



**Supreme Court**  
of New South Wales

## Recording and broadcasting of judgment remarks policy

### Purpose

1. This policy sets out arrangements and procedures for the recording and broadcasting of the Court's judgment remarks by news media organisations.
2. The purpose of the policy is to ensure fair and accurate reporting of the Court's judgment remarks and that their broadcasting and recording is in accordance with the *Supreme Court Act 1970* and any relevant rules or regulations.

### Definitions

3. As defined in Part 9A of the *Supreme Court Act 1970*:

**recording** means capturing audio or visual content, or both, for the purposes of a broadcast.

**broadcast** means a live or delayed broadcast by means of radio, television or the internet (including webcasts).

**judgment remarks** of the Court means:

- (a) in relation to a criminal trial – the delivery of the verdict, and any remarks made by the Court when sentencing the accused person, that are delivered or made in open court, and
- (b) in relation to any other proceedings – any remarks made by the Court in open court when announcing the judgment determining the proceedings.

**news media organisation** means a commercial enterprise that engages in business of broadcasting or publishing news or a public broadcasting service that engages in the dissemination of news through a public news medium.

## **Application process**

4. A news media organisation may apply to the Court to record and broadcast judgment remarks using the Court's application form which is to be submitted by email to the Court's Media Manager.
5. The Court will permit the recording and broadcasting of the judgment remarks unless the Court is satisfied that:
  - (a) an exclusionary ground referred to in section 128(3) of the *Supreme Court Act 1970* is present, and
  - (b) except in the case of the exclusionary ground referred to in section 128(3)(d), it is not reasonably practicable to implement measures when recording or broadcasting the judgment remarks to prevent the broadcast of anything that gives rise to the exclusionary ground.

## **Prohibited coverage**

6. Having regard to the provisions of Part 9A of the *Supreme Court Act 1970*, and in particular that the recording and broadcasting by any news media organisation is limited to the judgment remarks of the Court, the recording and broadcasting of the following is prohibited:
  - (a) jurors
  - (b) an accused person in a criminal trial or a member of the accused person's immediate family
  - (c) a victim in a criminal trial or a member of the victim's immediate family member
  - (d) a witness in a criminal trial
  - (e) a person whose identity is suppressed
  - (f) material subject to a suppression or non-publication order,
  - (g) material that is likely to be prejudicial to other criminal proceedings or a current criminal investigation
  - (h) material that is likely to reveal the existence of a covert operation carried out by law enforcement officials
  - (i) a conference between legal counsel and a client, witness or aide
  - (j) a conference between legal counsel and the presiding judge, and
  - (k) private conversations before, during or after the delivery of the judgment remarks.

## **Procedures for recording and broadcasting**

7. These procedures govern the manner in which the recording and broadcasting of judgment remarks permitted by the Court can take place. The Court may make additional orders regarding the recording and broadcasting of the judgment remarks as it thinks fit.

8. The Court's Media Manager or other appointed court official must be present in court with the approved news media organisation during the set-up of recording equipment, recording of the judgment remarks, and pack-up of media equipment.
9. The following conditions apply to personnel of the approved news media organisation and equipment in the courtroom during recording and/ or broadcast, unless the Court orders otherwise:
  - (a) no more than one television camera
  - (b) no more than one stills photographer
  - (c) no more than one microphone operator and no obtrusive microphones or wiring
  - (d) no moving equipment when the court is in session
  - (e) no distracting sounds or lights
  - (f) no disruption to proceedings
  - (g) no public expense to install, operate, or remove modifications to existing sound and lighting systems, and
  - (h) no media organisation insignia or marking on recording equipment
10. Pooling arrangements: Recording will be conducted on a 'pooled' basis. Vision and sound is to be shared with other news media organisations as soon as practical after the conclusion of the judgment remarks. If the vision is to be broadcast live, all news media organisations present must have equal opportunity to access the live feed at the same time.
11. The approved news media organisation must provide a copy of all raw footage taken of the judgment remarks to the Court's Media Manager as soon as practicable after the recording is made.

### **Official record of proceedings**

12. The transcript produced by the official court reporters is, and will remain, the authoritative record of proceedings.

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