

## Index

- accuracy in reporting, 83
  - correcting errors, 143
  - encouraging, 92
  - in summarising, 87
  - lapses in, 93
  - qualified privilege and, 82–4
- accused, details about, 69
  - shouldn't suggest guilt, 105
- ACT, *see* Australian Capital Territory
- administrative staff of newspapers, 140
- Age news conferences, 137
- 'alleged', use of, 99
- appeals
  - after civil cases, 28
  - after criminal trials, 26
  - court finding in rape case, 76, 77–9
  - grounds for, 16
  - High Court hearings for leave, 14
  - reporting schedule, 146–63
  - State appeal courts, 18
  - typical cases, 145
- arraignments for criminal
  - prosecution, 25
- attribution, 54, 106
- atypical Friday, 144–63
- audio recordings
  - for radio, 120–1
  - in court, 32–40, 52
- Australian Broadcasting Authority
  - code of ethics, 142
- Australian Capital Territory
  - information access, 30–4, 37
  - reporting restrictions, 166–8
- background, accuracy in, 98
- bail applications, 24
- bare facts philosophy, 47
- barristers, 7, *see also* lawyers
- Bartlett, Peter, 55–6, 66
- behaviour in court, 28–30, 51
- Bentham, Jeremy, 174
- bias, minimising, 16
- bibliography, 182–5
- Blackstone, Sir William, 9
- Bread Manufacturers Ltd, 51
- briefs (documents), access to, 31
- briefs (stories), 84
- broadcast media, *see* radio; television
- Bryant, Martin, 47
- calm, maintaining, 100
- cameras, use in court, 32–40
- captions to pictures, 96, 97
- celebrities, cases involving, 75
- ceremonial occasions, 102
- charges against defendant, 70
- checklist for avoiding contempt, 55–6
- chiefs of staff, 137
- children, cases involving, 129
  - civil hearings, 27
  - objectivity, 63
  - photography restrictions, 106
  - reporting restrictions, 166–8
  - sensitivity about, 142
- Children's courts, 21, 96
- circuit hearings, 49

- civil hearings, 5, 27
  - files on, 32, 33
  - photographs from, 101
  - steps in, 27–8
- clothing for Court attendance, 28
- codes of ethics, 142
- colleagues, *see* journalists
- comments
  - by judges and lawyers, 76–9
  - contempt charges and, 50
  - outside court, 80–2
- commercial television, 110, 112
- committal hearings for criminal prosecution, 24
- common law, 5, 64–6
- companies, statements released by, 81
- compensation cases, 7
- competition
  - between broadcasters, 112
  - for interviews, 128
  - vs. privacy, 141
- complaints, lodging, 27
- confidential sources, *see* sources of information
- Connor, Michael, 12
- consent defence to defamation, 66–8
- contempt, 41–56
  - penalties for, 54
  - photographs and, 106
- copying and photocopying, 34
- coronial inquests, 21
  - reporting schedule, 146–63
  - typical cases, 146
- County courts, *see* District and County courts
- court, *see also specific courts*
  - behaviour in, 28–30
  - unforeseen events in, 79, 80
- court files, *see* documents
- court lists, 22, 124
- court officials
  - conservatism, 22
  - dealing with, 109, 125, 126–7
  - suppression orders made by, 168
- court reports, *see also* reading and re-reading
  - basic details, 69–74
  - checking of, 94
  - for radio, 115
  - future directions, 173–9
- court system, 5–13
- Court TV website, 177
- criminal justice system, 23–7
  - file searching, 32, 33
- ‘cutting from the bottom’, 95
- deadlines, 72–4, 146–63
- defamation, 57–68
  - identification and, 71
  - precautions against, 44
- defence counsel, 7
- defence, details of, 70, 82
- ‘defensive’ reporting, 93
- diary of court events, 109
- dictionary, use of, 99
- ‘dirty mind’ rule, 58
- discrimination hearing, 18
- District and County courts, 20
  - reporting schedule, 146–63
  - typical cases, 145
- documents, *see also* information
  - access; judgment documents; sentencing remarks; transcripts
  - access to, 10
  - availability of, 138
  - not privileged till read in court, 27, 64
  - photocopying, 30–40
  - taking home, 140
- domestic killings, 20
- ‘doorstops’, 111, 112, 119
- draft suppression orders, 172
- dress for court reporting, 28
- editorial staff, 136, 137, *see also* subediting
- emotions
  - captured in photographs, 103
  - of victims’ families, 111, 119
- equipment for radio, 120–1

**186** Index

- Esso, 81  
 ethical issues, 141–3  
 even-handed approach, 16  
 events in court, unforeseen, 79, 80
- fact sheet on Murdoch case, 175  
 fair comment, as defamation defence, 62  
 fair trial entitlement, 42  
 Fairfax media guide, 62, 165  
 fairness in reporting, 82–4  
 Falconio, Peter, *see* Murdoch case  
 false identification, *see* identification  
 families of victims, interviews with, 111
- Family courts, 21  
   information access, 30–4, 40  
   photography restrictions, 106  
   reporting restrictions, 96, 166
- Federal Court, 17–18  
   information access, 30–4, 38  
   reporting schedule, 146–63  
   typical cases, 146
- Federal Magistrates Court, 30–4, 38
- Federal tribunals, 5, 22
- flashpoints for finding stories, 23
- freedom of the press, 9
- Fricke, Graham, 60
- Friday, atypical, 144–63
- Frontline*, 89
- Gallagher, Norm, 51  
*Gazette of Law and Journalism*, 135
- Gillard, Justice Bill, 50, 98
- Goldsmith, Lord, 174
- government solicitors, 130
- Griffiths, Lord, 66
- hand-up briefs, 31
- handcuffs, omitted from photographs, 97
- Handsley, Elizabeth, 11
- headlines, accurate, 96
- Herald Sun* defamation case, 65
- High Court, 5  
   confirms open hearing principle, 41  
   hearings for appeals, 14–18  
   information access, 30–4, 39  
   reporting schedule, 146–63  
   typical cases, 146
- Hinch, Derryn, 51
- Hollingworth, Dr Peter, 164
- home, taking work to, 100
- homicide trials, 19, 47, 96, *see also* murder trials; Murdoch case
- honesty, 111
- human relations, 123–6
- humour, in reporting, 86
- Hunt, Justice David, 60
- identification  
   as a journalist, 22  
   false, defamation resulting from, 60  
   false, preventing, 71  
   of photographic subjects, 104–5
- information access, 14–40, *see also* sources of information  
   across States and courts, 30–40  
   court's powers of, 52
- insensitivity, 103, 129, *see also* sensitivity
- intermediate courts, *see* District and County courts
- internet, 3, 176–8
- interviews, *see also* press conferences; sources of information  
   contempt charges and, 45  
   for radio, 118  
   outside court, 80–2  
   with victims and their families, 111, 127–9
- introductory paragraphs, 89
- Irvine, Lord, on the media, 9, 11, 42
- jargon, avoiding, 87–8, 99, 113
- journalists  
   contactability, 95  
   editorial positions, 136, 137  
   plagiarism by, 52, 83  
   qualified privilege of, 7, 57

- relations among, 135–6
  - senior, 92, 138
  - should have dirty minds, 58
  - subediting by, 91–100, 139
- judges
  - comments by, 76–9
  - criticism of, 50
  - photographs of, 106
  - publicity-shy, 11
- judges' associates, *see* court officials
- judgment documents, 10, 30
- judicial officers, *see* court officials
- jurors
  - investigations by, 177
  - reaction to media coverage of trial, 46
  - restrictions on, 25, 48
- jury trials, 7, 25
- justification for published material, 61–2
  
- Kiefel, Susan, 10
- killings, *see* homicide trials; murder trials
- Kirby, Justice Michael, 50, 173
  
- 'laneway' shot, 104
- Lange defence, 65
- Langer, Albert, 54
- law degrees for journalists, 132
- Laws, John, 50
- lawyers
  - as sources of information, 131
  - barristers, 7
  - comments by, 76–9
  - dealings with, 126, 129–33
  - for media, 169
  - negotiating with, 171
  - publicity-shy, 11
  - reporting on, 29
- layout, 97
- Lees, Joanne, *see* Murdoch case
- length of stories, 74, 84–5
- libel, 59
- liberty of the press, 9
- limited submission cases, 14
  
- Local courts, *see* Magistrates and Local courts
- Longford gas explosion, 81
- lunch breaks, working through, 73
  
- Magistrates and Local courts, 5, 21, *see also* Federal Magistrates Court
  - reporting schedule, 146–63
  - typical cases, 145
- magistrates' clerks, *see* court officials
- Mason, Paul Gerald, 54
- Mason, Sir Anthony, 46
- media, *see also* newspapers; radio; television
  - commercial nature of, 10–12
  - contempt laws relating to, 45
  - High Court coverage by, 17
  - identification papers for, 22
  - liberty of the press, 9, 41
  - role in justice, 9, 10
- Media, Entertainment and Arts
  - Alliance code of ethics, 142
- media officers, 3
- media rooms, 135
- mediation, 5
- microphones for radio, 118
- migration hearings, 15
- Milat, Ivan, 54, 106
- minor offences, reporting restrictions, 168
- Minter Ellison, photography guide, 105
- mistakes, *see* accuracy in reporting
- mobile phones, turning to silent, 29
- murder trials, 19, 47, 96, *see also*
  - Murdoch case
    - Bryant, Martin, 47
    - Milat, Ivan, 54, 106
  - Murdoch case, 47
    - committal hearing, 38
    - press releases on, 174–6
    - suppression arguments, 171
- Murphy, Justice Lionel, 54
  
- native title claims, 15, 102
- Nettle, Justice Geoffrey, 164

188 Index

- New South Wales  
 information access, 30–4  
 reporting restrictions, 165, 166–8  
 news conferences, 137  
 news editors, 137  
 newspapers  
 publish court lists, 124  
 writing for, 69–90, 139  
 night news desk, 139  
 Northern Territory  
 information access, 30–4, 38  
 press release on Murdoch case,  
 174–6  
 reporting restrictions, 166–8  
 novelty, 75  
*NT Law Almanac*, 38
- objectivity, maintaining, 63  
 off-the-record interviews, *see* sources  
 of information  
 office work, 136–41, *see also*  
 subediting  
 open hearings, 9, 41
- penalties  
 for contempt, 54  
 for interfering with legal  
 proceedings, 43
- personal injury cases, 103, 129  
 photocopying and copying, 34  
 photographs  
 accuracy in captions, 96, 97  
 attribution of, 106  
 contempt charges and, 47, 106  
 defamation and, 60  
 in court, 101–7, 173  
 statutory restrictions on, 106
- pictures, *see* photographs; sketch  
 artists
- plagiarism, 52, 83  
 pleas, details of, 70  
 police horse punching case, 21  
 police, information supplied by, 66,  
 131  
 political issues, 65  
 ‘pool shots’, 102
- Port Arthur murders, 47  
 pre-proceedings, 49  
 pre-sentence submissions, 26, 132  
 pre-written stories for radio, 116  
 preliminary hearings in civil cases,  
 27
- press conferences, broadcast, 111,  
 112, 119
- Press Council code of ethics, 142  
 press releases, 134–5  
 pressuring, improper, 50  
 print media, *see* newspapers  
 prisoners, access to, 103  
 privacy, ethical issues, 141  
 professional reputation, 57  
 program crosses for radio, 119  
 prosecutors, duties of, 7  
 protection visa applications, 15  
 public concern, contempt charges  
 and, 51  
 public interest, as defamation defence,  
 62
- public interest cases, 12  
 public meetings, reporting on, 66  
 public (open) hearings, 9, 41  
 public relations staff, 134–5  
 punishment, *see* penalties
- qualified privilege  
 as defamation defence, 63–4  
 common law and, 64–6  
 fairness in reporting and, 82–4  
 of journalists, 7, 57
- Queen’s Counsel, 29
- Queensland  
 information access, 30–4  
 reporting restrictions, 165, 166–8
- radio, 113, 146–63  
 rape case, ‘not very grave’, 76,  
 77–9  
 reading and re-reading, 94  
 after drafting, 99  
 in the paper, 100  
 reading speed for radio, 114  
 reality-reporting exercise, 144–63

- reputation, damage to, 57  
 respect and trust, 123–6
- scandalising the court, 50  
 schedules, 72–4, 146–63  
 scoops, 136  
 scrapbooks, stories collected in, 100  
 secrecy, trends towards, 174  
 security issues, 79, 80, 174  
 Senior Counsel, 29  
 senior journalists, 92, 138, *see also*  
   journalists  
 sensitivity, 129–33, 142, *see also*  
   insensitivity  
 sentencing hearings, 115  
 sentencing remarks  
   access to, 10  
   availability of, 30  
   in criminal trials, 26  
   reporting on, 79, 80  
 settlements, amounts of, 134  
 sex offences, reporting restrictions,  
   106, 165  
 Sheehan, Paul, 51  
 six-month rule, 48  
 sketch artists  
   at court, 101  
   for television, 113  
   mistakes made by, 105  
 slander, 59  
 Smoking Gun website, 177  
 solicitors, *see* lawyers  
 Solomon, David, 10  
 sound recorders, *see* audio recording  
 sources of information, *see also*  
   documents; interviews  
   compulsion to divulge, 53–4  
   cynical view of, 123–4  
   lawyers as, 131  
 South Australia  
   information access, 30–4, 35  
   reporting restrictions, 165, 166–8  
 spelling check, errors introduced by,  
   98  
 Spigelman, Justice James, 42  
 stand-up television shots, 108, 110
- State Reporting Bureau of  
 Queensland, 33  
 State tribunals, *see* tribunals  
 States  
   appeal courts, 18  
   different stories prepared for, 49  
   varying access to information,  
     30–40  
   varying defamation laws, 59, 61–2  
 statutory restrictions on photography,  
   106  
 stereotypes, avoiding, 89  
 structure of stories, 88–90  
 sub judge contempt, 44, *see also*  
   contempt  
 subediting, 91–100, 139  
 summary articles, 44, 87  
 summary cases for criminal  
   prosecution, 24, 25  
 sunset clauses in suppression orders,  
   171  
 suppression orders, 164–72  
   checking for, 67  
   overturned in interests of openness,  
     41  
   SA register of, 35  
   sunset clauses, 171  
 Supreme Courts, 19  
   reporting schedule, 146–63  
   typical cases, 145  
 swingers' party, discrimination at, 18
- tape-recorders, *see* audio recording  
 Tasmania  
   information access, 30–4, 36  
   reporting restrictions, 166–8  
 teacher charged with sex offences, 71  
 Teague, Justice Bernard, 10, 91  
 tears, *see* emotions  
 technological change  
   effect on radio, 121  
   in access to information, 3, 176–8  
   spell checkers, 98  
 television, 108–14  
   crew rosters, 128  
   gathering footage for later use, 173

**190** Index

- television (*cont.*)
  - pre-identification of subjects, 104
  - sketches used on, 113
  - stand-up shots, 108, 110
  - timelines for, 146–63
- The Age*, news conferences, 137
- ‘The Untouchables’, 91
- ‘thongs’, ambiguity of, 58
- time management for radio, 122
- timelines, 146–63
- Toohy, Justice John, 46
- topical cases, 75
- training for journalists, 2, 92
- transcripts, 10, 31
- trials, *see* civil hearings; court;
  - criminal justice system; murder trials
- tribunals, 5, 22
- trust and respect, 123–6
- truth, as a defamation defence, 61–2
- ‘Untouchables’, 91
- unusual cases, 75
- victims
  - impact statements, 79, 80, 113
  - interviews with families of, 111
  - reporting on, 127–9
- Victoria
  - appeal court judges on rape case, 76, 77–9
  - information access, 30–4, 35
  - reporting restrictions, 165, 166–8
  - Supreme Courts, 104, 126
- violence, reporting on, 85–6
- voir dire* hearings, 49
- websites, *see* sources of information
- Western Australia
  - information access, 30–4, 36
  - reporting restrictions, 166–8
- Westfield, Mark, 50
- Wilson, Paul, 128
- wire services, timelines, 146–63
- witnesses, *see* interviews
- Yorta Yorta title claim, 15, 102