



# Electrical Workers Registration Board

SAFETY | COMPETENCY | COMPLIANCE

## Board Practice Direction: Rules for the use of Audio and Visual Links

EWRB Reference Number	Board Practice Direction – Rules for the use of Audio and Visual Links
Document Category:	Board
Document Type:	Practice Direction
Responsible:	Board
Publication Status:	Public
Board Approval Date:	October 2019
Gazette Notice Date:	N/A
Next Review Date:	

Signed and dated this 21<sup>st</sup> day of October 2019.

**Mel Orange**  
Presiding Member

## Contents

1. Introduction .....	2
2. General Criteria for Allowing use of Audio or Visual Links .....	2
3. Minimum Audio or Visual Requirements.....	3
4. Starting and Ending.....	3
5. Technical Failure .....	4
6. Problematic Remote Participant.....	4
7. Recording.....	4

### 1. Introduction

- 1.1 The Board deals with disciplinary matters under Part 11 of the Electricity Act 1992 (the Act). Under section 147S of the Act an electrical worker has a right to appear and be heard and under sections 147W and 147X of the Act the Board can receive evidence from witnesses.
- 1.2 The Board also deals with licensing and registration matters which can require interviews with electrical workers or persons applying to become registered and/or licensed electrical workers.
- 1.3 To enable the fair and effective appearance by persons before the Board it may, at times, be necessary for persons to appear by way of an audio or a video link. These guidelines set out the criteria for and rules relating to those appearances.

### 2. General Criteria for Allowing use of Audio or Visual Links

- 2.1 Wherever possible a respondent or witness should appear before the Board in person.
- 2.2 The Board has adopted the provisions of sections 5 and 6 of the Courts (Remote Participation) Act 2010 (with necessary modifications) in determining whether a person can appear by way of and audio or visual link. The Presiding Member shall have the discretion as to whether an appearance by audio or visual link will be allowed.
- 2.3 The Presiding Member will consider the following criteria when he or she is making a determination on whether or not to allow the use of an audio or visual link for the appearance of any participant in a proceeding:
  - (a) the nature of the proceeding;
  - (b) the availability and quality of the technology that is to be used;
  - (c) the potential impact of the use of the technology on the effective maintenance of the rights of other parties to the proceeding, including—
    - (i) the ability to assess the credibility of witnesses and the reliability of evidence presented to the Board; and
    - (ii) the level of contact with other participants; and
  - (d) any other relevant matters.
- 2.4 Where an audio or visual link is to be used in a disciplinary hearing in respect of the respondent's appearance the Presiding Member will also assess the potential impact of the use of the technology on the effective maintenance of the right of the respondent to

a fair hearing, and on his or her rights associated with the hearing, and, in particular:

- (a) the ability of the respondent:
  - (i) to comprehend the proceedings;
  - (ii) to participate effectively in the conduct of his or her defence;
  - (iv) to access relevant evidence;
  - (v) to examine the witnesses; and
- (b) the level of contact the respondent has with other participants; and
- (c) any adverse impression that may arise through the defendant or any other participant appearing by means of AVL, and whether that adverse impression may be mitigated.

### 3. Minimum Audio or Visual Requirements

3.1 Teleconference link minimum requirements for remote participants:

- (a) a landline is preferable, if a mobile connection is to be used the signal must be strong and consistent;
- (b) the participant must be in a quiet place and away from persons who are not connected to the proceedings;
- (c) a speaker phone is not to be used unless there is more than one remote participant. If a speaker phone is being used, then it must be placed on mute until such time as a remote participant is speaking.

3.2 Video conference link minimum requirements for remote participants:

- (a) participants must use Skype and the data connection must be strong and consistent; and
- (b) the participant must be in a quiet place and away from persons who are not connected to the proceedings.

3.3 A remote participant by video link will, at a minimum, be able to observe the Presiding Member. Participants by both audio and visual link must, at a minimum, be able to hear all participants in the hearing.

3.4 Failure to adhere to the above requirements may result in the remote participant being disconnected from the proceedings.

### 4. Starting and Ending

4.1 The connection to a remote participant to an audio or visual link will be made by the Board Officer. Connection details will be provided prior to the hearing. If necessary, the audio or visual link will be tested prior to a hearing commencing.

4.2 A connection will be made when the remote participant's evidence or participation is required and at the direction of the Presiding Member.

4.3 On a connection being made the Board Officer will introduce the Presiding Member who will inform the remote participant of the persons then engaged in the hearing.

4.4 The Board Officer will administer an affirmation if the testimony to be received is to be sworn evidence.

4.5 The Presiding Member will inform the remote participant of their role and will inform

them of how and when they will participate.

- 4.6 The connection will be ended when the Presiding Member determines that the remote participant is no longer required.
- 4.7 Remote participants, other than a respondent, should not expect to be able to participate throughout the proceedings. If they do want to participate throughout then they must apply for permission to do by making an application to the Board Officer with their reasons. The Presiding Member will decide whether or not to grant the request.

## 5. Technical Failure

- 5.1 In the event of an equipment failure, technical issues or a failure to adhere with the minimum requirements which result in the Board or the remote participant not being able to be heard the connection will be terminated. No more than two attempts to re-establish an acceptable connection will be made. If one cannot be made the Presiding Member will decide on the appropriate action to then be taken.

## 6. Problematic Remote Participant

- 6.1 If the remote participant fails to comply with any direction, or is acting inappropriately, the Presiding Member can direct that the link be disconnected. The Board Officer will then contact the remote participant and advise them of any directions or decisions that that the Board or Presiding Member have made.

## 7. Recording

- 7.1 All proceedings before the Board are recorded.