

Media Access Protocol

Criminal Division

February 2017



Introduction

1. Subject to the prohibitions and restrictions on publication contained in section 534 of the *Children, Youth and Families Act 2005* (Vic) the Children's Court recognises the importance of the principle of public justice, and the consequent desirability of providing the media with access to charges and tendered statements in proceedings in the Criminal Division of the court.
2. The release to the media of such charges and statements and other materials is always in the discretion of the presiding judge or magistrate. No materials may be released to the media without the authorisation of the presiding judge or magistrate.
3. When materials are released to the media, it is the responsibility of the media to use those materials in accordance with the law. The fact that the court has released materials to the media does not authorise the media to publish those materials with impunity. The media must take responsibility for publishing materials released by the court in the same way and to the same extent as materials from other sources and according to law.
4. The release of materials to the media pursuant to this protocol is predicated upon a complete understanding and acceptance by any journalist or media entity granted access to the material of the statutory prohibitions and restrictions on the publication of proceedings in the court contained in section 534 of the *Children, Youth and Families Act 2005* (Vic).
5. This protocol does not apply to proceedings in the Family Division of the court.
6. This protocol does not apply to access to any pre-sentence documents tendered to the court including pre-sentence reports or Children's Court Clinic reports.

Procedure when media seeking access to court materials in the Criminal Division

7. Permission to access charge sheets, hand up briefs, statements, exhibits or other tendered materials is to be sought using the *Application for Access to Material* form. A completed media access form is to be filed with the court together with a signed undertaking from the journalist seeking the material, and any other journalist to whom the material is to be provided by the applicant. The material must not be provided to anyone who is not a journalist, nor to anyone who has not signed and filed an undertaking with respect to the material.
8. The completed *Application for Access to Material* form and undertaking should be filed with the bench clerk of the presiding judge or magistrate prior to the case being completed.

9. In the discretion of the presiding judge or magistrate, an opportunity to address the court regarding the release of materials may be given to the journalist concerned, and to the parties involved in the proceedings.

Exercising access

10. Access to court materials is to be exercised according to the directions of the presiding judge or magistrate. Journalists may not remove the materials from any room allocated without permission of the court, other than to return the materials to the registrar. All materials provided are to be returned to the registry by 4.30 pm on the day that access is granted.
11. Although the presiding judge or magistrate may grant access to materials, the actual delivery of the materials to the journalist is dependent upon staff availability. Journalists should not expect the delivery of the materials immediately after access has been granted.

The use of audio recording devices in court

12. Journalists wishing to audio record court proceedings must seek the permission of the presiding judge or magistrate using the *Application to Record* form. This form must be filed with the bench clerk of the presiding judge or magistrate, together with an undertaking with respect to the use of the recording prior to the case being completed.
13. The presiding judge or magistrate has a discretion to refuse to allow the audio recording of proceedings in court. It is the responsibility of any journalist seeking to use an audio recording device in court to ensure that such permission has been granted by the judge or magistrate before commencing to record any proceeding.

Judge Amanda Chambers
President
Children's Court of Victoria

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