

## PRACTICE DIRECTION NUMBER 5 OF 2021

### INDUSTRIAL COURT OF QUEENSLAND QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

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#### ELECTRONIC DEVICES IN COURTROOMS

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This Practice Direction is to clarify which electronic devices may be used during Court and Commission proceedings.

The following provisions are subject to any contrary Direction by the judicial officer.

In this Practice Direction:

**accredited media**—means media personnel who are accredited pursuant to the Supreme Court of Queensland's *Media Accreditation Policy*.

**courtroom**—means any room in which a hearing or conference 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 similar devices.

**judicial officer**—means the Member of the Court or Commission, or the Industrial Registrar, who is presiding in the particular matter.

#### Prohibition

1. Electronic devices may *not* be used in any courtroom unless permitted:
  - (a) by this Practice Direction; or
  - (b) by the judicial officer.
2. 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 or Commission'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.
3. 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**

4. 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.
5. It remains the responsibility of the publisher to ensure that court reporting laws (for example, but not limited to, those matters subject of a suppression order and/or 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 and Commission matters.
6. Parties' representatives 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.
7. This Practice Direction does not impinge on a judicial officer's right to revise, subsequently, a judgment or decision 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**

8. The recording of proceedings issued by the official court reporting service is, and will remain, the authoritative record of proceedings.
9. 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.

10. 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.
11. This Practice Direction does not impinge on a judicial officer's right to revise, subsequently, a judgment or decision delivered ex tempore; or a judicial officer's right, in a particular case, to prohibit private audio recordings.

**Other restrictions on publication**

12. Nothing in this Practice Direction alters the effect of any statute, Court or Commission order restricting the publication of proceedings in a courtroom.
13. This Practice Direction will commence operation immediately.

**P. Davis**  
President  
20 April 2021