

General procedure for conducting electronic hearings (e-hearings)

PRACTICE NOTE 6 - 2020

For information on hearings, please see the Building Appeals Board ('BAB') Practice Note 4 – 2019.

An electronic hearing ('e-hearing') allows all parties a chance to participate in a hearing of a proceeding via an online audio/visual platform in a virtual e-hearing room. This removes the requirement for parties to attend a hearing in-person.

Before the e-hearing day

You will receive an *invite* to the nominated email address for the e-hearing. The *invitation* will be forwarded by the Board's registry ('the *host*') to each of the parties or their representatives via an email containing a link. Clicking the link will redirect the parties to the *invitation* to join the e-hearing.

The BAB panel members will be in different locations and will access the e-hearing individually.

You are expected to join from a device with a suitable camera and microphone. It is recommended that the device have a stable internet connection and preferably, not via a mobile phone.

You are expected to be located within a quiet environment, preferably in the instructing solicitors' office or other quiet facility.

Filing of documents

All documents to be relied upon by the parties in any e-hearing must be filed electronically in PDF format. Ideally, all documents should be contained in a common electronic hearing book with each page numbered. Where this is not possible or practicable, each party must file an electronic version of their folder of documents in PDF format.

If you are relying upon or referring to a hard copy of a hearing book or folder of documents, the

page number must correspond to any electronic version of the hearing book.

You should be aware that BAB panel members may be utilising two separate devices, one to interact during the e-hearing and the other to access electronic documents.

In some cases, the common hearing book or each party's folder of documents will be accessible from a *Dropbox*® to enable access sharing.

Witnesses

All witnesses to be called by the parties must be provided with a device that has a stable internet connection and preferably, not via a mobile phone.

All witnesses should be given comprehensive instruction by the party that intends to call that witness as to how they will be invited into the e-hearing and ideally, conduct a test run of the conferencing platform prior to any e-hearing commencing.

Where witnesses are not likely to be speaking at any point during the hearing, the Board will ask at the beginning of the e-hearing that they turn off the video cameras and microphones, so as to avoid any reverb issues with their speakers feeding back into the microphone.

Where objections to evidence require deliberation, the *host* will excuse the witness into a *waiting room* until such time as the Chair of the panel instructs the *host* to reintroduce the witness into the e-hearing. During this time, the witness should not leave the meeting.

Technical issues and co-operation

It is anticipated that issues may arise that may not have been foreseen prior to the e-hearing commencing. In those instances, the Board may adjourn the e-hearing and place the parties in a *waiting room* so that the issues can be attended to.

You must cooperate in the running of an e-hearing, which includes refraining from talking over other parties, understanding the limitations of an e-hearing and generally working with the BAB panel members to ensure the smooth running of any e-hearing.

Further information

For information on hearings, please see the Building Appeals Board ('BAB') Practice Note 4 – 2019, available at [BAB-Practice-Note-4-2019_Hearings.pdf \(buildingappeals.vic.gov.au\)](https://www.buildingappeals.vic.gov.au/BAB-Practice-Note-4-2019_Hearings.pdf).

If you have an inquiry, please email registry@buildingappeals.vic.gov.au or call 1300 421 082.