



Summary of Judgment

The Queen v The Herald & Weekly Times Pty Ltd [2021] VSC 253

4 June 2021

The Honourable Justice John Dixon today convicted and sentenced 12 news media organisations (**‘media respondents’**), who pleaded guilty to 21 charges of contempt of court for reporting information derived from the ‘cathedral trial’ of Cardinal George Pell in December 2018, contrary to a proceeding suppression order. A table identifying the media respondents and the sentence on each charge is contained in the annexure of this summary.

His Honour found that the media respondents frustrated the suppression order, as they diminished its purpose or efficacy by reporting information contrary to the terms of the order. In doing so, the media respondents usurped the function of the court in protecting the proper administration of justice, and took it upon themselves to determine where the balance ought to lie between Pell’s right to a fair second trial (on separate charges) by an impartial jury, and the public’s right to know what happened in the cathedral trial.

Justice John Dixon did not accept the Director of Public Prosecutions’ submission that the reports were published to deliberately pressure the trial judge prior to determining the media’s application, after the verdict, to review the suppression order. However, his Honour was satisfied that the media respondents each took a calculated risk by intentionally publishing the reports.

His Honour rejected the media respondents’ submissions that their breaches of the suppression order were each due to an honest but mistaken belief that their reporting would not contravene the order. The content of the reports in most cases demonstrated the media respondents disagreed with the suppression order, and contended – either as direct opinion or as statements of others adopted without criticism – that the media should not be restrained from reporting the outcome of the trial. The reporting of News Life Media (the publisher of News.com.au) and The Age Company (the publisher of The Age) in particular constituted a blatant and wilful defiance of the court’s authority, as each took a deliberate risk by intentionally advancing a collateral attack on the role of suppression orders in Victoria’s criminal justice system.

Justice John Dixon accepted that each of the media respondents had offered a sincere and unreserved apology to the court, the trial judge, and the County Court, which were matters taken into account on sentence. His Honour further determined that the timing of the media respondents’ pleas of guilty, which were made at trial, did not demonstrate any significant degree of remorse and contrition, but were entered to protect their individual journalist, presenter and editor employees from conviction on the contempt charges they separately faced, but were withdrawn as part of the plea agreement between the media respondents and the Director of Public Prosecutions.

His Honour ordered that the media respondents’ pay the applicant’s costs in the sum of \$650,000, as agreed by the parties in the plea agreement, a matter that was also taken into account on sentence.

NOTE: This summary is necessarily incomplete. It is not intended as a substitute for the court’s reasons or to be used in any later consideration of the court’s reasons. The only authoritative pronouncement of the court’s reasons and conclusions is that contained in the published reasons for judgment.

ANNEXURE

Media respondent	Charge and impugned report	Penalty
Herald and Weekly Times Pty Ltd	1. Herald Sun online article	\$1,000
	25. Weekly Times online article	\$1,000
	TOTAL	\$2,000
News Life Media Pty Ltd	5. News.com.au online article	\$400,000
	TOTAL	\$400,000
Queensland Newspapers Pty Ltd	9. Courier Mail article	\$1,000
	TOTAL	\$1,000
The Geelong Advertiser Pty Ltd	13. Geelong Advertiser online article	\$1,000
	TOTAL	\$1,000
Nationwide News Pty Ltd	17. Daily Telegraph article	\$20,000
	21. Daily Telegraph online article	\$1,000
	TOTAL	\$21,000
Advertiser Newspapers Pty Ltd	29. The Advertiser online article	\$1,000
	TOTAL	\$1,000
The Age Company Pty Ltd	33. The Age article	\$125,000
	41. The Age online article	\$125,000
	47. The Age online editorial	\$200,000
	TOTAL	\$450,000
Fairfax Media Publications Pty Ltd	49. SMH article	\$2,000
	53. AFR online article 1	\$75,000
	59. AFR online article 2	\$75,000
	65. AFR article	\$10,000
	TOTAL	\$162,000
Mamamia.com.au Pty Ltd	71. Mamamia online article	\$20,000
	TOTAL	\$20,000
Allure Media Pty Ltd	75. Business Insider online article	\$10,000
	TOTAL	\$10,000
Radio 2GB Sydney Pty Ltd	79. 2GB Breakfast segment	\$10,000
	TOTAL	\$10,000
General Television Corporation Pty Ltd	83. 5:32am Today Show segment	\$10,000
	85. 6:00am Today Show segment	\$10,000
	87. 7:02am Today Show segment	\$10,000
	TOTAL	\$30,000