

## Protocol for the Recording and Broadcasting of Judgment Remarks

### Purpose

1. The purpose of this protocol is to:
  - a. set out arrangements and procedures for the recording and broadcasting of the Court's judgment remarks by accredited media; and
  - b. ensure fair and accurate reporting of the Court's judgment remarks and to increase the accessibility of court proceedings, whilst balancing the importance of proceedings being run efficiently and fairly.
2. The protocol is subject to any contrary direction by the judicial officer.

### Definitions

3. In this protocol, the following definitions apply:
  - a. **accredited media** means media personnel who are accredited pursuant to the Supreme Court's *Media Accreditation Protocol*: see Supreme Court Practice Direction 8 of 2014 and District Court Practice Direction 10 of 2014.
  - b. **broadcast** means a live or delayed broadcast by means of radio, television or the internet (including webcasts);
  - c. **judgment remarks** of the Court means:
    - i. in relation to a criminal proceeding – any remarks made by the Court when sentencing a convicted person that are delivered or made in open court; and
    - ii. in relation to any other proceedings – any remarks made by the Court in open court when announcing the judgment determining the proceedings;
  - d. **judicial officer** means the judge hearing the proceeding or, in the Court of Appeal, the presiding judge;
  - e. **recording** means capturing audio or visual content, or both, for the purposes of a broadcast.

### Application process

4. Accredited media may apply to the Court to record and broadcast judgment remarks using the Court's application form, which is to be submitted by email to the Court's Information Officer.
5. A judicial officer may permit the recording and broadcasting of the judicial officer's judgment remarks.

## Exclusionary grounds

6. Each of the following is an exclusionary ground for the purposes of this protocol with respect to judgment remarks of the Court in proceedings:
  - a. that the broadcast of the judgment remarks would be likely to reveal the identity of a person in circumstances where the disclosure, publication or broadcast of the person's identity is prohibited by a suppression or non-publication order of the Court or by law;
  - b. that the judgment remarks will contain material:
    - i. that is subject to a suppression or non-publication order by the Court or the disclosure, publication or broadcast of which is otherwise prohibited by law; or
    - ii. that is likely to be prejudicial to other criminal proceedings (including proceedings for the same or a related criminal offence) or a current criminal investigation; or
    - iii. that is likely to reveal the existence of a covert operation carried out by law enforcement officials;
  - c. that the broadcast of the judgment remarks would pose a significant risk to the safety and security of any person in the courtroom or who has participated, or has otherwise been involved, in the proceedings;
  - d. that the presiding judge is of the opinion that the broadcast of the judgment remarks would be detrimental to the orderly administration of justice and that this detriment outweighs the benefits of permitting the broadcast.

## Prohibited coverage

7. Having regard to the fact that this protocol relates to applications for the recording and broadcasting by accredited media of the judicial officer's judgment remarks **only**, the recording and broadcasting of anything or anyone else in the courtroom is prohibited including:
  - a. jurors;
  - b. a defendant in a criminal trial or a member of the defendant's immediate family;
  - c. a victim in a criminal trial or a member of the victim's immediate family;
  - d. a witness in a criminal trial;
  - e. a person whose identity is suppressed;
  - f. material subject to a suppression or non-publication order;

- g. any communication between a legal representative and a client, witness or aide;
- h. any oral communication by the parties or their legal representatives with the presiding judge; and
- i. any private conversation before, during or after the delivery of the judgment remarks.

#### **Procedures for recording and broadcasting**

- 8. These procedures govern the manner in which the recording and broadcasting of judgment remarks permitted by the Court can take place. The Court may make additional orders regarding the recording and broadcasting of the judgment remarks as it thinks fit.
- 9. The Court's Information Officer or other appointed court official must be present in court with the approved news media organisation during the set-up of recording equipment, recording of the judgment remarks, and pack-up of media equipment.
- 10. The following conditions apply to the recording or broadcasting of judgment remarks for which approval has been received, unless the Court orders otherwise:
  - a. vision and sound is to be of the judge **only**;
  - b. no more than one television camera;
  - c. no more than one stills photographer;
  - d. no more than one microphone, microphone operator and no obtrusive microphones or wiring;
  - e. no operator entry or exit or other distraction when the court is in session;
  - f. no moving equipment when the court is in session;
  - g. no distracting sounds or lights;
  - h. no disruption to proceedings;
  - i. no public expense to install, operate, or remove modifications to existing sound and lighting systems; and
  - j. no media organisation insignia or marking on the recording; and
  - k. any vision or sound recorded is not to be used for any follow up story or as file footage for any other purpose.
- 11. Recording will be conducted on a 'pooled' basis. Vision and sound is to be shared with other accredited media as soon as practical after the conclusion of the judgment remarks. If the

vision is to be broadcast live,<sup>1</sup> all accredited media present must have equal opportunity to access the live feed at the same time.

12. Accredited media who have been granted permission to record or broadcast the Court's judgment remarks must provide a copy of all raw footage taken of the judgment remarks to the Court's Information Officer as soon as practicable after the recording is made.
13. Media use of electronic devices as per Supreme Court Practice Direction 8 of 2014 and District Court Practice Direction 10 of 2014 for accuracy purposes will not be allowed to be used for broadcast purposes.

#### **Official record of the proceedings**

14. The transcript produced by the official court reporters is, and will remain, the authoritative record of proceedings.

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<sup>1</sup> Live streaming will not be permitted until after a trial period of recording and broadcasting of judgment remarks.