

IN-COURT MEDIA COVERAGE

in the High Court, Court of Appeal, and Supreme Court

September 2019



The media play an important role reporting on the work of the courts. This is reflected in legislation that grants media the right to remain in court, in all but the most exceptional circumstances (concerns for national security or defence), even if the court has been cleared of members of the public (see Criminal Procedure Act 2011, [s198](#)). However, a judge has control over conduct in the courtroom and has wide statutory and inherent powers to protect the integrity of the trial process, ensure fair trial rights are preserved, and uphold the rule of law. All decisions relating to in-court media coverage are at the discretion of the judge.

Media identification

To meet the [CPA 2011 s198](#) definition of a 'member of the media' your media organisation must be subject to a code of ethics and the complaints procedure of the Broadcasting Standards Authority or the Media Council.

Media representatives must establish their identity with the court registrar before court begins. Please supply an identification card or letter from your organisation and a form of personal identification such as a drivers' licence or passport. The court registry may also request contact details.

Non-accredited journalists and overseas media need the judge's permission to cover court proceedings. This requirement includes freelance and contract journalists and those representing news outlets that are not subject to a code of ethics and the complaints procedure of New Zealand's media standards regulators, the Broadcasting Standards Authority, or the Media Council (refer [In-Court Media Coverage Guidelines 2016](#)).

Make an in-court record

To make a film (video or still), sketch, or voice record in the High Court, Court of Appeal, or Supreme Court, please submit the [Application for In-Court Media Coverage](#) form to the registry of the court that will hear the case ([find a court](#)). Applications should be submitted ten days before the hearing.

When deciding whether to grant permission to record in court, the judge may have regard to:

- the need for a fair trial;
- the desirability of open justice;
- the principle that the media have an important role in the reporting of trials as the eyes and ears of the public;
- court obligations to the victims of offences; and

- the interests and reasonable concerns and perceptions of the parties, victims, and witnesses.

Observe media guidelines

Please refer to the [Ministry of Justice Media Guide for Reporting the Courts and Tribunals](#) for general information on reporting the courts, and to the Courts of NZ [In-Court Media Coverage Guidelines 2016](#) for detail of what you can and cannot do when making an in-court recording.

In particular please note:

- an authority granted to cover a trial is subject to any statutory prohibition on the publication of names or particulars or evidence under the Criminal Procedure Act 2011 and any further direction of the judge. When there is such a prohibition a witness cannot be photographed, filmed, or recorded, without permission of the judge.
- The judge may at any time revoke authority to cover a trial if:
 - there is a breach of the Guidelines or any condition of the permission to cover the trial;
 - any parties are subject to unreasonable media pressure outside the courtroom;
 - a party's right to a fair trial may or will be prejudiced if coverage continues;
 - or if coverage of the trial is disrupting proceedings.
- Recordings must provide an accurate, fair, and balanced report of the hearing, and not be used or published out of context.
- Applications are valid for the duration of each hearing event. If the hearing is adjourned to a new date, a new application will need to be made.

Observe media guidelines continued...

- Your recording may only be used by media organisations named in your application. The court requires information on any syndication arrangements, including details of affiliated news outlets, and any content sharing arrangements.
- Third party use of recordings requires a fresh and thorough application to the court by either the original applicant on behalf of the third party, or the third party with written endorsement from the original applicant. Ensure you identify the intended use of recordings (step 3 of the application); the syndication arrangements including any affiliated news outlets; and any content sharing arrangements. Please include the name of the original presiding judge.
- It is a matter for the judge to decide whether media not subject to New Zealand's media standards bodies are granted leave to report on court proceedings. It is likely that judges will require, as a condition of granting permission, that such media undertake to comply with court orders, the In-court Media Guidelines 2016, and New Zealand laws of contempt of court and *sub judice*, and all statutory provisions on publication and identification.

In the courtroom

- There is a minimum delay of ten minutes before you can broadcast or publish your recording.
- No electronic communication may take place while the judge is sitting in court for chambers or in closed court.
- Allow time to process through security and for your identification to be verified by court staff. Where possible sit in the area designated for media (often a press bench). Unlike members of the public you may communicate (unobtrusively) via electronic device from inside to outside the courtroom.
- Only one camera is allowed in the courtroom, regardless of how many people have authority to film. Media need to work out between them whose camera will be used. Camera position must be approved by the judge.
- Unless you are attending the Supreme Court you must provide all your own recording equipment. Court audio and visual equipment is specifically set up to conduct the business of the court and cannot be used by media.
- In the Supreme Court you will need your own equipment to download footage from the media room.
- Take care when filming in and around the court that a juror, or an individual protected by a suppression order or statutory prohibition, does not have their image published.

Please note that this document does not create rights and should not be construed to create expectations.

More information is available from:

- The [Ministry of Justice Media Centre](#)
- The Ministry of Justice document: [Media guide for reporting the courts and tribunals](#)
- The [media section](#) of the courts of New Zealand website
- The [In-Court Media Coverage Guidelines 2016](#)