

MEDIA IN COURTS

THIS IS A SUMMARY ONLY.

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What is the media's role in the courts?

- Open justice is an important part of New Zealand's justice system.
 - Most court proceedings are open to the public. All court proceedings are open to the media (except if there is a risk to New Zealand's security or defence).
 - The media are the public's eyes and ears so New Zealanders can see the law being applied fairly and impartially.
 - The Criminal Procedure Act 2011 recognises the importance of the media reporting on the work of the courts and gives the media some special rights.
 - However, the judge controls court proceedings and is responsible for ensuring criminal trials are fair.
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Who is the media?

- The Criminal Procedure Act 2011 defines who is considered the 'media':
 - A person who is in court to report on the case and is subject to a code of ethics and the complaints procedure of the Broadcasting Standards Authority or the Press Council
 - Any other person reporting on the proceedings with the permission of the court.
 - International media need permission of the court.
 - Media must establish their identity with court staff before court begins.
 - If the defendant was involved in the crime, the judge will decide how to deal with the defendant.
 - The judge's decision can be appealed to the Court of Appeal by the defendant or the prosecutor.
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Why do media sit in the main part of the court?

- The media sit at a 'press bench'. Every courtroom has a press bench.
 - The press bench is located in the main part of the court because of the media's important role in reporting the work of the courts.
 - When there is a large number of media attending, court staff will seat the media together in another part of the courtroom.
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Why are the media allowed to write things down?

- Media are always allowed to write things down so that they can report on the work of the court accurately.
 - No-one else is allowed to write things down during a court hearing unless the judge has given permission.
 - The media can use a pen and paper, or a silent electronic device like a computer or a mobile phone. There are some restrictions on media using electronic devices that the media have to follow.
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Are the media allowed to record or film or take photographs in court?

- No-one is allowed to record or film or take photographs in court unless the judge has given permission. This includes the media.
 - If the media wants to record or film or take photographs, they must ask the High Court at least 10 working days before the hearing starts.
 - The judge will consider the views and concerns of parties, victims and witnesses when deciding if the media can record or film or take photographs.
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What are press sheets?

- Press sheets lists the criminal charges the defendant is accused of.
 - Press sheets are created for the media to ensure their reporting is accurate. The press sheets belong to the court and cannot leave court property.
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Why are the media allowed to stay in court when the public can't?

- The judge can, in certain limited circumstances, decide to exclude the public from the courtroom.
 - Media can only be excluded from the courtroom if there is a risk to New Zealand's security or defence.
 - This is because of the media's role as the public's eyes and ears of the court system.
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Why can the media talk to the judge in the courtroom?

It is rare, but permissible for a member of the media to address a judge. Media representatives should usually communicate with the court by approaching registry staff, in particular the case officer in charge of a file. If the importance and urgency of the situation requires, it is permissible for a media representative to stand and seek to address the judge.

The media also has standing to initiate, and be heard in relation to, any application for a suppression order, and any application to renew, vary, or revoke a suppression order.

How does the court communicate with the media?

- The judge may issue media minutes. The court will provide these directly to the media.

What do suppression orders mean for the media?

- Suppression means specific information or material cannot be made public. It might be the identity of a defendant, a witness or a victim. It might also be information about the case.
- Some suppressions are automatic under the laws of New Zealand.
- Some suppressions are ordered by the judge. The media have the right to tell the court their views when the judge is making their decision.
- The media is responsible for taking all necessary steps to make sure suppressed information or material is not published.
- If a person or a media organisation breaks a suppression order, they can be penalised by the court.



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