet, notebook, personal digital assistant, two way radio, or other similar device;
  - (c) “hearing” means the hearing of a Tribunal matter conducted under the *Mental Health Act 2016*.

### Prohibition

3. Electronic devices may not be used in a hearing unless permitted:
  - (a) by this practice direction, or
  - (b) by the Tribunal panel conducting the hearing.
4. In addition, an electronic device is not to be used in a hearing:
  - (a) in a manner that interferes with the Tribunal recording a hearing or the technology used in the recording of a hearing;
  - (b) in a manner that interferes with the environment of a Tribunal hearing or is inconsistent with the Tribunal’s functions;
  - (c) to take photos or video images;
  - (d) to record or digitally transcribe the proceedings except as permitted by this practice direction.



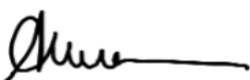
5. All attendees must:
  - (a) not take any action which interferes with the Tribunal recording a hearing;
  - (b) follow any reasonable directions of the Tribunal which are intended to aid in the efficient and effective recording of the hearing.
6. If an attendee refuses to stop recording, to follow the Tribunal's reasonable directions, or interfere with a hearing, the attendee may be required to leave the hearing or may be asked to remove an electronic device from the hearing.

### **Permitted use of electronic devices**

7. Electronic devices may be used in a hearing:
  - (a) for the purpose of recording the proceedings. Such recording is only permitted to be undertaken by the Tribunal;
  - (b) by persons attending the hearing in a professional capacity to take notes for the purposes of their files or to access documents or other materials required for the hearing;
  - (c) by other attendees, with the approval of the Tribunal, to take notes or access documents or other materials required for the hearing.
8. All attendees using electronic devices, for any reason, must take precautionary steps to minimise any interference with proceedings. This includes:
  - (a) placing an electronic device on silent;
  - (b) placing electronic devices in a location that does not interfere with other equipment, including microphones;
  - (c) reducing the background sounds of attendees (including being mindful of disruptive tapping on keyboards or clicking of pens).

### **Commencement**

9. This Practice Direction takes effect from 15 November 2023.



**Ms Annette McMullan**  
**President**  
7 November 2023