

**Electronic Publication of Court Proceedings Committee Meeting
Friday, 6 February 2015 at 1.15 pm**

Present: McMurdo P, Fraser JA, Atkinson J, Martin J, Applegarth J

Background to the establishment of the Committee

The Chief Justice publicly announced his support for the televising of court proceedings soon after his appointment was announced. However, a meeting of Judges was not convened until 24 September 2014. The meeting identified the need for a subcommittee to consider this issue. The subcommittee was to be chaired by the Chief Justice and consist of the Chief Justice, the President, Fraser JA, Atkinson J, Martin J and Applegarth J.

The first meeting of the committee was scheduled by the Chief Justice for 15 December 2015, but was cancelled by him.

On 23 December 2015, and after most judges had gone on vacation, the Chief Justice wrote to the President:

“Regrettably, I find that time pressures and other demands mean that I cannot devote the time necessary to chair this committee.

Accordingly, I would be grateful if you or your nominee would assume that responsibility.

I envisage the committee reporting to me with recommendations by mid March 2015.

The President responded ^{on 15 January 2015 as per the CS} ~~during the vacation~~ to the Chief Justice:

“As you know I am on leave until 4 February as are most if not all of the other members of the committee. I am content to chair the committee as you request. I will convene a meeting at the earliest convenient time upon my return from leave. It is unlikely the committee's report on this important matter for the Court and the people of Queensland will be finalised by mid-March but we will do our best to expedite it.”

The Committee circulated materials prior to its first meeting, and scheduled its first meeting in the first week of the Court's term.

Scope of the Committee's work

The Committee had originally been informally styled “Broadcasting Court Proceedings Committee”. Its terms of reference had not been defined by the judges' meeting which established it. The term “Broadcasting” might be thought to be limited to the traditional media of licensed commercial television and radio stations and public broadcasters. The Committee considered it appropriate to include other forms of broadcasting, including broadcasting by live stream and internet broadcasting. As a result, the Committee is better styled Electronic Publishing of Court Proceedings Committee.

Constitution of the Committee

Because of the implications of the Committee's work on the possible future publication of District Court proceedings it was decided that McMurdo P should approach the Chief Judge of the District Court with an invitation to have two District Court judges ^{at least} ~~join~~ the Committee. ^{at least} ~~two~~ ^{by invitation}

Different approaches in different divisions of the Court

Based upon the Committee's reading of current materials and developments in other jurisdictions, it was recognised that, in due course, it would be appropriate to have different regimes applying to the electronic publication of proceedings of different courts, and that different practices might apply to:

- the Court of Appeal
- civil proceedings
- criminal trials
- sentences
- other proceedings

Governing principles

The Committee agreed that it would be necessary to develop governing principles, with a presumption in favour of open justice and the communication of court proceedings, subject to exceptions to be developed.

Collection of materials

The Committee has already assembled some papers and reports from other jurisdictions. In order to promptly develop an issues paper it is necessary to gather additional materials. It is

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proposed that the Associate to Fraser JA in conjunction with the Research Officer assemble relevant materials.

Technical and physical requirements

Any development proposals, such as live streaming or arrangements for video recording of proceedings, either by cameras that are fixed in courtrooms or cameras brought into courtrooms on an ad hoc basis, would have significant technical and physical requirements. The court administration has previously considered issues concerning CCTV cameras and the like. Martin J is to speak to the Executive Director of Courts, Ms Julie Steel, about the technical and physical constraints that exist and possible costs.

Issues paper

The Committee wishes to work towards an issues paper which will be publicly available and sent to parties with a particular interest in the issues. This would include professional organisations, the Director of Public Prosecutions, victims of crime groups and media organisations.

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Request for material from the Chief Justice

It is understood that the Chief Justice held meetings in Melbourne with senior judicial officers in that State. McMurdo P has asked the Chief Justice to pass on to her any material which the Chief Justice wishes the Committee to consider.

Input from New Zealand judges

New Zealand has had considerable experience of televised court proceedings. A New Zealand judge presented a paper at the JCA Conference in October 2014. Televising court proceedings in New Zealand is under current review. Martin J is to contact some New Zealand judges with a view to their contributing, if possible by Skype, at a later meeting.

Academic input

Likewise, at a future meeting it may be helpful to obtain the contribution of some suitably qualified academics who have researched and written in this field.

Next meeting

Provisionally 20 February 2015 at 1.15 pm.