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A History of Public Information Officers in Australian Courts: 25 Years of Assisting Public Perceptions and Understanding of the Administration of Justice (1993–2018)

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Associate Professor Jane Johnston[1]

'I found the job fascinating from the first day; it's a unique workplace unlike any other.'[2]

Preamble

This research chronicles the development of the role of the Public Information Officer ('PIO') in Australian courts.[3] It focuses on the 25-year period from 1993–2018, when the main developments in this field occurred. It also incorporates a brief account of the decade from 1983–93 when the Family Court of Australia created the foundations of this role.

Most Australian courts made PIO appointments during the 1990s and 2000s. The first of these was (the late) Jan Nelson, appointed by the New South Wales Supreme Court in March 1993, followed shortly afterwards by Prue Innes at the Victorian Supreme (and County/Magistrates for a time) Courts in September, and Pamela Schulz in early 1994 in South Australia. Also in 1993, (the late) Bill Jackson was appointed as Director of Public Affairs in the Family Court. Bruce Phillips began as Director of Public Information in the Australian Federal Court in July 1994, and Lissa Manolas in Western Australia courts in 1995.[4] Phillips, still with the Federal Court, is the longest-running appointment, now counting 24 years of work with that jurisdiction. Some appointments, such as that made in the High Court of Australia, came as late as 2002, while Queensland was the last mainland state to appoint a dedicated PIO to its courts in 2016. Tasmania remains the only state-based court without a dedicated PIO in its courts, and the ACT the only territory. In the 25 years under review many courts, as well as tribunals and judicial bodies, have made their first

[1] I would like to thank the AIJA for its support of this research, jointly funding it with The University of Queensland. I also thank the readers who offered valuable, constructive input and Kristina Chelberg for her invaluable research assistance.
Author email contact: jane.johnston@uq.edu.au.
[2] Interview with Sonya Zadel (telephone interview, 18 April 2018).
[3] The term PIO is used in this report to describe communication and media professionals in Australian courts. As the report examines, the title varies significantly and in recent years has been superseded by a range of other titles. However, for the purposes of uniformity and consistency, and because this title was used in the early days, I use PIO to describe all those in the communication/media role.
[4] See Appendix 1 'First PIO Appointments'.

communication and media appointments, while other jurisdictions have added staff, split roles, some combining the media and communication roles within the one unit, and others running them separately with quite different functions.

The history of how the PIO role developed in Australia is a fascinating, and sometimes surprising, one. It parallels a period of intense change in the media and society; a period characterised by media disruption and adaptation, with the emergence of the internet in the early 1990s, and a subsequent, radical shake-up of the news industry. The role of the court PIO is fundamentally enmeshed in this change. Accordingly, the report incorporates how media in many forms and across a range of platforms impacted on the job of the PIO within the courts, examining the interconnected developments that occurred throughout this period of great change.

The report draws on a body of literature, particularly from the 1990s, supported by the AIJA, various courts and administrative bodies, and universities. This includes, but is not limited to, Justice Ronald Sackville's *Access to Justice* report,[5] Professor Stephen Parker's report into the *Courts and the Public*,[6] University of Technology Sydney's *The Courts and the Media*,[7] Daniel Stepniak's *Electronic Coverage of Courts*,[8] and Prue Innes's Churchill Report into *The Courts and the Media*.[9] Following this period, a second wave of research and analysis occurred through the 2010s, driven by courts navigating the changed media environment, adapting and transitioning into the digital and social media era. The literature, judicial speeches, and court documents that emerged from these two periods have provided a solid repository of material for this report, which has been supplemented to a very large extent by original interviews.[10] The report also incorporates material from an earlier, unpublished review of the PIO appointment in Queensland following its first year in practice, commissioned by the Queensland Courts and written by the author of this report.[11]

[5] Access to Justice Advisory Committee, *Access to Justice: An Action Plan*, (Australian Government Publishing, 1994).
[6] Stephen Parker and Australian Institute of Judicial Administration, *Courts and the Public* (Australian Institute of Judicial Administration, 1998).
[7] Patrick Keyzer (ed), *The Courts and the Media* (Halstead Press, 1999).
[8] Daniel Stepniak and Federal Court of Australia, 'Electronic Media Coverage of Courts: A Report Prepared for the Federal Court of Australia' (Commonwealth of Australia, 1998).
[9] Prue Innes, 'The Courts and the Media: Report of 1998 Churchill Fellowship' (Churchill Trust, 21 June 1999) <https://www.churchilltrust.com.au/media/fellows/Innes_Prue_1998.pdf>.
[10] A list of all interviews and brief methodology are included in Appendix 2.
[11] Jane Johnston, 'Review of the Court Information Officer Position: Queensland Supreme and District Courts (unpublished)' (Queensland Courts, June 2017). Fifteen interviews were conducted at the QEII Court offices

As always with my research in this field, I am truly grateful to the highly professional PIOs (plus those now retired or no longer working in this field) who assisted me with archival material, records, reports, photographs and, most importantly, their firsthand experiences. The report, where possible, draws on *their* insights — because they were first on the scene. This is the history of their profession, their challenges and their achievements. It has been, and remains, a great pleasure to work with this group of hard working and ground-breaking professionals. Members of the judiciary, both current and retired, as well as senior administrative courts personnel, and several journalists, also gave their time and insightful recollections, which have been invaluable for this research project.

Each court or jurisdiction has its own contribution to the history, evolution and development of the role. However, it is inevitable that not every scenario, court, jurisdiction or individual, who has played a role in this important professional arm of the courts, can be represented. My focus was to capture as much of its *historical development* as the project's time frame permitted, especially from those who were involved at the start or in the early days. This was then completed by firsthand insights into where the role is heading. Some courts are not named – this is in no way a reflection on the outstanding work that continues across *all courts*. Many of those who took part in this study had moved on from their early positions, or retired from the courts; sadly, two of the early PIOs had passed away. Of the stories and reflections that remain untold, and the themes and issues that command further attention, it is hoped these may be captured in follow-up research that continues to tell the PIO story.

and the Department of Justice and Attorney-General's offices in Brisbane between April and June 2017. The evaluation report was submitted to the Queensland Courts.

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INTRODUCTION

In a keynote address to the Public Information Officers' forum at the AIJA conference in 2017, the Hon. Justice Michael Kirby concluded with the following words: 'Thank you for bringing the third branch of government to the people of Australia'.[12] These comments echoed the judicial support and acknowledgement for the role of the PIO in the Australian courts — a role that has taken shape over the past 35 years, evolving and adapting as society has experienced among the most disruptive and transformative periods in media history. Almost two decades before Justice Kirby's remarks, the Hon. Justice Bernard Teague of the Supreme Court of Victoria told a gathering at the University of Technology Sydney (UTS) that he could not understand how any court could be expected to get by without a PIO.[13] He noted: 'I expect them to continue to do their invaluable "foot slogging" work. I also expect them to be doing more ground-breaking work, particularly in conjunction with the electronic media court reporters.'[14] His expectations were well met. The PIOs have continued their ground-breaking work; however, they have met with changes that were not foreseeable in the 1980s or 1990s, most notably as they relate to the radically altered media environment.

This report aims to provide the first history of the role of PIOs in the Australian courts. The history dates to the 1980s, from the first PIO appointment in the Family Court of Australia in 1983. However, its primary focus will be on the quarter century in which the role was consolidated and continuous, becoming well-established and gaining real momentum in 1993 and 1994 when appointments were made in New South Wales, Victoria, South Australia, Western Australia and the Federal Courts of Australia. These roles were intended to assist the news media with their reporting tasks, with some also including a public education, community outreach, and judicial support function. This report will explain how the role differed from place to place and how it adapted over this short, but explosive period of media change and diversification. It will follow the evolution and development of the role, focusing on the Australian context with occasional reference to early international developments. Finally, it will look to the future of the PIO function in the courts and consider where it is now heading as the media and the courts continue to evolve.

[12] Justice Michael Kirby, 'Opening Address' (at the PIO Forum, AIJA Courts' Media Conference, Federal Court, Sydney, 31 August 2017).
[13] Justice Bernard Teague, 'Access to the Courts and Its Implications' in *The courts and the Media (Courts and the Media Forum, 1998)* (Halstead Press, 1999) 117, 117.
[14] Ibid.

EARLY DEVELOPMENTS – THE FAMILY COURT OF AUSTRALIA

The first PIO in Australian courts, carrying the title 'Information and Media Officer', was Gabrielle Trainor who was appointed in October 1983. This appointment came seven years after the establishment of the Family Court in 1976. Trainor describes her role as 'the first of its kind in Australia', created after the first Chief Justice, Elizabeth Evatt, 'saw the need for the position'.[15] Trainor recalls how, as a law graduate and working as a journalist at the *Melbourne Herald*, she was approached to apply for the job. 'In those days the courts were mysterious,' she recalled. The role of communication and media officers was only just gaining traction in government offices in Australia. In the Australian courts, however, it was unheard of prior to Trainor's appointment. Trainor stresses that the role was then, and should remain, about showing the public that judges are not politicians; that the independence of the judiciary is paramount; and, that the role must have an educational component undergirding it.

As such, Trainor recalls that the primary motivation behind her appointment was to raise awareness of the services of the new Family Court. Broadly, this centred on introducing the community to changes in the court's philosophy and procedures. On a day-to-day basis, this included providing information to the wider community, assisting the news media, and targeting media materials, such as videos, to non-English speaking communities. 'I remember one where Elizabeth [Evatt] spoke Greek for the Greek community in a video,' recalled Trainor.[16] As the first person in the role, it was up to Trainor to scope what was needed in the job — it was clear this would include media relations, speech writing, developing communication programs, and collating non-English materials. She describes it as 'trail-blazing', not only because the position was new, but because the court was new. Family Court historian Shurlee Swain explains that the court promoted and publicised itself as a 'helping court'; its structure including a multi-disciplinary team of professionals including psychologists, counsellors, and social workers, working alongside the legal profession.[17] Trainor was also a part of that team.

[15] Interview with Gabrielle Trainor (Brisbane, 10 February 2018).
[16] Ibid.
[17] Shurlee Swain, *Born in Hope: The Early Years of the Family Court of Australia* (NewSouth Publishing, 2012), see chapter 2.

What Trainor could not foresee was how the community-education-media role that she had scoped out would soon incorporate a crisis and critical incident component only months into the job. In her book *Born in Hope*, Swain describes the embattled court environment in which Trainor operated. She explains how 'the dreams of the family law reformers …were …severely tested' by continuing disparagement and hostility from the legal profession, politicians and the media.[18] While there had been plans for a media campaign to coincide with the launch of the court — which might have educated the public about the way it worked — this idea was rejected in the last days of the Whitlam government. The idea was never revived by successive governments, leaving expectations both high and uninformed.[19] Community education was initially left to counsellors and judges, 'explaining their policies' to a negative press.[20] Complaints about the court played out in newspapers, for example, in a series written by one journalist in *The Sun (Sydney)* newspaper in November–December 1978, which used individual stories to point to the deficiencies in the court.[21] The media's attention at this time resulted in the courts being 'demonised', partly attributed to the media no longer having direct access to court proceedings.[22] This, in turn, formed and perpetuated public (mis)understanding of the court, including impressions that it was biased against men. 'And that went on for years,' reports Swain.[23]

It was into this environment that Trainor was appointed — one experiencing a slide from frustration, through hostility, to violence, culminating in the fatal shooting of the Hon. Justice David Opas in 1980 (prior to Trainor's arrival) and bomb blasts in a judge's home and the Parramatta Family Court in 1984.[24] On 4 July 1984, just seven months after Trainor began at the Family Court, Pearl Watson, the wife of Parramatta judge, the Hon. Justice Ray Watson, became the first fatality in a series of court-related bombings, the first unequivocally 'innocent victim' to be killed.[25] Trainor says this period was 'as torrid as you can possibly imagine', filled with constant bomb threats and endless speculation. Working solo in the communication role — Trainor points out, 'you didn't bring in support staff in those days' — she was tasked with keeping the lines of communication open with media. Crisis followed

[18] Ibid 39.
[19] Ibid 72.
[20] Ibid 76.
[21] Ibid 79.
[22] Ibid 85.
[23] Ibid 118.
[24] Ibid 125–134.
[25] Ibid 136.

crisis, she recalled. 'Imagine the effect on perceptions of the court — people were angry; [it was] an existential crisis for the courts.'[26]

Trainor recalls how the job expanded in scope after the bombings, to include a critical incident and crisis management function. It was, in some ways, to align with how the position was to evolve overall — not in responding to the severe occurrences experienced by the Family Court — but in defending negative publicity about courts, judges and judgments, and generally incorporating both proactive and reactive media strategies; part education, part media relations, part community relations, and sometimes, crisis management.

Following Trainor's departure in 1985, journalist Joyce Morgan held the position for a nine-month period until mid-1986.[27] Morgan recalls that a communication-media role remained far from standard in government at the time. 'In hindsight, when every government department [now] has a dozen media people, you realise how unusual it was then.'[28] She saw her role as two-fold: external communication, largely with the media, and internal communication between the various family courts (for which she initiated a newsletter to communicate between courts). 'Part of the reason I wanted to work for the courts was because I thought they were doing good work; I admired what they were doing,' she explained. She saw opportunities for positive media coverage, highlighting human interest stories that provided a human side to the courts. Morgan reports that the working relationship with the media was a positive one.[29]

However, there were clearly major challenges in the evolving, broader court-media relationship, as evidenced in judicial speeches, news media coverage of the judiciary and the courts, and academic analysis. It is to this issue that the report now turns — the uncomfortable and tense relationship between the courts and the media. This was the environment that, more than anything, saw the need for a broader commitment by the courts to appoint PIOs as a conduit between the two sectors.

[26] Interview with Trainor, above n 15.
[27] Interview with Joyce Morgan (telephone interview, 29 February 2018).
[28] Ibid.
[29] Ibid.

MEDIA'S RELATIONSHIP WITH THE COURTS AND THE JUDICIARY

By the 1990s, relations between the courts and the media were strained. Justice Kirby told the American Bar Association:

> Attacks on judges have now become commonplace. Many are now made by politicians who see mileage in that course. But beyond politicians, the attacks have been made by the media, public commentators, academics and members of the legal profession.[30]

Challenges in the Family Court were already apparent. The High Court was also to incur significant levels of criticism. The Wik decision[31] in 1996 brought heavy criticism, described as an incident where 'facts were swallowed by opinions'.[32] Justice Kirby attributed the media responses to negative comments by politicians, making the post-1996 period 'the most difficult …since the High Court's creation in 1903'.[33] Among other things, the High Court and its justices were labelled: 'bogus, pusillanimous and evasive, pathetic and undermining democracy'.[34]

Dr Pamela Schulz's later research into what she called media 'discourses of disapproval and disrespect'[35] about the courts, highlighted the mismatch between the courts and the media, with the media motivated by key drivers of news values and entertainment. 'Scarcely a week goes by when the courts are not under attack in some way within the general mainstream media,'[36] she wrote. British legal scholar, Professor Les Moran, was to later identify this as increasingly a problem associated with the 24-hour news cycle: 'an age of instant news, an

[30] Justice Michael Kirby, 'Attacks on Judges a Universal Phenomenon' (at the American Bar Association Winter Leadership Meeting, Maui, Hawaii, 5 January 1998)
[31] *Wik Peoples v The State of Queensland ('Wik decision')* (1996) 187 CLR 1.
[32] Patrick Keyzer, 'What the Courts and the Media Can Do to Improve the Standard of Media Reporting of the Work of the Courts' in Patrick Keyzer (ed), *The Courts and the Media* (Halstead Press, 1999) 151; George Williams, 'The High Courts and the Media' in Patrick Keyzer (ed), *The Courts and the Media* (Halstead Press, 1999) 136.
[33] Kirby, above n 30, 3.
[34] Ibid.
[35] Pamela Schulz, 'Rougher than Usual Media Treatment: A Discourse Analysis of Media Reporting and Justice on Trial' (2008) 17 *Journal of Judicial Administration* 223, 223. Pamela Schulz was also South Australia's first Courts Public Relations Manager from 1994–96.
[36] Ibid.

age in which there is generally a lack of reverence [for the judiciary]'.[37] Other research found that 'previously a "hands off" zone, the judiciary came increasingly under scrutiny during this time.'[38]

This strained relationship was brought into focus in a symposium dedicated to the courts and the media held by the University of Technology Sydney's (UTS) Faculty of Law in 1999.[39] The event highlighted the problems between the two sectors, but it also sought answers, with the key theme addressing: 'What reforms are needed and why?' Notably, the symposium brought together some of the most powerful voices in the country to shed light on this issue.[40] Journalists, judges and legal commentators were outspoken in their analysis. *Financial Review* legal correspondent, Chris Merritt, highlighted a massive cultural gulf between the judiciary and the media, likening it to a 'Grand Canyon'.[41] Legal reporter for the *Canberra Times,* Roderick Campbell, described it as 'strained and often combatant', and noted how it was difficult 'to think of two more opinionated and holier-than-thou professions than the law and journalism'.[42]

Sentiments expressed at the symposium were reflected in other literature of the era in which problems were identified by journalists and academic analysts in Australia and internationally. Legal reporter at *The Australian,* Janet Fife-Yeomans, noted how courts supplied information for judges, magistrates and lawyers, but not journalists, and there was no method through which the facts of a court case could be checked.[43] Her commentary was consistent with North American critiques about the barriers that existed to the legal journalist that did not exist for the political journalist.[44]

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[37] Leslie Moran, 'Managing the News Image of the Judiciary: The Role of Judicial Press Officers' (2014) 4(4) *Oñati Socio-legal Series* 799.
[38] Jane Johnston, 'Communicating Courts: A Decade of Practice in the Third Arm of Government' (2005) 32(3) *Australian Journal of Communication* 77, 77.
[39] The symposium papers were published as a book: Patrick Keyzer (ed), above n 7.
[40] Chief Justice of the Federal Court, Michael Black, remarked in his opening address: 'I am not aware of any comparable forum on the subject [media and courts] where there has been such a high level of expertise and such a breadth of expertise', in 'Opening Address' in Patrick Keyzer (ed), *The Courts and the Media* (Halstead Press, 1999) 7, 7.
[41] Chris Merritt, 'The Courts and the Media: What Reforms Are Needed and Why?' in Patrick Keyzer (ed), *The Courts and the Media* (Halstead Press, 1999) 42–47.
[42] Roderick Campbell, 'Access to the Courts and Its Implications' in Patrick Keyzer (ed), *The Courts and the Media* (Halstead Press, 1999) 127, 127.
[43] Janet Fife-Yeomans, 'Fear and Loathing: The Courts and the Media' (1995) 5 *Journal of Judicial Administration* 39, 40.
[44] Linda Greenhouse, 'Telling the Court's Story: Justice and Journalism at the Supreme Court' (1996) 105(6) *Yale Law Journal* 1537; Richard Davis, *Decisions and Images: The Supreme Court and the Press* (Prentice Hall, 1994).

Former Chief Justice of Australia's High Court, the Hon. Sir Gerard Brennan, suggested that limited knowledge of the courts, in contrast to the executive and legislature, was in part attributed to the protracted, often boring, nature of courts. Courts 'seem dull and pedestrian by comparison'.

> They [courts] are focused on the individual, not on great questions of policy; they are slow, costly, deliberate to the point of tediousness, sometimes quite out of sympathy with popular sentiment, punctilious about publication of the grounds on which they exercise power but reticent in the usual modes of public relations.[45]

But there was also a vision from within the judiciary to assist the media to build bridges and work through this impasse with the media. At the UTS symposium, Chief Justice of the Courts Administration Authority (CAA) of South Australia, the Hon. John Doyle, said the courts needed to work more proactively to inform the public of their activities; that it was not acceptable to 'leave it to others, the media in particular, to determine how much and what sort of information the public gets about their workings'.[46] He called on the judiciary and the media to develop stronger and more productive working relationships, while also pointing to changes that were already occurring. One of these was the appointment of PIOs. In a radio interview the year before, Chief Justice Doyle told the ABC that the media were exercising the public's right of access, therefore: 'I think it's important that we help the media as much as we can'.[47] Indeed, the UTS symposium marked the first public forum in Australia that developments in this space, notably the benefits brought by this new role, were canvassed on a broad, interdisciplinary scale.

In his opening address to the symposium, the Chief Justice of the Federal Court, the Hon. Michael Black, pointed to the period between the early appointments in 1993 and the time of the symposium in 1999 as being highly significant, providing 'cause for optimism'.[48] He noted:

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[45] Chief Justice Sir Gerrard Brennan, 'The Third Branch and the Fourth Estate' (Speech at the Broadcasting, Society and the Law series, University College, Dublin, 22 April 1997) <http://www.hcourt.gov.au/assets/publications/speeches/former-justices/brennanj/brennanj_irish.htm>.
[46] Chief Justice John Doyle, 'The Courts and the Media: What Reforms Are Needed and Why?' in *The courts and the Media* (Halstead Press, 1999) 27.
[47] ABC Radio National, 'How the Courts Interact with the Media', *The Media Report*, 7 May 1997.
[48] Black, above n 40, 7.

> For the first two years of the present decade [1990–92] the attitude of the courts towards the media was, in general, much as it had always been. The importance of the media was recognised but the approach was essentially passive… The only media liaison officer was in the Family Court.[49]

But change arrived in 1993. Chief Justice Black told the symposium that this was based on two things: the first was the appointment of media officers or PIOs (beyond the sole appointment in the Family Court); the second was a statement made by the Chief Justice of the High Court of Australia, the Hon. Sir Anthony Mason.[50] That statement said judges should take advantage of the marked upsurge in interest in the courts and, when appropriate, they should seek to explain publicly their work and the issues they faced. The two developments were to go hand in hand. As Chief Justice Black noted:

> From the time of their appointments, these media officers, with the strong support of their Chief Justices, have played what I see as a very important part in facilitating media access to courts and improving understanding between the media and the courts.[51]

Politically, this era also saw an imperative to provide a means by which the judiciary could respond to media criticism. This followed statements by the Federal Attorney-General, Daryl Williams, that the Attorney-General was not responsible for defending the judiciary.[52] Also speaking at the UTS symposium, Williams attributed the uneasy relationship between the media and the courts to misunderstanding each other's role and to serving the public interest in different ways.[53] He fell short of proposing that PIOs should be uniformly appointed across all courts, however, he proffered the following endorsement of the role:

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[49] Ibid 8.
[50] Chief Justice Sir Anthony Mason, 'State of the Australian Judicature Address at the 28th Australian Legal Convention, Hobart' (1994) 68 *ALJ* 125.
[51] Black, above n 40, 9.
[52] These views were set out in a number of his speeches: Daryl Williams, 'Who Speaks for the Courts' (Speech at the National Conference on Courts in a Representative Democracy presented by the AIJA, 13 November 1994); Daryl Williams, 'Who Speaks for the Judges?' (Speech at the Australian Judicial Conference, 3 November 1996); Daryl Williams, 'Opening Ceremony' (at the Judicial Conference of Australia Colloquium 2001, Uluru, 7 April 2001).
[53] Daryl Williams, 'What Reforms Are Needed and Why' in Patrick Keyzer (ed), *The Courts and the Media* (Halstead Press, 1999) 23.

> What should the courts do for the media? The courts should help the media understand their processes… The courts should provide information because they are the most competent body to do so and because the public is entitled to the most accurate information.[54]

As one PIO astutely reflected in 2001:

> It is not often said aloud, but the creation of the position of the 'public information officer' in Australia was in large response to the political climate of the time: perceived attacks on judicial independence, perceived erosion of public trust through media criticisms suggesting courts are impenetrable institutions presided over by judges who are out of touch with the community… As in corporate Australia, management of media was seen as a quick way to counter some of these perceived attacks.[55]

Thus, while the commentary was coming from different directions, there was momentum for the advancement of the PIO function, in part at least to overcome the court–media divide. Still in its early days in Australia, the role at that time was far more established in the United States. After several decades of development in the US, the role of the PIO had been called 'indispensable as a supplier of documentary information and answers to process questions'.[56] Over time, and according to most commentators, it was to take on a similar level of importance in Australia. However, the newness of the role, plus individual differences within courts and jurisdictions, and the realities of linking the two very different institutions of the courts and the media, were to collectively place high demands on PIOs to be flexible, versatile and agile in the job. This was especially so as they moved into the dramatically altered media environment that was emerging at the same time.

[54] Ibid 15.
[55] Sylvia Kriven, *Quo Vadis (Where are you going?),* A report on a visit to the Unites States of America 2–17 July 2001, and recommendations for change in the Communications Branch of the Courts Administration Authority, SA, August 2001.
[56] Ruth Bader Ginsburg, 'Communicating and Commenting on the Court's Work (US Supreme Court)' (1995) 83(6) *Georgetown Law Journal* 2119, 2122.

DEVELOPING AND DEFINING THE ROLE OF THE PIO

The 1990s was thus a watershed decade for the courts and the media. The decade saw an intense focus on the court–media relationship, which, ultimately, resulted in many courts moving to appoint PIOs in order to institutionalise communication support internally, assist the media, and to facilitate engagement between the courts/judiciary and the community.

The first person outside the Family Court to be appointed to the role was (the late) Jan Nelson, joining the Supreme Court of New South Wales on 1 March 1993.[57] Her own writing, published in the *Journal of Judicial Administration* in 1995, and a newspaper article written by the Chief Justice of Australia, published following her death in 1998, together with some firsthand recollections of those involved in her appointment, provide insights into the formation and development of the embryonic role. The appointment was called 'pioneering', described as 'the NSW judiciary gingerly stepping forward into the world of information accessibility'.[58] Nelson was said to have 'played a critical role in forging clearer lines of information between the State's judicial officers … and the various arms of the media.' Her role had been attached to the Chief Justice of the Supreme Court of NSW, then the Hon. Chief Justice Murray Gleeson, who wrote that Nelson had 'led the way into a new era for the courts'.[59] Chief Executive Officer of the Federal Court of Australia, Warwick Soden, (then CEO of the New South Wales Supreme Court), recalls how the Law and Justice Foundation of NSW had undertaken early research into the need for the role following 'concerns in the late '80s, early '90s that there was no mechanism to assist with accurate reporting'.[60] He points out that the Foundation not only researched the position, but funded it at the start, bringing together a panel to recruit the best person for the job. Jan Nelson's legal training was undeniably seen as an asset in the job and she was subsequently appointed.

In her own published work, Nelson pointed to her dual roles of public education and media liaison; also highlighting the need for courts to be proactive.

[57] Jan Nelson, 'The Role of the Public Information Officer in New South Wales Courts' (1995) 5(2) *Journal of Judicial Administration* 34.
[58] This is how the appointment was described in Jan Nelson's Obituary, written by Chief Justice Murray Gleeson, 'First Court Information Officer. Jan Nelson, Court Media Officer, 1945–1998.' *The Australian*, (10 November 1998) 16.
[59] Ibid.
[60] Interview with Warwick Soden (Brisbane, 24 April 2018).

> The first [reason] is the recognition by a majority of judicial officers across the country that if complaints are made about the inadequacy of the level of understanding displayed by the media and errors made in reporting matters before the court, more should be done to facilitate access to information about the courts. The second reason is the belief that the public has little knowledge of the function and role of the judiciary… and of its importance to the stability of the community.[61]

Nelson saw her role as ensuring dealings between the PIO, the media, the legal profession, the public and politicians, reflected the judiciary's independence and objectivity. She noted the good relationships that had developed with journalists:

> Over the past two years, very good working relationships have developed with journalists, many of whom are regular court reporters. The vast majority of inquiries from journalists are completely uncontentious and easily resolved, for example: requests for copies of judgments; questions concerning the names of judges, counsel, instructing solicitors; and what is a prothonotary? who is Regina? has χ filed a case against *y* today?[62]

Just months after Nelson's appointment in NSW, the Supreme Court of Victoria appointed Prue Innes in October 1993, followed by the Courts Administrative Authority (CAA) of South Australia's appointment of Pamela Schulz in early 1994. Soon after, Bruce Phillips was appointed to the Federal Court of Australia in July 1994, followed by Lissa Manolas to the Supreme Court of Western Australia in 1995. The Family Court was apparently to expand its earlier brief to one of Director of Public Affairs in 1993 with the appointment of (the late) Bill Jackson.[63]

Like Trainor, a decade earlier, for those in these early roles during the formative period of 1993–95, the job needed to be 'created' from scratch and systems set up. Each person had to find their place in a system that had hitherto not been required to accommodate a communication or media role. This meant the PIOs had to work within firmly established cultural environments — both judicially and journalistically — at the same time as they

[61] Nelson, above n 57, 34.
[62] Ibid 35.
[63] Bill Jackson, 'Report Presented to the Court Information Officer's Meeting' (AIJA, August 1999).

sought to introduce their own communication and media initiatives. Twenty-five years after her appointment, now retired from the position, Innes reflected on how she established many court communication and media practices, identifying deficiencies in the system and where these could be improved.[64] Significantly, one of these was the process of sending out suppression orders. She determined: 'If people are expected to observe orders, I think it's a good starting point that they should know about it.' She was to also establish training sessions with the media, originally for the metropolitan cadets, but which she also took 'on the road' to the regions. Innes also developed media guidelines for covering the courts and worked with the then Chief Justice John Phillips to establish a media committee and media awards. She recalled how the role was officially across Magistrates, County and Supreme Courts, ultimately coming to be centrally located in the Supreme Court, and how, over time, her position was replaced by a 'small army', with separate PIOs, ultimately expanding the role considerably since her tenure.[65] Notably, Innes praised the journalists who covered courts: 'They were extremely professional journalists, terrific reporters'.

Five years into what was to become a 14-year appointment with the Victorian Courts, Innes undertook a Churchill Fellowship to the United States, Britain and Canada to examine best practice in the field of courts and the media. She returned from her overseas fact-finding mission with a host of ideas for assisting in the improvement of the courts–media relationship. Her report was based on three parts:

1. the relationship between courts and the media;
2. structured assistance offered by courts for the media; and,
3. televising court proceedings post OJ Simpson.

It echoed many of the issues that were being discussed more broadly in that era: more communication was needed, in plain language; inexperienced reporters posed problems for courts; judges benefited from some degree of media training; media advisories were useful; PIOs were beneficial; television could no longer be ignored, and so on. Finally, Innes provided a series of recommendations, concluding that courts in Australia would benefit from using 'court media officers more effectively'.[66]

[64] Interview with Prue Innes (Melbourne, 14 February 2018).
[65] Ibid.
[66] Innes, above n 9, 29.

At the time of Innes's 1998 Churchill Fellowship, Britain did not have anyone in a PIO role, Canada was in its early days, but the US was more experienced, with the first appointment to the US Supreme Court in the 1930s.[67] Her report was to become a formative document in understanding developments in both the courts–media relationship and how courts internationally were transitioning to outward-facing communication strategies and deploying PIOs across a range of tasks, including catering to the needs of television.

First to be appointed to the South Australian Courts Administration Authority, Pamela Schulz, also recalls carving out her role from scratch and how part of that process was the struggle for internal acceptance.[68] Schulz was appointed following the establishment of the independent South Australian CAA. It was the success of establishing the CAA that 'led to the notion that we should have a useful engagement with the media. [Chief Justice] Len [King] was of the view that "if you don't get in the game you lose the game."'[69] The CAA annual report of that year highlights this appointment, reflecting on benefits that had already begun to occur.

> The Public Relations Manager was appointed on 1 March 1994. The main focus of the position is corporate responsibility for the promotion of a positive public image of the courts and to increase the knowledge and understanding of the work of the Courts Administration Authority. In addition, the Public Relations Manager facilitates the reporting of the media so that accuracy and relevance are a feature of all stories about the Courts. Preparation of relevant promotional material, publications and events will also be part of the role which is beginning to impact on the organisation's ability to inform the public about courts and their vital role in the community.[70]

More than 20 years after leaving the role, Schulz recalled how she had to fight a 'rear guard action' with the courts administration to get her own office, a fax machine, a secretary, and a mobile phone. 'I had to walk with a specialist logistics officer from the courts to go and buy a mobile phone. This created a huge furore because in 1994 only really top-notch CEOs had them.' She satisfied the administration the phone was a necessary tool for her to do her job

[67] Chester Newland, 'Press Coverage of the United States Supreme Court' (1964) 17(1) *The Western Political Quarterly: Official Journal of Western Political Science Association* 15.
[68] Interview with Pamela Schulz (Adelaide, 25 May 2018).
[69] Interview with Deputy Chief Magistrate Dr Andrew Cannon (telephone interview, 7 June 2018).
[70] Courts Administration Authority of South Australia, 'Annual Report 1993–94' (1994) 63, 63.

effectively and be contactable by the Chief Justice. Schulz also recalled creating a ruckus when the Chief Justice invited her to the regular 'judges' lunch', announcing: 'She's going to teach us about how to work with the public.' Schulz summed up the early resistance to her role. 'Everything I did was hard work. It was like walking backwards, over sand – uphill!'[71]

Raising the profile of the courts in the community was also a central part of the early PIO role. Schulz recalls setting up radio talkback with judges; taking judges to visit jails as part of an outreach program; establishing a news series in the weekend newspaper called 'Case of the Week'; and, running moot courts in regional South Australia. Like other PIOs undertaking similar programs (or those who were soon to do so), these initiatives were part of a wider strategy that Schulz describes as translating the abstract nature of the courts into reality for people in the community. She recalls an early initiative undertaken by the CAA to conduct market research into public confidence of the court in South Australia. This was to become a blue-print for future operations of community engagement at that time, with further market research to follow in the CAA in the 2000s.

Schulz's successor Sylvia Kriven notes 'the good work Pamela had done' and how she continued many of those initiatives when she took over the job in 1996. This included judicial radio interviews, completing a television documentary (discussed later in the report), judicial and media engagement, and more. Within three years of Innes delivering her Churchill report, Kriven was to embark on a similar fact-finding mission to visit US courts, resulting in her reflective report *Quo Vadis (Where are we going).*[72] In it, Kriven was to recommend more attention should be placed on how courts used knowledge management, taking account of the widespread adoption of community outreach in the US courts. In a vision statement for the PIO office, she proposed widespread changes to the Communications Branch, including reclassification of jobs, better resourcing, working with IT professionals, and more. She summarised the vision of a newly named Public Information Office to include the use of: inter net; intra net; net casting; digital video discs; remote video networks; cable networks; satellite networks; WAP technologies; public and commercial broadcasting networks; radio networks; hard copy print; displays; events; functions; and roadshows. Kriven further argued for the CAA Communications Branch to be better understood. 'The existing office is poorly

[71] Interview with Schulz, above n 68.
[72] Kriven, above n 55.

understood within and outside of the CAA and has been since its inception. It is under-resourced for the work it performs.'[73]

Innes, Schulz and Kriven are not alone in their recollections of the formative work involved in developing all aspects of the role. Val Buchanan, still with the Western Australian courts after 21 years, and still solely managing seven jurisdictions, recalls how she began her position in a job-share capacity with the first Western Australian PIO, Lissa Manolas.[74] They job-shared from 1997 until 2000 when Manolas left the courts and Buchanan took over full-time. 'I was very lucky to job-share with Lissa. We leaned on each other a lot — there was so much to learn. We had to learn the rules, the roles. Working across so many jurisdictions you need to be sure you're giving the right advice'.[75] Her job-share role in the early years meant she and Manolas worked together developing court systems and carving out policy for media. She recalls how, in those early days, basic tasks like accessing a sentencing transcript or explaining why the media needed advice on suppression orders, were hard fought. Buchanan recalls (with emphasis):

> It's *dramatic* the change that has come about through this office. … We were moving into an era where the judiciary was saying: "we need to explain what we're doing". That meant simple things about process had to be developed. What this office did was start to look at what we needed to do to make this happen.[76]

Meanwhile, market research continued at the CAA. Former CAA Chief Justice, John Doyle,[77] notes how market research conducted in 2000 and 2006 drove a community consultation process. Kriven explained how 1,500 participants took part in surveys, the results of which were presented to the community at conferences, and were workshopped in focus groups.

> That then fed back and became a … road map, the building blocks on which to build a community-involved program. … What was remarkable … was there was hardly any shift in the level of public trust and confidence in the courts over that five-year period.

[73] Kriven, above n 55, 11.
[74] Interview with Val Buchanan (telephone interview, 23 May 2018). Buchanan reports that the WA PIO was (and remains) responsible for working across seven jurisdictions: Supreme, District, Magistrates, Family, Coroners, Children's Courts and the State Administrative Tribunal.
[75] Ibid.
[76] Ibid.
[77] Interview with Chief Justice John Doyle (Adelaide, 26 May 2018).

> Some areas had improved, notably understandings of sentencing, but other areas stayed exactly the same, and even though the world had turned and there had been criticism of the courts in the media, all of that made no difference to how the public saw the court… Those places where [public] confidence went up reflected the level of effort that had gone into those topics [such as sentencing].

This relatively static finding was significant in light of the courts receiving negative media coverage during this period. Chief Justice Doyle and Kriven agreed the market research was a necessary way to gain a litmus test of public opinion about the courts. 'It had to be done,' he said.[78]

As the role developed within each jurisdiction, so too did the collaborative nature of the PIOs who were based in courts all over Australia. The development of a community of practice that reached across jurisdictions, states and territories, provided the opportunity to share ideas and best practice — especially important with the role being dominated by single-person offices in geographically disparate locations. In 1999, Kriven determined it was time to get together, and sent an invitation to all PIOs to attend the first Australian PIO conference.[79] Her idea was to bring all PIOs together in one place in a parallel session with the annual AIJA judicial conference, held that year in Adelaide. In piggybacking on the AIJA judicial conference, the PIOs were joined by several observers, including the author of this report.[80] In her letter of invitation, Kriven invited all participants to contribute to a round-table discussion (see the letter in full in Appendix 3), writing:

> I have yet to fix a programme timetable in detail. However, Prue will give a presentation to the group about her Churchill Fellowship study tour to the US last year. I invite you to prepare a briefing of about 10–15 minutes duration about the nature of your work. I am inviting all delegates to prepare a similar presentation and anticipate that this will generate ideas for further discussion, perhaps leading to national and even international initiatives — who knows?

[78] Ibid.
[79] Interview with Sylvia Kriven (Adelaide, 26 May 2018).
[80] The observers, who were not PIOs, are outlined Appendix 3 and in the 'wrap up of events' below.

Her wrap up of events, summarising the outcome of the conference, was prepared for the CAA's internal newsletter *Amicus Curiae.* It read:

> *Inaugural Australian and New Zealand Public Information Officers' Conference*
> *6 August 1999*
> *Dress ranged from jeans to suits. The venue was backstage, in a bar and grill overlooking the River Torrens. The agenda – well, there wasn't one. The inaugural Australian and New Zealand Public Information Officers' Conference was intended as an informal affair for public information officers with courts, commissions, tribunals to meet face-to-face, many doing so for the first time. Curiosity was the driver. Most people work in isolation in uncharted waters. Several of us met at dinner the night before, sampling Cheong Lieuw's food at the Hilton Hotel. A few more joined in on the conference day. Each of the 10 delegates talked about his or her work, showed examples and shared their experience. Prue Innes, from Victoria, also provided a report on her 1998 Churchill Fellowship visit to PIO conferences in the USA. There were two official observers: Susanna Lobez of ABC Radio National's Law Report and long-time supporter of PIOs, and Jane Johnston, a post graduate researcher from Griffith University. Jane recorded proceedings, parts of which will appear in an education kit for the National Journalism Education (Training) Association. Two teachers watched from the sidelines, taking particular interest in education material on offer. Special guests popped in to see how we were travelling. Among them, Chief Justice Doyle, Bill Cossey and Anne Wallace of the AIJA. We found much to discuss. Everyone said it had been worthwhile and we agree to meet again on the day before the AIJA conference in Darwin next year. Next time we might have an agenda.*
> *Sylvia Kriven*
> *Conference convenor*[81]

The inaugural meeting was to become an annual national event, held initially by the PIOs themselves, in conjunction with the AIJA Judicial conference, later taken over and formally run by the AIJA where it continues, run by the AIJA media officer Liz Porter. What that first (and subsequent) gatherings represented was the strong support the PIOs had for *each other* and the information exchange that was critical to the role. As Kriven describes it even now: 'it's sometimes a back channel, most of the time it's something quick and simple, sometimes it's a little more complicated where you ask your colleagues to help you think a problem out, and they bring their experience which is so valuable'.[82]

[81] The Inaugural Australian and New Zealand Public Information Officers' Conference report was written by Sylvia Kriven, and published in the CAA's internal newsletter *Amicus Curiae.* Document supplied by Kriven.
[82] Interview with Kriven, above n 79.

As the PIO role progressed and took shape within the courts, the 1990s also saw a great deal of academic, judicial and political interest in the parallel developments of the media's changing relationship with the courts, and the emerging role of the PIO, as well as the public outreach and education capacities that were taking shape. Several major publications put these issues under the spotlight. Stephen Parker's *The Courts and the Public*, published in 1998, was overwhelmingly in favour of the appointment of PIOs.[83] Parker noted:

> … a media liaison person is the first step towards improving communication [and] (g)iven that the public's need is actually a need for *accurate* information, the function of these officers in preventing mistakes and correcting efforts is obviously an important one.[84]

He further observed that the PIO could 'train judges and court staff in their communication with the media'.[85] Though that practice had been in place for several years at the time of his 1999 report, Parker nevertheless made some major recommendations for systematising and improving the role across jurisdictions. He also called for adequate resourcing, a call that was echoed elsewhere at the time by members of the judiciary and the PIOs themselves.[86] Of his 16 recommendations, the first four related directly to a media or communication management role by courts, namely, to develop and establish the following:

1. A Communication Plan;
2. An Information Strategy;
3. A Community Education Strategy; and
4. A Media Liaison Role.[87]

Parker's report was to reinforce what others, such as Chief Justices Black and Doyle, and Justice Teague, had been saying about the role of the PIO: that it was becoming a central and crucial part of the courts' communication function.

However, while the position was to attract overwhelming support during this period and the decades following it, there were some early reservations expressed related to the scope of the

[83] Parker and Australian Institute of Judicial Administration, above n 6.
[84] Ibid 87.
[85] Ibid 81.
[86] Doyle, above n 46, 29; Kriven, above n 55; Innes, above n 9.
[87] Parker and Australian Institute of Judicial Administration, above n 6, 164.

job and extent to which it had the capacity to 'fix' the problems with the media. There were also reservations about the role being fit for purpose, particularly as it related to the PIO relationship with media. Among those who raised issues were criminology scholars Richard Ericson, Patricia Baranek and Janet Chan who cited potential problems with the use of official media sources in the courts.[88] While their study of sources in courts provides only a cursory discussion of a dedicated media liaison role, they nevertheless identify the negatives:

> … it is clear that the role of such personnel is not consistent with the way the courts are organized. … Such a person would add another level of interpretation and translation to the process and, as such, would entail 'second-guessing' what went on in court or what was meant by the judge who wrote the judgment. Moreover, there is always a risk that, instead of patrolling the facts, this person might venture into the back regions of the courts on behalf of reporters to reveal the workings there. [89]

Other media and legal commentators, while not opposed to the role, claimed that such appointments could only provide a small part of the solution, unconvinced of its overall efficacy. Chris Merritt pointed to 'the occasional speech by judges and the appointment of information officers [as] … admirable developments' but they were not enough to fix the extent of the media–courts problems.[90] Roderick Campbell echoed Stephen Parker's concerns that, while the appointment of media officers and the opening up of courts to cameras and microphones was a step in the right direction, it was insufficient to address the deep-seated problems that existed between the two institutions.[91] In his *Third Branch and the Fourth Estate* speech, Chief Justice Brennan supported the idea of facilitating access to whatever was on the public record and in the public domain.[92] He drew the line, however, at furnishing digests of information for the media to publish, lest they abandon their independence. And although he asserted that media 'should be provided with legal information and assistance' he did not go so far as to mention a dedicated role for this task. Chief Justice Brennan noted: 'A media officer is not an advertising agent, seeking to influence publicity or issuing releases

[88] Richard Ericson, Patricia Baranek and Janet Chan, *Negotiating Control: A Study of News Sources* (University of Toronto Press, 1989).
[89] Ibid 37.
[90] Merritt, above n 41, 46.
[91] Campbell, above n 42, 131.
[92] Brennan, above n 45.

designed to put a favourable spin on courts decisions'.[93] (The High Court was to appoint its first PIO, several years later, in 2002.)[94]

Like most PIOs, the judiciary and others involved or reflecting on the courts, were still working out what the PIO should do, and how they should go about it, as the job found its feet and positioned itself in court administration systems around the country. While there was little empirical examination of the effectiveness of the PIO role in Australia in those early days, academic and the first public relations manager with the CAA in South Australia, Pamela Schulz's 2008 study of newspaper headlines relating to court stories found that 'using existing courts media liaison systems as the major conduit for public education and information flow on justice is demonstrably not working.'[95] Moreover, her research found that despite courts' continued efforts at media liaison, they had failed to stem criticism of courts and continued inaccurate and sensational headline reporting. Yet, in a relationship management sense, the media liaison role appeared to be having a positive impact. In the same year as Schulz published her findings, work published by the author of this report, based on qualitative interviews with PIOs, media and judges, found 'small steps' had been made to improving the court–media interface through the PIO role with 'shared understandings of media culture and language [moving] the courts closer to the media'.[96]

A decade later, Victorian County Court Judge, the Hon. Wendy Wilmoth, who chairs that court's Media and Communication Committee, reported having fewer problems with the media now than in the past, which she attributed to the PIO's involvement and relationship building by her court. Judge Wilmoth said while the PIO had made a difference to media coverage of court stories, there had been a slide in journalism skills that had occurred at the same time as the role had grown, so the two had somewhat evened out.[97]

[93] Ibid 132.
[94] High Court of Australia, 'Annual Report 2002–03' (2003).
[95] Schulz, above n 35, 224.
[96] Jane Johnston, 'The Court-Media Interface: Bridging the Divide' (2008) 30(1) *Australian Journalism Review* 35, 35.
[97] Interview with Judge Wendy Wilmoth (Melbourne, 12 February 2018).

JUDGMENT SUMMARIES

Two early concerns associated with the PIO role related to the provision of summary judgments and the potential for PIOs to act (or be seen to act) as 'spin-doctors' rather than as neutral information providers. Because both these issues are central to the role, they warrant some special attention. The introduction of judgment summaries by courts raised concerns relating to the perception that information might be lost due to emphasis or focus, and the practical difficulties in writing a short summary based on a lengthy document.[98] Another objection to judgment summaries was how the brevity could put a 'spin' on the judgment. In his opening address at the UTS symposium, Chief Justice Black rejected this idea.

> The answer to this … is that the judgment summary is released simultaneously with the judgment … The world of the spin doctor, by contrast, is the world in which the spun message is the primary source.[99]

Chief Justice Black pointed to the logic of providing the news media with summaries based on the lack of time for journalists to digest 40 or 50 pages.[100] *Canberra Times* journalist Roderick Campbell confirmed that summaries were becoming increasingly important to the media: 'The reasons why many of the extremely busy workhorse courts of Australia have employed media officers are pretty obvious. Even the tiny handful of dedicated legal reporters in this country could not begin to keep up with the enormous outputs of the courts'.[101]

Summaries are no longer 'exceptional' — that is, they are now quite 'normal' — but it wasn't always that way. Deputy Chief Magistrate in South Australia Dr Andrew Cannon[102] notes his first summary, written in January 1999 in the case of *Brander v Ryan and Messenger Newspapers Pty Ltd [1998]*[103] in which he finishes the summary (or overview) with the following words: 'This overview should be read in context with the rest of my

[98] Keyzer, above n 32; Moran, above n 37.
[99] Black, above n 40, 11.
[100] Ibid.
[101] Campbell, above n 42, 133.
[102] Cannon, above n 69.
[103] *Brander v Ryan and Messenger Press Newspapers Pty Ltd (1998)* [1999] Magistrates Court (SA) ALC No 8944 of 1997 (19 January 1999).

judgment'. Like other judicial officers, he was encouraged early on by the PIO to write summaries to assist the media in their jobs.

For long-term Director of Public Information at the Federal Court, Bruce Phillips, summaries were, and remain, a crucial way of reaching the media quickly and effectively.[104] For Phillips, these short, judge-written documents provide a clear and coherent story for the media and the public. 'The judge is talking to people. You're telling a story.'[105] He recalls the summary delivered by the Federal Court's Justice Tony North in the *Maritime Union of Australia v Patrick Stevedores No 1 Pty Ltd*[106] case: 'I remember sitting outside the court hearing it on news radio a couple of minutes later. It was *the best* radio'.[107] Phillips said the timely provision of judgments had not changed since the Federal Courts began using them in 1995, although 'technology has made that so much easier'.[108] Chief Executive of the Federal Court, Warwick Soden, believes the Federal Court was the first Australian court to provide the media with official judgment summaries,[109] although Jan Nelson occasionally wrote 'informal summaries' for the media in the earlier days.[110]

DEFINING THE ROLE – 'WE DO NOT DO SPIN'

While summaries have become a central tool for the media, facilitated by the PIO across many courts and jurisdictions, claims of 'spin' have been eschewed by those involved. From its early days, the role of the PIO was steadfastly defended against claims that it was 'spin' or overtly public relations. Jan Nelson made the point that the two 'complementary roles' of media liaison and public education were focused on the supply of accurate information and service, rather than 'a public enhancement or PR role'.[111] This is consistent with how others saw the role, rejecting the idea that their job was 'public relations or propaganda',[112] also reflecting commentary from the US in which one PIO carefully differentiated his work from

[104] Interview with Bruce Phillips (Melbourne, 13 February 2018).
[105] Ibid.
[106] *Maritime Union of Australia v Patrick Stevedores No 1 Pty Ltd* (1998) 153 ALR 602.
[107] Interview with Phillips, above n 104.
[108] Ibid.
[109] Interview with Soden, above n 60.
[110] Ibid.
[111] Nelson, above n 57, 34.
[112] ABC Radio National, 'Does the Media Understand the Law and Constitution?', *The Law Report*, 10 November 1998 <http://www.abc.net.au/rn/talks/8.30/lawrpt/lstories/lr981110.htm>.

other government public relations officers, noting 'we do not do spin'.[113] US media scholar, Richard Davis, provides insight into the unique development of the role:[114]

> … the Court, unlike other institutions, cannot engage in the same public relations tactics as the Congress or the White House. Reticence to pursue these objectives in a similar fashion as other institutions is the product of distinctive characteristics of the Court and public expectations placed on the Court.[115]

The naming of the role was also seen as significant.

> Even the title of the court's press relations arm reflects its effort to disassociate itself from an image of media manipulation. While the title 'press secretary' and 'press office' have acquired wide acceptance in the parlance of government public relations, the Court prefers the more benign term 'Public Information Officer'.[116]

This naming trend also applied in Australia. Today, communication and media units do not tend to use the title public relations. Possibly, the single exception to this was the first appointment in South Australia. Pamela Schulz recalls how she purposefully chose the title of Public Relations Manager.[117] She believed the job warranted more than an 'information' title explaining to the then Chief Justice of the CAA of South Australia, the Hon. Len King: 'Don't call me a Public Information Officer because I'll be doing more than that. I'll be trying to handle your public relations and right now, let's look at it, it's pretty bad … call me a community education officer or a public relations manager.' As such, the title Public Relations was used in South Australia for some years.

In keeping with how the title is used across the broader government sector, titles vary a great deal. Some individuals go by the title of Public Information Officer, as per the US example, but other titles include: Director of Public Information (Federal Court); Principal Information Officer (Queensland); Media Manager (New South Wales); Manager Media and Public Liaison (Western Australia); Director of Public Affairs and Communications (Victoria);

[113] Ginsburg, above n 56.
[114] Davis, above n 44.
[115] Ibid 8.
[116] Ibid 47.
[117] Interview with Schulz, above n 68.

Media and Communications Manager (South Australia); and National Media and Public Affairs Manager (Family Court and Federal Circuit Court). Now more than 20 years into her role in Western Australia, Buchanan[118] said she believed the role was always an information one, and while a promotion gave her the title of 'Manager' along the way, it remained foremost one of information and assisting the media. In some jurisdictions, the role has been split into more distinct 'media' and 'communication' roles. Kriven explains how, for five years, the CAA split the job in two, in part due to an emphasis on internal communication and policy. Years later, this was changed back to one position, due to funding cuts. Kriven's office now covers everything from annual reports to media.

Warwick Soden believes the distinction between communication and media appointments is necessary. He sees the two roles as quite separate, citing the Federal Court and Family Court as examples and noting differences between the media and the communication roles in those courts.[119] 'For example, Bruce [Phillips] is successful in the specialty media role. He is seen by many [journalists] as a colleague — he is their "go-to" person'.[120] Likewise, Denise Healy is the National Media and Public Affairs Manager (reporting to the CEO and, on a day-to-day basis, to the Chief Justice of the Family Court and the Chief Judge of the Federal Circuit Court), tasked with media management, while communication staff are part of corporate services, with separate reporting lines. Soden sees the roles as having different skill-sets. It can also be a case of practicality — the media job is full-time. This is indeed a reality for many PIOs where the media role is relentless. Illustrating this, Media Manager at the New South Wales Supreme Court, Sonya Zadel, notes how media inquiries have risen significantly since she began in the job in 2004.[121]

> We complete between 5,500 and 6,200 inquiries each year, 93 per cent of which relate to the Supreme Court. This compares with 1,300 across four jurisdictions in 2005. The broad nature of inquiries hasn't necessarily changed over the years — there are just so many more of them!

[118] Interview with Buchanan, n 74.
[119] In addition to his role as CEO of the Federal Court, Soden is Acting Chief Executive of the Family Court.
[120] Interview with Soden, above n 60.
[121] Interview with Zadel, above n 2.

THE NEW CENTURY OF GROWTH

As the role of PIO developed elsewhere, it was not until December 2002 that the High Court of Australia was to make its first PIO appointment.[122] The lack of appointment until this time, particularly in light of high profile cases, such as Wik (1996)[123] and Mabo (1992),[124] brought attention to the court. The Hon. Justice Susan Kiefel, now Chief Justice of the High Court, but with the Federal Court at the time, noted: 'Oddly, the High Court, which would seem most in need of such a person, does not have one. Funding is said to be a problem'.[125] When the appointment was made in November 2002, the position was described as:

> …promoting understanding in the Australian community of the Court's role, including media liaison, preparing summaries of judgments, answering queries from students and the public, responding from time to time to comment and criticism of the Court, conducting tours of the Court for specialist groups, and addressing community groups.[126]

More recently, the Northern Territory appointed a PIO, and in some States, there has been an overall expansion, with Victoria and NSW now having dedicated roles in the Supreme, County/District and Magistrates/Local Courts, some with more than one person in each court. As noted previously, the CAA expanded in the 2000s and then moved back to a smaller unit. The Family Court has expanded from its early, sole appointments to separate communication and media roles.[127] Legal and courts administrative bodies, such as the Sentencing Council of Victoria and State Legal Aid departments, also now employ PIOs (by various titles).

The most recent mainland state to appoint its first courts dedicated PIO was Queensland, in 2016.[128] This was despite calls for an appointment since the 1990s.[129] Queensland had been quite vocal during this period, with the Hon. Justice Davies of the Queensland Court of

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[122] High Court of Australia, above n 94.
[123] *Wik Peoples v The State of Queensland* ('Wik decision') (1996) 187 CLR 1
[124] *Mabo and Others v Queensland (No. 2)* ('Mabo') (1992) 175 CLR 1
[125] Justice Susan Kiefel, 'Plenary Session 3: The Media and the Courts, The Judicial Viewpoint' (World Association of Press Councils' First Oceania Regional Conference 1999) 69.
[126] High Court of Australia, 'Annual Report 2002–02' (2003), above n 94, 10.
[127] Healy advises that there are currently four-dedicated communication staff and two-dedicated media staff across the Federal Court, Family Court, Federal Circuit Court and Native Title Tribunal.
[128] Until the appointment of Anne Stanford in June 2016, the Communication and Media team at the Department of Justice and Attorney-General had managed this work.
[129] Judge John Robertson, 'Media and Judges in Queensland — Time for a Change?' (1997) 17(2) *Proctor* 7.

Appeal raising the issue in a newspaper article, asking the question: 'Why are Queenslanders, alone in Australia, deprived of consistently accurate information of what is happening in the courts? The answer is known only to the Government'.[130] More than two decades after the first round of appointments in all other mainland states, a new position finally brought Queensland courts into line with other Australian states.[131] A renewed call for the appointment had paralleled the Supreme Court of Queensland's report into *Electronic Publication of Court Proceedings*, published in April 2016.[132] That report noted how the appointment of a PIO would play an educative role in assisting public understanding of the courts and the justice system, further noting:

> The Court Information Officer would assist the media to obtain important information about proceedings and to report proceedings fairly and accurately. A suitably qualified Court Information Officer would be required to assist in developing the pilot programs, to liaise with media organisations to make arrangements for any pool camera to be used, and to manage the recording and transmission of information that is recorded on fixed cameras.[133]

Research conducted by the author for the Queensland Courts[134] found the PIO had achieved many broad-ranging objectives since the position was first filled in mid-2016. This included facilitating the semi-regular broadcasting of sentences; relieving the courts' registry staff, judges' associates and secretaries of media inquiries; and, streamlining processes for the news media who regularly cover the courts, thus making their jobs more predictable and enhancing accuracy in their reporting practices. The research also found that the PIO was responsible for a range of other outcomes — for example, photographs of judicial officers for media use, developing systems for advising media of non-publication orders and sentencing outcomes, assisting with updates to the court's website, monitoring online media and

[130] Justice Geoffrey Davies, 'Why Are Queenslanders, Alone in Australia, Deprived of Consistently Accurate Information of What Is Happening in the Courts? The Answer Is Known Only to the Government?' *The Courier Mail*, 2004 24.
[131] Stanford, PIO at the Supreme Courts of Victoria, was initially seconded to the role for a 12-month trial, with the position extended after review in 2017. Tasmania now remains the only state without a dedicated PIO.
[132] Supreme Court, 'Electronic Publication of Court Proceedings Report — April 2016 Summary of Recommendations' (Recommendation, April 2016).
[133] Ibid 45.
[134] Johnston, 'Review of the Court Information Officer Position: Queensland Supreme and District Courts', above n 11.

identifying potential 'problems' in unofficial journalists/blogger reporting, and, in 2017, establishing Twitter accounts for the Supreme and District courts.

The research found that media in Queensland had experienced an improved relationship with the courts following the appointment of the PIO. This was summed up in the following way:

> … if there are non-publication orders, the PIO will advise the media; that way the media are more confident in what they can access and publish. This, in turn, leads to more applications to televise sentences and more judges will say 'yes' because it is facilitated and systems are in place.[135]

Specifically, one journalist noted: 'She [the PIO] has been crucial in improving info between media and courts. This has a positive impact on public understanding of what goes on. Having someone there who can clarify is vital to accuracy in journalism.'[136]

One Queensland judge praised the mix of proactive and reactive work undertaken by the PIO. 'There is no dissonance between what she needs and what we want. Her experience is a huge advantage to us.'[137] Another Queensland judge noted how the role was an effective 'go-to' person between the judiciary body and media. 'It's what you need — an interlocutor to speak to the [media] profession.'[138] This sentiment was reflected in other jurisdictions, with members of the judiciary noting: 'non-lawyers provide value, different insights'[139] to the judiciary, and 'if you want journalists to cooperate you've got to understand what they want'.[140] The research showed that the functions of the PIO had not greatly changed since the first appointments, of around 20 and 30 years earlier.[141] For example, for the media in particular, strong emphasis was placed on access to exhibits and advice on non-publication orders. Three key areas remained consistent: access, accuracy and liaison. In sum: 'to try and

[135] Ibid 9.
[136] Ibid 9.
[137] Ibid 7.
[138] Ibid 6.
[139] Interview with Justice Bernard Teague, (Melbourne, 12 February 2018).
[140] Interview with Justice Anthony North (Melbourne, 5 February 2018).
[141] See Appendix 4 'Role Description – Principal Information Officer, Supreme & District Courts, Queensland (as advertised in 2016)'.

encourage accuracy in reporting, avoid mistrials, improve public understanding of and education about the courts'.[142]

One clear element that followed the appointment over time was the development of a mutual respect between PIOs and the judiciary. This was apparent from among the earliest appointments — Nelson in New South Wales, Phillips in the Federal Court, Schulz and Kriven in South Australia, and Buchanan in Western Australia — to the most recent appointment of Anne Stanford in Queensland. Buchanan[143] explained how she had built up strong foundation of trust and respect with judges and magistrates.

> I have a really good relationship with the judges. They trust my judgment — and there's a significant chunk of work that's about using judgment. That's the stuff it takes years to build. I've stayed in this job for so long because I really respect the judiciary and what they do. The respect goes both ways.

Almost without exception, this incorporated working through change together. This included the push for television cameras and video streaming from the courts.

TV AND COURTS

The appointment of PIOs enabled the courts to break new ground in allowing cameras into courtrooms. While Australia did not experience the rush of television cameras into the courts that the United States had witnessed, there were nevertheless some significant advancements in this field, which are closely associated with the appointment of PIOs. Phillips recalls the *Access to Justice* report, published in 1994[144] recommended the Federal Court 'take a lead role in broadcasting'.[145] The Federal Court was a safer environment due to the absence of juries or witnesses.[146] 'The judges did it because they thought it would be good for the court,' recalled Phillips. 'Justice North told me he was big fan of TV in courts — he didn't have to tell me twice.' Phillips strongly believes you can 'get so much good PR from TV. You can

[142] Johnston, 'Review of the Court Information Officer Position: Queensland Supreme and District Courts', above n 11.
[143] Ibid.
[144] Access to Justice Advisory Committee, above n 5.
[145] Interview with Phillips, above n 104.
[146] Ibid; also, central to the cameras-in-court debate were concerns over the identification of jurors and witnesses, see Stepniak and Federal Court of Australia, above n 8; Marjorie Cohn and David Dow, *Cameras in Court: Television and the Pursuit of Justice* (McFarland and Co, 1998).

reach the public by having a judge explaining what they've decided and why. It's not that hard to do'.[147]

Two judges at the forefront of televising courts in the 1990s, Federal Court of Australia Justice Tony North, and Justice Teague of the Victorian Supreme Court, each give credit to their respective court's PIOs for advancing this field. Justice Teague recalled how the process began with the media giving notice to seek camera access, thus allowing the courts to cater to television media's needs.[148] He recalled how Innes had used advancements in New Zealand to make a case for allowing television cameras into the Supreme Court of Victoria. 'People said the sensible thing to do was to say, "the time has not come yet"'. Instead, he added, 'we went down the New Zealand track'.[149] This decision, like all early decisions to televise courts, drew considerable commentary and some criticism. It was controversial. For example, camera access to the sentencing of Nathan John Avent (*R v Avent*) in that court in May 1995 was described as a modest experiment which 'nevertheless ruffled feathers'.[150]

At around the same time, the Federal Court was also forging ahead in this space. In 1998, the court published its *Electronic Coverage of Courts*, which it had earlier commissioned, providing a comprehensive analysis of this issue internationally.[151] Early Federal Court broadcasts included:

- in February 1997, it was the first superior court in Australia to permit sound and vision of a judgment (or summary of a judgment) to be *recorded for broadcast.* This was Justice Ronald Sackville's judgment of *Friends of Hinchinbrook Society Inc v Minister for Environment & Ors (1997).*
- in March 1999, its first ever *live broadcast* of a judgment (summary) on cable television (Skye News) of *Ryan v Great Lakes Council (1999),* delivered by Justice Murray Wilcox.
- in August 1999, the first *live streaming* of a judgment (summary) on the internet, again broadcast live by Sky News; Justice Lindgren's decision in *Australian Olympic*

[147] Interview with Phillips, above n 104.
[148] Interview with Teague, above n 139.
[149] Ibid.
[150] Michael Ball and Marnie Costello, 'Television in Court' (1996) 23 *Brief* 9. This was the first sentence to be broadcast by television from a Superior Court in Australia. It carried a two-minute rule.
[151] Stepniak and Federal Court of Australia, above n 8.

Committee Inc v Big Fights Inc (1999) was republished on the court's home page several hours later.[152]

Years later, Justice North attributes the success of the Federal Court's broadcasting to the Director of Public Information, Bruce Phillips. 'As a judge on my own I would have no idea about engaging journalists,' he pointed out. The Federal Court's broadcasting of high profile cases such as the Patrick's dispute,[153] and later 'Tampa',[154] needed the journalist's knowledge and news sense that Phillips brought to the role. Like Justice Teague, Justice North noted that cameras in the courtroom were far from the norm at the time. '[Bruce Phillips] constantly showed me how journalists looked at things differently to judges,' he recalled. Phillips also proposed the use of summaries as part of Justice North's media 'education'. It was 'a real partnership … extraordinary times,' he recalled. Over the period 1993–99, 39 Federal Court cases were recorded by television cameras[155] and by 1999 almost half of the judges in the Federal Court had firsthand experience of television in their courts.[156] Justice North attributes this advancement to a series of factors: first, Phillips was on board as PIO; second, the judge had to be inclined to televise; and, third; the case was of interest to the media. The result he described as: 'Kaboom, you've got the mix'. Now, two decades later, he says cameras are 'completely normalised and routine'.[157]

Judicial radio interviews, the broadcasting of swearing-in ceremonies, and video streaming all also moved into a normalised and accepted part of the courts community outreach and engagement. In South Australia, an early initiative in 1996, first by Pamela Schulz and completed by Kriven, was a video documentary screened by Today Tonight called *Tell my kids I'm sorry.* Kriven recalls: 'It was Pamela's good work to give people a view of the functions, the work, of the Magistrate's Court through the eyes of five offenders going through the process with their barristers and solicitors.'[158]

[152] Interview with Phillips, above n 104.
[153] *Maritime Union of Australia v Patrick Stevedores No 1 Pty Ltd* (1998) 153 ALR 602.
[154] *Victorian Council for Civil Liberties Incorporated v Minister for Immigration & Multicultural Affairs ('Tampa')* [2001] FCA 1297.
[155] Johnston, 'Communicating Courts: A Decade of Practice in the Third Arm of Government', above n 38.
[156] Black, above n 40, 9.
[157] Interview with North, above n 140. Today, one person can walk into the court, set up a camera, and attach a small device that sends out live pictures, without disruption (see the hand-sized device in the photo gallery).
[158] Interview with Kriven, above n 79.

Broadcasting courts has remained a reason for appointing PIOs. In 2014, changes to legislation relating to the broadcasting of Supreme and District Courts in New South Wales was a catalyst for the courts to appoint a dedicated District Court media coordinator.[159] This was, in part, due to the requirement that the televising of courts proceedings should be supervised. Zadel recalls how previously the Supreme Court allowed filming under its own policy but that had been at the discretion of the presiding judge.[160] 'For the first time, the legislation provided for the presumption in favour of filming judgment remarks, unless an exclusionary ground exists, such as proceedings that are subject to non-publication or suppression.' The year after the legislation was introduced the media managers processed 22 media filming applications, in 2016 they received 24 applications, and in 2017, 14. On average, the Supreme Court media managers supervise filming either fortnightly or monthly. 'When we relinquished media responsibility for the District Court, we had been completing more than 2,000 inquiries a year for that jurisdiction. This "vacuum" was quickly filled with 2000 more Supreme Court inquiries,' explains Zadel.

In Queensland, television was also a significant contributing factor in its first PIO appointment. Its report into the *Electronic Publication of Court Proceedings*[161] noted how televising could not advance without someone in a dedicated role.[162] Applications for TV needed more than a 'procedure on an ad hoc basis'.[163]

> A Court Information Officer would be responsible for developing and implementing guidelines for the electronic recording and publication of in-court proceedings. This would include developing protocols about how the application would be made and a default position about how the recording would take place if the application was granted, e.g. the location of cameras, what could be filmed etc. Each application would need to be determined by a judge on a case-by-case basis, but prior development of a protocol would avoid a judge hearing such an application having to start with a 'blank page' in devising what would be recorded and how it would be recorded in the event an application was granted.[164]

[159] Interview with Zadel, above n 2.
[160] Ibid.
[161] Supreme Court, above n 132.
[162] In the absence of a court-appointed and dedicated PIO, the Queensland Courts' communication function had been managed for many years by the Office of the Attorney-General <http://www.justice.qld.gov.au/>.
[163] Supreme Court, above n 132, 51.
[164] Ibid.

For Queensland, coming to the party quite late with its PIO appointment meant that it was able to benefit from advancements made in other jurisdictions. Since she began in the role in 2016, Stanford says there have been 17 high profile sentences covered by TV cameras. 'Most applications are received a day or two prior to the sentence, but on at least one occasion, the application was received and approved within an hour prior to sentence,' she recalls. Television journalists and court executives had found the PIO had significantly impacted on developing this initiative. One senior administrator in Queensland courts noted: 'what we've found is that vision of the judge lengthens the news story. TV stations use a single camera with blue-tooth microphone. Using TV cameras is cost neutral.'[165] A television journalist noted: 'Being TV, we need photos, CCTV — when it's available. Having greater access helps inform the public'.[166] In the Federal Court, Phillips notes how the difficulties of this part of his role are behind him. 'Now TV is so easy to do. One person can walk in and set it up. There's no question of disruption. In many senses, there never was.'[167]

In recent years, the NSW Local Courts opened its doors to television cameras. *Court Justice*, a 10-part series which aired for the first time on Foxtel's *Crime + Investigation* channel in 2017, broke new ground in Australia. Notably, the NSW Magistrates Courts have a dedicated team of two PIOs. The series was filmed over six weeks in late 2016, with each 30-minute episode providing a snapshot of two to three cases, ranging from drink-driving offences to assault, theft and vandalism.[168] Chief Magistrate, Judge Graeme Henson, said the opportunity to shed light on the courts and the inner workings of the judicial system was 'too good to turn down'.[169] Warwick Soden supports further development in the field of court TV, citing the NSW Magistrates-Foxtel series as 'an indication of what should be done in the future. Short, sharp vignettes of cases are good to develop an understanding of the role of the courts'.[170]

Thus, although cameras in courts have progressed in various ways and at various speeds, they nevertheless have progressed. Legislative, policy and cultural changes have taken place. As

[165] Johnston, 'Review of the Court Information Officer Position: Queensland Supreme and District Courts', above n 11, 10.
[166] Ibid 11.
[167] Interview with Phillips, above n 104.
[168] Foxtel, 'Court Justice: Sydney - inside Australia's Judicial System', 10 April 2017 <https://www.foxtel.com.au/whats-on/foxtel-insider/crime/court-justice-sydney.html>.
[169] Ibid.
[170] Interview with Soden, above n 60.

Justice North notes of the Federal Court: 'It's changed from the antagonism of the past to now, where if you look at the cohort of judges, 90-plus percent would say "yes" to cameras. It's completely normalised'.[171]

A Changing Media Ecology

While television was a well-established medium by the time of the first PIO appointments from the 1990s, this was not the case for the internet. Although the Internet (first introduced as the World Wide Web or Web) had become publically available in 1991, it soared in popularity in 1993 when its creators at CERN (the European Laboratory for Particle Physics) announced free access. And so, in 1993 — the year Jan Nelson and Prue Innes were appointed to two of the busiest and most demanding jurisdictions in the country — the Web went mainstream. This meant no fees would be payable for its use, providing 'a key factor in the transformational impact it would soon have on the world.'[172] It was the same year Mosaic, the browser credited with popularising the Web, was invented at the University of Illinois. Other significant dates that paralleled what was happening in courts included: the White House launching its first website in 1994; the launch of Amazon, Netscape, Explorer, and e-Bay in 1994–95; followed by Google in 1997. The following decade was to see Facebook launched in 2004, Twitter in 2006 and the iPhone in 2007.[173]

As the internet and mobile technology rose to the pervasive and ubiquitous levels that they now command, different courts and jurisdictions in Australia were appointing and, in some cases, expanding their own communication and media teams. And while most organisations, courts included, did not immediately move their communication functions online, the ground had forever shifted in institutionalised communication. For the courts, the changed media and communication environment saw altered media models, an economising of legacy media, and the rapid growth of the internet followed by social media platforms soon after.[174] Meanwhile, the rise in institutional media and communication paralleled the downsizing of traditional news media. Across all sectors, this shift away from traditional models of media,

[171] Interview with North, above n 140.
[172] Martin Bryant, '20 Years Ago Today, the World Wide Web Opened to the Public' <https://thenextweb.com/insider/2011/08/06/20-years-ago-today-the-world-wide-web-opened-to-the-public/>; Larry Greenemeier, 'Remembering the Day the World Wide Web Was Born' <https://www.scientificamerican.com/article/day-the-web-was-born/>.
[173] '25 Years of the Internet' <https://onyx.net/25-years-of-the-internet/>.
[174] Jane Johnston, *Three Phases of Publicity: Reconfiguring Open Justice in the 21st Century* (International Journal of Law in Context, in press).

to include self-generated news via blogs and other social media platforms, enabled institutions, organisations and individuals to become news generators. That also saw the ratio of journalists-to-public relations change dramatically — from less than one public relations practitioner per one journalist in 1960, to five public relations practitioners per one journalist in 2010.[175] Since that time, given the cuts to newsrooms, the ratio is now likely to be far higher. This, juxtaposed against a number of other social, political and economic drivers, including the rise in media criticism of the judiciary, changes to media structures and reporting patterns, a reduced specialty in court reporting, and the dominance in television and internet media platforms, collectively provided fertile ground for courts to make the move to specialist communication and media appointments.[176]

An overall reduction in specialist court reporters represents a significant change to the modern media landscape, causing a shift in practice for some PIOs. Val Buchanan said she was aware of fewer journalists covering courts due to the massive changes to the media landscape. One major change had been the move away from the solid body of court reporters that knew the round, the legal environment, and had a respect for the judiciary. And while there are now fewer journalists, the role of PIO had become more important, as Buchanan explained:

> Someone rang the other day asking for a sentencing transcript. I explained the person was acquitted. The journalist asked me 'what's acquitted?'… In the past journalists understood the law. Now I'm effectively teaching them. It concerns me how much is not known. I have to be very cautious because you're not dealing with people that know the rules any more.[177]

While the volume of mainstream media inquiries may have dropped off in some courts, the workload for the PIOs is anything but reduced, and far more complicated. Take for example, the rise in 'unofficial journalists'.[178] Anne Stanford describes issues that arose in the Queensland Supreme Court during two high profile trials in 2016 and 2017, in which a blogger joined accredited journalists in the media overflow room. On both occasions the

[175] Dejan Verčič and Ana Verčič, 'The New Publicity: From Reflexive to Reflective Mediatisation' (2016) 42 *Public Relations Review* 493.
[176] Johnston, *Three Phases of Publicity: Reconfiguring Open Justice in the 21st Century*, above n 174.
[177] Interview with Buchanan, above n 74.
[178] Interview with Anne Stanford (Brisbane, 20 February 2018).

blogger was issued with non-publication orders due to the potential to publish prejudicial images and/or articles.

> This has highlighted the need for education for bloggers, citizen journalists and even cadet journalists (because they don't seem to get any court training) because it was obvious [the blogger] clearly didn't understand or have any knowledge, or want to have any knowledge, of the nuances and legal restrictions of court reporting.[179]

This call for training harks back to early PIO practices — notably those initiated by Innes and Schulz in the early 1990s in which media training manuals and training sessions were a central part of the PIO's job. Now however, the media landscape has shifted and the very definition of 'who is a journalist' is contested.[180] As reporting practices change, the question of who can be called a journalist, on the court round, has become more difficult to determine. As such, 'the distinction between the "media" and the "public" is now not always an easy one to draw'.[181] Many countries, including Australia, New Zealand, Canada, the United States and Britain, are now grappling with functional and legal definitions of who can be called a journalist or news media, and PIOs are working at the coalface of this changing environment. In 2015, the County Court of Victoria outlined in its media guidelines:

> A 'journalist' is a person employed or engaged as a journalist by a media publisher, broadcaster or organisation, and/or a current member of the Media Entertainment and Arts Alliance, and/or a freelance journalist. In any case the person must be recognised by the Court as a journalist for the purposes of the Guidelines. Journalists who wish to be recognised by the Court as a journalist need to register with the Court's Strategic Communications Manager.[182]

However, the decline in traditional media numbers is not wholly uniform. Sonya Zadel made the point that 'more than ever, media organisations are relying on the Court to supply information and other material, so we'll continue to look for ways to improve how we

[179] Ibid.
[180] Jane Johnston and Anne Wallace, 'Who Is a Journalist? Changing Legal Definitions in a De-Territorialised Media Space' (2017) 5(7) *Digital Journalism* 850.
[181] Anne Wallace and Jane Johnston, '"Tweeting from Court": New Guidelines for Modern Media' (2015) 20(1) *Media and Arts Law Review* 15, 21.
[182] County Court of Victoria, 'County Court of Victoria - Guidelines for the Media (November 2016)' 1 <https://www.countycourt.vic.gov.au/sites/default/files/County%20Court%20Guidelines%20for%20the%20Media%20%28November%202016%29_FINAL_0.pdf>.

facilitate this.'[183] But in NSW, this did not mean fewer journalists on the round — far from it. She said while there is a lot of talk about shrinking newsrooms, she and her job-sharer Lisa Miller, deal with more journalists than ever before across a greater range of platforms and departments.

> Our record saw 12 different *Sydney Morning Herald* journalists inquire about 12 separate Court cases on one day, covering crime, contract, sport, business, land and arts disputes. AAP now has five dedicated Court reporters compared with one when I started, and it's not unusual for us to liaise with 4 or 5 different reporters, journalists, producers, editors or lawyers from the same organisation on any one day.[184]

For some, online portals had introduced a degree of streamlining, allowing journalists to access documents more simply, reducing the number of calls to the PIOs. 'It's instantaneous access,' said Phillips, 'it's removed the competitive element; everyone gets access simultaneously'.[185] This move marked an increasing shift to the online space.

As the courts now celebrate 25 years of PIOs (35 years from the first Family Court appointment), the internet is now the norm. It is used by most Australians — between 83–96% of the country — depending on location.[186] A recent expansion of this has been the widespread adoption of social media — a key internal or 'owned' tool for organisational communication — and the courts, through their PIOs, are increasingly following this trend. The first Australian court to set up a Twitter account was the Supreme Court of Victoria in January 2011. Supreme Court PIO at the time, Anne Stanford, now with the Queensland Courts, said while she initially began using Twitter to follow the social media activity of journalists, she soon realised the court should be proactively using it, that 'the outside world was looking for it [court social media engagement]'.[187] Many courts, including the Family Court, soon set up Twitter. However, it was an AIJA conference in April 2012 in Brisbane, featuring a session on social media and courts, which saw the beginning of the real migration

[183] Interview with Zadel, above n 2.
[184] Ibid.
[185] Bruce Phillips and Buchanan both reported the development of 'e' or online portals in their jurisdictions. Interview with Phillips, above n 104; interview with Buchanan, above n 74.
[186] Sensis, 'Chapter 1 - Australians and Social Media' (22 June 2017) 11 <https://www.sensis.com.au/asset/PDFdirectory/Sensis-Social-Media-Report-2017.pdf>.
[187] Jane Johnston, 'Courts Use of Social Media: A Community of Practice Model' (2017) 11 *International Journal of Communication* 669, 674.

to social networks.[188] It also prompted the development of an informal social media support group in Melbourne. One member of this group noted how, 'following the AIJA meeting it was thought there was benefit in coming together as a group to get some practical advice on social media as most of us were new to the platform.'[189] And so, just as the national conference brought together PIOs from around the country, this localised group developed its own community of practice within Melbourne's CBD. One member noted: 'A lot of these jobs are standalone positions. A group like this definitely has assisted in establishing a support network. … It has been a huge benefit having access to all that experience.[190]

In the six years since that group formed, social media has become mainstream. Nearly 80% of Australian adults use some form of social media. Usage is almost universal among 18–29 year olds (99%), with 96% of those aged 30–39, and 86% of those aged 40–49 using social media. In business, figures are less dramatic, with just under 50% of small to medium companies using social media and 60% of large companies using it.[191] Many courts, tribunals, legal and judicial organisations around the country now use social media. Of 16 PIOs interviewed by the author in 2017, 15 reported either using social media directly in their role, or another person in their team or jurisdiction using it for institutional courts communication purposes.[192] Most respondents reported using the court website and Twitter. (Appendix 5 provides a list of their responses, including the most popular media platforms.)

The benefits and challenges of the courts using social media have attracted a great deal of global academic attention[193] with much research finding either partial or full support of courts adopting social media. One commentator notes how the internet, including its social media

[188] This session was presented by Professors Patrick Keyzer, Mark Pearson and myself. The PIO conference the following year (2013), arranged by Liz Porter from the AIJA, followed this theme.
[189] Johnston, 'Courts Use of Social Media: A Community of Practice Model', above n 187, 674.
[190] Ibid 674.
[191] Sensis above n 186; see also Sensis, 'Chapter 2 - Australian Businesses and Social Media' (29 June 2017) 3 <https://www.sensis.com.au/asset/PDFdirectory/Sensis-Social-Media-Report-2017.pdf>.
[192] In unpublished research undertaken by the author, with PIOs across 16 courts, statutory authorities or other legal bodies in Australia, August 2017. In the study 11 PIOs were employed by courts, three by a statutory authority or other legal body, and two by the government.
[193] For example, see, A Blackham and G Williams, 'Social Media and Court Communication' (2015) 3 *Public Law* 403; D Davey et al, 'New Media and the Courts: The Current Status and a Look at the Future' (2010) <http://ccpio.org/wp-content/uploads/2012/02/2010-ccpioreport-summary.pdf>; J Johnston, 'Courts Use of Social Media: A Community of Practice Model', above n 187; S Rodrick, 'Achieving the Aims of Open Justice? The Relationship between the Courts, the Media and the Public' (2014) 19(1) *Deakin Law Review* 123; M Krawitz, 'Summoned by Social Media: Why Australian Courts Should Have Social Media Accounts' (2014) 23(4) *Journal of Judicial Administration* 182; A Henderson, 'The High Court and the Cocktail Party from Hell: Can Social Media Improve Community Engagement with the Courts?' (2014) 25 *Journal of Judicial Administration* 175.

functions, provide courts with the means of 'delivering a fuller and truer picture of their work to the public than the traditional media provide'.[194] With few exceptions, it is the PIO's role to facilitate these social media platforms for the courts. In moving to the Queensland courts, Stanford wasted little time setting up Twitter.[195] She notes how Magistrates, District and Supreme Courts now each have separate Twitter accounts. In New South Wales, Zadel reports:

> … journalists tell us they love the Court's use of Twitter and Facebook. They rely heavily on the judgment summaries and the Court believes reporting is more accurate because of this. We also reach a wider audience with cases that the mainstream media don't always report.[196]

But support for social media is not universal. Warwick Soden points to a divergence on its perceived benefits. He believes courts are following each other in the trend to adopt social media based on an expectation to do so. He does not see the efficacy of Twitter and suggests there are other, more effective, mechanisms to get messages out and manage communication into the future. The Federal Court has not adopted the use of social media, although it has actively encouraged its use by journalists who cover its proceedings. In Western Australia, courts had considered social media and weighed up the benefits and the downsides: resourcing was a key issue. 'From my point of view,' said Val Buchanan, 'I'm one person in seven jurisdictions… I don't want to do something if we don't do it well.' She said while she had considered setting up Twitter for the courts 'there are still enough reporters who are going to be there and will tweet it.'[197] Those who missed something would then go to Buchanan for clarification anyway.

FUTURE DIRECTIONS FOR COURTS AND THE MEDIA/COMMUNICATION ROLE

Public Information Officers are now a mainstay of the Australian courts. Justice Teague sees the appointment of a PIO to courts and commissions of inquiry as essential. Speaking about his roles with the Victorian Bushfires Royal Commission and Inquiry into the Hazelwood Mine Fire, he said he takes for granted 'a good CEO, a good counsel assisting and a good

[194] Rodrick, above n 193, 162.
[195] Interview with Stanford, above n 178.
[196] Interview with Zadel, above n 2.
[197] Interview with Buchanan, above n 74.

PIO ... If I didn't have one I'd be asking for one'.[198] PIOs, now in most jurisdictions, have been part of, and often driven, major changes in courts' communication and media practice. Without doubt, they have enabled the courts to be more responsive to the news media and to develop courts owned and managed media assets. In this way they have been proactively at the forefront of open justice within the courts during the transition from 20th to 21st century media. As media continues its transformation, with the 'media-scape' in a constant state of disruption and change, PIOs and others associated with the courts are well aware that they must also continue to develop and adapt.

One tool that many see as part of the courts future is live streaming of courts and establishing a courts' owned channel for video. This would enable the courts to manage both their owned media and assist journalists. Zadel makes the point:

> The Supreme Court [of NSW] is already a direct publisher via its website and social media platforms. Perhaps it might one day also become a broadcaster by filming, editing and distributing various aspects of court proceedings and court operations.[199]

This sentiment is widespread. There is now an expectation that the courts will supply and facilitate, and even educate and interpret, for the news media. However, having their own media channels could provide many more options. Pamela Schulz points to the Australian Football League's channel and how successful it has been as a news source. 'If courts had got on with live streaming they'd be in charge. At the moment, they're still relying on an altruistic media.'[200] Schulz refers to the media's 'attraction of repulsion', which she says is the norm; conversely court-owned media channels would show the 'real' courts at work.

As courts move into new buildings, or upgrade old ones, the adoption of technologies and streaming facilities should be paramount. Buchanan points to the move into the WA Supreme Court building two years ago as providing greater technology. 'We have the capacity for streaming. Absolutely, it's something we'll do more of'. Chief Justice Doyle sees streaming as 'taking charge' of the courts own media. He adds another layer to this however, in the form of a court's theatrette where cases could be viewed and explained.

[198] Interview with Teague, above n 139.
[199] Interview with Zadel, above n 2.
[200] Interview with Schulz, above n 68.

> My idea was that it might be half a day a week, we'd select a case. The benefit would be that more people would see what happened. Improving understanding is the first step before confidence and trust.[201]

Streaming is an increasingly realistic option for federal courts (though not the Family Courts), agrees Healy, plus there is 'great potential for the use of blogs, podcasts and other digital methods to communicate the work of the courts and in explaining complex legal decisions or processes.'[202]

Some PIOs suggest the use of file transfer systems, enabling quick and easy transfer of digital information to the media, should be standard technology. Systems need to be in place that are fast enough to get the information out, but are nuanced enough to make sure it's accurate.

> … the provision of electronic exhibits such as CCTV footage in criminal trials is currently laborious because, in most cases, we need to source a disk or USB stick from the Court (not always possible in a timely manner when trials are in progress, or sitting outside the CBD) and supervise multiple journalists copying them, one at a time. The use of digital file transfer would be a superior method of operation but, again, it's not quite straightforward if the exhibit needs to be edited first.[203]

One PIO who is in a unique position to reflect on how the work of a PIO can alter across jurisdictions, having moved from the Supreme Court of Victoria to the Queensland Supreme and District Courts in 2016, is Anne Stanford. She outlines her trajectory and where she sees the role heading:

> I have gone from a jurisdiction where the role has been in position since the 1990s to a jurisdiction that was the last to secure funding and appoint a PIO. Chalk and cheese comes to mind. Judges are judges irrespective of the jurisdiction, [or] state. Some are on board [with the role], some are not. The media is the same. They want to check charges, outcomes, sentences, and next court appearance dates. The difference comes in the environment, largely set by the respective State Governments. How 'independent' and separate the third arm of government is treated and funded, and the State laws governing criminal law procedures, rules and regulations.

[201] Interview with Doyle, above n 77.
[202] Interview with Denise Healy (telephone interview, 28 February 2018).
[203] Interview with Zadel, above n 2.

> I still strongly believe in the value and importance of the role of a PIO, especially working from scratch in a fledgling jurisdiction. And while the role may be changing, depending on the jurisdiction, at its heart, it still needs a person who understands the basic requirements in court reporting, which only comes from being a former court reporter.[204]

Stanford describes courts as becoming more proactive and more about managing their public relations than ever.

> They also have to adapt to the change in environment, the prevalence of the 'popular vote', and shrinking funding. There are no votes in prisons and courts, so they are invariably underfunded, under-resourced. And judges are subject to more and more criticism and scrutiny. They have to explain more and why. And this requires more than a basic PIO role. It is now a public relations/communications role.[205]

In this way, Stanford has come full circle to Schulz's call for the job to be PR — more than just information and media management. Arguably, if we look at Trainor's early role, however, the role was never simple or streamlined. The job now needs to encompass internally driven communication that is inclusive of self-managed or 'owned media' institutional platforms that can work to inform, educate and assist public perceptions. Most agree this will include live streaming, some sort of engagement with social media, and a greater capacity for delivering information quickly and via digital means. There is also a strong need to be highly proactive, to use their capacity for assisting open justice in meaningful and important ways.

The most recent appointment, at the Supreme Court of Victoria, Sarah Dolan, agrees that the function should no longer be seen as one of 'a "public information officer" — it is a multi-faceted and broad community-focused media and public affairs role'.[206]

[204] Interview with Stanford, above n 178.
[205] Ibid.
[206] Interview with Sarah Dolan (email interview, 22 June 2016).

Dolan's appointment in February 2018[207] to the higher-ranked role of Director of Public Affairs and Communications, was an indication that the new Chief Justice of Victoria, the Hon. Anne Ferguson was taking the role very seriously. A former court reporter from the 1990s, coming to the courts from a position as Executive Director of Communications at the Victorian Department of Education, Dolan says she was inspired to move to the courts because of its new direction.

> I watched a video of the new Chief Justice, Her Honour Anne Ferguson, at her Welcome Ceremony, speaking about the importance of letting the community know not just what the Court does, but why… When I saw that, I knew immediately I wanted to work for her. I wanted to be part of that change, and felt my long and winding career had led me back to the Courts.[208]

Just months into her job, Dolan identified a need for additional staff to do the job effectively:

> I cannot see the Court being able to address the complex nature of what we now need to do — manage the work flow generated by daily court reporters and create new content, new stories, and new narratives, all of which take time to develop — without these resources…
>
> My goal is clear: help reporters cover cases well, and shed new light on what the court does, why it does it, and let the community know that judges are human beings with families, lives, feelings, intellect, experience, integrity, rigour, and an extraordinary commitment to a fair, open and accessible justice system. My next great challenge is to see if we can create our own court stories, generated by a newsroom of reporters. I would like to trial it using university undergraduates, but that's another story.[209]

Dolan's idea that the courts need to be able 'tell their own stories' aligns with her colleagues around the country. She points out that the broad public narrative of courts is changing — and this comes with proactively taking control of internal communication — plus working with external media, exploring and keeping up with new and emerging means of

[207] Dolan's appointment on 12 February 2018 came 25 years and several weeks after the appointment of Jan Nelson to the NSW Supreme Court on 1 March 1993, and 22½ years after Innes was the first appointed to the Supreme Court of Victoria.
[208] Interview with Dolan, above n 206.
[209] Ibid.

communication. It also means that the communication professionals charged with this role will *collectively* bring the stories of the justice system to the public.

> Improving communication is not the sole responsibility of any individual court. It is something that needs to be considered as a system, because each court jurisdiction makes an equally important contribution to the justice system.[210]

And it is precisely because of this that the PIO role, bearing communication, media or public affairs status, will be so crucial to the courts. Healy explains: 'the role of the PIO will continue to be a critical part of the courts administrative management team'.[211]

Overall, the future holds a continuation of current and ongoing initiatives, as well as hopes and plans for change — all with the common denominator of improving public knowledge and understanding. These are all aimed at getting the courts' work into the community, both through the news media, but also through their own channels and practices. And, increasingly, there is less distinction between the two. Organisations are becoming their own media channels. Kriven says the future PIO will need to become:

> … ring-masters of technology… The tectonic shift [in media and technology] means everybody publishes. It's a big market out there. The more we publish online, the more those people will republish it. We need a person who knows how this works with some understanding of public appetite. Marketing, but with a different colour … to look at groups of people, what they're using and how they're using it … And there's no harm in having someone in the mix to arrange quality control of what's in the public domain.[212]

Importantly, the courts need to connect. Those in the PIO role will need to understand the complex media and communication world, review who are the courts' publics, and connect with them. They will need to be agile, responsive and sophisticated in their understanding of digital media, the justice system and society.

[210] Ibid.
[211] Interview with Healy, above n 202.
[212] Interview with Kriven, above n 79.

Thirty-five years after the PIO role was first brought to the Family Court, Healy says the future of the role will continue to fulfil the duties of media education and management, stakeholder engagement, issues and crisis management and some general communication functions. In that regard, the central tasks and responsibilities continue to stretch and respond to the simultaneous internal and external demands of the day — just as they did for Trainor. However, as the courts move toward the end of the second decade of the 21st century, Healy, like others, sees a stronger reliance on internally-driven media.[213]

> Heading into the future … There is likely to be a greater focus on the courts being less reliant on traditional media to convey its messages, which could occur through the self-production and publication of materials promoting and explaining the work of the courts and its decisions.

While she says criticisms of the Family Court may have lost some of the intensity of the 1980s and 1990s, the court remains constantly under scrutiny. 'In recent years there has been a dramatic increase in media coverage of issues around family violence and violence against women and children…. The criticisms of the court, from both sides of the gender wars, have never been off the agenda,' says Healy.[214] Current reviews, major structural reforms in family law and courts, as well as external criticism, continue to present changes and challenges. Others, like Dolan, are well aware of the challenges that lie ahead in her new role. 'When I arrived, the criticism of judges as elite and out of touch was deafening,' she said. This makes the job of telling the courts' own stories all the more important. It also reminds us that some things have not changed from the early years of the '80s and '90s, and indeed, highlight the reason the courts identified the need for PIOs in the first place.

Chief Justice Brennan observed more than 20 years ago that courts are 'reticent in the usual modes of public relations'.[215] In some ways, this has not changed. For instance, courts have not moved to adopt the same processes by which 'the political branches of government make the news of the day'. As such, he argued, the political branches and the media must 'live in a symbiotic relationship'.[216] The relationship with the courts is not so cosy. However, there have been some significant changes, notably in how courts have advanced public outreach,

[213] Interview with Healy, above n 202.
[214] Ibid.
[215] Brennan, above n 45.
[216] Ibid.

particularly through nuanced interactions with the news media, plus the development and use of courts' owned media channels and platforms such as websites, video streaming, and Twitter. In the period under review for this report, what has altered dramatically is the external environment in which courts operate — a changed world of communication, information dissemination, knowledge management and media. This is the challenging environment in which PIOs, now using many and varied titles, now operate. These communication and media professionals who assist public perception and understanding of how the courts work must therefore bring a unique combination of skills, experience, knowledge and adaptability to their professional practice. The special combination, identified in Trainor and Nelson decades ago, will continue to be in demand in managing the constantly changing and disruptive media and communication environment of the future.

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Interview with Justice John Doyle (Adelaide, 26 May 2018)

Interview with Denise Healy (telephone/email interview, 28 February 2018)

Interview with Prue Innes (Melbourne, 14 February 2018)

Interview with Sylvia Kriven (Adelaide, 26 May 2018)

Interview with Joyce Morgan (telephone interview, 28 February 2018)

Interview with Justice Anthony North (Melbourne, 5 February 2018)

Interview with Bruce Phillips (Melbourne, 13 February 2018)

Interview with Dr Pamela Schulz (Adelaide, 25 May 2018)

Interview with Warwick Soden (Brisbane, 26 April 2018)

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Interview with Sonya Zadel (telephone interview, 18 April 2018)

APPENDICES

APPENDIX 1 — FIRST PIO APPOINTMENTS

Jurisdiction	**PIO appointment**	**Year appointed**
Family Court of Australia	Gabrielle Trainor	(October) 1983
Supreme Court of NSW	Jan Nelson	(March) 1993
Supreme Court of Victoria	Prue Innes	(October) 1993
South Australian Courts Administration Authority	Pamela Schulz	1994
Federal Court of Australia	Bruce Phillips	1994
Western Australia Courts	Lissa Manolas	1995
High Court of Australia	Fiona Hamilton	2002
Northern Territory Courts	Malika O'Keil	2009
Queensland Supreme & District Courts	Anne Stanford	2016

APPENDIX 2 — INTERVIEWS CONDUCTED FOR THIS REPORT & METHODOLOGY

Name	Position Description	Jurisdiction	Interview Date
Brisbane Journalists (4)		Queensland Supreme and District Courts	June 2017
Queensland Supreme Court Justices (2)		Queensland Supreme Court	June 2017
The Hon. Justice Anthony North QC	Judge	Federal Court of Australia (1995–2018)	5 February 2018
Ms Gabrielle Trainor	Information and Media Officer	Family Court of Australia (1983–95)	10 February 2018
The Hon. Judge Wendy Wilmoth	Judge	County Court of Victoria	12 February 2018
The Hon. Justice Bernard Teague AO	Judge	Supreme Court of Victoria	13 February 2018
Mr Bruce Phillips	Director of Public Information	Federal Court of Australia	13 February 2018
Ms Prue Innes	Public Information Officer	Supreme/County Courts of Victoria (1993–2007)	13 February 2018
Ms Anne Stanford	Principal Information Officer	Queensland Supreme/District Courts	20 February 2018
Ms Joyce Morgan	Information and Media Officer	Family Court of Australia (1985–96)	28 February 2018
Ms Denise Healy	National Media and Public Affairs Manager	Family Court of Australia and Federal Circuit Court	28 February 2018
Ms Sonya Zadel	Media Manager	NSW Supreme Court	18 April 2018
Mr Warwick Soden OAM	Chief Executive Officer	Federal Court of Australia	24 April 2018
Ms Val Buchanan	Manager, Media and Public Liaison	Western Australia Courts	24 May 2018
Dr Pamela Schulz OAM	Public Relations Manager	Courts Administration Authority of South Australia (1994-96)	25 May 2018
Ms Sylvia Kriven	Media and Communications Manager	Courts Administration Authority of South Australia	26 May 2018
The Hon. Chief Justice John Doyle AC QC	Chief Justice Courts Administration Authority (CAA)	Courts Administration Authority of South Australia	26 May 2018
Mr Andrew Cannon AM	Deputy Chief Magistrate	Courts Administration Authority of South Australia (Magistrates)	7 June 2018
Ms Sarah Dolan	Director of Public Affairs and Communications	Supreme Court of Victoria	21 June 2018

The research was conducted using a multi-method approach of face-to-face, telephone and email semi-structured interviews, archival document and media searches, and international academic literature. A total of 17 interviews were undertaken between February and June 2018 with current and former PIOs, current and former members of the judiciary/magistracy. In addition, some interviews and findings from an earlier research project, undertaken for the Queensland Courts, in May/June 2017 were used. This brings the total interviews used in the project to 23. Archival and document research included courts documents (including position descriptions), photographs, media guidelines, reports, correspondence, speeches, news stories and commentary pieces.

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INVITATION

Bruce Phillips
Director, Public Information
Federal Court of Australia
450 Little Bourke Street
Melbourne Victoria 3000

Dear Bruce,

I write formally to invite you to a one-day conference of court public information officers from Australia and New Zealand, to be held in Adelaide, South Australia, on **Friday, 6 August, 1999.**

The conference will be held at the Backstage Bar and Grill of the Festival Theatre complex on King William Street, Adelaide, commencing at 9.30am with coffee and ending at 4.30pm with cocktails.

I have yet to fix a programme timetable in detail. However Prue will give a presentation to the group about her Churchill Fellowship study tour to the US last year.

I invite you to prepare a briefing of about 10-15 minutes duration about the nature of your work. A television/video monitor unit will be available if you require it. If you think you need a screen or another AV aid, please let me know.

I am inviting all delegates to prepare a similar presentation and anticipate that this will generate ideas for further discussion, perhaps leading to national and even international initiatives - who knows?

Time will be set aside on the day to share ideas on cameras in courts, contingency planning, community outreach and dealing with criticism. Delegates will be invited to take turns chairing sessions.

At the time of writing this, I am negotiating for another speaker - in particular, the Director of the Australian Institute of Information Technology who will be in Adelaide. I expect Chief Justice Doyle will officially welcome delegates - if he's not in court.

The venue is a restaurant with great views of the ducks on the River Torrens, Popeye, and the not-so-retractable cricket lights that loom over Adelaide Oval.

It is also within easy walking distance to the Convention Centre where we are invited to share a buffet lunch (costing $27 a head) with delegates at the annual Court Administrators Group Conference. As you know, this conference is a pre-cursor to the annual Australian Institute of Judicial Administration Conference, which begins officially on Saturday, August 7. Hence, I have enclosed registration papers for the AIJA Conference and other material about accommodation options.

Unfortunately, it is too late to take advantage of the early bird registration but if you decide to register for the AIJA conference it may not be too late to take advantage of the Ansett airline sponsorship for that conference. (Booking reference shown on the registration form is MC06615. Ansett's number is (Australia) 13 13 00.).

Again, at this time of writing, I expect that the only costs you are likely to incur for this inaugural conference for court information officers will be the cost of the buffet lunch and any drinks you might like to order at the end of the day. Of course, I'm discounting travel and accommodation costs which you must bear.

If you arrive on Thursday, you are welcome to join Prue and I for dinner at the Hilton Hotel in Victoria Square, which is the home for chef Cheong Liew. I have booked a table in my name for 7pm, just in case.

For your information, invitations are being sent today to Prue Innes; Kimberley Ashbee; Val Buchanan and Lissa Manolas; Bill Jackson; Susanna Lobez (observer); Jane Johnston (Queensland PhD researcher); Judy Hughes (Federal Industrial Relations Commission); Darren Foster (Native Title Tribunal, Perth); Lex Howard; Bill Holdsworth (IRC SA) and Neil Billington (NZ courts).

All except Lex, Bill Jackson and Bill Holdsworth know or have heard of the plan to hold this conference and have expressed interest. The three men mentioned don't know yet. Delegates to the AIJA conference interested in our work will be welcome to attend as observers.

Please let me know if you can attend and if you have any special requirements by calling on 08 8204 0388 or 0417 839 643 or by e-mail: *sylvia.kriven@courts.sa.gov.au*

If I had only been Pascal, this letter would be a whole lot shorter.

Kind regards,

Sylvia Kriven
Public Relations Manager

APPENDIX 4 — ROLE DESCRIPTION

PRINCIPAL INFORMATION OFFICER, SUPREME & DISTRICT COURTS, QUEENSLAND (AS ADVERTISED IN 2016)

About the Role
The Principal Information Officer will work closely with senior managers and judicial officers to play a vital role in supporting the development and publication of products that will improve the overall communications activities of the Supreme, District and Magistrates Courts.

Key Responsibilities

- Receive and manage media inquiries which are made to a judicial officer's chambers or the registry;
- Assist in producing specific guidelines and directions for court staff to refer to when dealing with inquiries from the media;
- Develop and promote guidelines for journalists to ensure that appropriate court protocols are followed;
- Develop guidelines for judicial officers for the management of requests to record and/or broadcast proceedings or part of them;
- Prepare proactive and reactive media releases for both traditional and social media, and manage the timely resolution of media enquiries;
- Assist with the management and promotion (where relevant) of events and conferences arranged by judicial officers;
- Proactively provide the media and the public with access to information about current cases and important decisions which are likely to attract public and media interest;
- Develop and maintain a media contact database ensuring effective and influential relationships are maintained.
- Liaise with media outlets to ensure the accuracy of reports about court proceedings and processes;
- Facilitate the modernisation and simplification of processes and services within the courts that involve access to information by the media and the community; and
- Improve community understanding of the courts and their operation.

How you will be assessed
The ideal applicant for this role will be someone who can demonstrate the following key attributes as they apply to the key responsibilities of the role.
1. Supports strategic direction –
Demonstrated capacity in developing and evaluating media and public relations strategies that support and promote the strategic direction of the courts.
2. Achieves results –
Demonstrated knowledge of current media practices and the components of effective communication, as well as an ability to develop an understanding of the judicial and legal systems.
3. Supports productive working relationships –
Highly developed ability to proactively nurture and facilitate cooperative partnerships with a wide range of stakeholders, as well as the ability to anticipate and respond to stakeholder needs.
4. Displays personal drive and integrity –
Ability to use initiative and work independently, making informed decisions about priorities and taking personal responsibility for achieving objectives.
5. Communicates with influence –
Strong written and oral communication skills with an ability to understand the audience and present messages in a clear, concise and articulate manner, and the ability to write for online publications.

* These attributes are based on the Queensland Public Service (QPS) Capability and Leadership Framework and have been tailored for this department.

APPENDIX 5 — ONLINE AND SOCIAL MEDIA PLATFORMS USED BY COURTS/JUDICIAL BODIES, 2017 (BASED ON SURVEY OF 15 PIOS)

Media channels	**Number reported**
Website	14
Twitter	12
A/V streaming	7
Facebook	6
YouTube	4
LinkedIn	2
Pinterest	1
Vimeo	1

APPENDIX 6 — PHOTO GALLERY

Family Court members (left to right): Court Administrator Robert Thompsett; Chief Justice Elizabeth Evatt; Media Liaison (PIO) Gabrielle Trainor; Research Psychologist Sophy Bordow, at an event in 1984.
(Photograph courtesy of Gabrielle Trainor)

Chief Justice Leonard King with Pamela Schulz at the first ABC radio interview with the CJ in 1994. (Photograph by David Bevan, courtesy of Pamela Schulz)

Val Buchanan (right) with her job-share colleague and the first PIO in Western Australia, Lissa Manolas (left), and Chief Justice Malcolm (centre) in February 2006. (Photograph courtesy of Val Buchanan)

The Inaugural Australian and New Zealand Public Information Officers' Conference, held in Adelaide on 6 August 1999. (Photograph courtesy of Sylvia Kriven)

Scene outside 450 Little Bourke Street, Federal Court of Australia, the night of the full court decision in favour of MUA, 23 April 1998. (Photograph courtesy of Bruce Phillips)

Bruce Phillips with local elder at Murray Islands, following a consent determination. Mabo (Murray Island) was litigated but the other two islands were negotiated, 14 June 2001. (Photograph courtesy of Bruce Phillips)

Anne Stanford tweeted: 'Almost a 100 years of experience between these five @AIJAJudicial Conference Media Court.' (Left to right: Anne Stanford, Val Buchanan, Bruce Phillips, Denise Healy, Sylvia Kriven), 1 September 2017. (Photograph courtesy of Anne Stanford)

The device broadcasters in 2018 fit to their camera to facilitate live feeds which works in a similar way to a mobile phone. It has replaced the dishes, rods and mobile vans parked outside. (Photograph courtesy of Bruce Phillips)