



## PRACTICE NOTE 11 OF 2021

### Electronic devices in hearing rooms

#### Introduction

1. Practice Note 11 of 2021 is issued by The Western Australian Industrial Relations Commission (**the Commission**) for the purpose of informing parties to matters before it of the general practice in relation to the use of electronic devices in hearing rooms in Commission proceedings.
2. In accordance with s 113(1) of the *Industrial Relations Act 1979* and reg 39(3) of the *Industrial Relations Commission Regulations 2005*, Practice Note 11 of 2021 is effective 14 days after the date of its publication in the Western Australian Industrial Gazette, being 23 March 2021, and remains in force until such time as it is replaced.

#### General

3. Unless permitted by a Commissioner or by this Practice Note, electronic devices may not be used in any hearing room.
4. Additionally, an electronic device may not be used in a hearing room:
  - (a) to record or digitally transcribe the proceedings except as permitted by this Practice Note or by a Commissioner;
  - (b) in a way that disrupts the hearing room recording system or other equipment;
  - (c) to record video images, to take photographs, to generate sound or require speaking into the device; or
  - (d) in any manner that disrupts the solemnity of the proceedings or the decorum in the hearing room.
5. Members of the legal profession, registered industrial agents and self-represented parties may use an electronic device to send and receive text-based messages provided the device is in silent mode, does not interfere with proceedings and earphones are not used.

#### Accredited media

6. Subject to any order or direction of a Commissioner, accredited media, who may be required by Commission staff to produce photo identification issued by their media organisation, may use electronic real-time text-based communications and



social media for the purposes of accurate reporting of proceedings.

7. This is subject to the accredited media representative not interrupting the proceedings and ensuring that any suppression or other non-publication orders are not contravened. Additionally, any such communications must not enable witnesses excluded from a hearing room until they are called, from being informed about the content of evidence being adduced by a witness.
8. Any such audio recording made by an accredited media representative must not be broadcast or published in any way.

### **No restriction**

9. This Practice Note does not alter or detract from the restriction on the publication of proceedings in a hearing room under the *Industrial Relations Act 1979* (WA) or by order or direction of the Commission.

### **Relevant legislation**

*Industrial Relations Act 1979*, ss 27, 28, 33, 113.

*Industrial Relations Commission Regulations 2005*, reg 39.

### **Useful resources**

10. The Commission's website contains additional [resources](#).

**S J Kenner**  
**SENIOR COMMISSIONER**