

GUIDELINES FOR THE MEDIA

Reporting in Western Australian Courts

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INTRODUCTION

The courts in Western Australia are open to the public and the principle of open justice is a fundamental tenet of our justice system. The media has a vitally important role in disseminating information about the justice system, and in doing so, improving the public's understanding of and access to that system.

This publication provides a basic guide for media representatives reporting the hearing and outcome of cases in Western Australian courts to assist in ensuring those reports are fair and accurate, and do not prejudice a just result.

It is stressed that independent, expert legal advice should be sought if you are in any doubt about the issues you will report and how you will report them.

For further information relating to media and the Western Australian courts, contact the Manager, Media & Public Liaison for the Courts:

T: (08) 9421 5303, M: 0439 953 898 or E: courtmedia@justice.wa.gov.au

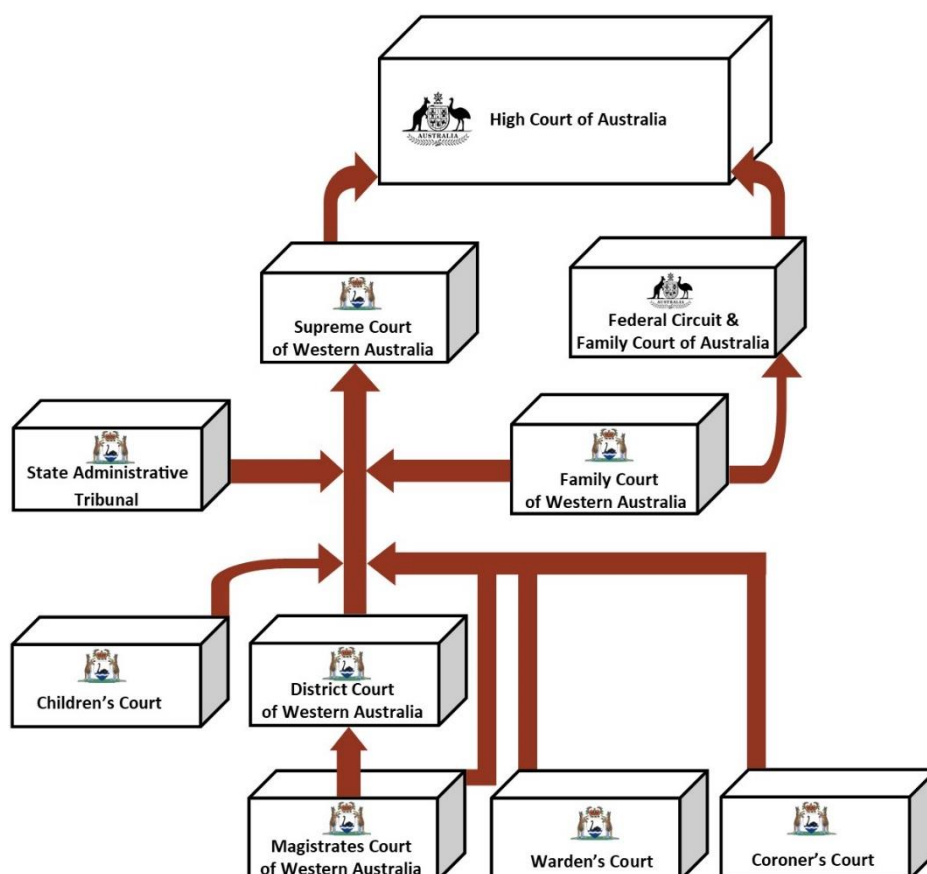
HIERARCHY OF THE COURTS

The courts which have jurisdiction or authority in Western Australia are the High Court of Australia, the Federal Court of Australia, the Supreme Court of Western Australia, the Family Court of Western Australia, the District Court of Western Australia, the Magistrates Court of Western Australia, and the Children's Court of Western Australia. The Coroner's Court of Western Australia is a specialist court established to investigate certain types of deaths.

Courts operate in a hierarchical system. The importance of that system is that a court is bound by any decision of a higher court.

In Western Australia, the hierarchy moves upwards from the Magistrates Court to the District Court and then to the Supreme Court (the Court of Appeal is a Division of the Supreme Court). Appeals from a judge of the State Administrative Tribunal are heard by the Supreme Court. To go above the Supreme Court, a case must go to the High Court of Australia, the ultimate Australian court from which there is no appeal.

Where a matter has not been decided by decisions in that hierarchy, state courts will have regard to decisions of other state courts and courts in common law countries overseas, particularly England and Wales, Canada, the United States and New Zealand.



CRIMINAL PROCEEDINGS AGAINST ADULTS

When someone is charged with a criminal offence the seriousness of the offence puts it into one of two categories.

Criminal offences are described as summary or indictable. A person charged with a criminal offence is called “the accused” until they are either convicted or acquitted (found to be not guilty).

Summary offences are usually dealt with by a **magistrate**.

A person may be arrested or issued with a summons requiring him or her to attend court. At the first appearance, the accused may ask that the matter be adjourned in order to seek legal advice, or may enter a plea. If the plea is guilty, the magistrate will hear the facts of the case and impose a penalty. If the plea is not guilty, the matter will be remanded to a defended hearing when the magistrate will hear evidence from the prosecution and the defence before deciding whether or not to convict and impose a penalty. Note: When a person is remanded, it could be either on bail (in the community) or in custody.

Indictable offences are usually dealt with by a **judge and jury**, or **judge alone** in the Supreme or District Courts but many of them can be heard by a magistrate. Indictable offences which can be heard in the Magistrates Court are called ‘each way offences’. If a magistrate decides that an indictable charge is to be heard in that jurisdiction, the procedure is similar to that for a summary offence.

If someone is charged with an indictable offence, they first appear in the Magistrates Court where the prosecution provides a copy of the available evidence (known as a prosecution brief). This brief is not a public document.

Once this has occurred the person must enter a plea to the charge. The person is then committed (sent to) to a higher court (District or Supreme). If the plea is **guilty**, the person is committed for **sentence**. If the plea is **not guilty**, the person is committed for **trial**.

If a person is committed for sentence, he or she will appear before a judge at what is known as a **Pleas Day** (Supreme Court) or the **Sentence Mention List** (District

Court). Reports will often be ordered at the time of committal for the purposes of sentencing. These reports are confidential.

If a person is committed for trial in the District or Supreme Court, he or she will appear before a judge at what is known as a **First Appearance** (Supreme Court) or a **Trial Listing Hearing** (District Court). At that time, trial dates can be set or the matter may be adjourned to a status conference. The prosecution will present an indictment to the court, which is a document containing the charge or charges, and the accused will be required to enter a plea to this indictment. This is called being arraigned. A trial will occur at a later time, before a judge and jury or, on application, by judge alone.

It is important to remember when covering a trial that the accused, the person on trial, is innocent until convicted either by pleading guilty to a charge or being found guilty after trial, and you should not report alleged crimes as fact.

In the case of people who are charged with offences that can only be dealt with by the Supreme Court, after their first appearance in a Magistrates Court, they will be sent to the **Stirling Gardens Magistrates Court**. This is a court specially set up to deal with such matters. It sits in Court 6 of the old Supreme Court building. It should be noted that it is a Magistrates Court, not the Supreme Court, so cases will not be finalised in this court. Matters that can only be dealt with in the Supreme Court are murder and manslaughter.

What Is Bail and What Can You Report?

A person facing charges may apply to a court for bail. On a bail application, there may be discussion about the strength or weakness of the prosecution case. Where the person has pleaded not guilty and the matter is going to trial, there may be a need to ensure that nothing said during the bail application affects potential jurors. This is because the evidence at the trial may not be the same as anticipated at the bail application or because the judge hearing the bail application may express a view about the strength of the prosecution case. For this reason, the proceedings and the decision on bail applications are often suppressed until the end of any trial. The fact that a person is on bail is usually not suppressed, but the reasons why often are. Care needs to be used in reporting bail proceedings for this reason. Note: For murder charges, a bail application must be dealt with in the Supreme Court.

CRIMINAL PROCEEDINGS AGAINST CHILDREN

The Children's Court of Western Australia deals with offences alleged to have been committed by young people aged 10 to 17 years. The Perth Children's Court is located at 160 Pier Street in Perth; however, children's court cases are also heard in other courthouses throughout the State. If a young person turns 18 after the date of the alleged offence, he or she will still appear before the Children's Court.

The Court also deals with protection and care applications for children under the age of 18 years.

The *Children's Court of Western Australia Act 1988* prohibits the publication of information that could identify a child who is concerned in proceedings in the Children's Court, including any child who is a victim or alleged victim of any offence, and a witness. That prohibition can also extend to children dealt with in the Supreme Court, the District Court and the Court of Appeal.

Note: Media must have the name of the accused to seek upcoming dates and results from Children's Court matters. For cases before the Perth Children's Court, your request should be emailed to the court directly: childrenscourt@justice.wa.gov.au. Please use your work email account, not a private email address.

REPORTING HEARINGS

Please note that the information contained here is meant as a reference only. It is not legal advice. If in doubt about an issue raised, you should seek your own legal advice.

Fair and Accurate Reports

The media works under pressure to be first with the news and must also cope with time and space constraints. However, the media has an obligation to the people involved in cases to report proceedings accurately and fairly, and a wider obligation to ensure that justice is properly conveyed to the community.

In general terms, the media should not publish or report anything prior to a jury trial which may have the tendency to interfere with, or to prejudice, the fairness of any trial of an accused person. Neither should the media publish anything prior to a trial (by a jury or judge alone) which undermines the presumption of innocence.

There are certain well-known areas of particular sensitivity where special caution should be exercised and legal advice taken prior to publication. For example, one such area would be the publication of a photograph of an accused where identity or identification may be an issue.

Generally, the following guidelines apply for the reporting of criminal proceedings likely to be heard before a jury. These guidelines are aimed at ensuring that the jury in a particular criminal trial arrives fairly and in an unbiased manner at their verdict.

1. The media should not publish or report anything which takes place in court in the absence of the jury.

A *voir dire* is essentially oral evidence and argument in court to decide whether evidence is legally admissible in a trial. For instance, the *voir dire* may determine whether a witness is competent to give evidence or whether a confession was properly obtained. A *voir dire* is held in the absence of the jury and must not be published or reported.

During a trial, the jury is occasionally sent out of the courtroom so that legal argument can be heard as to the admissibility of evidence, and for other reasons. This argument cannot be reported at least until the matter has been finally disposed of, including any appeal and subsequent re-trial.

2. Any previous convictions of the accused should not be published or reported before the verdict is delivered at the conclusion of a trial.

3. Any confession of an accused should not be published before it has been played or discussed in open court.

4. Evidence of likely witnesses should not be published before trial.

5. Charges outstanding here or elsewhere, such as in another country or state, should not be published or reported.

6. The accused should not be shown being escorted between court buildings and the prison van.

7. Reporters should also avoid stating that the accused is in custody, unless that fact has been stated in open court before the jury.

It is considered prejudicial to the accused to reveal either that he was denied bail or is in gaol on another offence.

8. Particular security arrangements of which the jury would not be aware should not be published or reported.

9. Do not publish other unrelated prejudicial information about an accused shortly before or during their trial before a jury.

An accused coming up for jury trial in the near future may be arrested and charged with new and unrelated charges. Journalists should be alert to this possibility and check when an accused is coming up for trial so as to avoid inadvertent prejudice to an accused.

10. Care is needed if a co-accused is to have a separate trial.

11. When cases that have received extensive publicity at the time of the offence get to trial, reporters should be careful not to background the case beyond what is told to the jury.

This is something of particular relevance to television reports using file footage.

12. Care over identification - someone does not need to be named to be identified.

Details of the circumstances of an offence can also lead to identification which could breach, for example, the prohibition on identifying sexual assault victims or children involved in Children's Court proceedings.

With photographs or footage, concealing the face may not be sufficient to prevent identification - distinctive clothing, a broken limb or a distinctive gait may identify someone.

There are additional categories of witnesses where care should be exercised, even if a non-publication order has not been made. Revealing the identity (including photographs) of an undercover police officer or a police informer is one example, as this could put their safety at risk.

It is an offence under the *Witness Protection (Western Australia) Act 1996* (section 35) to disclose information about the identity, location or circumstances of someone in witness protection, or even to disclose that a person is on the program.

Summary – Key Things to Avoid

- Revealing prior convictions
- Breaching any non-publication (suppression) orders
- Reports that imply guilt or innocence of the accused
- Reports including interviews that could affect witnesses
- Comments, as distinct from reports of the court case
- Confessions before a case is finalised
- Pictures of the accused where identity is an issue
- Reporting anything said in the absence of the jury
- Any contact with jurors or identification of jurors
- Reporting children's names in all Children's Court matters
- Reporting the names of victims or alleged victims of sexual assault
- Reporting the names of relatives of victims of sexual assault (this will lead to victim identification)
- If in doubt, seek legal advice.

Contempt

Contempt is a complex issue and it is not intended to cover it in detail here. It is recommended that you seek independent legal advice on any issue about which you are in doubt. Generally, any conduct which disregards the authority of a court, or which may prejudice a fair trial, may be a contempt.

Examples of contempt may include ignoring an order of a court, harassing a witness or juror, or verbally abusing a judge or court officer. Contempt is not just the potential to influence jurors, but also includes influencing witnesses. It is unwise to interview people involved in cases, including witnesses, and publish those interviews before proceedings are complete.

The law prohibits the identification of jurors or the disclosure of anything said by jurors during their deliberations. It is a contempt of court to take or publish a photograph, sketch or likeness of a juror or any person summoned to attend the jury pool. Contempt is punishable by the Supreme Court and may lead to a fine or gaol.

The period when someone may commit a contempt begins when a charge is laid, a warrant is issued or someone is arrested (or with a civil case, when a writ is issued), and finishes when the proceedings are over.

In a criminal case, the proceedings end when someone has been sentenced or acquitted. However, it needs to be kept in mind that a decision may be appealed which could lead to a retrial before another jury if that appeal succeeded. Generally, appeals to the Court of Appeal must be commenced within 21 days after the date of the decision being appealed.

Suppression Orders

All courts have powers to make non-publication (suppression) orders which may prohibit reporting of all or specified parts of proceedings. **It is contempt of court to disobey an order.**

Accredited media have online access to check if suppression orders exist via the **eCourts Portal**. Once accredited, journalists should follow the link on the homepage of the portal to register for an online account.

A Suppression Order Registry is also maintained by the Sheriff's Office and copies of orders can be obtained from the Manager, Media & Public Liaison on (08) 9421 5303 or the Sheriff's Office on (08) 9425 2489 or email: jurors@justice.wa.gov.au.

Legislative Restrictions on Reporting

There are numerous statutory restrictions on reporting. Reporters should make themselves familiar with the more common and important pieces of legislation and seek advice where necessary.

In particular, reporters should familiarise themselves with:

Section 171 of the Criminal Procedure Act 2004

This section provides that criminal proceedings are to be in open court unless a court makes an order to the contrary. A judge or magistrate may make an order excluding a person, group or all members of the public from the court room. An order can also be made prohibiting or restricting publication of the proceedings or any matter that identify a victim or other person. Breach of such orders is a criminal offence.

Section 36C of the Evidence Act 1906

This section provides that no matter likely to identify the complainant (i.e. the alleged victim) in respect of an alleged or proven sexual offence can be published. This includes anything which could identify the school that a complainant attends. In some cases this will mean that the name of the accused person cannot be published because of the relationship between that person and the complainant.

Section 35 of the Children's Court of Western Australia Act 1988

This section prohibits the publication of information that could identify a child who is concerned in proceedings in the Children's Court. That prohibition can also extend to children dealt with in the Supreme Court, the District Court and the Court of Appeal. Information that could identify any child who is a victim or alleged victim of any offence, and as a witness is also prohibited.

Section 82C - Family Court of Western Australia Act 1975

The Family Court of Western Australia is an open court except for the hearing of adoption applications or when a judge otherwise orders. Media representatives, however, should be aware that restrictions exist on the publication of court

proceedings. These restrictions are set out in Section 121 of the *Family Law Act 1975 (Cth)* and Section 82C of the *Family Court Act 1975 (WA)*.

Generally, it is an offence to publish or broadcast any account of proceedings that identifies:

- a party to the proceedings;
- a person who is related to or assisted by a party to the proceedings;
- a witness to the proceedings;
- a person in any other way concerned in the matter to which the proceedings relate.

Schedule 3 of the Criminal Procedure Act 2004 - Pre-trial statements and examination of witnesses

It is an offence to publish any evidence given by a witness on an examination before the evidence is given in open court in a trial or in sentencing proceedings.

Guardianship and Administration Act 1990

Under the *Guardianship and Administration Act 1990* (Schedule 1, Part B, Clause 12), it is an offence to publish or broadcast any account of proceedings that identifies:

- a party to the proceedings;
- a person who is related to, or associated with a party to the proceedings or is in any way concerned with the matter; or
- a witness in the proceedings.

Children and Community Services Act 2004 – Section 237

It is an offence to publish information that identifies a person who is or was a child subject to an investigation, or protection application order under the Act or the Child Welfare Act 1947 (rep), except with written authorisation.

Section 27 of the Evidence Act 1906

This section provides that it is unlawful to publish any question asked in court that a judge or magistrate has ruled is misleading, unduly annoying, harassing, intimidating, oppressive, offensive or repetitive. It is also unlawful to publish any question that the court has informed a witness that he or she is not obliged to answer and has ordered shall not be published.

CIVIL CASES

These are cases involving disputes between individuals, companies and government and its instrumentalities.

Civil Trials in the Higher Courts

Civil proceedings in the Supreme Court and District Court begin with the filing of a writ, summons or notice depending on the type of claim or action. The courts place a strong emphasis on resolving matters to avoid the cost and delay of going to trial, with all defended civil cases subject to mediation prior to trial. Mediations are always private, and not open to the public.

Matters that cannot be resolved are entered for hearing. The court procedure for a civil trial is similar to that of a criminal trial except that a jury is almost never required. The party taking the action is referred to as the plaintiff, and the party defending the action is the respondent.

The judge must decide what the evidence establishes to be the facts of the matter, whether the plaintiff is justified in his or her claim for a remedy, and, where appropriate, make an award of damages or other relief.

APPEALS

Appeals may be in the criminal or civil jurisdiction. Time limits within which to appeal apply. A single judge may hear an appeal from a magistrate. Appeals from this jurisdiction are heard in the Supreme Court for criminal matters, and the District Court for civil matters. An appeal from a decision of a judge of the Supreme or District Court or the Master of the Supreme Court is heard by the Court of Appeal (Supreme Court). Appeals heard by the Court of Appeal are usually heard by a court comprising three judges. Sentencing appeals are sometimes heard by a court comprising two judges. The matters that come before the court on appeal arise from the grounds of appeal which the appellant sets out in an appeal notice. A matter not raised by those grounds cannot be argued except where leave is given to amend the grounds.

WHO'S WHO IN COURT

Judicial Officers

All judicial officers are referred to in court as 'Your Honour'. Magistrates sit in the Magistrates Courts while judges sit in the District, Supreme and Family Courts.

In writing, magistrates are described as **Magistrate** *David Smith* or if it is the Chief Magistrate or Deputy Chief Magistrate, then it is Chief Magistrate or Deputy Chief Magistrate upon first reference.

District Court judges are referred to as **Judge** *David Smith*. The Chief Judge of the District Court is referred to as Chief Judge *Jane Smith*.

High Court, Supreme, Federal and Family Court judges are called 'justices' – e.g. **Justice** *David Smith*. The Chief Justices of these courts are referred to as Chief Justice *Jane Smith*. The Court of Appeal has a President, who is referred to by that title.

The Supreme Court also has a judicial officer known as a Master, who deals with interlocutory or preliminary matters prior to trial and hears company matters and any short matters assigned from the Judges' list. The Master is referred to as **Master** *David Smith*.

The State and Deputy State Coroner are referred to as **State Coroner** or **Deputy State Coroner** *Jane Smith*. Other Coroners are referred to as **Coroner** *David Smith*.

Judicial Staff

Each judge and master has an associate and an orderly who, in addition to other duties, acts as a point of contact with the media in the courtroom. Magistrates are assisted by an orderly and judicial support officer (JSO) allocated to their court daily.

Any questions should be directed initially to the orderly who will assist where able to do so and who will pass on queries to the judicial support officer or associate where necessary.

Legal Practitioners

In Western Australia, qualified persons are admitted as barristers and solicitors of the Supreme Court.

A barrister is a legal practitioner who argues cases in court. Barristers who practise at the WA Bar receive briefs from solicitors but otherwise do not have direct dealings with clients. A solicitor deals directly with clients, taking instructions from them.

In WA, a person may practise both as a barrister and as a solicitor, so it is possible for a solicitor to take instructions and to appear in court as the barrister acting on those instructions. Some barristers elect to practise only as barristers and do so at the independent bar. A barrister in court is described as 'Counsel' for a particular party.

In a criminal trial, the prosecutor sits at the end of the bar table closest to the jury box, and the defence lawyer/counsel sits at the other end of the bar table. The jury box is not always in the same place in all courtrooms and this means that sometimes the prosecutor will be on the left and other times on the right.

Senior Counsel

Practitioners who have attained professional eminence at the bar, and occasionally in other areas, may apply to be appointed as a Senior Counsel (SC). In the past, this appointment was known as Queen's Counsel (QC).

In Court, a Senior or Queen's Counsel wears a silk gown (which is why they are sometimes referred to as 'silks'). This differs from the cloth gown worn by other barristers and has a square flap of fabric at the back.

MEDIA ACCESS

Media Accreditation

Media accreditation for reporting in Western Australian courts is required. To obtain accreditation please complete the [application form](#) and email it to the Manager, Media & Public Liaison for the Courts. Accredited journalists will be provided photo identification issued by the Supreme Court that is valid in each jurisdiction.

Media Liaison and Facilities

Media queries relating to the Supreme Court, District Court, Family Court of Western Australia, Magistrates Court, Children's Court, State Administrative Tribunal and the Coroner's Court should be directed to the Manager, Media and Public Liaison for the Courts.

Contact: Tel: (08) 9421 5303; Mob: 0439 953 898
 Email: courtmedia@justice.wa.gov.au

The Manager, Media and Public Liaison has an office at the Supreme Court, David Malcolm Justice Centre, 28 Barrack St, Perth.

Media rooms are provided in the District and Supreme Court buildings. The District Court media room is found on the ground floor with the entry from the main lobby. A code is required.

A Supreme Court media room is available at the David Malcolm Justice Centre, with card access only. At the 1903 building, a code is required to access the media room.

It should be noted that the media policies outlined in this publication are designed to assist working journalists. Copies of sentencing transcript will not be provided to students, nor is general transcript readily available.

Conduct in Court

Access and Seating: The courts are open to the media and the public, unless in special circumstances when a court orders otherwise. Seating is usually provided for media at a media bench or in specifically allocated seats in the public gallery.

Etiquette: When entering or leaving a courtroom, it is customary to bow towards the judge. Talking, smoking, and eating in court is not permitted.

Behaviour: A judge or magistrate is in charge of the courtroom and may order the removal of anybody who behaves or is dressed inappropriately.

Equipment: Accredited members of the media are permitted to use electronic devices connected to the Internet, such as laptops, tablets and smart phones, from inside WA courts, subject to any direction by the presiding judicial officer.

To use these devices inside the courtroom, journalists must carry and show their Court Media Accreditation if requested by security staff. Use of electronic devices while court is in session must not interfere with the Court, so must be on silent.

Recording or filming inside a courthouse is not permitted.

Sketching: Sketches of a courtroom scene are not permitted without the permission of the judge or magistrate. Media requests should be made to the judge through the associate or the judicial support officer (JSO) to the magistrate.

Keeping Track of Cases – eCourts Portal

The Courts of Western Australia have a public website providing lists of daily court cases in every courthouse in the State as well as an individual's upcoming court appearances. This site is helpful for tracking the progress of an individual's case. The listing includes the charges, jurisdiction, next court date, hearing type, location and current plea. Go to: <https://ecourts.justice.wa.gov.au/eCourtsPortal/>

Note: - If a matter has a suppression order, it will not register on the portal.
- A search of an accused person's name will not register on the day of their appearance, so use the Detailed Court List Report instead.

Daily Court Lists, Upcoming Hearing and Results

Accredited and eCourts registered media representatives can access detailed court lists via the eCourts Portal. When producing the **Detailed Court List Report**, users will only be able to select a report date for the **current day**. Instructions are available from the Manager, Media & Public Liaison.

Court lists are also published daily on the courts' websites and journalists can subscribe online to daily lists for the Supreme and District Courts.

Court lists, setting out the time a matter will commence and courtroom, are generally posted on electronic boards in the foyer of court buildings.

The Manager, Media & Public Liaison also provides lists for media on upcoming matters, such as trials, status conferences, first appearances and appeals, in both the District and Supreme Courts. These lists are usually prepared one to two months in advance.

For regional court hearings (circuits) for the District and Supreme Courts, journalists can apply to be emailed upcoming circuit hearings, including sentencing and trials.

Results on court appearances should be obtained from the registry of the relevant court, or from the Manager, Media & Public Liaison.

Access to Transcript, Exhibits, Writs & other documents

The media may report information relating only to documents which have been tendered as exhibits (those which form part of the evidence and official court proceedings). Documents and other material referred to as 'marked for identification' have not been tendered and cannot be used in reporting.

Transcript and Sentencing Remarks

Transcript of **sentencing remarks** of judges in the **District** and **Supreme Courts** is available to the media free of charge on request to the Manager, Media & Public Liaison. When requesting sentencing transcript, please provide the **offender's name, court file number, courtroom, judicial officer and time of sentencing**. Transcript will be emailed. Please be aware that delays do sometimes occur. Please note that this document is not a public document. It is unedited transcript so must not be posted online, forwarded or the document itself published. It remains the responsibility of the journalist to be aware of any relevant laws or suppression orders regarding non-publication of details in the transcript such as the identity of complainants.

The majority of Supreme Court sentencing remarks are published on the Supreme Court website (www.supremecourt.wa.gov.au) and the **eCourts Portal** for one month after the delivery of the sentences. There is no restriction on republishing these published remarks but the onus is on the media to ensure that any legal restrictions are complied with. It may take a few days for the remarks to be published.

For accuracy of quotes, names and spelling, it is possible to request access to transcript in **current** trials before the **Supreme and District Courts**. Access is for viewing only, and at the discretion of the presiding judge. Enquiries should be made through the Manager, Media and Public Liaison.

Other than those instances outlined above, requests for **copies** of transcript will be referred to the Principal Registrar of the Court concerned for consideration, and a fee per page is charged.

Copyright of transcripts belongs to the State. Unauthorised copying or dissemination of transcripts may constitute a breach of copyright or even contempt.

Transcript is not readily available in the **Magistrates** and **Children's Court**.

In the **Magistrates Court**, most hearings are recorded but not transcribed. It is still possible for media to request access to the transcript. To apply, complete a **Form 1** available on the Magistrates Court website. Please note, **fees** per page are payable. Email the completed Form 1 directly to the Court where the matter was heard (for example: perthmagistratescourt@justice.wa.gov.au) and use the **Subject: Media Form 1 – Transcript Request**. **Note:** An affidavit is not required by media when applying for transcript.

For **Children's Court** transcripts: if the matter was heard by a magistrate, submit a **Transcript Request Form** available on the Children's Court website (**fees** will apply). If a sentence was imposed by the President, transcript requests can be made to the Manager, Media and Public Liaison.

Exhibits

The Supreme and District Courts have a policy regarding the release of copies of documents, audio visual recordings or images once tendered in evidence (exhibits) in criminal and civil cases.

To make an exhibit application, follow the template in the [How to Apply for Copies of Exhibits](#) guideline on the **Supreme Court** website or the [District Court Consolidated Practice Directions](#) under **Requests by Media for Access to Court Records**.

Applications are made directly to the judge's associate via email. Associate contact details are available on the courts' websites. Each exhibit application is dealt with on a case-by-case basis, and may not be considered until the conclusion of a trial.

Issues that will be considered in determining if it is appropriate to release an exhibit include the victim's interests and privacy; whether the exhibit is of a graphic nature; whether the exhibit identifies a child, police undercover operative or protected witness; and whether proceedings or other related investigations are finalised.

Applications for exhibits tendered in the **Magistrates Court** must be made by submitting a **Form 1** available on the Magistrates Court website. Please note, **fees** are payable. Email the completed Form 1 directly to the Court where the matter was heard (for example: perthmagsitratescourt@justice.wa.gov.au) using the **Subject: Media Form 1 – Exhibit Request**. **Note:** An affidavit is not required by media when applying for an exhibit.

Judgments

As part of the public process of the courts where judges decide cases, they are required to publish their reasons. An appeal court will likewise publish and distribute reasons for its decisions.

Judgments from the Supreme Court and District Court are available on the courts' websites or via the [eCourts Portal](#).

Reasons for decisions and judgments handed down in the Supreme Court (including the Court of Appeal) and District Court are ordinarily published on the court websites on the day of delivery. Requests for copies should be directed to the associate to the presiding judge or the Manager, Media and Public Liaison.

Other Documents

Writs, Appeal Notices, Judgments & Orders

Any person is entitled on payment of the prescribed fee to search for, inspect and take a copy of any **writ** and any 'statement of claim' indorsed on the writ, **an originating application** under the *Corporations Act 2001*, any **appeal notice** filed under the *Supreme Court (Court of Appeal) Rules 2005* and any **judgment or order** of the Court.

For Supreme Court writs, email: central.office@justice.wa.gov.au. For District Court writs, email: civildc@justice.wa.gov.au. To obtain a copy of an appeal notice, email the Manager, Media and Public Liaison.

Victim Impact Statements and Pre-Sentence Reports

Victim impact statements, unless read to the court, are confidential documents and will not be released to the media. Other information, such as pre-sentence reports and records of conviction, not read in court, cannot be released.

News Conferences and Statements

Judges, magistrates and court staff do not give interviews or news conferences relating to cases before the courts. This is because judges and magistrates speak publicly through their reasons and rulings which form part of the trial process in relation to which appeals may be conducted. It is inappropriate for them to add to or detract from what they have said other than as part of the trial process itself.

COURT LOCATIONS

The **Supreme Court of Western Australia** operates from three sites in the Perth CBD:

- David Malcolm Justice Centre, 28 Barrack St, Perth
- Stirling Gardens, Perth (corner Barrack Street and St Georges Terrace)
- District Court building, 500 Hay Street, Perth (some criminal trials only)

Note: As some Supreme Court trials are held in the District Court building, care should be taken in reporting to ensure the correct jurisdiction is identified.

The **District Court of Western Australia** is located at 500 Hay St, Perth.

The **Magistrates Court of Western Australia** is located in the Central Law Courts at 501 Hay St, Perth (opposite District Court building). For other metropolitan and regional court locations visit: www.magistratescourt.wa.gov.au

The **Family Court of Western Australia** is located at 150 Terrace Rd, Perth (cnr Victoria Ave).

The **State Administrative Tribunal** is on Level 6, 565 Hay St, Perth.

The **Children's Court of Western Australia** is located at 160 Pier St, Perth.

The **Coroner's Court of Western Australia** is at the Central Law Courts, 501 Hay St, Perth.