

**INDUSTRIAL COURT**  
**PRACTICE NOTE NO: 1 OF 2013**

**RECORDING OF PROCEEDINGS BY MECHANICAL MEANS**

The purpose of this Practice Note is to regulate the recording of proceedings by mechanical means at the Industrial Court.

The implementation of the recording of proceedings by mechanical means entails the audio visual recording of proceedings with speech recognition technology. This will be implemented in Courts 11, 12, 13, 14, 22 and 26 in Kuala Lumpur; Court 8 in Kuching; Court 9 in Penang; Court 10 in Ipoh; Court 16 in Johor Bahru; and Court 17 in Kota Kinabalu.

The recording of proceedings by mechanical means in Court 19 is only by audio visual recording.

In the event, the hearing in these courts are conducted in venues other than in their normal court venues, the proceedings shall be recorded manually.

The trial period of the audio visual recording of proceedings with speech recognition technology will commence on 1<sup>st</sup> December 2013 and end on 31<sup>st</sup> December 2014.

In exercise of the powers granted under section 28 of the Industrial Relations Act 1967, I hereby issue the following directions:-

- a) All parties participating in the proceedings shall attend Court before the commencement of the hearing on a date to be fixed to record speech samples;
- b) Any person who has given his speech sample will not be required to give another speech sample for any other case;
- c) Speech samples of witnesses coming from outstation or abroad shall be recorded before their examination;
- d) Speech samples of counsel or representatives from outstation shall be recorded before the commencement of the hearing;
- e) The speech samples will be arranged in the system according to the following categories: President, Chairmen, Interpreters,

Advocates and Solicitors, Representatives from the Malaysian Employers Federation (MEF), Representatives from the Malaysian Trade Union Congress (MTUC), Representatives from trade union of workmen, Representatives from trade union of employers, Panel members-employees, Panel members-employers, Witnesses and others;

- f) Cases involving sexual harrasment and close proximity (khalwat) (code 4) shall not be recorded by mechanical means;
- g) Part heard cases may be recorded by mechanical means;
- h) During the hearing, the Chairman shall give verbal instructions as follows :-
  - i) When a witness should affirm or take oath;
  - ii) The sequence in which a witness is being called, for which party and the abbreviation for the witness, for example, “the first witness for the applicant is AW1, the first witness for the the claimant is CLW1, the first witness for the company is COW1, the first witness for the complainant is CW1, the first witness for the respondent is RW1 and the first witness for the union is UW1”; and

- iii) The stage of the examination of each witness, for example, “examination-in-chief of CLW1 shall commence”, etc;
  
- i) Verbal cues from counsel/representative to indicate that a question is being asked will assist in identifying the sequence in the transcript of the proceedings. Each question should be preceded by counsel/representative saying aloud “Question”. As far as possible, the number of the question being asked should be said aloud, for example, “Question one”;
  
- j) The transcripts which will be generated by the system will be in English or Malay according to the language which is used during the proceedings. During the first phase which will commence on 1st December 2013, only English words in the transcript will be recognised by the system. During the second phase which will commence on 2nd May 2014, English and Malay words in the transcript will be recognised by the system;
  
- k) Parties must elect to speak in one language only as far as possible. Each question which is being asked by counsel/representative and each answer which is being answered by a witness should be in the same language

through out. The system will only recognize English and Malay words. Witnesses may elect to speak in any other language but the system will not recognize that language;

- l) Interpreters who translate languages into English or Malay must use the same language in the same sentence;
  
- m) When a written document is being translated by the interpreter in the language which a witness has elected to testify in, the interpreter should translate the written document in the following sequence: each sentence in the written document must be read out first, then it should be translated into the language in which the witness has elected to testify in. The entire written document must be translated sentence by sentence in the same sequence.
  
- n) When a question has to be translated to a witness, the interpreter must first translate the question to the witness. After the witness has completed his answer, only then should the interpreter translate the entire answer in either English or Malay;

- o) Exhibits shall be marked in accordance with Practice Note No: 2 of 2013;
- p) Any party may obtain a copy of the proceedings by using their own pen drive;
- q) During the trial period, transcripts will be generated by the system and verified by court officials. As such, transcripts will only be given to parties if there is an application for Judicial Review and such transcripts shall be certified by the Chairman or Assistant Registrar; and
- r) Further directions may be given by the President from time to time.

**Dated : 15 November 2013**



**SUSILA SITHAMPARAM  
PRESIDENT  
INDUSTRIAL COURT OF MALAYSIA**