

AVL Hearings Webex

Information Guide

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1 Overview

- 1.1 Hearings in the Magistrates' Court ("the Court") may be conducted utilising Cisco Webex Meetings ("Webex"). Webex is video-conferencing software which will facilitate appearances or attendances at the hearing remotely. Webex can be used in conjunction with traditional video-link technology and physical attendance at the Court, as required.
- 1.2 The existing in-Court technology (ICT) audio visual link (AVL) infrastructure can be connected to a hearing by Webex. This allows participants to attend or observe a hearing in a number of different ways.
- 1.3 At times, an important objective of the Court is to reduce the number of people who are physically attending the Court. Technology, including Webex and video-links, will be used to meet this objective.

2 Webex and technology requirements

- 2.1 Webex is a video/audio conferencing application available on most internet-enabled ('smart') devices (e.g. computers, tablets and smartphones) which have a camera and a microphone. Webex can be utilised through an Android or Apple device, or Windows or Apple computers.
- 2.2 The Court will be the Webex host. Participants do not require a hosting account to appear or attend the Magistrates' Court Webex video/audio conference ("conference"). Attending conferences is **free** for participants.
- 2.3 To join a Webex video/audio conference hosted by the Court, participants should download the Webex Meetings application ("app") on their chosen device. The Webex Meetings application may be downloaded for free from <https://www.webex.com/downloads.html>. Alternatively, participants can join the Webex Meeting utilising a web browser (such as Chrome, Internet Explorer etc.)
- 2.4 In order to participate in a hearing by Webex, the participant's device must be connected to the internet. The quality of a Webex connection depends on the quality of the internet connection. The Court encourages participants to access Webex through a device from a location that has a reasonable internet speed, whether via Wi-Fi or a cellular network (for example, 4G).
- 2.5 The Court recommends the use of a suitably enabled device (desktop or laptop or tablet) with a larger screen, as seeing other participants is generally easier with a larger screen.
- 2.6 The Court also recommends that participants joining the Webex conference remotely use a headset, or headphones with a built-in microphone. Doing so will keep background noise from disrupting the hearing and will keep distractions to a minimum. It will also prevent a feedback loop of sound occurring.
- 2.7 Participants can join a Webex hearing through Webex via the desktop app, from a calendar invite or via the mobile app.
- 2.8 If determined appropriate by the Court, participants may be able to join a Webex hearing by telephone, joining by audio only.

3 When Webex will be used in hearings

- 3.1 Hearings will be conducted in accordance with the relevant protocols issued by the Court.
- 3.2 Judicial Officers (Magistrates or Judicial Registrars)¹ may identify matters that are suitable to conduct using Webex and direct that a participant or participants appear through Webex. Judicial Officers may also allow participants or others to observe the hearing of a matter by joining the Webex conference.²
- 3.3 Counsel or Instructing Solicitors, or a self-represented accused, may also make a request to the State Coordination Unit via email to omc@courts.vic.gov.au that:
- a suitable matter be conducted using Webex;
 - participant/s appear at the hearing through Webex; and/or
 - others observe the hearing through Webex.³
- 3.4 In determining whether to utilise Webex, a relevant consideration will be that it is an objective of the Court to reduce the number of people physically attending at the Court. Another relevant consideration will be that the technology enables all appropriate persons to see and/or hear participants involved in the hearing, including during the giving of evidence or making submissions.⁴
- 3.5 Ultimately, it is for the presiding Judicial Officer, in his or her discretion, to determine whether a matter is suitable to hear using Webex, or whether an individual participant or participants should appear, attend or observe by Webex.
- 3.6 Webex may also be utilised to facilitate multi-party links as deemed necessary by the Court.

4 Who will be permitted to join a Webex hearing?

- 4.1 Where appropriate, a Judicial Officer (and/or their staff) may appear remotely, that is, outside of a court room, via Webex.
- 4.2 If directed by the Judicial Officer, participants that can appear at a Webex hearing include, but is not limited to:
- Prosecutions
 - Counsel;
 - Instructing Solicitors;
 - The accused person;
 - The victim or complainant;
 - The informant, or other members of Victoria Police;
 - Corrections Victoria, including prisons or Corrections offices;
 - Witnesses, including expert witnesses; and
 - Interpreters

¹ Throughout this document a reference to Judicial Officer will refer to a Magistrate or Judicial Registrar.

² Section 42E of the *Evidence (Miscellaneous Provisions) Act 1958*.

³ Throughout this document a reference to participants also refers to observers.

⁴ Section 42G of the *Evidence (Miscellaneous Provisions) Act 1958*

- 4.3 If directed by the Judicial Officer, others may be able join a Webex hearing for the purposes of observing including:
- family members/support persons of the accused or victim/complainant; and
 - a media representative. (See the MCV information for the media website⁵)
- 4.4 In determining whether a media representative or journalist may join a Webex hearing for the purposes of observing, a relevant consideration will be the principle of open justice (though, the Court notes that the use of Webex does not involve a closing of the Court). Other relevant considerations will be that, at the discretion of the presiding Judicial Officer.
- 4.5 As with other media requests, these should be directed by email to the Magistrates' Court media team - mcvmedia@courts.vic.gov.au.

5 Prior to the hearing

- 5.1 At least three days before the hearing, the parties will be required to file a Webex hearing notification. This notification will advise the presiding Judicial Officer of a number of details including:
- The email address and phone number of each participant or observer who will be joining the hearing by Webex. The email addresses will be used to send a Webex hearing invitation. Parties will be required to advise the Court immediately if the intended participants or their details change including updating the Court with any new participants. Defence and Prosecution are encouraged to exchange details and communicate in advance to ensure issues are settled ahead of the hearing.
 - A realistic estimate of the duration of the hearing.
- 5.2 If a party intends calling a witness, the witness' email address and phone number will also need to be provided.
- 5.3 The Court recommends that participants test and verify that their smart device is working, and their video and audio are set up correctly, well in advance of any scheduled hearing. For the desktop and mobile apps, a test meeting can be conducted by utilising <https://www.webex.com/test-meeting.html>
- 5.4 The AVL Coordination Unit or Court Registry will email participants a Webex meeting invitation that can be used to join the Webex hearing. This invitation must be accepted.
- 5.5 Provided the Court has capacity, it is anticipated that the Webex invitation will invite participants to join the Webex hearing approximately 5-10 minutes before the scheduled hearing will commence, to allow for testing and issues resolution.

6 Joining the hearing via Webex

- 6.1 The Webex hearing can be joined from the email invitation sent by the Court, or through the Webex Meetings desktop, mobile app or web browser.

⁵ <https://mcv.vic.gov.au/news-and-resources/information-media>.

- 6.2 As noted above, the Court recommends that, before the hearing, participants prepare by downloading the Webex Meetings app. See point 2.3.
- 6.3 However, if first time participants have not downloaded the Webex app before they seek to join a Webex hearing, they will be prompted to download and install the Webex Meetings app from their smart device after clicking on the “Join meeting” button from their email invitation. When prompted, download and install the Webex Meetings app. Participants can also join the session using a web browser.
- 6.4 The steps to join a Webex conference depend on how the participant will be joining – whether by:
- a) email invitation;
 - b) using a desktop app;
 - c) using a mobile (smartphone or tablet) app;
 - d) using the web browser; or
 - e) using a telephone (audio only).
- 6.5 Each of these are discussed below.
- 6.6 In the Court’s experience, for those who will not be using Webex regularly, joining a Webex hearing by using the email invitation is the most straightforward way to do so.
- 6.7 Participants will not be able to join the Webex hearing using the steps below, unless the host (the Court) has started the meeting. This is so even if participants attempt to join the hearing at the stipulated time in the invitation.

6.7.1 Email invitation

- Once accepted, the invitation will create a calendar event in the participant’s calendar.
- Open the calendar event. This will create a pop-out window, containing a green **Join meeting** button (Figure A).
- Click the green ‘**Join meeting**’ button.
- If this is the first time the participant is using Webex, the participant will need to enter their name and email address and click **Join**.
- This will then re-direct the participant to a further Webex window, which will provide a preview of how the participant will be seen by others in addition the ability to adjust their audio/visual settings. From this window, the participant will need to click another green ‘**Join meeting**’ button. This allows a participant to join the Webex hearing (Figure B).
- After the participant joins, they will be able to see and hear other participants appearing by Webex, and through a bridging link any participants appearing by video-link or in Court.
- Participants can click [here](#) for instructions on how to join a Webex Meeting from an Email Invitation.

John Smith invites you to join this Webex meeting.

Meeting number (access code): 123 456 789

Meeting password: KCnJeJ2EP32

Tuesday, 7 April 2020

2:00 pm | (UTC+11:00) Canberra, Melbourne, Sydney | 45 mins

[Join meeting](#)

Join by phone

Tap to call in from a mobile device (attendees only)

[+61-2-9338-2221](#) Australia Toll

[Global call-in numbers](#)

Figure A

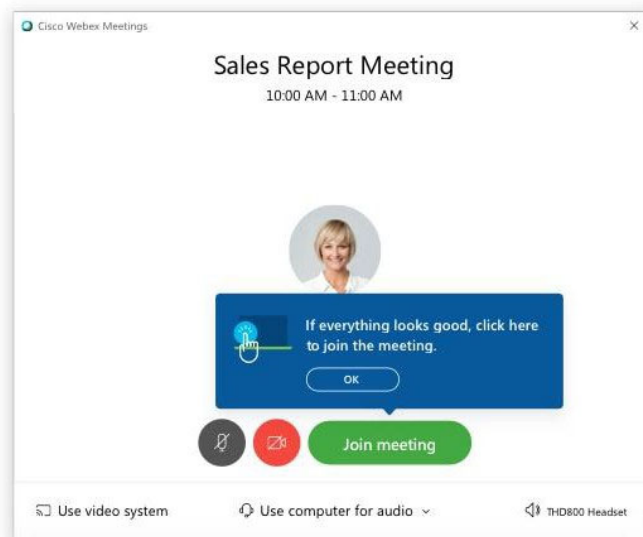


Figure B

6.7.2 Webex Desktop App

- If this is the first time the participant is using the Webex Meetings desktop app, the participant will be prompted to enter their name and email address and click **Next**.
- Participants are not required to sign in first but may wish to do so if they have created a Webex account. Alternatively, participants can use the Cisco Webex Meetings desktop app as a guest.
- To join a Webex meeting by way of the Desktop App, open the Desktop app and enter a Personal Room ID, meeting number, or meeting link in the 'Join a meeting' search bar, and click to enter the

meeting (Figure C).

- The Court may require that participants use a meeting password (which is found in the email invitation). If prompted, enter the password and click **Join Meeting**.
- Participants can set-up their [audio and video settings](#) as required.
- Then click **Join Meeting** to attend the Webex hearing.
- Participants can watch a YouTube video on how to join a Webex conference through the Desktop app by clicking [here](#)⁶.
- Alternatively, participants can click [here](#)⁷ for instructions on how Use the Cisco Webex Meetings Desktop App as a Guest.

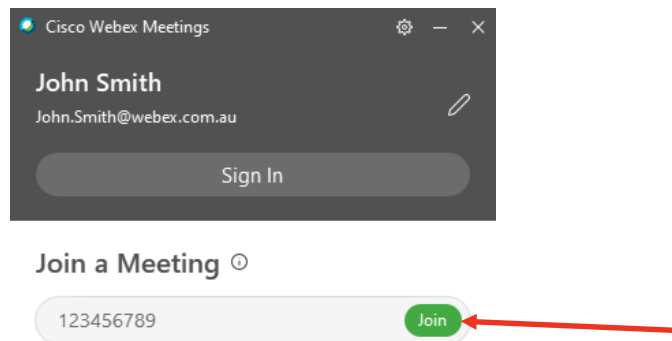


Figure C

6.7.3 Mobile Device (smartphone or tablet)

- Participants should open the mobile app and tap **Join Meeting**. Participants are not required to sign in first but may wish to do so if they have created a Webex account (Figure D).
- Enter the meeting number (in the email invitation), name and email address and tap **Join**.
- The Court may require that participants use a meeting password (in the email invitation). Enter the meeting password (in the email invitation) and tap **Join** (Figure E).
- Participants can set up their [audio and video settings](#) as required.
- Click **Join** to attend the Webex hearing.
- Participants can watch a YouTube video on how to join a Webex conference using the Mobile app by clicking [here](#)⁸.
- Alternatively, participants can click [here](#)⁹ for instructions on how to connect to Webex Meetings from a Mobile Device.

6 https://www.youtube.com/watch?v=Y- jey84hEo&list=PL_YnWo4XhzTfhkcwB6M1a-wJ9dTIz58yz&index=19

7 <https://help.webex.com/en-us/x8p8cw/Use-the-Cisco-Webex-Meetings-Desktop-App-as-a-Guest>

8 <https://www.youtube.com/watch?v=zK3TIXsgosU>

9 <https://help.webex.com/en-us/n030135/Connect-to-Webex-Meetings-from-a-Mobile-Device>

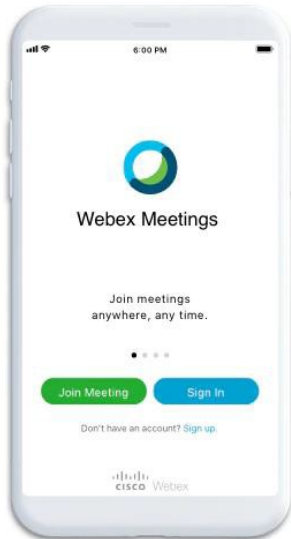


Figure D

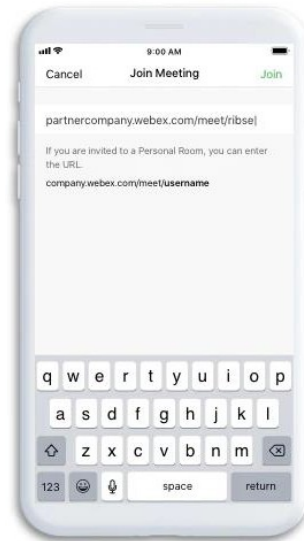


Figure E

6.7.4 Web Browser

- Click the **Join meeting** button in your email invitation to join the Webex conference.
- Click **Join from your browser** (Figure F).

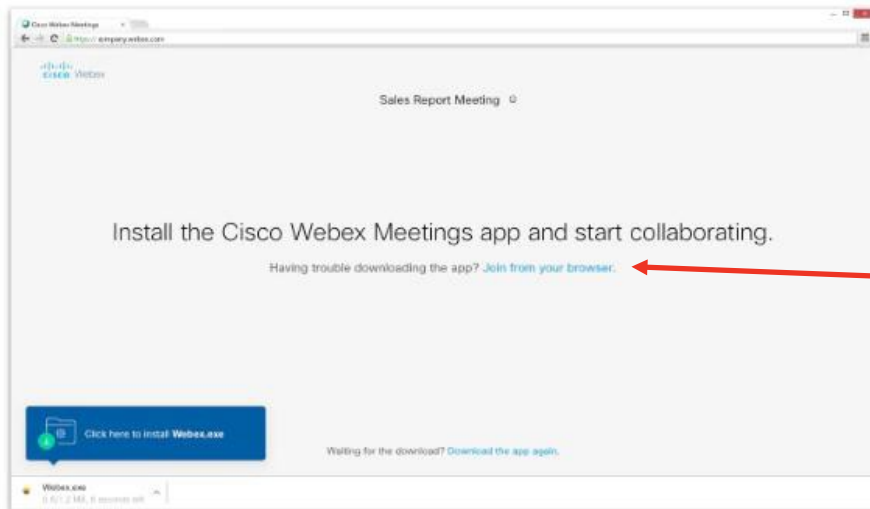


Figure F

- The participant is to enter their details and click **Next** (participants are not required to sign in first but may wish to do so if they have an account).
- The Court may require that participants use a meeting password (in the email invitation). Enter the meeting password (which is found in the email invitation) and tap **OK**.
- Participants can set up their [audio and video settings](#) as required.
- You can watch a YouTube video on how to join a Webex conference using the web browser by clicking [here](#)¹⁰.

¹⁰ https://www.youtube.com/watch?v=7l_W-iiGi_Q&list=PL_YnWo4XhzTfhkcwB6M1a-wJ9dTlz58yz&index=26

6.7.5 Telephone appearance

- Some participants may need to appear or attend at the Webex hearing by telephone.
- This can occur by the participant dialling the Court or the Court dialling the participant.
- If the Court is connecting to the participant by telephone, the participant will receive a telephone call with an automated greeting stating: 'Welcome to Webex. Press 1 to be connected to your meeting.' Once the participant presses 1 they will be connected to the Webex hearing.
- The email invitation contains the details for participants to call into the Webex hearing (Figure G).
- Participants should dial the telephone number noted in the email invitation.
- Then participants will need to enter the access code (also contained in the email invitation).
- This will allow the participant to join the Webex hearing by audio only.

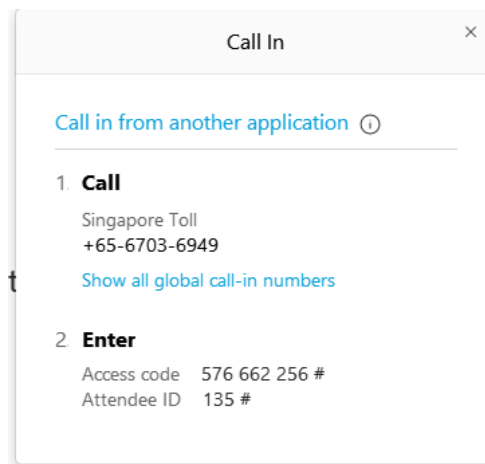


Figure G

7 During the Hearing

- 7.1 As noted above, it is anticipated that the Webex invitation will invite participants to join the Webex hearing approximately 5-10 minutes before it is intended that the hearing will commence. This will depend on the capacity of the Court to accommodate this additional time.
- 7.2 During this pre-hearing time, the Judicial Officer will not be connected to the session. The time period will act as a waiting room for participants until the Judicial Officer is ready to commence proceedings. This time may be used to ensure that the audio and video of each participant are working and to troubleshoot and resolve any problems before commencing with the hearing. Once all participants have connected to the hearing or when the Judicial Officer is ready to proceed, the Bench Clerk will 'lock' the hearing. The Bench Clerk can still permit parties into the hearing (invited participants who attend late) and will advise the Judicial Officer of this late entry.
- 7.3 Participants should join from a quiet place, and as much as possible, somewhere that provides a neutral backdrop. This is to avoid unnecessary distraction, noise or identification of the participant's location.
- 7.4 The Court also strongly recommends that participants wear a headset, or headphones with a built-in microphone. This is to avoid background noise and to ensure that there is no sound feedback loop.

- 7.5 Participants should mute their microphones when they are not speaking. To mute or unmute, click on the microphone button. The microphone will turn red if it is on mute.



Figure H

- 7.6 Where multiple participants are joining Webex from the same location, only one audio source should be used. This means that only one Webex participant from the same location should have their microphone and computer sound on. In Court, this means that all microphones and computer sound will be turned off, as the in-Court technology is being utilised instead. This is to avoid creating a feedback loop.
- 7.7 If there is a need for counsel to confer with the accused, where they are remote from each other, the Judicial Officer will order participants (other than the accused and their legal counsel) to be “moved” to the Webex waiting room, including the Judicial Officer, allowing the accused and their legal representative to confer privately. This function is controlled by the Bench Clerk who will remain in the Webex session but will not hear any of the conversation. The Bench Clerk will pause the recording during the conference and will re-admit all parties once the conference is completed. Recording will recommence when parties are re-admitted. The Bench Clerk will announce when the hearing is being recorded.
- 7.8 For convenience, Judicial Officers may direct participants to follow certain conventions to ensure the hearing proceeds smoothly (for example, raising a hand to speak). This will be a matter for the presiding Judicial Officer.
- 7.9 Unless otherwise directed by the presiding Judicial Officer, the chat and share content functions will not be utilised in Webex hearings. The Court has taken this position to avoid complicating the remote hearing process and to ensure that all participants can easily participate in the hearing without distraction.

8 Calling or tendering evidence

- 8.1 Witnesses may appear at a hearing and give evidence by Webex.
- 8.2 Before the hearing, the party calling the witness will have provided the Court Registry with any witness' email address and telephone number and an estimate of when the witness will need to join the hearing.
- 8.3 During the hearing, at the appropriate time, the Bench Clerk will send a Webex invitation to the witness to join. The witness will need to accept using one of the above methods. Once the witness

does so they will join the Webex hearing along with all other participants.

- 8.4 As per court procedures, the witness will be sworn or affirmed by the Bench Clerk (either appearing from Court or remotely via Webex).
- 8.5 During the giving of evidence, both counsels may wish to have their microphones un-muted. This will allow the party calling the witness to question their witness and the other party to object.
- 8.6 Once the witness' evidence is completed, the Judicial Officer will excuse the witness. The witness will need to click on the red X at the bottom of right of their Webex screen. This will create a pop-up window, with an option to 'Leave Meeting.' The witness must then select 'Leave Meeting.'



Figure 1

- 8.7 The same process adopted for witnesses can also be adopted for interpreters, if they are going to appear by Webex.
- 8.8 Summaries, charges and prior convictions as well as written material/submissions or proposed exhibits should be emailed in advance of the hearing. If it is not possible to do so, parties may email the Bench Clerk and other parties with any written material and exhibits during the hearing. Contact details should be exchanged prior to the hearing.

9 Recording and transcription

- 9.1 All hearings heard in this manner (via Webex) will be recorded utilising the Webex system's functionality. This function will be controlled by the host (the Court). Recordings will be downloaded and stored as required by applicable legislation.
- 9.2 Other participants of the hearing cannot record the proceedings.
- 9.3 Where the Webex conference is linked to the in-Court technology, the ordinary recording the hearing will also occur (i.e. using Genette audio only recording within the courtroom.)
- 9.4 If a hearing is recorded through Webex and requires transcription (e.g. committals), the recording will be provided to VGRS, for VGRS to continue to archive and transcribe in the ordinary way.

10 Formalities and the law

- 10.1 For hearings, Judicial Officers may continue to preside over matters by sitting on the bench in the Court room. However, there may be instances where a Judicial Officer is presiding over a matter from a remote location (chambers or elsewhere).¹¹
- 10.2 Unless otherwise directed by the Judicial Officer presiding over the hearing, the usual formalities and etiquette of the Court will need to be strictly followed. Such formalities include opening the Court and announcing the matter. It also applies to dress, where practitioners are expected to wear business attire and other participants suitably dressed. If disruptive, the Court has the power to limit participant involvement in the hearing including muting the participant or having them removed from the hearing.
- 10.3 Participants appearing remotely by Webex are taken to be appearing as though they were present at Court. This means that laws that would apply in Court, including laws relating to evidence, procedure and contempt of court and perjury, will continue to apply.¹²
- 10.4 Participants joining via Webex should also note that this means that it continues to be an offence to record or transmit any portion of a Court hearing without permission of the Court.¹³ As noted above, participants do not have the ability to record a hearing through Webex, but participants must not use any other means or devices to record the hearing or take photos or screenshots of the hearing.

11 Questions or issues

- 11.1 If a participant has any concerns or is experiencing any issues accessing or using Webex, please inform the Court via email as soon as practicable.
- 11.2 If you are experiencing complex technical issues, you should contact the CSV-ITS helpdesk on 8306 8370.
- 11.3 Webex also offer a number of helpful video tutorials about how to use Webex Meetings. They can be accessed [here](#).¹⁴

11 See section 5 of the Magistrates' Court Act 1991

12 Section 42W of the *Evidence (Miscellaneous Provisions) Act 1958*.

13 Section 4A of the *Court Security Act 1980*.

14 <https://help.webex.com/en-us/8bzter/Cisco-Webex-Meetings-Video-Tutorials>