

Media management

Overview

The Supreme Court's long-standing commitment to open justice is reflected in the support given to journalists covering its proceedings.

In 2024 the Court's media unit responded to approximately 8,500 enquiries, including more than 1000 file access requests, from 210 individual journalists, producers and podcasters. Typically, media attention is concentrated on particular outcomes in criminal proceedings, and journalists often request access at very short notice to CCTV footage tendered as evidence, victim impact statements, or fact-checking of charges, verdicts, sentences and non-publication orders.

Objectives

The primary objectives of the Supreme Court Media Unit include:

- Facilitating fair and accurate reporting of proceedings
- Mitigating risks to the administration of justice
- Raising public awareness of the role, history and importance of the Supreme Court to the rule of law in New South Wales
- Providing media advice to the Chief Justice
- Developing new channels for the Court to share its digital content
- Aligning information handling practices with best practice guidelines
- Improving the working environment of journalists based in the Law Courts Building
- Supporting the Media Liaison Committee

Fair and accurate reporting

The paramount objective of the Media Unit is to facilitate fair and accurate reporting of proceedings before the Court, and the rationale for this lies in the principle of open justice. In 2022 a NSW Law Reform Commission report found that open justice is fundamental to public confidence in the accessibility and impartiality of the justice system.³⁸ That is why the Court has by default a preference for public hearings and timely publication of judgments online via Caselaw (caselaw.nsw.gov.au).

However, courts have long recognised that members of the public cannot observe trials in person. Notionally, it falls to journalists to represent the public during a trial, but with this privileged position comes a responsibility to provide balanced observations of proceedings, and to clearly explain judicial reasoning.

While the interests of judges and journalists intersect in this way, they do not overlap. To journalists, courts are a forum for disputation and a source of stories that are perceived to be in the public interest. Historically, in-court attendance by journalists was the norm, but increasingly access to documents on the court file is crucial for fair and accurate reporting. The pleadings, affidavits and submissions lodged by the parties are sought after by journalists, in many cases long before they are read in court. File access requests require a careful balance between the principle of open justice, the interests of the parties, and the commercial imperatives of the media - a process which is managed by General Practice Note No.2.

³⁸ New South Wales. Law Reform Commission (2022). *Open Justice. Court and Tribunal Information: access, disclosure and publication*. Sydney: New South Wales Law Reform Commission.

Mitigate risks

Risk is defined as the effect of uncertainty on the Court's objectives. When a criminal trial is held in open court, there is often the risk that media coverage could interfere with the proceedings, or in some cases may cause a jury to be discharged or a trial aborted. To mitigate the risk of sub judice contempt, judges may use suppression, non-publication and take-down orders, and the Media Unit plays an important role in keeping journalists informed of what they can and cannot publish. In 2024 the Media Unit received more than 670 enquiries from journalists regarding non-publication orders.

Raising public awareness of the role, history and importance of the Supreme Court

In 2024 the Media Unit supported the Supreme Court's program of events celebrating the bicentenary of the proclamation of the Third Charter of Justice and the Court's inaugural sitting on 17 May 1824. The Chief Justice published an Op-ed article in the *Sydney Morning Herald* and gave an interview with Radio National's Law Report and ABC Stateline, as well as the Law Society's podcast series, Just Chat.

New channels for digital content

While professional journalists will remain as intermediaries between the judiciary and the public for the foreseeable future, social media provides the Court with the capability to engage with the public directly.

To this end, the Supreme Court's social media presence was revitalised in 2024 with a view to emulating the success of comparable institutions, such as the Supreme Court of Canada, the Federal Court of Australia and the New South Wales Parliament. The Court suspended its use of X (formerly Twitter) in early 2024, making LinkedIn the primary platform for posting announcements about appointments, retirements, ceremonial sittings, lectures and notable appellate decisions. Since mid-2024, the LinkedIn account has gained 3,600 followers, and its posts have been viewed 279,000 times, with an average engagement rate of 8.5 percent. The Supreme Court's YouTube channel has a respectable 35,000 subscribers and livestreams ceremonies, lectures and occasional cases of considerable public interest, such as *Commissioner of Police v Amal Naser*, *Commissioner of Police v Briohny Coglin*, and *Alexa Stuart on behalf of Rising Tide v The Minister for Transport*.

