



Australian Capital Territory

LAW COURTS AND TRIBUNAL

Media Package

As at 1 October 2016

Contents

Introduction	4
Terms used in this document or at court	4
ACT Law Courts and Tribunal Administration	6
<i>Principal Registrar</i>	6
<i>Postal addresses</i>	6
<i>Publication of matters/issues concerning the ACT Law Courts and Tribunal</i>	6
<i>Justice and Community Safety (JACS) Directorate media contact</i>	6
Supreme Court	7
<i>Jurisdiction</i>	7
<i>Location</i>	7
<i>Registry</i>	7
<i>Listing information</i>	8
<i>Judicial Officers</i>	8
Court of Appeal	9
Magistrates Court	9
<i>Jurisdiction</i>	9
Criminal jurisdiction	9
Civil Jurisdiction.....	10
Other jurisdiction	10
<i>Location</i>	10
<i>Registry</i>	10
<i>Hearing Times</i>	10
<i>'A' list for new criminal matters</i>	10
<i>Magistrates</i>	11
<i>Specialist courts</i>	12
Childrens Court	12
Coroner and Coroner's Court.....	12
Galambany Court	13
Family Violence Court	14
Industrial Court	15
<i>Prosecutors in ACT criminal cases</i>	15
ACT Civil and Administrative Tribunal	16
<i>Jurisdiction</i>	16
<i>President and members</i>	17
<i>Location</i>	17
<i>Registrars</i>	17
Other facilities	17
<i>Court Library</i>	17
<i>New Courts precinct</i>	18
Media behaviour at court	18
<i>Entry to court buildings</i>	18
<i>Court and tribunal etiquette</i>	18
<i>Media identification</i>	18
<i>Open and closed proceedings</i>	18
<i>Respect for the courts' and ACAT's work and the privacy of other users</i>	19
<i>No cameras or recording devices in court</i>	20
<i>Filming around ACT Law Courts and Tribunal buildings</i>	20
Supreme Court Building	20
Magistrates Court Building, including Childrens Court	21
ACAT premises, 1 Moore Street Canberra City	22
<i>Inspection of crime scenes</i>	22
<i>Powers to remove people from court or tribunal premises, and associated offences</i>	23

Access to court information	23
<i>Civil files.....</i>	23
<i>Criminal files.....</i>	24
<i>Procedure for inspecting court files.....</i>	24
<i>Documents produced under subpoena</i>	24
<i>Court file inspection fees.....</i>	24
<i>Inspection of ACAT Files</i>	24
<i>Transcripts of proceedings</i>	24
<i>Access to ACT Law Courts and Tribunal operational data</i>	25
Restrictions on publication of court proceedings or the identities of people involved.....	25
<i>Contempt of court.....</i>	25
<i>Sexual offences – complainant’s identity.....</i>	25
<i>Protection of the administration of justice</i>	25
<i>Inappropriate lawyers’ questioning of witnesses.....</i>	26
<i>Childrens Court proceedings</i>	26
<i>Applications for domestic violence or protection orders.....</i>	26
Contact with judges, jurors and court officers	26
<i>Jurors.....</i>	26
<i>Court officers.....</i>	27
<i>Judges, magistrates and tribunal members.....</i>	27
Legislation websites.....	27

Introduction

This information package has been produced as a guide to assist media personnel, including sound recordists, camera operators and photographers, who attend:

- **ACT Law Courts**, that is
 - the ACT Magistrates Court, including the, the Coroner’s Court, Childrens Court, the Family Violence Court, the Galambany Court and the Industrial Court,
- or
- the ACT Supreme Court, including the Court of Appeal and Full Court
- or
- **the ACT Civil and Administrative Tribunal (ACAT)**

for the purposes of reporting court proceedings and research.

The information in this document does not apply to federal courts operating in the ACT (the High Court, Federal Court, Family Court and Federal Circuit Court) or to federal tribunals such as the Administrative Appeals Tribunal.

Terms used in this document or at court

ACAT means the ACT Civil and Administrative Tribunal

courts means the ACT Law Courts and the ACAT

court officer includes an ACAT officer and includes any person employed in the courts or the ACAT regardless of the terms or nature of their employment

courts premises means the ACT Law Courts Building, the Magistrates Court Building, that part of level 4 of the ACT Health Building, 1 Moore Street Canberra occupied by the ACAT and any other premises used by an ACT Court or the ACAT

courtroom includes any room being used by a court or the ACAT

judicial officer means a judge, a magistrate, a presidential member, senior member or an ordinary member

presidential member means a presidential member of the ACAT

ordinary member means an ordinary member of the ACAT

registrar means the registrar of the Supreme Court, the Magistrates Court or the ACAT as appropriate in the context. A registrar is a court officer who exercises limited judicial powers, eg to manage court lists or pre-trial processes, make orders by consent, or award costs. Registrars may also perform administrative or judicial support functions.

senior member means a senior member of the ACAT

If you go to hospital so that a surgeon can perform an operation on your nose, while there you may find yourself being referred to as the patient for a rhinoplasty procedure by Dr John Citizen FRACS (ORL-HNS), Consultant Otolaryngologist.

Lawyers also have their own language for justice system activities and participants that differs from lay terminology. Here are some terms you may hear while at court:

accused is term used to refer to a defendant charged with an indictable offence.

appellant means someone who has lodged an appeal in a higher court (or the ACAT Appeals Tribunal) against the decision of a lower court or ACAT, or has appealed a registrar's decision.

applicant refers to the party in *proceeding* who is presently making an *application*, even if they are the *defendant* (see below).

application is the term used in the ACT for a document filed with a court or ACAT asking it to make a particular order or decision. It is possible to make some applications verbally or by email (eg for bail).

committal refers to a process by which a magistrate assesses the strength of prosecution evidence against a person accused of a crime that must be tried by the Supreme Court, without considering defence evidence. If the prosecution's committal brief establishes a case to answer, the defendant will be committed for trial in the Supreme Court.

defendant(s) or *defence* refers to the person(s) or company/ies against whom a *proceeding* has been brought, and can extend to *defence witnesses* called by them. In civil cases involving multiple defendants, they are numbered 'first', 'second', 'third' defendant.

indictable offence refers to a serious offence, typically one punishable by 2 years' or more imprisonment. The distinction between indictable and summary offences in the ACT is explained further below.

jurisdiction refers to the extent of a court, tribunal or judicial officer's power to make an order or decision. For example, jurisdiction may be limited by reference to a particular geographical area, type of dispute (eg civil but not criminal) or step (remanding a criminal defendant in custody), or by the value of goods or money to which the dispute relates.

matter is what lawyers call a dispute that a court can decide, and is sometimes used interchangeably with *proceeding*. The *ACAT Act* uses the term 'dispute'.

plaintiff refers to the person bringing the *proceeding*. However, if a *plaintiff* brings an *application*, they are referred to as *the applicant*, and the defendant is referred to as *the respondent*, until the *application* is decided.

proceeding refers to a case that is has been commenced before a court or ACAT. This term is defined by the *Legislation Act 2001* (see Part 1 of its Dictionary).

prosecution, *DPP*, *CDPP* or *ODPP* refers to lawyers from the [ACT Office of the Director of Public Prosecutions](#) or the [Commonwealth Director of Public Prosecutions](#) who pursue criminal cases against *defendants* charged with those

offences, and *prosecution witness* refers to the police informant, victim or other witnesses called by them.

respondent refers to the party against which/whom an *application* or appeal is brought, even if they were originally the prosecution or the plaintiff.

summary offence refers to an offence of lesser seriousness. Summary offences are heard in the Magistrates Court.

ACT Law Courts and Tribunal Administration

The courts are administered by the Law Court and Tribunal Administration which is a business unit within the Justice and Community Safety Directorate.

Principal Registrar

The head of the business unit is the Principal Registrar, Mr Philip Kellow. The Principal Registrar may be contacted on matters concerning the administration of the courts. Mr Kellow's contact details are:

- Phone: (02) 6205 9772
- Email: philip.kellow@courts.act.gov.au
- Fax: (02) 6205 4856

Postal addresses

The postal address for the Supreme Court is:

GPO Box 1548
Canberra ACT 2601

The postal address for the Courts Administration, Magistrates Court and ACAT is:

GPO Box 370
Canberra ACT 2601

Publication of matters/issues concerning the ACT Law Courts and Tribunal

Consistent with media protocols, the ACT Law Courts and Tribunal should be given an opportunity to comment on any matter or issue concerning the work of the courts or ACAT prior to publication. In this regard, contact should be made in the first instance with the Principal Registrar by telephoning (02) 6205 9772.

Justice and Community Safety (JACS) Directorate media contact

For more general inquiries, eg about ACT government initiatives affecting the courts, please contact the JACS media team on 62077173 or by email to jacsmedia@act.gov.au.

Supreme Court

Jurisdiction

The ACT Supreme Court is established by the [Supreme Court Act 1933](#) and is a superior court of record. The Supreme Court has the following jurisdictions:

- (a) all original and appellate jurisdiction that is necessary to administer justice in the Territory; and
- (b) jurisdiction conferred by a Commonwealth Act or a law of the Territory.

The Supreme Court also has jurisdiction to hear matters from the Jervis Bay Territory under the [Jervis Bay Acceptance Act 1915](#) (Cth).

Location

The Supreme Court sits in the ACT Law Courts Building in Knowles Place, Canberra City. The Supreme Court may sit in other locations if required.



[Google Maps](#)

Registry

The Supreme Court Registry is located on the ground floor of the Magistrates Court Building. The hours for the Supreme Court Registry are 9:00 am to 4:30 pm Monday to Friday.

Listing information

Supreme Court listing information is available at <http://www.courts.act.gov.au/supreme/lists>, Magistrates Court listings appear at <http://www.courts.act.gov.au/magistrates/lists> and ACAT lists at <http://www.acat.act.gov.au/lists>.

The ACT Supreme Court Daily List is also found at <http://www.courts.act.gov.au/supreme/daily-list>

Judicial Officers

The ACT Supreme Court has [five resident judges](#):

- The Chief Justice [Helen Gay Murrell](#)
- Justice [Richard Christopher Refshauge](#)
- Justice [Hilary Ruth Penfold PSM](#) and
- Justice [John Dominic Burns](#)
- Justice [Michael Elkaim](#).

There are also [14 Federal Court judges](#), and four [Victorian Court of Appeal judges](#), who hold commissions as additional judges of the Supreme Court. Federal Court judges sit as members of the Court of Appeal with a local judge, and as trial judges as required. Victorian judges have been recruited to ensure that future decisions of the Court regarding the prosecution of David Harold Eastman for the 1989 murder of Australian Federal Police Commissioner Colin Winchester are made by judicial officers who have not previously decided issues in that long-running case. All judges appointed to the Court may sit as trial judges and as members of the Court of Appeal.

The ACT government also has the power to appoint [acting judges](#) to sit in the Supreme Court. Acting Justices Linda Ashford, Stephen Walmsley and David Robinson hold current appointments.

The Supreme Court also has an Associate Justice, [David Mossop](#). The jurisdiction of the Supreme Court exercisable by the Associate Justice is set out in Part 6.4 of the [Court Procedures Rules 2006](#).

The Registrar of the Supreme Court is Ms Annie Glover. Ms Glover's contact details are:

- Annie.glover@courts.act.gov.au
<mailto:supreme.court@courts.act.gov.au>
- Phone: (02) 6207 1203
- Fax: (02) 6205 4860

The jurisdiction of the Supreme Court exercisable by the Registrar is set out in Part 6.5 of the [Court Procedures Rules 2006](#).

Court of Appeal

When the Supreme Court exercises its appellate jurisdiction under Part 2A of the [Supreme Court Act 1933](#), it is known as the Court of Appeal. The Court of Appeal is generally constituted by three judges of the Supreme Court and must include a resident judge unless the President of the Court of Appeal considers it impractical to have a resident judge.

Appeals from the Court of Appeal are to the High Court of Australia by special leave.

Magistrates Court

Jurisdiction

The Magistrates Court is established under the [Magistrates Court Act 1930](#). The Magistrates Court has jurisdiction to deal with the following matters:

CRIMINAL JURISDICTION

- All **summary offences** i.e.
 - i. for Territory matters any offence with a maximum penalty of 2 years' imprisonment or less, including offences punishable by a fine only, and
 - ii. for Commonwealth matters any offence with a maximum penalty of 1 year's imprisonment or less, including most offences punishable by a fine only;

- **Indictable offences** that may be dealt with summarily, which
 - i. for Territory offences means:
 - (a) an offence punishable by between two and five years' imprisonment;
 - (b) any common law offence;
 - (c) an offence punishable by imprisonment for a term not exceeding 14 years if the offence relates to money or property worth less than \$30,000, or 10 years in any other case; or
 - (d) an offence against section 310 (Aggravated robbery) or section 312 (Aggravated burglary) of the Criminal Code,
 - and
 - ii. for Commonwealth matters means:
 - (a) an offence with a maximum penalty not exceeding 10 years' imprisonment;
 - (b) an offence relating to property the value of which is not more than \$5000.

- Where the Magistrates Court deals with an indictable matter summarily, the maximum penalty the court can impose for a Territory offence is 5 years' imprisonment or a fine of \$15,000 (and in some cases, \$5000) or both, and the

maximum penalty for a Commonwealth offence is 2 years' imprisonment or a fine of 120 penalty units.

(Summary and indictable offences are defined by s 190 of the *Legislation Act 2001* (ACT) and sections 4G and 4H of the *Crimes Act 1914* (Cth).)

CIVIL JURISDICTION

- The Magistrates Court has jurisdiction to hear and decide any personal action at law if the amount claimed is not more than \$250,000. A ***personal action at law*** includes an action relating to the detention of goods, where the amount claimed will be the value of the goods plus any damages for their detention. However, the Magistrates Court no longer has jurisdiction to hear civil disputes involving common boundary determinations, or debts of \$10,000 or less. In December 2016, this 'floor' limit on jurisdiction will rise to \$25,000, with disputes regarding smaller debts to be decided by ACAT.
- The court has the same jurisdiction as the Supreme Court in relation to nuisance.

OTHER JURISDICTION

- The Magistrates Court has jurisdiction conferred on it under a number of other Territory laws, including the:
 - [Workers Compensation Act 1951](#)
 - [Domestic Violence and Protection Orders Act 2008](#)
 - [Domestic Relationships Act 1994](#)

Location

The Magistrates Court sits in the [Magistrates Court Building in Knowles Place, Canberra](#).

Registry

The Magistrates Court Registry is located on the ground floor of the Magistrates Court Building. Registry hours for the Magistrates Court are 9:00 am to 4:30 pm Monday to Friday.

Hearing Times

Hearings (for contested cases, eg where a criminal defendant pleads not guilty) generally commence at 10 am; however, this may vary at the discretion of the magistrate concerned.

'A' list for new criminal matters

Except for some matters involving domestic violence offences, all criminal matters first come before the Magistrates Court in either the 'A1' list held in Court 1, or the A2 list held in court 2. The 'A1' list commences at 9.45 am Monday to Thursday.

There is a call-over of the A1 list before the registrar in Court 1 each morning, commencing at 9.15 am. Where a defendant is appearing before the court for the first time, and is not in custody, the registrar may adjourn the matter without referring it to a magistrate. If a defendant indicates to the registrar that he or she wishes to plead guilty on that day, the registrar will stand the matter down until 10 am before the magistrate. The plea will then be heard by the magistrate as soon as practicable after that time.

If a person proposes to plead not guilty, the matter will be adjourned to the next available hearing date – usually after allowing 10 weeks for preparation of a police brief and its consideration by the prosecution and defence – if it is a summary matter or the DPP has elected to have it dealt with summarily. An indictable matter will be adjourned for 10 weeks to allow the prosecution brief to be prepared and served on the defendant before a magistrate considers whether or not to commit the defendant to the Supreme Court for trial on the charges.

Family Violence offences that are mentioned in the 'A' list may be adjourned to the Family Violence Court, or for a case management hearing.

If a person has been taken into custody by police and refused bail, they must be taken before a magistrate within 48 hours. People who are in custody appear in the A2 list each morning, where they can make bail applications if necessary. The A2 list is called over in court 2 from 10 am Monday to Friday.

The Magistrates Court also sits on Saturday mornings and some public holidays to deal with people taken into custody since the last court sitting who have been refused bail by the police. Court usually commences at 8.30 or 9.00 am on those days, in court 6.

Magistrates

The Magistrates Court has [seven full-time magistrates](#) (including a Chief Magistrate) who are appointed until age 65. The court also may use the services of special magistrates when required. [Five special magistrates](#) are currently appointed to the court. Magistrates are appointed by the ACT government under section 7 of the [Magistrates Court Act 1930](#).

The Registrar of the Magistrates Court is Ms Amanda Nuttall. Ms Nuttall's contact details are:

- Phone: (02) 6207 1054
- Email: amanda.nuttall@courts.act.gov.au
<mailto:magistrates.court@courts.act.gov.au>
- Fax: (02) 6205 4856

The jurisdiction of the Magistrates Court exercisable by the Registrar is set out in Part 6.5 of the [Court Procedures Rules 2006](#).

Like the Supreme Court, the Magistrates Court has jurisdiction to hear matters from the Jervis Bay Territory under the *Jervis Bay Acceptance Act 1915* (Cth). A Magistrate travels to Jervis Bay regularly to deal with those matters.

Specialist courts

CHILDRENS COURT

The [Childrens Court](#) is part of the Magistrates Court. The Childrens Court is established by Part 4A of the [Magistrates Court Act 1930](#). The [Magistrates Court Act 1930](#) requires that a magistrate be appointed as the Childrens Court Magistrate. Chief Magistrate Lorraine Walker is currently the Childrens Court Magistrate.

The Childrens Court sits in Court 6 in the Magistrates Court Building. Court times are 10 am to 4:15 pm Monday to Friday, but may vary at the discretion of the Magistrate. The Childrens Court has a separate entrance, also on Knowles Place, into the Magistrates Court Building. The general public cannot access Court 6 from the main part of the building.

The Childrens Court also has a separate registry located on the ground floor, which is accessed through the Childrens Court entrance to the Magistrates Court Building. Registry hours are 9 am to 4:30 pm.

The Childrens Court is closed to the public under section 72 of the [Court Procedures Act 2004](#). However, paragraph 72(1)(i) of the [Court Procedures Act 2004](#) allows a person to attend criminal proceedings in the court to prepare a news report of the proceeding provided the person is authorised by their employer to attend to prepare the news report.

Journalists and researchers should be aware that section 712A of the [Criminal Code 2002](#) makes it an offence to publish information that identifies a child or young person who is, or was, the subject of a Childrens Court proceeding. Section 712A applies to both criminal and non-criminal proceedings. The offence carries a maximum penalty of 300 [penalty units](#), imprisonment for 3 years, or both.

The Registrar of the Magistrates Court is also the Registrar of the Childrens Court.

CORONER AND CORONER'S COURT

The Coroner's Court is established by section 4 of the [Coroner's Act 1997](#) and is part of the Magistrates Court. The court may be constituted by a single coroner, who may also exercise his or her powers outside of the Coroner's Court. The Chief Magistrate is also the Chief Coroner, and all magistrates are appointed as coroners. The Coroner's Court may be contacted on (02) 6207 1754. Proceedings in the Coroner's Court are inquisitorial in nature.

The Coroner inquires into the causes of certain categories of deaths prescribed by legislation, including violent or suspicious deaths (or suspected deaths), those resulting from accidents or associated with surgery, deaths in custody, and some other deaths or suspected deaths (eg those of people who had not seen a doctor for 6 months before their death). The Attorney-General may also ask the Coroner to inquire into the cause of a fire that has destroyed or damaged property, or a disaster.

If a Coroner conducts an investigation into a death, it is not always necessary to conduct a Coroner's Court hearing for that purpose. Coronial hearings are open to the public, although the court may be closed in some cases. Coronial inquests can be paused to allow the prosecution of a person whom the Coroner has grounds for believing, on the evidence, has committed an indictable offence. The Coroner can make other findings, eg about the quality of care, treatment or supervision of an incarcerated person before their death in custody, and can make recommendations to, among other things, improve public health and safety.

Further information about the Coroner's Court is available at http://www.courts.act.gov.au/magistrates/courts2/coroners_court

GALAMBANY COURT

The Magistrates Court established circle sentencing for Aboriginal or Torres Strait Islander defendants by practice direction in 2004. The Ngambra Circle Sentencing Court was established to assist in sentencing Aboriginal and Torres State Islander defendants who pleaded guilty to offences that could be finalised in the Magistrates Court.

The Galambany Court Practice Direction No 1 of 2012, came into effect in 2012. The court's change of name from 'Ngambra' to 'Galambany' was recommended by participants in the Circle Court and agreed to by the ACT Elected Body and Ngunnawal Council of Elders in 2010. Galambany means 'we all, including you'. It is an inclusive word that recognises the various origins of people of Aboriginal and Torres Strait Islander descent living on Ngunnawal country today, as well as other people, many of whom support the functions and operations of the Circle Court.

By the Courts Legislation Amendment Act 2011 the Legislative Assembly provided formal recognition to this circle sentencing process by inserting Chapter 4C into the Magistrates Court Act 1930. That chapter provides that, when the Magistrates Court is sitting to provide circle sentencing, it is known as the Galambany Court. It defines 'circle sentencing' as 'the step in a sentencing proceeding for an Aboriginal or Torres Strait Islander offender that includes members of the Aboriginal or Torres Strait Islander community'.

Where an Aboriginal or Torres State Islander defendant consents to having his or her matter referred to the Galambany Court, the defendant will be assessed by a panel of members, usually two male and two female, of the local Aboriginal or Torres State Islander community to determine whether or not he or she is suitable to go before

the Galambany Court. Where an Indigenous defendant is assessed as suitable to have his or her offence dealt with in the Galambany Court, the defendant's matter will be listed there for a sentencing hearing. The hearing is conducted by the Galambany Court Magistrate sitting with four members of the local indigenous community. Where possible, the same members of the Aboriginal or Torres State Islander community will conduct the assessment and take part in the sentencing hearing.

The main object of the Galambany Court is to find a culturally appropriate sentence for the defendant which will address the underlying cause of his or her offending. The ultimate decision as to what sentence is imposed remains with the Magistrate. The actual imposition of the sentence takes place in the Magistrates Court, not the Galambany Court.

Magistrate Bernadette Boss is currently the Galambany Court Magistrate.

For more information on the Galambany Court, click [here](#).

The Galambany Court co-ordinator is responsible for the Court's administration. The Coordinator is located in the Restorative Justice section of the Justice and Community Services Directorate, ph 6207 3992.

FAMILY VIOLENCE COURT

Chapter 4B of the *Magistrates Court Act 1930* provides that the Magistrates Court is to be known as the Family Violence Court when exercising jurisdiction in:

- any criminal proceeding against an adult in relation to a domestic violence offence;
- a proceeding in relation to bail for an adult charged with a domestic violence offence; or
- a proceeding in relation to a breach of a sentence imposed by the Magistrates Court or the Family Violence Court on a person for a domestic violence offence.

The magistrate sitting in the Family Violence Court is referred to as the Family Violence Court Magistrate. The Family Violence Court sits on Tuesdays and Fridays to organise and manage cases, and on other days when hearings are required.

The purpose of establishing a specialised court to deal with domestic violence offences was to recognise—

- the complex nature of domestic violence, and the specific protection needs of victims;
- the great social harm that results from domestic violence; and
- the fact that domestic violence offences take place in the context of a special relationship between people.

For the purposes of Chapter 4B, a domestic violence offence means an offence:

- (a) that can be a 'domestic violence offence' under the [Domestic Violence and Protection Orders Act 2008](#), which includes:
 - i. criminal offences listed in [Schedule 1](#) of that Act – these include homicides, assaults and related offences (eg endangering life), sexual offences, culpable (reckless, menacing or negligent) driving, threats to kill or injure or damage property, forcible confinement, stalking, kidnapping, arson, property damage, burglary, possessing weapons that are offensive or with intent to use them to commit an offence, offensive behaviour, firearms offences and offences associated with entry of government property;
 - and
 - ii. contraventions of domestic violence protection orders; and
- (b) for which a victim is the accused person's child, parent or other relative, or their spouse, partner or other person with whom they have, or have had, an intimate relationship or a family relationship brought about by someone else's intimate relationship. Thus domestic violence offences can be committed by or against, for example, ex- husbands or wives, ex-girlfriends or boyfriends, ex-step-parents or (grand-)parents-in-law, or former brothers-in-law, sisters-in-law, sons-in-law or daughters-in-law, cousins-in-law, or nieces-, nephews-, or grandchildren-in-law. The definition of 'relative' also extends to additional people who could reasonably be considered to fit it in particular cultural settings.

INDUSTRIAL COURT

The Magistrates Court is known as the Industrial Court when it is constituted by the Industrial Court Magistrate exercising jurisdiction under section 291Q of the [Magistrates Court Act 1930](#). This provision and other sections in Part 4D, which provides for the Industrial court, was inserted by the [Magistrates Court \(Industrial Proceedings\) Amendment Act 2013](#).

The Industrial Court exercises both civil and criminal jurisdiction. It can deal with industrial and work safety matters under a number of ACT Acts, including the *Work Safety Act 2011* and the *Workers Compensation Act 1951*, as well as associated personal damages claims. Where an adult is prosecuted for an industrial offence, the court can decide the case and deal with associated matters such as bail and sentencing.

The Chief Magistrate is the current Industrial Court Magistrate.

Prosecutors in ACT criminal cases

The ACT does not use police prosecutors. The police and most regulatory agencies are represented by the [Office of the ACT Director of Public Prosecution](#) in prosecutions under Territory law in ACT courts. Matters involving Commonwealth

offences are in most cases handled by the [Commonwealth Director of Public Prosecutions](#).

ACT DPP contact details:

Director of Public Prosecutions
GPO Box 595
CANBERRA ACT 2601
Phone: (02) 6207 5399

Commonwealth DPP contact details:

Commonwealth DPP
GPO Box 3104
CANBERRA ACT 2601
Phone: (02) 6206 5666
Fax: (02) 6257 5709
Email: inquiries@cdpp.gov.au

ACT Civil and Administrative Tribunal

[ACAT](#) considers and resolves applications lodged by individuals, businesses, government agencies and occupational regulatory authorities about many different things. The subject matter of applications extends from the review of multi-million dollar planning and taxation decisions to the disconnection of essential services. Regardless of the subject matter, each case is of fundamental importance to the participants and often, to sectors within the ACT community.

Jurisdiction

Applications can be made about:

- the review of a large number of administrative decisions
- discrimination complaints
- guardianship, financial management and enduring powers of attorney
- mental health treatment and care
- residential tenancies disputes
- energy and water hardship and complaints/investigations
- civil disputes valued at under \$10,000 (from 15 December 2016, this limit increases to \$25,000)
- unit titles disputes
- liquor licensing
- compliance with some long service leave obligations

- the discipline and regulation of various occupations including construction occupations, surveyors, architects, security guards, real estate agents, teachers and the health and legal professions.

President and members

Ms Linda Crebbin is the President of ACAT. Mr Geoffrey McCarthy, Ms Mary-Therese Daniel and Ms Liz Symons are presidential members, and Professor Peta Spender and Mr Robert Orr are acting presidential members. Ms Heidi Robinson is a Senior Member. There are also sessional senior and ordinary members, who sit as required.

From January 2017, Graeme Neate will be the President of ACAT.

Location

ACAT sits on the 4th Floor of the ACT Health Building, 1 Moore Street, Canberra City. ACAT's registry hours are 9 am to 4:30 pm, Monday to Friday.

Registrars

ACAT has two registrars: Ms Kristy Soper (Legal) and Mr Stephen Foldi (Administrative).

Ms Soper's contact details are:

Phone: (02) 6207 1379

Email: kristy.soper@act.gov.au

Fax: (02) 6205 4855

Mr Foldi's contact details are:

Phone: (02) 6207 1438

Email: stephen.foldi@act.gov.au

Fax: (02) 6205 4855

ACAT Registry may be contacted by phone on (02) 6207 1740 or by fax on (02) 6205 4855. General enquiries to ACAT may be made by email to tribunal@act.gov.au.

Other facilities

Court Library

Members of the media may use, but not borrow from, the [Russell Fox Library](#) which is located on the first floor of the Supreme Court Building. Access to the library is by the lift near the entrance to Court Room 2.

Mr Victor Rodziewicz is the principal librarian for the Court Library. He may be contacted on (02) 6207 1805 or by email on russellfoxlibrary@courts.act.gov.au.

New Courts precinct

The Magistrates Court Building and ACT Law Courts (Supreme Court) Building are being incorporated into a new Justice Precinct, which will feature a shared entrance and registry and upgraded facilities. Construction commenced under a public-private partnership arrangement in 2016. The project is scheduled for completion in 2018. More information on the new precinct is available at <http://actlawcourtsproject.com.au/>

Media behaviour at court

Entry to court buildings

Due to security requirements at both the Supreme and Magistrates Courts, public access to both buildings is restricted to the entrances on Knowles Place.

Court and tribunal etiquette

Recording devices are not permitted in a courtroom or hearing room without the permission of the presiding judicial or tribunal officer. **Mobile phones, laptop computers, personal digital assistants and similar devices are to be switched off during court or tribunal proceedings** so that calls, alerts or alarms do not interrupt proceedings. Should such a device interrupt proceedings, the presiding judicial officer may require you to hand it in to a court officer until you leave the courtroom.

When entering and leaving the courtroom, it is customary to acknowledge the bench by a simple nod of the head. Entering and leaving the courtroom must be done with minimal disturbance to the proceeding. You should not enter or leave the courtroom while an oath is being taken. When a judicial officer or tribunal member enters or leaves a courtroom or hearing room, it is customary to stand.

Speaking or whispering loudly during proceedings is not permitted. General information for the public about court etiquette is available on the [Supreme Court](#) and [Magistrates Court](#) websites.

Media identification

When on court premises, it is recommended that members of the media carry with them, at all times, some form of media identification.

Open and closed proceedings

As a general rule, all proceedings of the Court of Appeal, Supreme Court, Magistrates Court (including the Coroner's and the Galambany Court), are open to the public. However, the prior assessment process for the Galambany Court is not open to the public.

Proceedings in ACAT are generally open to the public. However, proceedings under the [Mental Health Act 2015](#) are closed to the public. Section 194 of that Act requires that these proceedings be conducted in private.

In some circumstances, proceedings before the courts and ACAT may be closed to the general public.

As mentioned above, the Childrens Court is closed to the public under section 72 of the [Court Procedures Act 2004](#).

Part 4 of the [Domestic Violence and Protection Orders Regulation 2009](#) provides that *the hearing of a proceeding* before the Magistrates Court must be in public.

However, a hearing need not be in public where the:

- order sought is a consent order;
- application is for an interim order where the respondent has not been served with a copy of the order;
- respondent has been served with the order but does not appear when the application is returned before the court, or
- magistrate hearing the application for a non-emergency protection order is satisfied that it is in the public interest, or in the interests of justice, to close the hearing to the public.

Respect for the courts' and ACAT's work and the privacy of other users

The courts and ACAT recognise the importance of freedom of the media to report on proceedings before them. The courts must, however, balance that freedom with court and tribunal security, and the rights of other court and tribunal users. Increasingly, this balancing exercise must be performed in the context of [heavy judicial workloads](#).

The *Court Procedures Act 2004* provides that a person has a right to enter and remain in public areas of the courts' premises if he or she complies with all orders made by a judge, magistrate, police officer, sheriff's officer or a security officer appointed under that Act. A person is not entitled to remain in a courtroom where a court is sitting unless seating is available.

It is an offence under [s 154 of the Crimes Act 1900 \(ACT\)](#)

- to obstruct unreasonably entry to, or egress from, government premises,
- to behave in an offensive or disorderly manner while on those premises, or
- to fail without reasonable excuse to leave those premises when directed to do so by the occupying authority's (in this case, the court's) security personnel.

Media representatives filming or photographing people attending court or tribunal premises should therefore take care not to obstruct entrances to court buildings or otherwise inconvenience people using those premises or compromise court or tribunal security.

Media representatives entering a court or tribunal building must also comply with the conditions of entry to the building set out in the [ACT Law Courts and Tribunal Security Policy](#) of 1 December 2015.

Media representatives are asked to be respectful of people attending the courts and ACAT, particularly parties, family members and witnesses. People entering and leaving the ACT Law Courts Building (Supreme Court), Magistrates Court Building, or any other building being used by an ACT court or ACAT are entitled to unhindered access to those buildings and a degree of privacy when using facilities within them. For these reasons, media representatives must not film or photograph persons *inside* any building being used by a court or tribunal, from either within the building or an outside location.

No cameras or recording devices in court

Cameras and other recording devices are not permitted in the ACT Law Courts Building (Supreme Court), Magistrates Court Building or any other building being used by a Court or ACAT unless the registrar of the relevant court or tribunal has consented. To seek approval to use cameras or recording devices inside ACT Courts and Tribunal premises, you must contact the relevant registrar at the address provided above. A request to film proceedings must be made to the registrar as early as possible, and no later than one week prior to the hearing date.

Filming around ACT Law Courts and Tribunal buildings

SUPREME COURT BUILDING

When filming or photographing people entering or leaving the Supreme Court via the Knowles Place entrance, **camera operators and photographers must remain on the London Circuit side of Knowles Place** so that people entering or leaving the Court are not impeded in doing so.



A clear passage along the footpath in front of the Supreme Court Building must be left at all times to allow people entering, leaving or passing the court building an unimpeded pathway.

For security reasons, filming and the taking of photographs is not permitted down the driveway at the southern end of the Supreme Court Building.

MAGISTRATES COURT BUILDING, INCLUDING CHILDRENS COURT

When filming or photographing people entering or leaving the Magistrates Court Building via the Knowles Place entrance, camera operators and photographers are to remain on the road side of the metal bollards outside of the building, as indicated below.



People must not be filmed entering or leaving the Childrens Court entrance (see pink arrow in the photo below). The Childrens Court entrance is situated next to the Magistrates Court entrance.



For security reasons, photographs or footage may not be taken of the court cells, the driveway at the London Circuit side of the Magistrates Court Building or the car parking area in the building's basement, and cameras may not be positioned so as to record activities in those locations.

ACAT PREMISES, 1 MOORE STREET CANBERRA CITY

Filming on level 4 of the ACT Health building at 1 Moore Street is not permitted without the approval of the administrative registrar, or a presidential member, of ACAT. See above for contact details.

Even then, filming of ACAT proceedings is at the discretion of the presiding member. Approval for filming ACAT proceedings must be sought at least one week prior to the commencement of the hearing.

Media representatives are asked to keep in mind that ACAT is not the primary tenant of the ACT Health Building and only occupies part of the fourth floor. The main occupier of the building is the Health Directorate. **Users of the building will, for the most part, not be ACAT participants, and will include people entering the building to receive medical treatment, including treatment for mental health problems.**

Inspection of crime scenes

During a hearing, it may be desirable for the court to view a place or object outside of the courtroom. The view is held in the presence of the judicial officer hearing the matter, the parties and their lawyers. As the Court is formally sitting while the view

is taking place, **the media are not entitled to film or photograph the view in progress without the presiding judicial officer's permission.**

Powers to remove people from court or tribunal premises, and associated offences

Section 50 of the [Court Procedures Act 2004](#) authorises a judge, magistrate or ACAT presidential member to order members of the public, either generally or specifically, not to be admitted to or to leave a court or part of court premises if he or she considers it is necessary for securing order and safety in court premises. Failure to comply with such an order is an offence punishable by a fine of 50 penalty units, imprisonment for 6 months, or both.

Sections 44 (Person may be required to state name etc) and 47 (Security officer may require thing that may hide firearms etc to be left) of the [Court Procedures Act 2004](#) give security officers in the court power to require people to do certain things in specified circumstances. If a person fails to comply, the security officer may require the person not to enter court premises, or to leave court premises or part of court premises immediately. Failure to comply with such a requirement is an offence against section 49 of [Court Procedures Act 2004](#), which carries a maximum penalty of a fine of 50 penalty units.

For the purposes of sections 44, 47, 49 and 50, 'court' includes:

- ACAT
- a board of inquiry established under the *Inquiries Act 1991*
- a royal commission established under the *Royal Commissions Act 1991*
- a judicial commission established under the *Judicial Commissions Act 1994*, and
- any other tribunal or entity that is authorised to hear, receive and examine evidence and is prescribed by regulation.

As mentioned above, s 154(2) of the [Crimes Act 1900](#) makes it an offence, punishable by a penalty of 2.5 penalty units or 3 months' imprisonment or both, to obstruct entry to government premises, behave in an offensive or disorderly manner while on them, or fail to leave when directed to do so. A number of court officers are authorised under paragraph 154(2) of the [Crimes Act 1900](#) to direct people to leave court premises.

Access to court information

Civil files

Rule 2903 of the [Court Procedures Rules 2006](#) permits anyone to search the registry for, inspect, or take a copy of, any document filed in the registry in a civil matter. However, a person who is not a party to the proceeding to which the document relates cannot access specified classes of documents as set out in sub-rule 2903(2) unless it appears to the registrar that the person has a sufficient interest in the document – or the court gives the person leave.

Different rules apply to the Childrens and Coroner's Courts.

Criminal files

Rule 4053 of the [Court Procedures Rules 2006](#) permits anyone to search the registry for, inspect, or take a copy of, any document filed in the registry in a criminal matter. However, a person who is not a party to the proceeding to which the document relates cannot access specific classes of documents as set out in sub-rule 4053(2) unless it appears to the registrar that the person has a sufficient interest in the document – or the court gives the person leave.

Procedure for inspecting court files

If you wish to access a Magistrates Court file, you may seek an appointment to do so by either contacting the registrar or attending the registry counter. To access a file in the Supreme Court, you may either attend at the court registry or contact the registry to obtain an appointment to view the file.

In each case, provided there is no impediment to you accessing the file, an appointment will be arranged. Your access to the court file will be subject to the supervision of a court officer. Only legal practitioners may access court files without supervision.

Documents produced under subpoena

Rules 2903 and 4053 of the [Court Procedures Rules 2006](#) do not apply to documents produced to the Court under subpoena. Rule 6609 sets out *a party's* entitlement to inspect documents produced to the Court under a subpoena, and states that other people may only inspect subpoenaed documents with the Court's leave.

Court file inspection fees

Fees for inspecting Magistrates Court files and obtaining copies of documents contained on them are listed on the Magistrates Court website (see [civil](#) and [criminal](#) fees). For Supreme Court inspection fees, see [that court's website](#). ACAT fees are listed on [its website](#).

Inspection of ACAT Files

Requests to inspect ACAT files (except Mental Health files) should be in writing to the Registrar, giving an outline for the request. Some information on file, however, may be excluded from inspection in the interest of justice. Such exclusions are at the discretion of the Registrar and the presiding member of the Tribunal.

Transcripts of proceedings

Transcripts of court proceedings are no longer available from the courts. Copies of transcripts for matters heard in the Supreme and Magistrates Court are available from [Spark and Cannon](#) transcription services, ph 1300 502 819.

Transcript of proceedings that took place before December 2013 may be obtained in various formats from DTI Australia. Enquiries about obtaining these transcripts should be made to DTI's Canberra office, ph (02) 62304110.

Further details on how to order transcript are provided on the [Supreme Court website](#).

Access to ACT Law Courts and Tribunal operational data

Release of other (de-identified) data on operation of the courts or ACAT is governed by a [protocol](#) requiring the approval of the head of the relevant jurisdiction (Chief Justice, Chief Magistrate or ACAT President). Data release requests should be made in writing to the Principal Registrar.

Restrictions on publication of court proceedings or the identities of people involved

Contempt of court

Both the Supreme and Magistrates Courts have power to make orders restricting publication of information concerning proceedings. Failure to comply with such orders may constitute a contempt of court (see, for example, *Magistrates Court Act 1930, s 307*).

A number of specific legislative provisions restrict, or permit restriction of, publication of material relating to court proceedings. The following examples are not intended to provide an exhaustive list.

Sexual offences – complainant's identity

[Section 40](#) of the *Evidence (Miscellaneous Provisions) Act 1991* makes it an offence to publish the name, or other information allowing identification, of a complainant in a sexual offence proceeding. The offence carries a maximum penalty of 50 [penalty units](#), imprisonment for 6 months or both.

Protection of the administration of justice

Under [s 111](#) of the *Evidence (Miscellaneous Provisions) Act 1991*, the Supreme Court or the Magistrates Court may make an order forbidding publication of parties' or witnesses' names or identities, evidence given in a proceeding before it, or reports of that evidence, in order to protect the administration of justice. Orders under this provision can be in force for any length of time, can impose any conditions, and can even be made after a hearing has concluded. It is also possible for a court to order under s 111 that certain people be excluded from the courtroom. Contravention of a s 111 order is an offence carrying a maximum penalty of 50 [penalty units](#), imprisonment for 6 months or both.

Inappropriate lawyers' questioning of witnesses

Lawyers ask witnesses a range of questions in court proceedings, but not all of those questions are legitimate, and the law prevents publication of those that are not. For example, [s 195](#) of the *Evidence Act 2011* makes it an offence to print or publish, without the express permission of a court, any question that the court has disallowed under section 41 or Part 3.7 of the *Evidence Act 2011*, or because the likely answer to the question would contravene the credibility rule. Section 41 permits a court to disallow questions that are misleading, unduly annoying, harassing, intimidating, offensive, oppressive, repetitive, those expressed in an insulting or inappropriate tone or those based solely on stereotypes. (The fact that a witness considers a question distasteful or its answer private is not enough to make the question improper.) The other types of questions covered by s 195 are questions relating to a witness' credibility that do not fall within exceptions to the rule that credibility evidence is not normally allowed. It is therefore important to pay attention to judicial rulings on questions to witnesses. The maximum penalty for an offence against section 195 is 60 [penalty units](#).

Childrens Court proceedings

Restrictions on publication of proceedings in the Childrens Court, and proceedings in the Supreme Court relating to children and young people, are discussed above.

Applications for domestic violence or protection orders

[Section 111](#) of the *Domestic Violence and Protection Orders Act 2008* makes it an offence to publish an account or report of a proceeding on an application for a protection order under that Act if the report or account identifies, or allows the identification of, a party to the proceeding, a person concerned or associated with the matter, or a witness. An offence against section 111 carries a maximum penalty of 50 [penalty units](#), imprisonment for 6 months or both. [Section 112](#) of the *Domestic Violence and Protection Orders Act 2008* creates exceptions to the offence (eg where a party tells someone about the order, or the court does so).

Contact with judges, jurors and court officers

Jurors

Juror identities and jury deliberations are confidential under s 42C of the *Juries Act 1967*. Information concerning a jury's deliberations – including information about statements made, opinions expressed, arguments advanced and votes cast in the course of a jury's deliberations – is protected information under s 42C. The identity of jurors is also protected information. It is an offence to publish protected information. The maximum penalty for such an offence is 50 [penalty units](#), imprisonment for 6 months or both.

Court officers

Court officers are not permitted to comment on the progress of cases, particularly their likely outcomes. Details of when a matter is next due in court can be obtained from the relevant court's website or by inspecting the case file.

Court officers are prohibited from providing legal advice.

If you wish to know the result of a matter, you can inspect the court file. If a written decision or judgment has been delivered, it will generally be available on the court's or tribunal's website:

- <http://www.courts.act.gov.au/supreme/judgment> for Court of Appeal and Supreme Court judgments;
- <http://www.courts.act.gov.au/magistrates/judgment>
- <http://www.acat.act.gov.au/judgment>

If you are unable to locate a judgment or decision please contact the Russell Fox Library for assistance.

If you have an enquiry about a matter that cannot be answered by inspecting the file or from the court or ACAT's website, you should contact the Registrar of the relevant court or tribunal. Subject to the exceptions set out below, court and tribunal officers, other than the Registrars, must not be contacted by phone for information about a case. The head of the Criminal Section in the Magistrates Court may be contacted concerning court dates and bail conditions, or in relation to minor factual matters; the list clerk in the Supreme Court may be contacted about listing matters there.

Judges, magistrates and tribunal members

Media representatives must not contact members of the judiciary or ACAT members regarding ongoing proceedings.

Unless a judicial officer or tribunal member has agreed to be contacted directly by a member of the media, any contact by the media with a judicial officer or tribunal member should be through the judicial officer's [associate, their personal assistant](#) or the registrar of the relevant court or ACAT. Chambers' contact details are available for both Supreme Court [Judges](#) and the [Associate Judge](#). Magistrates Court Chambers contact details are also [available](#).

Legislation websites

ACT legislation may be found at www.legislation.act.gov.au

Commonwealth Legislation may be found at <https://www.legislation.gov.au/>

New South Wales legislation may be found at www.legislation.nsw.gov.au

Queensland legislation may be found at www.legislation.qld.gov.au

South Australian legislation may be found at www.legislation.sa.gov.au

Tasmanian legislation may be found at www.legislation.tas.gov.au

Victorian legislation may be found at www.legislation.vic.gov.au

Western Australian legislation may be found at www.slp.wa.gov.au