

FINAL

PROTOCOL FOR THE APPLICATION OF THE IN-COURT MEDIA COVERAGE GUIDELINES TO THE DISTRICT COURT SUMMARY JURISDICTION

Introduction

This protocol recognises that the procedures for applications for in-court media coverage (ICMC) in the guidelines need refinement to allow for the particular circumstances surrounding the exercise of the summary jurisdiction of the District Court.

In particular, the following matters need to be recognised:

1. That in the summary jurisdiction the timeframes may be short at the early stages of proceedings and that the 10-day rule in the guidelines is usually inappropriate in the summary jurisdiction.
2. That having regard to the need to ascertain the views of the informant and defendant on any application before it is considered applications need to be filed not later than 3 clear working days before the intended day of coverage.
3. That the timeframes will generally be such that applications can only be dealt with on the papers and that the opportunity for a hearing will not usually arise.
4. That because the progress of a case through the summary jurisdiction may involve a number of discrete events, each with different considerations (first appearance, entry of plea, defended summary fixture, sentencing, preliminary hearing of Indictable matters etc) and each presided over by different Judicial Officers, it is not appropriate for an application to relate to more than one event. Any application needs to be event specific.

5. That each Judicial Officer is entitled to control what happens in his or her Court. The guidelines recognise this principle by providing that applications be made to the trial Judge. The Judges in the District Court will not grant permission for ICMC in any Court other than the Court in which they will be presiding. This same principle applies to courts to be presided over by Justices of the Peace or Community Magistrates. District Court Judges will not consider applications which relate to a Court to be presided over by a Justice of the Peace or Community Magistrate. Those judicial officers will decide whether ICMC is to be permitted in their Court.

Protocol

1. Unless specific provision to the contrary is made in this protocol the Guidelines apply.

2. Definition

“Judicial Officer” means a Judge, Justice of the Peace or Community Magistrate

3. Making Application

- (1) Any person who wishes to cover a hearing must apply to the Judicial Officer who is to preside at the hearing
- (2) Any such application must be lodged with the Registrar of the court in which the hearing is to take place not later than 3 clear working days before the day of the hearing . The presiding Judicial Officer may abridge the time for the filing of the application.
- (3) An application should be made by Email to facilitate prompt referral to the presiding Judicial Officer and the parties.
- (4) The application should contain sufficient particulars of the nature of the coverage, including the duration of any such coverage, to enable the Judicial Officer to assess the degree to which the coverage will intrude on the proceedings
- (5) On receipt of the application the Registrar must refer the application promptly to

- (a) The Judicial Officer who is to preside at the hearing
- (b) The Informant
- (c) Counsel for the Defendant or the Defendant personally if the Defendant is unrepresented

4. Response to the Application

- (1) Within one working day of receipt of the application, any party receiving it must notify the Registrar, the media applicant, and any other party in writing
 - (a) that the application is not opposed; or
 - (b) That the application is opposed and the reasons for the opposition
- (Any response should be made by Email to facilitate the prompt referral of the response to the Judge and the other parties.)

- (2) In sexual cases the Informant must notify the Registrar of the complainant's views about the application.

6. Decision on the papers or after hearing

- (1) A Judicial Officer may grant or decline an application on the papers without convening a hearing, or may convene a formal hearing or telephone conference.