

Magistrates Courts

Practice Direction No. 1 of 2014 (amended)

Issued: 14 April 2014
Amended: 1 May 2014
Amended: 30 July 2018
Amended: 25 November 2021
Amended: 9 March 2023
Amended: 22 March 2024
Amended: 11 July 2024

Photography and Electronic Devices in Courtrooms

1. The purpose of this practice direction is to clarify the permitted use of electronic devices and taking of photographs or video footage in courtrooms. This practice direction should be read in conjunction with Supreme Court Amended Practice Direction 8 of 2014.
2. The following provisions are subject to any contrary direction by a judicial officer.

Definitions

3. In this practice direction, the following definitions apply:
 - a. “accredited media” means media personnel who are accredited pursuant to the Supreme Court’s *Media Accreditation Policy*;
 - b. “courtroom” means any room in which a hearing is taking place before a magistrate, acting magistrate, or justices (*Justices Act 1886*);
 - c. “electronic device” means any device capable of sending, receiving, or recording data (including capturing images) or any combination of those functions and includes any camera, smartphone, cellular phone, computer, laptop, tablet, notebook, personal digital assistant, or other similar device;
 - d. “judicial officer” means a magistrate, acting magistrate, or justices;
 - e. “lawyer” means an “Australian legal practitioner” as that term is defined in the *Legal Profession Act 2007*.

Prohibition

4. Electronic devices may not be used in any courtroom unless permitted:
 - a. by this practice direction, or
 - b. by the relevant judicial officer.
5. In addition, an electronic device may not be used in a courtroom:
 - a. in a manner that interferes with the court recording system or other technology;

- b. in a manner that interferes with courtroom decorum, is inconsistent with the court's functions, or otherwise impedes the administration of justice;
 - c. in a manner that generates sound or requires speaking into the device;
 - d. to take photographs or video images; or
 - e. to record or digitally transcribe the proceedings except as permitted by this policy.
6. Accessing the Internet via the Court's Wi-Fi Service (see <https://www.courts.qld.gov.au/services/court-technology>) does not interfere with official court recordings and may be used as a way of communicating from within courtrooms providing the service.
7. Electronic devices may interfere with the recording of proceedings by official court reporting services if positioned too closely to microphones located within the courtroom. Even when muted or in passive mode, these devices may cause interference. Should any device interrupt or interfere with proceedings, the judicial officer may authorise the bailiff or other appropriate officer to take possession of the device.

Use of electronic real-time text-based communications and social media by accredited media is permitted

8. Accredited media wishing to use electronic real-time text-based communications and social media to report proceedings may do so provided it does not interrupt the proceedings.
9. It remains the responsibility of the publisher to ensure that court reporting laws (for example, but not limited to, contempt of court provisions and the identification of vulnerable witnesses) are adhered to and non-publication orders are not breached. Accredited media should seek their own legal advice and set their own guidelines for reporting court matters.
10. Lawyers may use electronic devices to send and receive text and other data in a discreet manner provided doing so does not interfere with the proceedings.
11. This direction does not impinge on the judicial officer's right to revise, subsequently, a judgment delivered ex tempore; or the judicial officer's right, in a particular case, to prohibit the use of electronic real-time text-based communications and social media.

Private audio-recordings by accredited media are permitted

12. The recording of proceedings issued by the official court reporting service is and will remain the authoritative record of proceedings.
13. Accredited media may make a private audio recording, provided it is done unobtrusively and without interruption to the proceedings. For that purpose:
- a. A member of the accredited media may take a hand-held recorder into a courtroom and activate it;
 - b. Any such hand-held recorder must remain at all times in the physical possession of the member of the accredited media;

- c. Any such hand-held recorder must be de-activated by the member of the accredited media during any adjournment of the proceeding.
14. The purpose of permitting such recording is to maintain accuracy in the reporting of proceedings. The audio content of the recording must not be broadcast or otherwise published.
15. This direction does not impinge on the judicial officer's right to revise, subsequently, a judgment delivered ex tempore; or the judicial officer's right, in a particular case, to prohibit private audio-recordings.

Other restrictions on publication

16. Nothing in this practice direction alters the effect of any statute or court order restricting the publication of proceedings in a courtroom.

Police, Protective Services and Corrective Services Officers' body worn cameras

- 16A. Police officers, Protective Services officers and Corrective Services officers may not commence recording on body worn cameras in a courtroom or within a Magistrates Court building, other than in the following circumstances. A Police officer, Protective Services officer or a Corrective Services officer may commence recording on their body worn camera in a courtroom or within a Magistrates Court building during any confrontational encounter between the officer (or another Police officer, Protective Services officer or Corrective Services officer) and a person where the use of force appears reasonably imminent, or while effecting an urgent arrest caused by the behaviour of a person within the courtroom, or when the officer otherwise reasonably believes they may exercise a power under legislation.

Photographs

17. Photographs or video footage may not be taken within a Magistrates Court courtroom without the express permission of the Chief Magistrate or a Deputy Chief Magistrate.

Repeal

18. This Practice Direction repeals Practice Directions No.16 of 2013, No.4 of 2009; and No.4 of 2004.
19. Where the Supreme Court Amended Practice Direction 8 of 2014 – Photography and Electronic Devices in Court Buildings is amended, for the purpose of the Magistrates Court of Queensland those amendments apply from the date of the relevant amendment of the Supreme Court practice direction.


Judge Janelle Brassington
Chief Magistrate
11 July 2024

MEDIA ACCREDITATION POLICY

Purpose and Scope

This policy describes the process by which media personnel are or can become accredited with the Supreme Court, the District Court and the Magistrates Court. Although applicable in all Courts in Queensland, this policy is administered by the Supreme Court.

Journalists employed by a body which is identified below will be automatically accredited. Other persons must seek accreditation in the manner set out below.

PART A – Accredited media

1. All journalists who are employed by or performing work pursuant to a contract for services for any of the entities listed in the schedule are accredited for the purposes of this policy (collectively, an **Employee**). The list may be changed by the Principal Registrar as circumstances require.
2. The accreditation remains in place until the journalist ceases to be an Employee.
3. A journalist accredited in this way must carry with him or her a form of identification which confirms that person is an Employee (eg, an ID card provided by the employer or a business card provided by the employer).

PART B – Media Accreditation Committee

4. The determination as to whether a person who is not covered by Part A may be accredited under this policy is made by the Media Accreditation Committee, a committee external to the Courts, comprised of professional journalists.
5. The names and contact details of the Media Accreditation Committee are contained in a list which may be obtained from the Principal Registrar.

Process

6. A person who wishes to become accredited under this policy must first contact a member of the Media Accreditation Committee and provide the information sought by the member, and identify any ethical code of conduct to which the applicant subscribes as a journalist.
7. If the member of the Media Accreditation Committee considers that the applicant is an appropriate candidate for accreditation, the member will so advise the Principal Registrar.
8. On being advised that an applicant is an appropriate candidate for accreditation, the Principal Registrar will provide the candidate with the necessary forms for completion.

Requirements to become accredited

9. To complete the accreditation process under this policy, an applicant must:
 - (a) confirm that he/she will comply with the Code of Ethics promulgated by the Media Entertainment and Arts Alliance (<https://www.meaa.org/meaa-media/code-of-ethics/>)
 - (b) confirm that he/she has read and understood Amended Practice Direction 8 of 2014

– Photography and Electronic Devices in Court Buildings;

- (c) complete the Media Accreditation Undertaking and deliver it to the Principal Registrar; and
- (d) provide a form of identification satisfactory to the Principal Registrar.

List of those Accredited under Part B

- 10. Once the requirements of paragraph 9 have been completed the Principal Registrar will enter the applicant’s name and contact details in the Accredited Media List.

List of Accredited Media and Provision of updated Contact Information

- 11. The Principal Registrar will maintain an Accredited Media List which will include the names and contact details of all persons accredited under Part B and the dates that accreditation expires.
- 12. Accredited media personnel are required to keep the Principal Registrar informed of any changes to contact information, including, if applicable, the media outlet for whom they work.

Duration and renewal of media accreditation

- 13. Media accreditation provided under Part B is valid for a period of three (3) years.
- 14. A person seeking to renew his or her media accreditation at the expiration of three years must follow the same process as is outlined in this policy for initial accreditation.
- 15. A failure by any person accredited under either Part A or Part B to comply with Amended Practice Direction 8 of 2014 – Photography and Electronic Devices in Court Buildings may result in a removal of accreditation.

For more information about this policy, please contact a member of the Media Accreditation Committee or the Principal Registrar.

PART A SCHEDULE – LIST OF ACCREDITED MEDIA ENTITIES

Any publicly listed company which owns a newspaper, magazine, television station, radio station or digital content platform and, without limiting that description, any media outlet owned or controlled by:

Are Media
Australia News Channel Pty. Ltd. (Sky News Australia)
Australian Associated Press
Australian Broadcasting Commission
Member newspapers of the Australian Community Media
Daily Mail Australia
Grant Broadcasters
Guardian Australia
In Queensland
The publishers comprising News Corp Australia
Nine Entertainment Co.
Member newspapers of the Queensland Country Press Association Inc.
Queensland Law Society
Schwartz Media
Seven West Media Ltd.
South West Newspaper Co.
Southern Cross Austereo (SCA)
Special Broadcasting Service (SBS)
ViacomCBS Australia and New Zealand

MEDIA ACCREDITATION UNDERTAKING

In this Undertaking:

“electronic device” means any device capable of sending, receiving, or recording data or any combination of those functions and includes smartphones, cellular phones, computers, laptops, tablets, notebooks, personal digital assistants, or othersimilar devices.

As a condition of being allowed to

- a. use an electronic device in a courtroom to transmit and receive text
- b. make audio recordings of the proceedings when the proceedings are in session

I, the undersigned, confirm that:

- a. I will comply with the Code of Ethics promulgated by the Media Entertainment and Arts Alliance (<https://www.meaa.org/meaa-media/code-of-ethics/>)
- b. I have read and understand Amended Practice Direction 8 of 2014 – Photography and Electronic Devices in Court Buildings

I undertake that I will adhere to the provisions of Amended Practice Direction 8 of 2014 – Photography and Electronic Devices in Court Buildings

I acknowledge that if I fail to adhere to the provisions of Amended Practice Direction 8 of 2014 – Photography and Electronic Devices in Court Buildings, or of this Undertaking, I may lose my accreditation.

Full name:

Email:

Telephone:

Name of media entity (if any):

.....
.....Signature

- b. in a manner that interferes with courtroom decorum, is inconsistent with the court's functions, or otherwise impedes the administration of justice;
 - c. in a manner that generates sound or requires speaking into the device;
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