

Electronic Publication of Court Proceedings Committee Meeting

Minutes of Meeting held on Friday, 20 February 2015

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

By invitation: Chief Judge O'Brien, Rafter DCJ

Amended minutes of meeting of Friday, 6 February 2015 were confirmed.

Matters arising from the minutes

- The Chief Justice referred to Daniel Stepniak's "Audio-Visual Coverage of Courts", a 2008 publication, and that author is expected to speak at a session at the Bar Conference on 7 March 2015, to be chaired by the Chief Justice.

- *Input from New Zealand judges*

Martin J reported on contact that he had, and it is hoped that a meeting can be arranged with two New Zealand judges who are to attend the joint seminar on Friday, 24 April 2015, after the end of the seminar that day.

- *Court administration information*

Martin J has yet to obtain information from Court Administration on the practicalities of live-streaming, video-recording and cameras in the courtroom, including their cost.

Input from the New Zealand profession

In addition to receiving input from New Zealand judges, it was thought appropriate to obtain the views of members of the New Zealand Bar and its Law Society, if possible. Martin J is to draft a letter for McMurdo P to send to the President of the New Zealand Bar. It may impose less on the time of those New Zealand practitioners, and be more beneficial, for our communications to be via a video link or Skype, rather than expect them to write a report to us.

Views of the District Court

Chief Judge O'Brien and Judge Rafter reported on their assessment of the general views of judges of the District Court. Their impression is that most judges take the view that it would be impractical to televise most of their proceedings, but there could be scope on occasions to permit the electronic publication, including broadcasting, of some sentences.

The firm view was expressed that any system of broadcasting or electronic publication should be a matter under judicial control, and that commercial broadcasters should not have a statutory or other right to simply record proceedings.

Victorian experience

It is understood that there is a system in Victoria which applies to both the Supreme Court and County Court for audio files of sentencing remarks to be publicly accessible. It was noted that sentencing practices in Victoria are very different to Queensland and, typically in Victoria, judges reserve sentences and deliver their sentencing remarks from prepared, typed notes. More information about the Victorian system will be sought by:

- (a) McMurdo P writing to Warren CJ; and
- (b) Chief Judge O'Brien writing to Chief Judge Rozenes of the Victorian County Court. The County Court judges and the District Court judges will have a forthcoming conference, and this may provide an occasion for further information to be obtained about the Victorian system.

Information is required about how the Victorian system works, including controls, if any, on republication of the contents of audio files that are downloaded.

Collection and access to materials

The Committee has already gathered substantial material and Fraser JA circulated additional material by email on the morning of 20 February 2015. Those materials, and other materials previously circulated to the Committee, are to be forwarded to O'Brien CJ and Rafter J.

In addition, electronic copies of the relevant documents should be stored on a site which members of the Committee and other judges can access. The Associate to Fraser JA is to be asked to create such a site and store the current material and future material on it.

Progress with Issues Paper

The Associate to Fraser JA is available to work on the Issues Paper under the direction of the Committee. It was thought appropriate that a judge provide direction to her in relation to the structure and content of the Issues Paper. It was suggested that previous papers, including the New South Wales Attorney-General's paper, may provide some guidance about an appropriate structure.

Applegarth J will attempt to progress an outline of the contents of the Issues Paper in the next month and circulate the outline or skeleton to members prior to the next meeting.

Next meeting

Thursday, 19 March 2015 at 1.15 pm, Court of Appeal conference room.

[After the meeting Atkinson J advised that she will be on circuit and Martin J will be at the Heads of Jurisdiction meeting in Adelaide. This may require the date of the next meeting to be rescheduled.]