

SUPREME COURT OF VICTORIA

Reporting on the Court: A brief guide

This guide has been developed to assist media covering the work of the courts. It is not intended to provide or replace legal advice. More information and useful links can be found online in the [SCV Media Centre](#).

Deciding what to cover

- Check the [Daily List](#) for hearing times and locations. It's first published for the next sitting day around 4pm and can change overnight or in the morning
- Some matters are not open to the public or media, such as criminal case conferences, certain police applications, mediations, and matters where there is a closed court order
- Reviews under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* often have a suppression order over part or all of them, or one may be made during the hearing
- Pre-trial and preliminary hearings and s198B applications are generally open to the public and media but what can be published at the time may be limited

Etiquette in the courtroom

- Bow to the judge (a slight nod) when entering or exiting the courtroom during a hearing
- If entering the court while it is being opened, or a witness is being sworn in, do not move into the body of the court until the formalities are completed
- Some courtrooms have seats for media, they are usually opposite the jury box
- Space restrictions or special arrangements may impact the availability and location of media seats
- Water bottles are allowed but eating is not permitted

Use of technology

- Media may use phones, laptops, and tablets while in the courtroom to assist with notetaking
- Devices must be on silent and used discreetly
- Do not take photos in court or record hearings
- To request permission for a court artist or transcript contact media@supcourt.vic.gov.au

Remote access

- Remote access by livestream or by telephone may be available, contact media@supcourt.vic.gov.au
- Do not record remote proceedings or take screenshots
- In a trial, the jury will not be visible on the livestream. Extra care must be taken to ensure you do not report anything said in the absence of the jury. If you are unsure contact the media team

Reporting obligations

Breaching a legal requirement or court order can, and has, led to penalties for both journalists and media outlets. The Court cannot provide legal advice on interpreting orders or legal obligations. Journalists should speak to their organisation's lawyers.

Examples of possible restrictions on reporting include:

- Suppression orders

It's a journalist's responsibility to check if there are any suppression orders on a matter. Most orders are made under the [Open Courts Act 2013](#). Media can be heard on applications made under the Act.

- Legislative restrictions, including:

SUPREME COURT OF VICTORIA

[Children Youth and Families Act 2005](#) – Many factors to consider including: if an accused was under 18 at the time of the alleged offence, they cannot be identified. Identification includes more than just a person's name – it is any combination of details which could lead to the person being recognised.

[Judicial Proceedings Reports Act 1958](#) – The victim of an alleged sexual offence cannot be identified, unless they have given written permission. This applies in criminal and civil matters (eg, cases for compensation or damages). Also restricts reporting on sentence indication hearings.

[Juries Act 2000](#) – Don't identify or approach jurors or those attending for jury service. Be careful not to include them in footage taken outside court. Don't publish anything said in jury room deliberations.

[Family Violence Protection Act 2008](#) – Restricts publication of the identity of a person involved in a proceeding related to family violence or the subject of a family violence order.

- Sub judice contempt

Concerns material which may interfere with or prejudice legal proceedings, especially a jury trial. If a person plead guilty or is found guilty, sub judice contempt is no longer an issue, but suppression orders may remain in force.

Things to be mindful of include:

- during a jury trial – don't report anything said in the absence of the jury, including legal argument and court arrangements
- co-accused, where matters are not being heard together
- linking to old articles
- revealing prior convictions or further pending charges
- interviews with witnesses and republishing interviews from the time of arrest
- using images or video which are not part of the evidence
- 'explainers' / 'reads' / comment pieces about a specific case or related topic ahead of or during a trial
- photos which may prejudice a jury, including showing a person in handcuffs
- pre-trial arguments and rulings
- evidence or comments ruled inadmissible, even when said in front of a jury
- requests for, and hearings of, criminal case conferences and sentence indications

- Contempt

Concerns material which impacts the authority and functioning of the Court, including interrupting a hearing, ignoring judicial directions, breaching orders, and unfounded criticism.

General tips

- Don't imply guilt or innocence, attribute allegations
- Report fairly and accurately – when it doubt, leave it out
- Be careful not to attribute the parties' legal arguments to the judge, even if the judge recites or summarises them it may not mean they have accepted them
- Court reporting is reporting what you hear, save analysis until the matter has resolved

Contact media@supcourt.vic.gov.au

For case queries, exhibit/document requests, hearing dates for matters, transcripts, and remote access.