



Courts Legislation Amendment (Broadcasting Judgments) Act 2014 **Fact Sheet for Media Organisations**

Background

The *Courts Legislation Amendment (Broadcasting Judgments) Act 2014* creates a presumption in favour of recording and broadcasting certain judgments of the Supreme Court and District Court.

What does the Act do?

The Act provides that the Courts will only be able to refuse applications to film and broadcast judgment remarks in limited circumstances.

These circumstances include situations where filming and broadcasting the judgment remarks might:

- reveal the identity of a person or contain material that is the subject of a suppression or non-publication order or is otherwise prohibited by law
- prejudice other criminal proceedings or a criminal investigation
- reveal the existence of a covert law enforcement operation
- pose a significant risk to the safety of any person involved in the proceedings
- be detrimental to the orderly administration of the Court

When will the Act commence?

The new presumption started operating in the Supreme Court in October 2014 and is followed by the District Court on 2 February 2015.

Which judgments can be filmed and broadcast?

The presumption will only apply to judgments given in open court. This means:

- in criminal proceedings – the verdict and/or remarks made by the Court when sentencing the accused person
- in civil proceedings – remarks made by the Court when announcing the judgment that determines the proceedings

The presumption does not apply to the following types of proceedings:

- Trial openings and witness evidence
- Any proceedings held in closed court
- Bail proceedings
- Proceedings under the *Children (Criminal Proceedings) Act 1987* and *Children and Young Persons (Care and Protection) Act 1998*
- Proceedings under the *Crimes (Forensic Procedures) Act 2000*
- Proceedings under the *Crimes (High Risk Offenders) Act 2006*
- Proceedings that relate to the guardianship of children

Do I need to get permission to film a judgment?

Yes. Media organisations will still need to make an application to the relevant Court for permission to film. A separate application will need to be made for each judgment that is to be filmed.

Who can be filmed?

Only the presiding judge can be filmed.

The Act states that the following people must not be filmed in court:

- the jury
- a victim or member of the victim's immediate family
- an accused person or any members of the accused person's immediate family
- any person specified in court rules or by regulations

To avoid accidentally capturing images of the people listed above, camera operators should set up their cameras so that only the presiding judge is filmed.

It remains an offence under the *Jury Act 1977* to wilfully publish any material, broadcast any matter or otherwise disclose any information which is likely to lead to the identification of a juror or former juror.

How many cameras will be allowed into court?

Filming will be on a 'pooled' basis. This means that only one television camera will be allowed in the court room at a time. The television camera must remain in a fixed position at all times.

The Court will also permit one stills photographer into the court room to record images of the presiding judge.

Vision and sound must be shared with other media outlets as soon as possible. If the broadcast is live, all media outlets that are present must be given an equal opportunity to access the live feed.

Does the presumption apply to the Local Court?

No. The presumption only applies to judgment remarks in the Supreme Court and District Court. The Government may consider extending the presumption to the Local Court in future if it is practical.

If you have any other questions about filming in court, please contact the Media Manager on 02 9230 8190 or email media@courts.nsw.gov.au for Supreme Court matters and the Media Co-ordinator on mediadistrictcourt@agd.nsw.gov.au for District Court Matters.