

Case study 11

TV cameras in courts

In 2003 the sight of accused Bali bombers screaming praises to their god in court, and smiling and smirking as chilling evidence unfolded, became the latest episode of the saga about admitting cameras to courts of law. Seeing justice done on television—the bombers facing five Indonesian judges—is not a familiar sight for Australians, so, as we mentioned in the introduction to chapter 8, the Australian news crews covering the trials relished the freedom of being able to show the inside of the courtroom, rather than having to rely on ‘the norm’ of a reporter standing outside recounting what happened inside over shots of the main characters going in and out of the building (Smyth 2003, p. 7).

TV access to Australian courts is in the conservative British tradition, and at the discretion of the judge. The first time TV cameras were allowed to broadcast ‘live’ from an Australian court was the 1981 decision in the first coronial inquiry into the death of Azaria Chamberlain. Part of the reaction to the aforementioned O.J. Simpson case was that it demonstrated the dangers of allowing court proceedings to be televised (Slee 1995, p. 15). Then Federal Justice Minister Kerr said in 1994 that he saw no reason why court proceedings could not be televised only because the laws about court publications predated the electronic media (Saunders 1994, p. 4). There were some notes of caution though. Some feared people may ‘play up to the cameras’, and there was the danger of identifying jurors or protected witnesses, and some witnesses might feel inhibited by the presence of cameras recording their every word. Some had reservations about the accused being seen.

Broadcasters have long felt discriminated against by not being allowed to record material in courts. Imagine the outcry if the print media was banned from taking notes during trials? Australia boasts a system of open justice, where the media is allowed to observe justice ‘being done’. Banning court reporting for print journalists would make the ‘open justice’ claim meaningless. Yet the electronic media is not allowed to bring the tools of their trade—the

cameras and tape recorders—into court except on rare occasions. In May 1995, Justice Bernard Teague of the Supreme Court became the first judge to approve the televising of a criminal sentence in a Victorian court. The decision was strongly opposed by lawyers for Nathan John Avent, who was sentenced to life in front of a packed courtroom and a solitary news camera in the public gallery. The networks were allowed to use a minimum of two minutes of his sentencing on daytime and evening news bulletins (Conroy 1995). Avent appealed the sentence partly on the basis that the television presence adversely influenced the outcome (Zdenkowski 1995). The appeal judges said that the appeal was not about whether a judge should be able to allow a television camera into court. But they added that the contention that a fair-minded person might have thought that the sentencing judge had been influenced by the media attention ‘was not without force’ (Innes 1999). That comment from the appeals bench had the affect of stalling the move for cameras in courts until the late 1990s, when a Channel Ten camera did a pool shoot of the Court of Appeal’s first electronic appeal—in which all of the documents were on computer—involving the severity of a sentence for drug trafficking (Innes 1999). But that’s all very different to allowing TV news cameras (and radio tape recorders) into courts on a daily basis to record proceedings, or to have continuous coverage like the O.J. Simpson media ‘circus’. The second ‘live’ broadcast from an Australian Court was of the decision by Full Court of the Federal Court in the dispute in 1998 between the Maritime Union of Australia and Patricks Stevedoring company over the sacking of the waterfront workforce. There was intense interest in the result of the appeal, and it knocked *Sale of the Century* off air temporarily (Innes 1999). In 2001 the West Australian Supreme Court allowed the filming of a full trial for an independent documentary on a drug trafficking case. The following year the WA Court of Criminal Appeal invited the media to cover the historic overturning of the 40-year-old conviction of John Button, who was wrongly jailed for killing his girlfriend in 1963 (Smyth 2003). Radio and television journalists still await the same opportunities to tell their news stories afforded their print colleagues.

Issues and questions raised by case study 11

- 1 As a general principle should cameras and reporters' tape recorders be allowed in courts of law?
- 2 What would be some of the disadvantages of allowing cameras into courts?
- 3 The advantages?
- 4 Do the advantages outweigh the disadvantages?
- 5 Could you see various members of the legal system 'playing up for the cameras'?
- 6 Most Australians probably think the inside of a courtroom is something like a cross between *Judge Judy* and *Law and Order*. Visit a court, if you haven't already done so, and consider whether you think it would make interesting 'live' television.

Bibliography:

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