

INDUSTRIAL COURT OF QUEENSLAND

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

ELECTRONIC DEVICES IN COURTROOMS

PN6 OF 2014

PRACTICE NOTE

1. The purpose of this Practice Note is to clarify which electronic devices may be used during Court and Commission proceedings.
2. The following provisions are subject to any contrary direction by the judicial officer.

Definitions

3. In this Practice Note, the following definitions apply;

“**accredited media**” means media personnel who are accredited pursuant to the Supreme Court of Queensland’s *Media Accreditation Policy* (see Supreme Court Practice Direction 8 of 2014)

“**courtroom**” means any room in which a hearing is taking place before a judicial officer

“**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

“**judicial officer**” means the member of the Court or Commission who is presiding in the particular matter

“**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 note, 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. 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 an appropriate officer to take possession of the device.

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

7. 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.
8. 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.
9. 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.
10. This Practice Note 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

11. The recording of proceedings issued by the official court reporting service is and will remain the authoritative record of proceedings.
12. 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.
13. 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.
14. This Practice Note 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

15. Nothing in this Practice Note alters the effect of any statute or court order restricting the publication of proceedings in a courtroom.
16. This Practice Note takes effect on 4 November 2014

Dated this Fourth day of November 2014

JUSTICE MARTIN
President

Operative Date:
Industrial Court of Queensland
and Queensland Industrial
Relations Commission
Practice Note:

4 November 2014

Electronic Devices in Courtrooms