

# Practice Direction 2 of 2023

## PHOTOGRAPHY AND ELECTRONIC DEVICES IN COURT BUILDINGS

1. The purpose of this practice direction is to clarify the permitted use of electronic devices and taking of photographs in court rooms used for Land Court hearings.
2. The following provisions are subject to any contrary direction by a judicial officer.
3. The Protocol for the Recording and Broadcasting of Judgment Remarks issued by the Supreme Court of Queensland applies also to the Land Court (see [https://www.courts.qld.gov.au/\\_data/assets/pdf\\_file/0007/485224/protocol-for-recording-and-broadcasting-judgment-remarks.pdf](https://www.courts.qld.gov.au/_data/assets/pdf_file/0007/485224/protocol-for-recording-and-broadcasting-judgment-remarks.pdf)).

### Definitions

4. In this practice direction, the following definitions apply:
  - (a) “accredited media” means media personnel who are accredited pursuant to the Supreme Court of Queensland *Media Accreditation Policy*;
  - (b) “courtroom” means any room in which a hearing is taking place before a member or Judicial Registrar of the Land Court;
  - (c) “President’s delegate” means the senior judicial officer, or in the absence of judicial officers, the most senior registrar at the relevant courthouse;
  - (d) “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;

- (e) “judicial officer” means the President or Member who is presiding in the particular matter or the Judicial Registrar;
- (f) “lawyer” means an “Australian legal practitioner” as that term is defined in the *Legal Profession Act 2007*;

## **Prohibition**

- 5. Electronic devices may not be used in any courtroom unless permitted:
  - (a) by this practice direction, or
  - (b) by the judicial officer.
  
- 6. 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.
  
- 7. 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.
  
- 8. 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 associate 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**

9. 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.
10. 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.
11. 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.
12. This direction does not impinge on a judicial officer's right to revise, subsequently, a judgment delivered ex tempore; or a 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**

13. The recording of proceedings issued by the official court reporting service is and will remain the authoritative record of proceedings.
14. 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.

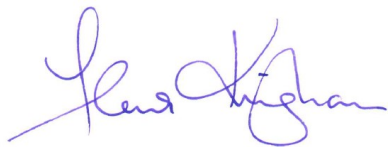
15. The purpose of permitting such recording is to maintain accuracy in the reporting of proceedings. The audio content of the recording must not be broadcast or otherwise published.
16. This direction does not impinge on a judicial officer's right to revise, subsequently, a judgment delivered ex tempore; or a judicial officer's right, in a particular case, to prohibit private audio- recordings.

#### **Other restrictions on publication**

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

#### **Commencement**

18. This Practice Direction takes effect from 27 March 2023.



***President FY Kingham***  
***Issued 27 March 2023***