

# AUSTRALIA'S RIGHT TO KNOW

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Media release

## Media to tackle censorship from the courts

The heavy-handed use of suppression orders to gag reporting of criminal trials means Australians are increasingly denied vital facts about how our courts operate.

Some suppression orders are now so broad that the public has been effectively shut out of some major drug trafficking, murder and terrorism trials.

Other suppression orders have been issued on flimsy grounds such as protecting the identity of public figures to save them from embarrassment when they break the law.

Australia's leading media organisations today warned that the worrying trend towards secrecy in our courts was a threat to the public's right to see how justice is done.

The freedom of speech body Australia's Right to Know, a coalition of 12 media organisations including News Limited, Fairfax and the ABC, called for a major review of the way courts issue suppression orders.

To kick-start the process, Australia's Right to Know has commissioned an independent report into the problem.

Due for release in November, the new report follows last year's independent audit into freedom of speech, also commissioned by Australia's Right to Know and chaired by former ICAC commissioner and NSW Ombudsman, Irene Moss AO.

The Moss Report found that the increased use of suppression orders, and growing limits on access to court documents, was threatening the principle of open justice.

Chairman and chief executive of News Limited, John Hartigan, said he hoped the new research was an important step towards solving the problem.

"It is often said that a good democracy depends not only on making sure that justice is done, but that it is seen to be done" he said. "Realistically, this means journalists must have access to our courts.

"What we need now is to delve deeper into the issue and find practical and better ways to balance the public's right to know with the need for a fair trial."

Managing Director of the ABC, Mark Scott, said that with around a thousand suppression orders in force nationally the issue had to be addressed.

"This is about ensuring that the fundamental principle of open justice is not undermined," he said.

"We fully acknowledge that some suppression orders are necessary, and by and large we accept the legislative prohibitions which prevent us reporting, for instance, the identity of sexual assault victims and juveniles.

“But the sheer number of suppression orders, and the fact that some orders are now so restrictive and far-reaching, demands a review.”

Chief Executive of Fairfax Media, David Kirk, added: “It’s important that the media and the courts work together to reverse this worrying erosion of our right to know how this important aspect of our society is working.”

The Right to Know coalition said some particularly worrying recent examples of suppression orders included:

- An order suppressing the name of a well-known director of a public company who put prostitution services on his corporate credit card
- An order which meant it was two years before the media could report that gangland killer Carl Williams was found guilty of murder
- The suppression of the identity of swimmer Brooke Hansen’s coach, charged with sexual offences – even though her name was public
- The suppression of witness’ name in a terrorism trial, although there was no safety issue: his evidence was known to the defendants and his plea bargain with US authorities public on the internet
- Occasions where a court has suppressed a suppression order, so the public cannot even know a gag is in place

The new research into suppression orders and access to courts will be headed up by Prue Innes, who until last year was the first media officer for Victoria’s courts.

A former journalist with The Age, Ms Innes was a long-time member of the journalists’ ethics committee of the Media, Entertainment and Arts Alliance, and a member of the advisory board of the Centre for Media and Communications Law at the University of Melbourne. Ms Innes won a Churchill Fellowship to examine the relationship between the courts and the media and recently joined the Press Council. She has a degree in political science and a graduate diploma in commercial law.

Working with Ms Innes will be barrister and solicitor Jane Deamer, the research director for the Moss Report last year. Ms Deamer has been a member of several tribunals and was an investigator with the NSW Ombudsman.

Also on the team will be Geoff Briot, who was a senior researcher with the audit and one of the key authors of the report. A former teacher, public servant and journalist, Mr Briot was a senior investigator with the NSW Ombudsman for more than 10 years.

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