

Recording of Guardianship Board Hearings

1. Introduction to recording

The recording of Guardianship Board hearings is an important part of the Board's functions.

The ability to provide a correct record of proceedings for Board hearings is vital due to:

- the increasing number of contentious and complex cases coming before the Board;
- the need to provide a complete record of proceedings for appeal to the High Court;
- request from Members to access an accurate record of proceedings to assist in providing written reasons.

From 6 February 2006, the Board started to record all hearings conducted in Hearing Room of Guardianship Board.

2. Proceedings to be transcribed

All hearings set down in Hearing Room are to be recorded. The Board will use the hard-disc of DVD recorder to record the proceedings. The proceedings will be transferred to DVD discs for storage once the capacity of the hard-disc of DVD recorder is full.

3. Duties of Secretariat on recording

Guardianship Board Secretariat is required to ensure the Board's proceedings are clearly and properly recorded. All the hearings recorded in Hearing Room will be recorded by a DVD recorder.

The Secretariat must ensure that:

- the Board's recording equipment is in good working order;
- there are sufficient space available to record the entire hearing;
- all DVD discs are properly numbered and the relevant reference numbers of the cases are marked on the DVD discs.

The Secretariat must press the record button at the direction of the Presiding Member, read aloud the case reference number and the name of subject-person and initially looked at the display of the DVD recorder to confirm that the proceedings is being recorded.

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4. Obligations of Board Members during the recording of hearings

The Presiding Member should introduce or ask all parties, including other panel members, to announce themselves and/or their role in the proceedings at the beginning of the hearing.

Throughout the hearing the members must address each party when they are speaking to them or acknowledge who is speaking to enable the correct individual to be identified when the proceedings are transcribed.

5. Storage of DVD recorder and discs

DVD recorder and DVD discs will be stored in a locked cupboard and are under the control of Guardianship Board Secretariat.

The DVD discs are permanent record of the proceedings and must be kept. **The DVD discs must be stored permanently and must NOT be wiped off.**

6. Requests for transcripts

From parties:

If a party requests a transcript of proceedings, the person is required to write to the Chairperson. The party must set out their role in guardianship proceedings, relationship to the subject-person and the reason the transcript is required. Authorization for the transcription of a proceedings will be sought from the Chairperson. Each request will be considered on its' merits.

If the transcription of a proceedings is approved, the requesting party should be advised that the Board will forward the DVD disc(s) to the agency responsible for transcribing the proceedings and that the requesting party will be responsible for bearing the cost of the transcription.

Any fees required to be paid for the transcription of the hearing has to be paid by the party requesting the transcript to the agency responsible for transcribing the proceedings. Guardianship Board maintains copyright over all proceedings.

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From Members:

If the transcript is required by a Board Member for writing Reasons, the Member must first seek approval from the Chairperson. If approved by the Chairperson, the Secretariat will arrange for the transcripts to be prepared. The Guardianship Board bears the costs of the transcription of these proceedings.

It is important to note that transcription of proceedings “for reasons” will not be done as a matter of course. Members should listen to the DVD disc of the proceedings rather than transcribing these proceedings because of the prohibitive cost of transcription. The Chairperson will only authorize the transcription of proceedings in exceptional circumstances.

For appeals:

When the Board is advised for appeal and request for a transcript of proceedings by Court, the Chairperson is required to arrange for a transcript of proceedings to be produced for lodgment at the High Court. The Chairperson must check the transcript to ensure that only the hearing is provided and not proceedings discussed during an adjournment of or after the hearing is finalized. The Chairperson will also provide a copy to the Presiding Member to check the transcript for accuracy. The Board will bear the costs of the transcription.

1 September 2009

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