

SUPREME COURT OF TASMANIA

CIRCULAR TO PRACTITIONERS

No 11 of 2020

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DIRECTION UNDER SECTION 30(1) OF THE *COURT SECURITY ACT 2017*

The Chief Justice of Tasmania, the Hon Justice Alan Blow AO, has today signed a direction under s 30(1) of the *Court Security Act 2017* in the following terms:

"Pursuant to section 30(1) of the *Court Security Act 2017* I hereby direct that no person is to photograph or make any form of visual recording of any prisoner within the precincts of the Supreme Court of Tasmania at Salamanca Place, Hobart. This direction applies to the Court buildings and to the space between the Court buildings."

As a result of the COVID-19 pandemic and the imposition of social distancing requirements, many criminal cases are now being dealt with in the Court's civil building. Prisoners appearing in those cases are now routinely being brought to and from that building by correctional officers. They are routinely using handcuffs. Newspaper photographs of handcuffed prisoners have been published.

The judges have decided that no further photography of prisoners on the Court premises is to be permitted, for two reasons.

First, the publication of a photograph of any prisoner who is standing trial has the potential to prejudice a jury, and therefore to lead to a trial being aborted. When an accused person is in custody, steps are invariably taken to prevent the jury from learning that fact, for the purpose of ensuring a fair trial. In a recent case, a trial had to be aborted because jurors saw a newspaper photograph depicting the accused man in handcuffs, and learned that he was in custody.

Secondly, it is generally considered inappropriately degrading for prisoners to be photographed or filmed in any form of custodial setting. Article 10 of the International Covenant on Civil and Political Rights states, "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." The publication of a photo of a prisoner in handcuffs, being escorted to or from court, is something so humiliating that it should not be permitted.

Jim Connolly
Registrar

