

**THE ELLIOT LAKE  
COMMISSION OF INQUIRY**

The Honourable Paul R. Bélanger,  
Commissioner



**LA COMMISSION  
D'ENQUÊTE ELLIOT LAKE**

L'honorable Paul R. Bélanger,  
Commissaire

The Commission adopts the Ontario Court of Justice's protocol in relation to the use of electronic communication devices in the hearing room.

**Ontario Court of Justice  
Protocol Regarding the Use of Electronic Communication Devices in Court  
Proceedings**

This Protocol is founded on the “open courts” principle, which requires transparency and accountability in the judicial system to foster public confidence in the administration of justice.

**(1) Application**

These Guidelines apply to all persons attending or participating in a location where public court proceedings in the Ontario Court of Justice before a judge or a justice of the peace are being conducted or transmitted. Use of electronic communication devices should never interfere with court proceedings or the ability to have a fair trial.

**(2) Definitions**

“Electronic communication devices” include all computers, personal electronic and digital devices, and mobile, cellular and smart phones.

“Judicial Officer” means a judge or justice of the peace of the Ontario Court of Justice.

**(3) Use of Electronic Communication Devices in Court Proceedings**

The use of electronic communication devices in silent or vibrate mode is permitted, except as follows:

- (i) The presiding judicial officer orders otherwise.
- (ii) Legislation (such as the *Child and Family Services Act*) or a court order restricts public attendance.
- (iii) No photos or videos may be taken unless there is a court order pursuant to section 126 of the *Courts of Justice Act*.
- (iv) Audio recording of proceedings is permitted by counsel, court staff, members of the media, and litigants for note-taking purposes only but the presiding judicial officer must be advised before the recording is commenced. **Members of the public** are also permitted to make audio recordings for note-taking purposes only if the express permission of the presiding judicial officer is first obtained. These audio recordings cannot be transmitted.
- (v) Talking on electronic communication devices is not permitted while court is in session.

#### **(4) Publication Bans and Other Restrictions**

Anyone using an electronic communication device to transmit information has the responsibility to identify and comply with any publication bans, sealing orders, or other restrictions imposed by statute or by court order.

#### **(5) Judicial Orders**

The presiding judicial officer retains overriding responsibility to maintain courtroom decorum and to ensure that court proceedings are conducted in a manner consistent with the proper administration of justice. In deciding whether to restrict the use of electronic communication devices, the presiding judicial officer may consider whether there is evidence regarding factors such as:

- (i) Whether the use of electronic communication devices would disrupt the court proceedings or interfere with the proper functioning of the court electronic equipment; or
- (ii) Whether the use of electronic communication devices would interfere with witness testimony or unreasonably infringe anyone's privacy or security.

#### **(6) Enforcement of the Use of Electronic Communication Devices**

Anyone who uses an electronic communication device in a manner that the presiding judicial officer determines to be unacceptable may be ordered to turn off the device, leave the device outside the courtroom, leave the courtroom, or abide by any other order the presiding judicial officer may make.