

Magistrates Courts

Practice Direction No. 4 of 2009

RECORDING DEVICES IN COURTROOMS: MAGISTRATES COURT

1. Practice Direction 6 of 2006 is repealed.
2. The purpose of this practice direction is to clarify which electronic devices may be used during court proceedings, more than two years having elapsed since publication of the last applicable practice direction.
3. Queensland Courts encourage the profession to use available technology within courtrooms provided it does not interfere with recording by the State Reporting Bureau and does not interrupt court proceedings. The following provisions are subject to any contrary direction by the presiding Magistrate.

Laptop computers and other devices not communicating via cellular network are permitted

4. Laptop computers that do not communicate via a cellular network may be used during court proceedings provided doing so does not interrupt proceedings. The laptop computer must be muted during proceedings.
5. Accessing the Internet via the Courts' Wi-Fi Service (see <http://www.courts.qld.gov.au/3892.htm>) does not interfere with SRB recordings and may be used as a way of communicating from within courtrooms providing the service.
6. Mobile phones, personal digital assistants and similar devices that do not communicate via a cellular network are to be switched off or muted during proceedings so that calls, alerts or alarms do not interrupt proceedings.
7. Should any device interrupt or interfere with court proceedings, the presiding Magistrate may authorise an appropriate officer to take possession of the device.

Devices which communicate via cellular network are prohibited

8. Laptop computers, mobile phones (including Blackberrys), pagers and other devices which communicate via a cellular network, such as that used by mobile phone providers, must be switched off during court proceedings. The reason for this requirement is that devices that communicate via a cellular network cause interference with the recording of proceedings by the SRB. Such interference produces intermittent crackling or noise on speakers when phones or devices
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poll the network. Even when muted or in passive mode, these devices may cause interference and therefore must be switched off.

Private audio-recording by representatives of news agencies

9. The recording of court proceedings issued by the State Reporting Bureau is and will remain the authoritative record of proceedings.
10. Media representatives covering the courts will be permitted to 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.
11. The purpose of permitting such recording is to maintain accuracy in the reporting of court proceedings. The audio content of the recording may not be broadcast.
12. This direction does not impinge on a Magistrate's right to revise, subsequently, a judgment delivered ex tempore; or a Magistrate's right, in a particular case, to prohibit recording, should the Magistrate consider that necessary or desirable.

Recording court proceedings is otherwise prohibited

13. Except with the permission of the presiding magistrate (and save, obviously, for recording by officers of the State Reporting Bureau under the *Recording of Evidence Act 1962*, and the recording referred to in paragraphs 10 and 11 above), any device capable of capturing or transmitting the proceedings of the court, aurally and/or visually, is not to be used for that purpose in a court room where proceedings are being conducted.
14. In the event of a breach, the presiding Magistrate may authorise an appropriate officer to take possession of the device and delete the recording.
15. The requirements of this practice direction are additional to the prohibition under s71B of the Justices Act 1886 on taking photographs or other pictures, during or immediately before or after a proceeding in a court room or another place, without the consent of the presiding magistrate.



Judge Brendan Butler AM SC
Chief Magistrate
25 March 2009