



Media Release

Yahoo!7 and journalist found in contempt of court

Date: 15 December 2016

The publisher of an online news website and a journalist have been found guilty of *sub judice* contempt following publication of information which caused a murder trial to be aborted.

In the first week of the Supreme Court murder trial, journalist Krystal Johnson published information on the Yahoo!7 website which contained prejudicial information that had not been presented to the jury. The material remained on the Yahoo7! website between 18 August 2016 and 22 August 2016, when it was removed after the respondents became aware that it had caused the discharge of the jury. The matter was referred to the Director of Public Prosecutions who commenced contempt proceedings.

The decision of Justice John Dixon on the question of liability for contempt of court has now been published, following a new jury reaching verdict in the murder trial.

In his judgment, Justice John Dixon said that the prejudicial nature of the information published was not in contest. He said:

“...the accused was standing trial for murder, the most serious offence known to the law. As a matter of fact, the content of the article clearly had a real and definite tendency to prejudice the accused’s trial.”

Conduct by a publication that interferes with the due administration of justice by materially prejudicing the fair hearing of a criminal trial before a jury is classified as *sub judice* contempt of court. This judgment provides an important reminder to all publishers, which includes all media outlets, as well as bloggers, citizen journalists and social media users, that they must not publish material during a trial that is not heard in evidence, especially in jury trials.

The parties will return for a further hearing regarding penalty before Justice John Dixon in January 2017.

The full judgment will be available on Austlii.

Contact:

Kerry O’Shea
Strategic Communications Manager
media@supremecourt.vic.gov.au
0418 201 296