



NOTICE TO THE PROFESSION

TO: Parties and Members of the Legal Profession
FROM: The Honourable B. Richard Bell, Chief Justice
DATE: February 23, 2017 – Minor grammatical change made on June 4, 2020.

RE: Access to Digital Audio Recordings of Court Martial Appeal Court of Canada Proceedings

As of February 23, 2017, the Court Martial Appeal Court of Canada will create and keep an audio recording of all hearings using a digital audio recording system (DARS). This does not apply to hearings by teleconference, which may be recorded at the Court's discretion.

Copies of the audio recording of a proceeding will be made available to the parties upon request. Media organizations and members of the public will be authorized, upon request, to listen to an audio recording, if they were entitled to be present in the courtroom for that proceeding. A court order is required before media organizations and members of the public are able to obtain a copy of an audio recording.

In the case of oral reasons for judgment, the reasons will be redacted from the audio recording.

Where there are access restrictions applicable during the hearing (e.g., as a result of a confidentiality Order or publication ban), the protected information will, where practicable, be redacted from the audio recording so as to allow for access. The audio recording will not be released if it is impracticable to redact the protected information.

Exceptionally, there may also be situations where protected communications (e.g., between solicitor and client) are inadvertently recorded. Parties and their legal counsel should exercise prudence when having discussions close to the hearing room microphones, which are sensitive. Any concerns with respect to a recording should be brought as soon as possible to the attention of the Court.

Request Process – Complete the form in the Annex and submit it to the Registry (in person or by fax). See the *Registry Offices* page of the Court web site (<http://www.cmac-cacm.ca>) to find your local Registry office. The Registry will contact you once the audio recording is available.

Restrictions on Use of Audio Recordings of Court Martial Appeal Court of Canada Proceedings – Copyright in audio recordings shall vest in and remain the property of *Her Majesty the Queen in Right of Canada*. Reproduction, broadcast or distribution of any audio recording of Court Martial Appeal Court of Canada proceedings is prohibited.



**Annex – Access to an Audio Recording of a
Court Martial Appeal Court of Canada Hearing**

REQUESTER INFORMATION		
Please check the appropriate box:		
<input type="checkbox"/> Party/Solicitor of Record		
<input type="checkbox"/> Member of the public		
<input type="checkbox"/> Member of Media		
<input type="checkbox"/> Request to listen to an audio recording		<input type="checkbox"/> Request for copy of an audio recording (Court order required for Member of the public, Member of Media)
Surname:	Given name:	Title:
Organization (if applicable):		
Street Address:		
City:	Province:	Postal Code:
Telephone Number:	E-mail Address:	
CASE INFORMATION		
Court File Number:		
Case Name:		
Date(s) of Hearing:		
UNDERTAKING TO THE COURT MARTIAL APPEAL COURT OF CANADA FOR ACCESS TO AN AUDIO RECORDING		
<p>Restrictions on Use of Audio Recordings of Court Martial Appeal Court of Canada Proceedings – Copyright in audio recordings shall vest in and remain the property of <i>Her Majesty the Queen in Right of Canada</i>. Reproduction, broadcast or distribution of any audio recording of Court Martial Appeal Court of Canada proceedings is prohibited.</p> <p>The Requester undertakes not to reproduce, broadcast or distribute the copy of the audio recording provided in accordance with this request.</p> <p>Signature _____ Date _____</p> <p>_____</p>		