

## PRACTICE DIRECTION NUMBER 6 OF 2014

### PLANNING AND ENVIRONMENT COURT

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#### ELECTRONIC DEVICES IN COURTROOMS

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1. The purpose of this practice direction is to clarify which electronic devices may be used during court proceedings.
2. The following provisions are subject to any contrary direction by the 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* made with the concurrence of the Planning and Environment Court
  - b. “courtroom” means any room in which a hearing is taking place before a judge or Deputy Registrar
  - c. “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 other similar devices
  - d. “judicial officer” means the judge who is presiding in the particular matter or a Deputy Registrar
  - 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 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;

- (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://wifi.courts.qld.gov.au/>) 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 a judge's right to revise, subsequently, a judgment delivered *ex tempore*; or a judge'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 hand-held recorder may be taken into a courtroom and activated.
- 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 a judge's right to revise, subsequently, a judgment delivered ex tempore; or a judge'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.

**Chief Judge PM Wolfe AO**

9 October 2014

## **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 any of the entities listed in the schedule are accredited for the purposes of this policy. The list may be changed by the Principal Registrar as circumstances require.
2. The accreditation remains in place until the journalist ceases to be employed by any of those media organisations.
3. A journalist accredited in this way must carry with him or her a form of identification which confirms that employment (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 (<http://www.alliance.org.au/code-of-ethics.html>)
  - b. confirm that he/she has read and understood Practice Direction 8 of 2014 – Electronic Devices in the Courtroom

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

**List of those accredited under Part B**

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

**List of accredited 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 Practice Direction 8 of 2014 – Electronic Devices in the Courtroom 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, television station or radio station and, without limiting that description, any media outlet owned or controlled by:

Queensland Newspapers Pty Ltd

Fairfax Media Ltd

News Corp Australia

Australian Provincial Newspapers

Australian Associated Press

ABC TV

ABC Radio

SBS TV

SBS Radio

Guardian Australia

## **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 other similar 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 (<http://www.alliance.org.au/code-of-ethics.html>)
- b. I have read and understand Practice Direction 8 of 2014 – Electronic Devices in the Courtroom

**I undertake that I will adhere to the provisions of Practice Direction 8 of 2014 – Electronic Devices in the Courtroom**

**I acknowledge that if I fail to adhere to the provisions of Practice Direction 8 of 2014 – Electronic Devices in the Courtroom or of this Undertaking, I may lose my accreditation.**

Full name:

Email:

Telephone:

Name of media entity (if any):

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Signature