



INTEGRITY TRIBUNAL

Media Guidelines

Introduction

This Guideline is issued by the Chief Commissioner of the Integrity Commission. It sets out general guidance for the media in relation to inquiries and hearings conducted by an Integrity Tribunal (Tribunal) and should be read in conjunction with the *Integrity Commission Act 2009* (Tas) (the Act).

Regard should also be had, as far as is relevant to a particular inquiry, to:

- ▼ Any restricted publication orders and exclusion orders
- ▼ Integrity Tribunal Practice Directions
- ▼ Information or requests from the Inquiry Office or the Tribunal
- ▼ *Evidence Act 2001* (Tas)
- ▼ *Youth Justice Act 1997* (Tas).

Any directions or orders of a Tribunal are superior to the Guideline and as far as any inconsistency with the Act or other legislation, then the legislation will prevail.

All references to sections are to the Act unless specified otherwise.

The Guideline applies to all news and media organisations and their representatives, freelance journalists and any other individuals who report and publish information about the Tribunal's inquiry. It applies regardless of the format of publication, and whether a hearing is conducted by the Tribunal. It applies to media observing or attending hearings or reporting on an inquiry.

Breaches of this Guideline or a Practice Direction may attract serious consequences. For example, failure to comply with the terms of a restricted publication order issued by a Tribunal may constitute contempt of the Tribunal under section 80(3)(d) and is an offence punishable by fine of up to 2000 penalty units.

Definitions

The following meanings are used in this Guideline:

Exclusion order means an order made by a Tribunal under subclause 1(2) of Schedule 6:

- ▼ excluding a person or persons from an otherwise public hearing of the Tribunal, or
- ▼ closing the hearing to the public.

An exclusion order may, for example, enable a witness to provide their evidence in a closed hearing with only certain people present in the hearing room.

Media means:

- ▼ a news media organisation or commercial enterprise that engages in the business of broadcasting or publishing news, or
- ▼ a public broadcasting service that engages in the publication of news through a public news medium, or
- ▼ a business or service, including freelance or online, that reports news and public events, or
- ▼ any individual who publishes information, regardless of the format of publication, about the Tribunal's inquiry.

Publish means to disclose, disseminate or share information including by:

- ▼ publication in a book, newspaper, magazine or other written publication
- ▼ broadcast by radio, podcast or television
- ▼ electronic communication (including by publication on the internet or social media), or
- ▼ bring to the notice of the public or any member of the public by any other means.

Restricted publication order means an order made by a Tribunal prohibiting or restricting the reporting, publication or other disclosure of:

- ▼ all or any of the proceedings at a hearing, or
- ▼ particular information in respect of the hearing, under clauses 1(2)(c) and 4 of Schedule 6.

A restricted publication order may, for example, prohibit the publication of any information that may identify a witness.

Tribunal Inquiry

An inquiry conducted by the Tribunal may or may not include a hearing.

The Tribunal determines the scope of the inquiry and the best format of the inquiry for the issues to be considered. This includes consideration of factors such as the allegation, the terms of reference, available evidence or further evidence, among others. If the Tribunal decides that a hearing is necessary, the hearing may be public, private, or part-public and part-private.

Role of the media

The Tribunal recognises the media has an important role to play in reporting on inquiries, and a co-operative approach will be taken between the Inquiry Office and the media. This will assist to:

- ▼ facilitate fair and accurate public reporting of the Tribunal's inquiry, particularly its hearings, and
- ▼ further develop community understanding of the role and work of the Tribunal conducting an inquiry.

The Inquiry Office will publish information on the Tribunal [website](#) relevant to an inquiry, as authorised by the Tribunal. This may include inquiry schedules, orders, directions, statements, transcripts and other information. The timing of the release of information will always be subject to considerations of procedural fairness, any relevant legal, privacy or safety considerations, or any other matters. The Tribunal may prohibit or delay release of information relating to the inquiry.

Hearings

Procedural information about hearings is contained in the [Practice Directions](#).

Hearings are to be open to the public unless the Tribunal has reasonable grounds for making an order that:

- ▼ closes the hearing to the public
- ▼ excludes a person from the hearing
- ▼ prohibits the reporting or other disclosure of all or any of the proceedings, or
- ▼ prohibits the reporting or other disclosure of particular information in respect of the hearing.

The Inquiry Office will publish the details of any public hearings on the Tribunal's [website](#), where authorised by the Tribunal.

Information about orders and directions that are relevant to the media will be included in the listing.

All media enquiries about hearings or disclosure orders should be directed to the Inquiry Office.

Restrictions on filming and recording

[Practice Direction No 1](#) sets out the prohibitions that apply to filming or recording the proceedings of a Tribunal in conducting an inquiry. Those directions apply subject to any variation made by a Tribunal member in relation to an inquiry, or any restricted publication order.

Restrictions may extend to filming and recording outside of a venue and the use of identifying pictures from other sources. It is the responsibility of the media to ensure compliance with any restrictions or prohibitions.

A person who does not comply with the Tribunal in respect of restrictions on publication:

- ▼ may be in contempt of the Tribunal
- ▼ may be subject to an exclusion order, or
- ▼ may be denied access to information or to the proceedings.

The Inquiry Office will advise the media about any decisions of the Tribunal to vary any restrictions or prohibitions.

An application for permission to film or record must be made in writing to the Inquiry Office, setting out the details of the request and reason, and leave must be granted by the Tribunal prior to it occurring.

If a Tribunal determines to live stream a public hearing, a Media Protocol will be issued for that inquiry.

Media access and facilities

A Tribunal, in conducting an inquiry, will use venues most suited to its needs. For example, a public hearing may be run in a court or other facility, or a decision of the Tribunal may be delivered from a conference facility. Consideration will be given to accommodating the media in making the venue selection.

The Inquiry Office will provide information about any facilities that may be available, such as a media room.

Media must register for attendance at a Tribunal hearing.

All persons approved for media registration must comply with any health or hygiene standards or policies endorsed by the Tribunal from time to time.

Access to information, such as transcripts, documents or evidence, may be provided to the media by the Inquiry Office to assist in fair and accurate public reporting and must not be used, directly or indirectly, for any other purpose.

All requests to access information should be directed to the Inquiry Office.

Interviews and media liaison with the Tribunal

Tribunal members cannot, under any circumstances, be contacted before, during or after an inquiry.

Interviews with witnesses and members of the public will not be facilitated by the Inquiry Office or the Tribunal. The media must be mindful of any restricted publication orders that may have been ordered by the Tribunal.



Inquiry Office

We are available to provide support and assistance with managing your participation in the inquiry: contact@integrity.tas.gov.au or 1300 720 289.

For more information on inquiries and Integrity Tribunals, go to www.integrity.tas.gov.au/investigating/integrity-tribunals