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Court reporting in regional Australia



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Authors: Gary Dickson, Maia Germano, Jerome Des Preaux, Pauline Ferraz, Ilana Cohen and Jacob Wallace

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Correspondence

To discuss this report, please email Gary Dickson: gary.dickson@piji.com.au.

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1. Introduction

In conducting monthly assessments of news production through the Australian News Sampling Project, the Public Interest Journalism Initiative (PIJI) has consistently found that court reporting is the lowest category of public interest journalism content, with many titles producing none across an entire month. This was found to be particularly true in regional areas.

PIJI has subsequently conducted two dedicated studies of court reporting in order to better understand the volume occurring, and the drivers and barriers to that coverage. This report is part of PIJI's continued commitment to ensuring an evidence-based approach to building sustainable public interest journalism production in Australia.

The two studies that have been completed for this report are:

- A quantitative assessment of court reporting in print and digital publications across regional New South Wales in two periods, October 2023 and April 2024.
- Interview-based research with journalists and editors in regional New South Wales in order to understand court reporting from a practice perspective.

This research has found that court reporting is heavily centralised in major news entities, with coverage mostly occurring in local courts and at mention hearings. Consistent with other research, we found that the financial, time and training requirements of court reporting have broadly put it out of reach of smaller publications, even where there is a desire and/or a history of undertaking it.

This report is structured as follows:

- Section one is this short introduction.
- Section two provides an overview of prior research concerning court reporting in Australia, with limited discussion of relevant literature from similar media markets and journalistic traditions.
- Section three provides the results and a discussion of our quantitative study.
- Section four provides the results and a discussion of our qualitative study.

2. Court reporting in Australia

The function of court reporting

Court reporting is an important historical function of journalism, and is central to the concept of the newspaper of record.¹ In part, this is due to news media's role in enabling open justice, the goal that Lord Hewart described as 'justice must not only be done, it must be seen to be done'.

Open justice is a means to an end, not an end itself.² Rodrick identifies open justice as having three functions for the court system:³

- **Oversight function** - the 'bastion against the arbitrary exercise of judicial power'.⁴ Public view, it is argued, facilitates good behaviour among participants in a proceeding – not just jurists, but litigants and witnesses as well.
- **Educative function** - providing public confidence in the rule of law and, by extension, legitimacy, authority and submission to the courts.
- **Free speech function** - the public's right to receive information about the court, and the media's right to transmit that information to the public.

The free speech function, Rodrick argues, is the function that media companies tend to prioritise, even as they may have an impact on all three.⁵ Australian courts have tended to be more reluctant than similar jurisdictions to accept that open justice is an aspect of free speech.

Though courts remain open to the public, few attend – likely because most don't have the time or interest, and because those that do have the interest can satisfy it through the media. "The modern public relies heavily – often exclusively – on the news media to provide it with information about the courts."⁶ Bosland has written that it is "beyond doubt that reporting of the courts by the mainstream media has become an integral component of the practical operation of an open and transparent system of justice."⁷ The media are not there to be defenders of the court though, they are somewhere between independent educator and news disseminator.

Victorian judicial officers interviewed by Simons and Bosland emphasised the oversight function of the media. Court reporting was said to be important for public accountability of the courts and the public's confidence in the system. Some said that they believed the presence of media had a 'disciplining effect' on judicial conduct.⁸ Journalists who participated in one United Kingdom (UK) study reported that their presence in a courtroom improved the behaviour of all parties, including the defendant and witnesses. In the same study, journalists said that courts without regular media

¹ Simons M. and Bosland J. 2020. From Journal of Record to the 24/7 News Cycle: Perspectives on the changing nature of court reporting in Australia.

² *West Australian Newspapers Ltd v Western Australia* [2010] WASCA 10 [30], quoted in Rodrick S. 2014. Achieving the aims of open justice? The relationship between the courts, the media and the public.

³ Rodrick S. 2014.

⁴ *Ibid.* p. 124.

⁵ *Ibid.* p. 129.

⁶ *Ibid.* p. 132.

⁷ Bosland J. and Townend J. 2018. Open Justice, Transparency and the Media: Representing the Public Interest in the Physical and Virtual Courtroom. pp. 183-184.

⁸ Simons and Bosland 2020.

presence ‘forget’ the principles of open justice; some reported being blocked from observing trials or accessing information that they are otherwise entitled to access.⁹

While the oversight function is an essential part of journalism, its role extends far beyond the ‘watchdog’ purpose, especially when it comes to court reporting. Hess and Waller’s 2013 study of non-conviction reporting for misdemeanour in Victoria across a three-month period in 2010 analyses the ‘naming and shaming’ capacity of news media as a powerful disciplinary tool.¹⁰

Their research highlights the ability of the media to produce a public record of minor offences, thus bypassing court decisions to hand down sentences without recording any conviction. Although not officially acknowledged in Australia, this phenomenon adds a layer of punishment by exposing one’s offences and making them publicly accessible to the community.

While this may raise issues, this ‘pillorying effect’¹¹ places a stigma on non-compliant community members, especially at the local level. Their analysis extends beyond understanding the media as a ‘counterpower’ exercising oversight of the courts, focussing on the news media itself as a powerful institution capable of reinforcing and reminding of the social and cultural norms of a given society.

Reporters interviewed by Simons and Bosland also focussed on the educative function of their work, and particularly the possibility that media coverage would deter further crime.¹²

Beyond just court reporting but relevant to it, Hess has argued that the media operate as ‘keepers and conferrers of civic virtue’, defining the ‘in’ community and the ‘out’ community and thereby constructing social meaning.¹³

News media have additional motivations for court reporting. Journalists in a UK study said that covering courts can be a “tip-off” to emerging problems in an area, such as a “novel series of scams or a new strain of a drug”¹⁴ that may require further investigation. The same research found journalists invoking the oversight function in describing the importance of their work, but additionally acknowledging the commercial reality that crime is entertaining, and audiences want to read about it.¹⁵

Quantity of court reporting

Court reporting has not been the subject of significant scholarly attention in Australia. In 1998 Stephen Parker identified¹⁶ that the relationship between courts and the public was ‘incompletely theorised’ in Australia; in 2005 Jane Johnston¹⁷ reiterated that finding. Johnston identified that communication was a missing theoretical perspective in study of the court system.¹⁸

The most significant contributions have come from Hess, Waller and Johnston.

⁹ Jones R. 2021. It's the best job on the paper: the courts beat during the journalism crisis. p. 1318.

¹⁰ Hess K. and Waller L. 2013. News judgements: a critical examination of reporting non-convictions for minor crimes. p. 60.

¹¹ Noelle-Neumann, 1993. Quoted in Hess and Waller, 2013. News judgments: A critical examination of reporting non-convictions for minor crimes.

¹² Simons and Bosland 2020.

¹³ Hess K. 2016. Power to the virtuous? Civic culture in the changing digital terrain. p. 932.

¹⁴ Jones. 2021. p. 1318.

¹⁵ Ibid. p. 1320.

¹⁶ Parker S. 1998. Courts and the Public. Melbourne: Australasian Institute of Judicial Administration.

¹⁷ Johnston J. 2005. Communicating courts: a decade of practice in the third arm of government. p. 78.

¹⁸ Ibid. p. 81.

Hess and Waller¹⁹ have looked at reporting of non-convictions in Victorian newspapers, meaning people who committed minor offences and may be fined but are not given criminal convictions. The study involved a content analysis of 1060 articles across 16 newspapers in Victoria:

The Age	Swan Hill Guardian
Herald Sun	Heidelberg Leader
The Courier	Stawell Times-News
The Standard	Gippsland Times and Maffra Spectator
The Border Mail	Benalla Ensign
South Gippsland Sentinel-Times	Sunshine, Ardeer and Albion Star
Wimmera Mail-Times	Colac Herald
Bendigo Advertiser	Cobram Courier

These newspapers were chosen because they represent places with Magistrates' Courts. Stories were identified if they used the phrase "Magistrates' Court" across a three-month period from June to August 2010. Coding identified convictions and non-convictions reported in each of the newspapers, and whether non-convictions were named.

The authors provide rich data on their findings, which includes their total number of stories in each title. Their results suggest that while the Herald Sun had the highest number of Magistrates' Courts stories overall (180), it was not significantly higher than two regional publications – the Standard (Warrnambool, 171) and the Border Mail (Albury-Wodonga, 170). These two and the Ballarat Courier (139) all published a higher number of stories than The Age (99). The Bendigo Advertiser (85), South Gippsland Sentinel-Times (67) and Wimmera Mail-Times (64) also published moderately high numbers of stories. The Swan Hill Guardian published a low number of stories, especially given its thrice-weekly frequency (35), while the remaining regional titles all published fewer than 10 Magistrates' Court stories over the three-month period.

The authors found that 52 of 1060 court stories involved non-convictions. 44 of these named the individuals. Of the eight with no naming, four were due a legal restriction around naming underage offenders.

Hess and Waller's data suggested that the Magistrates' Court is a popular source of news, "particularly for regional daily newspapers that have court rounds".²⁰ The authors say that courts that hear summary offences "could represent the most valuable use of a metropolitan journalist's time because they can return to the newsroom with several story ideas rather than sit through a day of legal argument in a higher court that might not result in a report".²¹

Hess and Waller suggested that court reporting may also be out of reach for some smaller newspapers.²² This finding was echoed by metropolitan and regional editors in qualitative research conducted by Simons, Dickson and Alembakis.²³ Most of the editors interviewed said that they covered the courts but wanted to do more. They also said that it is a resource-intensive beat. The authors found that while newsrooms cover the courts, they are not covering as many cases, and those they do cover are not reported in depth.

¹⁹ Hess and Waller 2013. p. 60.

²⁰ Ibid. p. 64.

²¹ Ibid. p. 61.

²² Ibid. p. 67

²³ Simons, Dickson and Alembakis 2019.

At the time of the study, representatives of a company within one editor's community were on trial in their state's capital city. The editor reported that their newsroom "simply [did] not have the resourcing to put somebody into [the capital]" for the duration of the trial, and that they couldn't use a freelancer due to the legal risks involved with court coverage and the concern that one freelancer who did reach out and offer to cover it "had an agenda". As such, an event of major public interest to the community was unable to be covered by its local newspaper.²⁴ While some study court reporting as journalistic practice, other scholarship comes from attention to a specific issue. Reporting on family violence has received particular attention since the release of the 'Change the story' prevention framework in 2015.²⁵

Ringin et al.²⁶ studied family violence reporting in the Geraldton Guardian (Western Australia) across all of 2019. In addition, the study included a comparison between the Guardian and the Albany Advertiser (Western Australia) across the months of September, October and November in 2015, 2017 and 2019. The study identified 66 articles about family violence in the Geraldton Guardian in 2019, of which 47 were court reports. For the comparative study in September-November across three years, the authors identified a combined 69 articles that met their criteria. Only 27 of these were court reports: the Geraldton Guardian published six in 2015 and nine each in 2017 and 2019, and the Albany Advertiser published zero in 2015, one in 2017 and two in 2019.²⁷

Waterhouse-Watson studies coverage of sexual assault cases involving footballers through a feminist lens.²⁸ In one study, Waterhouse-Watson examined reporting on the trial of Brett Stewart, an NRL player who was charged with sexual assault in 2009 and acquitted in 2010.²⁹ Through a discourse analysis of 53 articles published in three Sydney newspapers and The Australian across the course of the trial, the author's intent was to study how journalists frame sexual violence cases and advance a feminist ethic of court reporting.

Internationally, a 1980 study by Drechsel, Netteburg and Aborisade remains widely cited in recent literature and contains relevant findings. The authors summarised that most coverage of the United States (US) Supreme Court and state courts tended to be 'superficial' because it was primarily focussed on "spot coverage" of decisions, rather than trial proceedings.³⁰

In their own study, they suggested that smaller newspapers would "protect the social order by reporting less court news than newspapers in larger communities and to report court news in a way which does not emphasise the disruption". Their hypotheses were that:

1. there would be less local court reporting in smaller communities than large.
2. the social disruption inherent in local litigation would be emphasised less by local newspapers in small communities than large. "That is, when newspapers in smaller communities do report local court news, they will do so in a way which does not emphasise the disharmony or

²⁴ Ibid.

²⁵ Our Watch 2015. Change the story: A shared framework for the primary prevention of violence against women in Australia.

²⁶ Ringin L., Moram M and Thompson S. C. 2022. Analysis of reporting of family violence reporting in print media in regional Western Australia.

²⁷ Ibid. p. 259.

²⁸ Waterhouse-Watson D. 2016. News media on trial: towards a feminist ethics of reporting footballer sexual assault trials; Waterhouse-Watson D. 2019a. Who Is the "Real" Victim? Race and Gender in the Trial of an Elite Australian Footballer; Waterhouse-Watson D. 2019b. Football and Sexual Crime, from the Courtroom to the Newsroom: Transforming Narratives.

²⁹ Waterhouse-Watson 2016.

³⁰ Drechsel R., Netteburg K. and Aborisade B. 1980. Community Size and Newspaper Reporting of Local Courts. p. 71.

deviance which the litigation represents, but newspapers in larger communities will use reporting techniques which emphasise that social disruption”.

3. social disruption inherent in litigation involving persons from outside a small community will be emphasised more than that solely inside of it, and that the difference would disappear in larger communities.³¹

They assessed 80 newspapers across Minnesota excluding major cities for a month in 1978. All issues of weeklies and semi-weeklies, eight issues of each daily selected at random. A total corpus of 331 articles across 220 issues. Of the 331, 138 were just court lists. The remaining 193 were report-written local court stories, appearing in 134 of 428 sampled. Only 30 per cent of sampled issues therefore contained any local court news.

The authors did not find evidence to support their second and third hypotheses, that social disruption would be minimised within communities and the threat of outside disruptors emphasised. On the first hypothesis, they found that previous complaints about spot coverage were valid regardless of community size. Only 14 stories were not spot news coverage. 20 per cent of communities had no court information at all, and papers in another third of communities reported nothing but lists. A large percentage of court items reported only one side of the story, though civil cases tended to be more balanced.³²

In the United Kingdom there is also little scholarship assessing the current state of court reporting, despite a widespread belief that it has ‘collapsed’. Chamberlain et al. conducted a content analysis of court reporting published in one week in January 2018 across 40 print and digital media outlets that have the city of Bristol within their coverage area. Like Hess and Waller, they identified relevant stories using the search term “Magistrates’ Court”. Simultaneously, the research team sat in the Bristol Magistrates’ Court, observing 240 cases across six courtrooms, and coded each one based on its potential newsworthiness.³³

The study found a considerable mismatch between the availability of stories, with a large number of highly newsworthy stories, but only three items published across their entire sample in the week. Of those three stories, only one was clearly a reported story – the researcher observed the journalist who attended court. The other two were based on materials provided by police and by the court.³⁴ These results suggest the opposite of Hess and Waller’s study in Victoria, with very little media attention at the lower court level and seem to confirm the anecdotal impression in the UK of very little Magistrates’ Court reporting, at least in Bristol. A separate qualitative study among 22 print and television journalists at major UK news outlets conducted in 2021 found similarly to Hess and Waller, with greater attention to Magistrates’ Courts and plea hearings due to the high number of cases heard each day. Trial coverage was described as ‘very time consuming’ by a participant.³⁵

Practice of court reporting

In their research on the changing nature of court reporting in Victoria, Simons and Bosland found that there has been a long-term decline in court reporting practice in Victoria. Their study involved

³¹ Ibid. p. 72.

³² Ibid. pp. 75-78.

³³ Chamberlain P., Keppel-Palmer M., Reardon S. and Smith T. 2021. It is criminal: the state of magistrates' court reporting in England and Wales. pp. 2410-2411.

³⁴ Ibid. pp. 2412-2413.

³⁵ Jones 2021. p. 1316.

interviews with 24 court and other criminal justice workers, as well as journalists.³⁶ They found that the number of journalists reporting the courts in Victoria has been in long-term decline, and that there is no longer a dedicated 'law reporter' (as opposed to court reporter) in Victoria, leading to less legal analysis.

Their study found that court reporters are spending less time in court and are less likely to be present for the entire duration of a case that they are covering; some coverage is produced without the journalist attending court at all. Civil cases and cases at suburban Magistrates' Courts are rarely reported at all.

The content of court reports has also changed. Interviewees said that the digital publishing environment has led to increasing prioritisation of CCTV footage or other visual imagery by media, and that this is affecting editorial decisions on coverage. Other issues identified were that media tend to focus on the prosecution's case, leading to an unbalanced record; that reporting on sentencing was insufficiently comprehensive and potentially impacting public opinion, and that there is too much 'editorialising' around courts, and not enough 'straight' reporting. Finally on the content, judicial officers said that there has been a decline in post-sentencing articles discussing cases broadly, which they said undermined the educative function that news media can play. Interviewees said that a court report needed to be accurate, balanced, comprehensive and clear in order to be serve its broader civic functions; most felt that the media did not meet these criteria.³⁷

Long-term financial pressures have also impacted court reporting, with the study finding that as senior journalists have been made redundant or retired, the level of expertise among court reporters has fallen. None of those interviewed could name an instance where a citizen journalist stepped in to file independent reports. The authors suggest that the accreditation processes of the court might be discouraging to non-professional reporters.³⁸

The loss of senior court reporters is not unique to Australia, with studies in both the US³⁹ and the UK⁴⁰ similarly finding that layoffs have disproportionately affected veteran journalists, including experienced court reporters. A study conducted by Ryfe also found that a shift in the news production structure away from beat reporters and to more general rounds has also led to a decline in legal expertise.⁴¹

Bock and Araiza studied the day-to-day experience of reporting from a courtroom during a high-profile capital murder trial in the United States.⁴² Taking an anthropological approach, the authors observed the norms and routines of journalists as they engaged in both newspaper and television coverage of the trial. Additionally, the research considered the output of the journalists' work: whether visual coverage was 'fair and equitable' and whether the coverage was serving the public's need for information about the criminal justice system.

³⁶ Simons and Bosland 2020.

³⁷ Ibid.

³⁸ Ibid. p. 200.

³⁹ Denniston L 2007. Horse-and-buggy dockets in the internet age, and the travails of a courthouse reporter; Ryfe D. 2009. Structure, agency and change in an American newsroom.

⁴⁰ Jones 2021. p. 1315.

⁴¹ Ryfe 2009.

⁴² Bock M. and Araiza J. 2015. Facing the death penalty while facing the cameras: a case study of television journalism work routines.

Their study found close cooperation between the media workers themselves, despite being at ‘rival’ news companies. Camera operators shared responsibility for operating the single camera that was present in the court room, and the footage from the camera was pooled and accessible to each network. The authors observed journalists sharing notes from the trial, seeking clarification about particular pieces of evidence, and working together to set up camera positions for crosses and press conferences within the court lobby.⁴³

In the UK, Jones conducted semi-structured interviews with 22 journalists, all of whom work as court reporters. The research found that there had been a decline in the number of journalists attending court, with some participants stating that a month or more could go past without them seeing another reporter.⁴⁴ The participants also suggest their own attendance at court had gone from every day to two-to-three times per week in the past decade.⁴⁵

Broadcast outlets were viewed as particularly unlikely to cover a trial. Emphasising the ongoing centrality of print journalism to the news ecosystem, both broadcast and newspaper reporter interviewees expressed a view that the papers are being used as a ‘free research arm’ by television networks to determine when a case was worth covering.⁴⁶

Research on the relationship between news media and court is more limited. Judicial staff participants in Simons and Bosland’s study expressed a growing concern about news media’s ability to accurately report on court proceedings. Courts have responded to ongoing financial difficulty facing news media by making more information available, including transcripts and judgments, in order to ease the pressure on time-poor journalists. At the same time, the courts are spending more time controlling the way information flows through the issuance of suppression orders.⁴⁷

An older study by Johnston⁴⁸ on appointment of communications staff known as public information officers (PIOs) within the Australian judicial system systems suggests that provision of information directly to news media and creating a pathway for enquiries is a useful exercise.

Johnston conducted 32 interviews between 2001 and 2004 with individuals from both the courts and the media. Of the media group, 13 were from TV and seven from metropolitan daily newspapers. There were no interviews with radio, nor with non-metropolitan newspapers.⁴⁹

Court interviewees reported that they were improving their accessibility to media by appointing communications professionals, providing timely access to judgments to media and standardising requests for transcripts and evidence. The communications professionals were seen by the media to improve access to information, and judges saw their role as helping media report more accurately.⁵⁰ Media interviewees echoed this: in Queensland, which didn’t at the time have these professionals, a reporter lamented their absence.⁵¹ The research found that these staff were also facilitating greater access to courts for television cameras, particularly at the Federal Court.⁵²

⁴³ Ibid pp. 320-321.

⁴⁴ Jones 2021. p. 1311.

⁴⁵ Ibid. p. 1312.

⁴⁶ Ibid. p. 1311.

⁴⁷ Simons and Bosland 2019.

⁴⁸ Johnston J. 2005. Communicating courts: a decade of practice in the third arm of government.

⁴⁹ Johnston J. 2005. Communicating courts: an Analysis of the Changing Interface Between the Courts and the Media. p.83.

⁵⁰ Ibid. p. 85.

⁵¹ Ibid. p. 86.

⁵² Ibid.

Bock and Araiza also observed the relationship between journalists and the court in their ethnographic study of journalists at a murder trial. They found a high degree of cooperation by the court itself in facilitating access to the courtroom; organising training for camera operators ahead of broadcasting the trial; addressing logistic issues such as space, power, and storage; and a tolerance for the occasional disruptions that came from having working journalists present during the trial.⁵³

The respect of the court towards the media appeared to be mutually held by the journalists. The researchers found that when a member of the victim's family fell ill during the trial, journalists present respected the court's request not to photograph or video it, despite having the right to do so.⁵⁴ Informal 'working journalist zones' were established in the courtroom itself; the authors observed that the presence of multiple reporters clustered around power points, benches and camera tripods in one part of the room gave the impression of a restricted section; yet journalists offered to move to facilitate access to court staff and the public as necessary.⁵⁵

In the UK, participants in Jones' study said that relationships with both the Crown Prosecution Service (CPS) and the courts are tricky to navigate but essential, and that high staff turnover and substitution is undermining these relationships.⁵⁶ Broadcast journalists in the study reported a good relationship with CPS, while print journalists said the opposite, due to a perception among both groups that getting a story onto the nightly news was more important than getting it into the paper.

The relationship with court staff was viewed as important to getting tip-offs about the best potential stories available among dozens of cases being heard at court each day. Participants in this study also noted that the court making more information available may actually disincentivise coverage: a daily list that only shows a few shoplifting cases being heard may cause an editor to reassign their court reporter for the day, even though the substance of those cases may be highly newsworthy.⁵⁷

Legal barriers to court reporting

Studies sometimes fail to consider the influence of legal restrictions on court reporting. Blatchford and Morgan identify four primary restrictions that journalists encounter:

1. A limited amount of information is made available by police during early investigations.
2. In some jurisdictions, journalists are unable to identify a suspect until they have been charged, arrested and/or committed to trial.
3. Sub judice contempt prevents the inclusion of contextual information or relevant information that has not been presented at trial.
4. Rules of evidence limit the information that can be presented to the jury.⁵⁸

Though there is often room for improved court reporting, Blatchford and Morgan conclude that 'much criticism ignores the legal restrictions placed on the media' and that 'there are good reasons to provide for restrictions on reporting'.⁵⁹

⁵³ Bock and Araiza 2015. pp. 321-322.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Jones 2021. p. 1315.

⁵⁷ Ibid.

⁵⁸ Blatchford A. and Morgan J. 2020. Making violence against women (in)visible? Restrictions on media reporting of intervention orders.

⁵⁹ Ibid. p. 129.

This failure to consider legal restrictions was evident in some of the reviewed studies. Ringin et al. found that family violence (FV) court reporting in Geraldton and Albany lacks broader social context; that quotes ‘removed blame’ from alleged perpetrators and that justice personnel, particularly defence lawyers and police, were the most common sources. The authors conclude:

Arguably, court reports could be accompanied by some general information that educates about the nature of FV without prejudicing the outcome of any trial.

[A journalist] commented that the obligation of the newspaper was to be “balanced” through reporting both sides of prosecution and defence arguments. However, unfortunately, court reports often reinforced common beliefs about FV, where individuals blamed their violence on alcohol or drug use”.⁶⁰

In practice, this advice does not account for the legal environment in which journalists work. The authors’ suggestions that a journalist should provide ‘general information’ would risk sub judice contempt. The inclusion of information that ‘reinforced common beliefs’ about family violence, where that information is provided to the jury as part of trial proceedings, is a requirement for the journalist to maintain a ‘fair and accurate report’ defence. Neither of these critical legal considerations are discussed in the study.

⁶⁰ Ringin, Moran and Thompson. 2022.

3. Sampling in regional New South Wales

Results from PIJI's sampling in 2023⁶¹ suggest consistently low levels of court reporting across most sampled local government areas and outlets. With very few exceptions, court reporting was the lowest category of public interest journalism coverage produced by news outlets, regardless of whether they are independently owned or part of a large media business, or whether they serve city or regional audiences.

During regular sampling, however, PIJI was not able to determine whether the low levels of court reporting are a consequence of external factors. Some local government areas that were sampled do not have courts within them, and it is possible that some of the courts that were present in the sampled areas – particularly in remote and very remote locations – have few sitting days each year and only a very limited number of cases, which may or may not have news value.

Research questions

This study seeks to answer two research questions.

RQ1: How much court reporting is taking place in regional New South Wales communities?

RQ2: What types of cases are covered?

Methodology

These local government areas each contain a Local Court and a District Court, the latter of which was sitting for a minimum of seven sitting days across October 2023. Fifteen local government areas across regional New South Wales fit these criteria, 11 of which were selected for sample:

- Albury
- Broken Hill
- Dubbo
- Lismore
- Mid-Coast
- Newcastle
- Orange
- Shoalhaven
- Tamworth
- Wagga Wagga
- Wollongong

The remaining four local government areas (Bathurst, Central Coast, Clarence Valley and Griffith) were not chosen due to resourcing constraints and because they were close to other local government areas in the sample: Bathurst is close to Orange, Clarence Valley to Lismore and Central Coast to Newcastle. Though further from Wagga Wagga, Griffith also sits in the Riverina and is covered by some of the same outlets (ABC Riverina and Region Riverina).

From this set, 50 print and digital news outlets were identified (see Table 1). In addition, NSW court coverage of Australia's largest national wire service, the Australian Associated Press, was also sampled across the month.

Coders were allocated local government areas and assessed every publication in those areas. This allowed coders to become familiar with the nuances of their publications and the cases being heard in each area's courts.

⁶¹ Dickson et al. 2024. Australian News Sampling Project: 2023 Report.

#	Outlet	Entity	LGA	2023	2024
1	ABC Goulburn-Murray	Australian Broadcasting Corporation	Albury	0	3
2	The Albury-Wodonga News	News Corp Australia	Albury	1	6
3	The Border Mail	Australian Community Media	Albury	98	99
4	ABC Broken Hill	Australian Broadcasting Corporation	Broken Hill	0	0
5	Barrier Truth	Barrier Industrial Council	Broken Hill	0	-
6	ABC Western Plains	Australian Broadcasting Corporation	Dubbo	1	1
7	The Daily Liberal	Australian Community Media	Dubbo	28	25
8	The Dubbo News	News Corp Australia	Dubbo	2	3
9	Dubbo Photo News	Panscott Media	Dubbo	0	0
10	Wellington & District Leader	Sharon Wilson	Dubbo	0	0
11	Wellington Times	Australian Community Media	Dubbo	0	-
12	ABC North Coast	Australian Broadcasting Corporation	Lismore	4	1
13	Dunoon & District Gazette	Dunoon & District Gazette	Lismore	0	0
14	The Lismore App	N.S.W. Local App Company	Lismore	1	1
15	Lismore City News	Australian Community Media	Lismore	2	4
16	The Northern Star	News Corp Australia	Lismore	41	16
17	ABC Mid North Coast	Australian Broadcasting Corporation	Mid-Coast	3	2
18	Forster Fortnightly	Mary Esther Yule	Mid-Coast	0	0
19	Gloucester Advocate	Australian Community Media	Mid-Coast	0	1
20	Great Lakes Advocate	Australian Community Media	Mid-Coast	0	3
21	The Manning Community News	Manning Community News	Mid-Coast	0	0
22	Manning River Times	Australian Community Media	Mid-Coast	5	3
23	The Mid-North Coast News	News Corp Australia	Mid-Coast	23	15
24	Myall Coast News of the Area	Myall Coast Communications	Mid-Coast	0	0
25	News of Our World	Lions Club of Hallidays Point	Mid-Coast	0	0
26	ABC Newcastle	Australian Broadcasting Corporation	Newcastle	9	11
27	Newcastle Herald	Australian Community Media	Newcastle	68	95
28	The Newcastle News	News Corp Australia	Newcastle	32	26
29	Newcastle Weekly	Pepper Publishing	Newcastle	8	1
30	ABC Central West NSW	Australian Broadcasting Corporation	Orange	0	2
31	Central Western Daily	Australian Community Media	Orange	42	43
32	The Orange App	N.S.W. Local App Company	Orange	0	-
33	Orange City Life	Orange City Life	Orange	0	0
34	ABC Illawarra ⁶²	Australian Broadcasting Corporation	Shoalhaven	1	9
35	Berry Town Crier	Berry Small Town Alliance	Shoalhaven	0	0
36	Kangaroo Valley Voice	Kangaroo Valley Voice	Shoalhaven	0	0
37	Milton Ulladulla Times	Australian Community Media	Shoalhaven	6	3
38	The South Coast News	News Corp Australia	Shoalhaven	13	22
39	South Coast Register	Australian Community Media	Shoalhaven	5	3
40	ABC New England North West	Australian Broadcasting Corporation	Tamworth	0	4
41	Manilla Express	Martin Family Trust	Tamworth	0	-
42	Northern Daily Leader	Australian Community Media	Tamworth	33	29
43	ABC Riverina	Australian Broadcasting Corporation	Wagga Wagga	1	3
44	The Daily Advertiser	Australian Community Media	Wagga Wagga	16	28
45	Region Riverina	Region Group	Wagga Wagga	8	6
46	The Wagga News	News Corp Australia	Wagga Wagga	4	3
47	ABC Illawarra ⁶²	Australian Broadcasting Corporation	Wollongong	1	9
48	Illawarra Flame	The Word Bureau	Wollongong	0	0
49	Illawarra Mercury	Australian Community Media	Wollongong	63	48
50	Illawarra Star	News Corp Australia	Wollongong	20	7
51	Australian Associated Press	Australian Associated Press	National	17	149
	Total			555	675

Table 1: News outlets within the sample, their operating entities, the local government area they cover, and the total number of articles coded.

⁶² ABC Illawarra covers two of the identified local government areas: Wollongong and Shoalhaven.

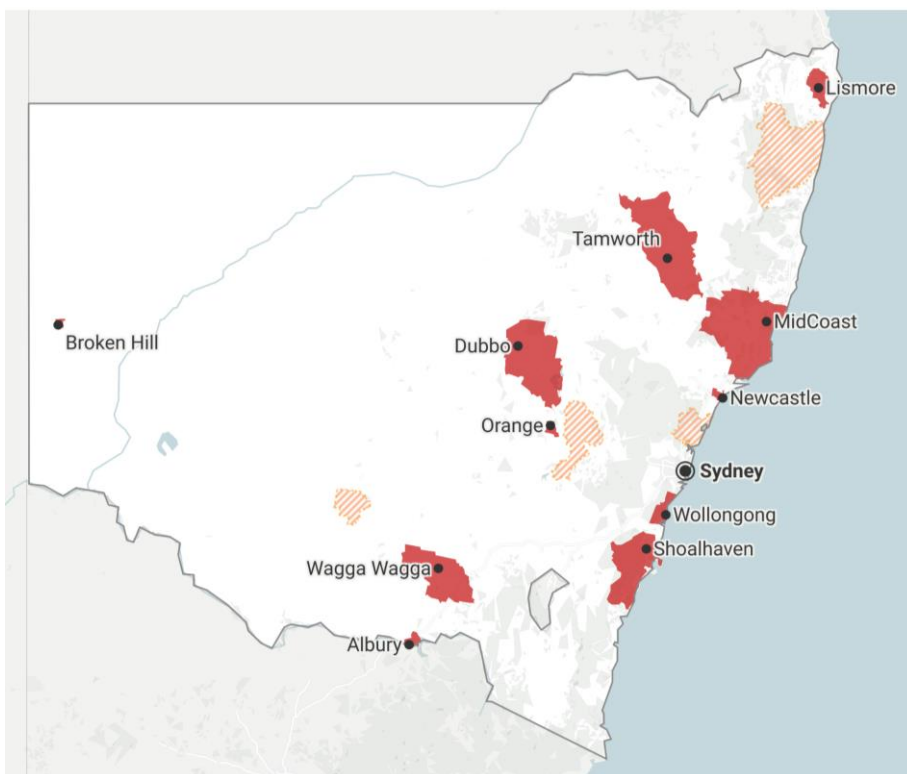


Figure 1: Sampled regions (red) and additional regions that fit the criteria (orange stripe)

Three relevant market changes occurred between the two sample periods that affect the corpus. The Manila Express (Manilla, in Tamworth Regional Council) closed in after the completion of sampling in October 2023,⁶³ The Orange App (Orange) closed in February 2024,⁶⁴ the Barrier Truth (Broken Hill) closed in April 2024.⁶⁵ None of these titles were found to conduct court reporting in 2023, and it is therefore unlikely that their closures have impacted the sample.

PIJI has listed Australian Community Media’s Wellington Times as closed since 2020 as repeated assessments of the title have found that it does not produce original content. It was included in the 2023 sample as an opportunity to repeat this assessment, which was found to remain true. It was therefore not included in the 2024 sample.

Between the completion of sampling in May 2024 and the release of this report, Australian Community Media has announced a number of changes that would affect any further iterations of this research. The Central Western Daily (Orange) and Daily Liberal (Dubbo), as well as the Western Advocate (Bathurst), will end their weekday print editions and shift to Saturday-only publication.⁶⁶ They will continue to publish online, but PIJI has anecdotally observed that publications which shift from print to digital tend to subsequently reduce their overall reporting output.

ACM has also announced the full closure of its Lismore newspaper the Lismore City News.⁶⁷

⁶³ Dickson G., Germano M. and Des Preaux J. 2024. Australian News Data Report: February 2024.

⁶⁴ Ibid.

⁶⁵ Dickson G., Germano M., Des Preaux J. and Ferraz P. 2024a. Australian News Data Report: April 2024.

⁶⁶ Dickson G., Germano M., Des Preaux J. and Ferraz P. 2024c. Australian News Data Report: August 2024.

⁶⁷ Dickson G., Germano M., Des Preaux J. and Ferraz P. 2024b. Australian News Data Report: July 2024.

The entire month of digital publishing output was assessed for each of these titles. For outlets with both a print edition and a website, this included cross-checking the digital print against articles published online. Samples from the ABC outlets were limited to their written digital news output, not radio broadcasts.

Radio and television outlets were not included within the sample as PIJI does not have reliable, independent access to transcripts of broadcast news content. This exclusion is only a logistical issue and is not a reflection on these outlets or their news output. Broadcast outlets are an important source of local news, particularly in regional areas, and prior research has suggested that television outlets are prominent producers of court reporting. PIJI will work with broadcast outlets to resolve this issue.

Articles were coded if they were about criminal court proceedings. Articles were not coded if they were about a crime but had not yet reached the courts, including reporting after a potential criminal incident or police appeals for information. Stories about a person being charged were only included where the person also appeared in court within the same article. Fewer than ten civil cases were identified within the corpus, and these were not coded.

News Corp's hyperlocal digital titles post daily court lists each day, which are automatically generated content. These have not been included in the sample, as they are not reported stories.

Australian Associated Press produced 17 of the total stories in 2023, and 149 in 2024. This discrepancy is due to a change in the approach to building the corpus: AAP coverage was pre-screened to only code regional New South Wales court stories in 2023, while in 2024 any court coverage from New South Wales was coded. Due to this discrepancy we have taken care not to include AAP in any comparative analysis. As AAP is a national wire service and unlike the 50 local news outlets in the sample, these are discussed separately, leaving a total of 538 court stories published in local regional news across October 2023. Some of this total are duplicates, discussed below.

In addition to descriptive details about the articles, such as the date an article was published, the outlet it was published in and the byline of the reporter, coders assessed the articles for the following content variables:

- The case name, generated each day from a search of New South Wales court daily lists for each of the Local and District courts in the sampled locations.
- The type of proceeding, identified from the court daily lists.
- The charges, as described by the article.
- The location of the court, where it was one of the sample locations.
- The level of the court, meaning whether it was a Local, District, Supreme or Other court.
- The scale of the story, meaning whether the story concerned issues of local, state, national or international relevance.
- The location of the story, meaning where the place(s) where the incident took place, not the location of the court.

Charges were categorised according to the Australian and New Zealand Standard Offence Classification (ANZSOC).⁶⁸ At the time of coding the October sample, the 2011 classification was the current edition, however, on 30 November 2023, after data collection concluded, a new edition was

⁶⁸ Australian Bureau of Statistics. *Numerical Index: Australian and New Zealand Standard Offence Classification (ANZSOC)*.

released. The results here are presented according to the 2011 framework, though with the inclusion of the '16 Regulatory offences' crime subdivision, which was added in the 2023 edition.

In addition to coding stories, PIJ downloaded daily case lists for the Local and District courts in the sampled locations and limited to the Bail, Committal, Hearing, Judgment, Mention, Sentence and Trial listing types. 10,998 unique case numbers were listed across 15,034 hearings between 1 - 31 October 2023 and 12,097 unique cases numbers were listed across 16,965 hearings between 1 – 31 May 2024.

Finally, where sufficient data was available, comparative statistical analysis has been conducted between the two sample periods.

The 2 X 2 contingency chi-squared test of independence was used to determine whether there were statistically significant differences between the October 2023 and May 2024 court samples. The chi-squared test is non-parametric, meaning that it does not rely on the same assumptions about the data as parametric tests, for example that the population from which the data was drawn are normally distributed. This makes the chi-squared test a good fit for the data which is generated in the course of coding.

The test is used to examine the relationship between two categorical variables, variables which cannot be ordered or measured. For example, 'public interest journalism' is a binary categorical variable, as each story within a sample must either be public interest journalism or not.

The data is organised into a contingency table, a cross-tabulation of the observed frequencies for each combination of the categorical variables. The difference between the observed and expected values in each cell are taken, and the sum of these differences produces the chi-square (χ^2) test statistic. From this statistic a p-value can be calculated to determine whether the relationship between the two variables is statistically significant. A p-value of less than .05 is commonly regarded as significant, suggesting that there is less than a five per cent chance that the observed relationship occurred by random chance alone, with lower values indicating a lower chance. In these tables a statistically significant result at $p < .05$ is denoted by an asterisk (*), $p < 0.01$ by two asterisks (**), and $p < .001$ by three (***)

One weakness of the chi-squared test is the requirement for each expected value to be more than five. In cases where expected values fell below this threshold Fisher's exact test was used.

Statistical significance does not imply the strength of a relationship, however, so the phi coefficient (ϕ) was used as a measure of association. This statistic ranges from 0, indicating complete independence, to 1, a perfect positive relationship. Though negative values indicate a negative relationship between the variables, they have been removed here for clarity. The phi coefficient is expressed as a decimal following a statistically significant result.

Results

RQ1: How much court reporting is taking place in regional New South Wales communities?

We identified 555 court reports were published across the entire 2023 corpus and 675 court reports in 2024.

In each sample period, titles in Newcastle published the most court stories (117 in 2023, 133 in 2024), followed by Albury (99, 108) and Wollongong (83, 55). No court reporting was published in Broken Hill in either October 2023 or May 2024. In those local government areas that did see court stories, the

lowest number were published by Shoalhaven (25) and Wagga Wagga (29) in 2023 and Lismore (22) and Mid-Coast in 2024 (24).

Content origin by region

This result can be broken down further into original content - stories which PIJI identified were published for the first time in the sampled outlet - and syndicated content, which has been licensed from an external source such as a newswire or internally republished from another outlet operated by the same news business entity. By splitting the results in this way, we can separate outlets that are investing in court reporting from those that are licensing it. This also eliminates double-counting within the sample: in some cases, articles were produced by one outlet (ACM's Border Mail in Albury) and republished by another outlet (ACM's Daily Advertiser in Wagga Wagga).

2023 LGA	Original articles (o)			Syndicated articles (s)			All articles	
	n	% total o	LGA % o	n	% total s	LGA % s	n	% total
Albury	92	21	93	7	6	7	99	18
Broken Hill	0	0	0	0	0	0	0	0
Dubbo	26	6	84	5	4	16	31	6
Lismore	27	6	56	21	17	44	48	9
Mid-Coast	17	4	55	14	11	45	31	6
Newcastle	95	22	81	22	18	19	117	21
Orange	27	6	64	15	12	36	42	8
Shoalhaven	12	3	48	13	10	52	25	5
Tamworth	31	7	94	2	2	6	33	6
Wagga Wagga	18	4	62	11	9	38	29	5
Wollongong	68	16	82	15	12	18	83	15
Subtotal	413	96	77	125	100	23	538	97
AAP	17	4	100	0	0	0	17	3
Total	430	100		125	100		555	100

Table 2: Content origin by sampled region, 2023.

We identified that a total of 413 articles (77 per cent of the total) in 2023 were original content, and 125 (23 per cent) were syndicated from another source. Similar to the overall publication results, the highest number of original court reports were produced in Newcastle (95), Albury (92) and Wollongong (68) and lowest in Shoalhaven (12), Mid-Coast (17) and Wagga Wagga (18). The greatest difference between overall publication and original content production was in Albury: 18 per cent of all court stories were published in Albury, but 21 per cent of original production occurred there, suggesting a below average level of syndication in the border city.

Syndicated articles were of mixed relevance to their communities: some were likely of high relevance, such as coverage of cases at Bathurst Local Court that ACM syndicated from the Western Advocate into its Dubbo and Orange papers. Others were less locally relevant, such as reporting from Sydney's Downing Centre Local Court.

We assessed the proportion of original to syndicated court coverage within each local government area. The highest proportions of original local coverage were in Tamworth (31 of 33 articles, 94 per cent), Albury (92 of 99, 93 per cent) and Dubbo (26 of 31, 84 per cent). The lowest proportion of original content was in Shoalhaven (12 of 25, 48 per cent). This was also the only local government area where we identified more syndicated court stories than original court stories. Mid-Coast (17 of 31, 55 per cent) and Lismore (27 of 48, 56 per cent) were also low in original production.

2024	Original articles (o)			Syndicated articles (s)			All articles	
	n	% total o	LGA % o	n	% total s	LGA % s	n	% total
Albury	103	18	95	5	4	5	108	16
Broken Hill	0	0	0	0	0	0	0	0
Dubbo	21	4	72	8	7	28	29	4
Lismore	7	1	32	15	13	68	22	3
Mid-Coast	14	3	58	10	9	42	24	4
Newcastle	112	20	84	21	18	16	133	20
Orange	23	4	51	22	19	49	45	7
Shoalhaven	28	5	76	9	8	24	37	6
Tamworth	25	5	76	8	7	24	33	5
Wagga Wagga	28	5	70	12	10	30	40	6
Wollongong	49	9	89	6	5	11	55	8
Subtotal	410	73	78	116	100	22	526	78
AAP	149	27	100	0	0	100	149	22
Total	559	100		116	100		675	100

Table 3: Content origin by sampled region, 2024.

In 2024 we identified 410 original articles among the local news publishers, representing a similar 78 per cent of the overall corpus. 116 articles (22 per cent) were syndicated from another source. The highest proportions of original local coverage were in Albury (95 per cent), Wollongong (89) and Newcastle (84). Lismore saw the least original content (32 per cent), a far worse result than any area in 2023 except Broken Hill, which saw no coverage.

Content origin by entity

2023	Original articles (o)			Syndicated articles (s)			All articles	
	n	% total o	e % o	n	% total s	e % s	n	% total
Major entities								
AAP	17	4	100	0	0	0	17	3
ABC	15	4	79	4	3	21	19	3
ACM	288	67	79	78	62	21	366	66
News Corp	93	22	68	43	34	32	136	25
Subtotal major	413	96	77	125	100	23	538	97
Independent entities								
NSW Local App Co.	1	< 1	100	0	0	0	1	< 1
Pepper Publishing	8	2	100	0	0	0	8	1
Region Group	8	2	100	0	0	0	8	1
Subtotal independent	17	4	100	0	0	0	17	3
Total	430	100	77	125	100	23	555	100

Table 4: Content origin by entity, 2023.

The 555 total court stories in 2023 were published in 29 outlets, which were operated by seven news entities, four of which are defined as 'major' news entities with national reach (Australian Associated Press (AAP), Australian Broadcasting Corporation (ABC), Australian Community Media (ACM) and News Corp), and three of which are 'independent' news entities with a primarily local presence (NSW Local App Company, Pepper Publishing and Regional Group).

Court stories were overwhelmingly published by the major media entities, which combined published 96 per cent of articles in the sample. Within this group, most coverage was produced by Australian Community Media (66 per cent of all stories) and News Corp Australia (25 per cent). Court reporting in regional New South Wales is a very minor focus at the Australian Broadcasting Corporation and

Australian Associated Press (three per cent each). Seven outlets operated by major media companies did not publish any court reporting across the month.

By contrast, independent news outlets published almost no court coverage across New South Wales in October 2023. Only 17 stories were identified in independent news outlets across the entire sample, all of which were produced by three outlets: Newcastle Weekly (Pepper Publishing, eight stories), Region Riverina (Region Group, eight stories) and The Lismore App (NSW Local App Company, one story). All of these are newer outlets without a long history in print: the Newcastle Weekly was established in 2015, the Lismore App in 2017 and Region Riverina in 2021.

At 15 independent local news outlets sampled in October no court stories were published at all. No court coverage was published in regional newspapers.

Major news entities were responsible for the bulk of original court story production (96 per cent) and ran all of the syndicated stories that PIJI identified. Australian Community Media produced two thirds of all original court stories in the sample, News Corp 22 per cent and the AAP and ABC four per cent each.

Predictably given its position as a wire service, Australian Associated Press was found to have produced only original stories across the month, with no syndication identified. Australian Community Media (288 stories) and the public broadcaster (15 stories) both had around 79 per cent original production and 21 per cent syndication, while News Corp (93 stories) had the lowest proportion of original production overall with 68 per cent.

2024 News entity (e)	Original articles (o)			Syndicated articles (s)			All articles	
	n	% total o	e % o	n	% total s	e % s	n	% total
Major entities								
AAP	149	27	100	0	0	0	149	22
ABC	30	5	83	6	5	17	36	5
ACM	303	54	79	81	70	21	384	57
News Corp	70	13	71	28	24	29	98	15
Subtotal major	552	99	83	115	99	17	667	99
Independent entities								
NSW Local App Co.	1	< 1	100	0	0	0	1	< 1
Pepper Publishing	1	< 1	100	0	0	0	1	< 1
Region Group	5	1	83	1	1	17	6	1
Subtotal independent	7	1	88	1	1	13	8	1
Total	559	100	83	116	100	17	675	100

Table 5: Content origin by entity, 2024.

In 2024, almost every story published was produced by a major news outlet. The four major entities collectively produced 99 per cent of original stories in sample, with Australian Community Media responsible for 54 per cent, Australian Associated Press 27 per cent, News Corp 13 per cent and the ABC five per cent. Collectively the independent entities in the same contributed 1.2 per cent of original stories in the sample.

Here we state again that a different approach to sampling has increased the overall weight of AAP within these results.

Syndication levels were again highest at ACM (70 per cent of all syndicated stories; 21 per cent of ACM stories in the sample were syndicated), followed by News Corp (24 / 29) and the ABC (5 / 17). As in 2024 the proportion of original stories at News Corp was lower than at other major news entities, though still high overall.

There was a single syndicated story at Region Group in the May 2024 period: an internally-syndicated story from About Regional, its NSW South Coast news outlet.

The majority of all syndication identified (96 of 125 stories, 77 per cent in 2023; 88 of 116 stories, 76 per cent in 2024) was internal: outlets running content produced by other outlets operated by the same entity, such as News Corp’s Northern Star newspaper in Lismore running stories from other News Corp titles in the region like the Ballina Shire Advocate, or ABC local outlets sharing stories. The remaining stories in both sample periods were syndicated from the Australian Associated Press and overwhelmingly content from Sydney-based courts.

Original production and court localism by region

Tables 6 and 7 break down the original story production by its localism: whether each outlet’s original production was about the Local Court or District Court within the sampled local government areas, or whether stories were about another Court entirely, either in a different area or a different Court, such as a Children’s Court. It excludes AAP, which is not local to any particular local government area.

2023 LGA	Local Court		District Court		Total, LGA courts		Other Court	
	n	% total o	n	% total o	n	% total o	n	% total o
Albury	37	40	0	0	37	40	55	60
Broken Hill	0	0	0	0	0	0	0	0
Dubbo	19	73	0	0	24	92	2	8
Lismore	9	33	7	26	16	59	11	41
Mid-Coast	8	47	2	12	10	59	7	41
Newcastle	23	24	17	18	54	57	41	43
Orange	19	70	0	0	51	78	6	22
Shoalhaven	5	42	0	0	5	42	7	58
Tamworth	19	61	7	23	26	84	5	16
Wagga Wagga	3	17	1	6	4	22	14	78
Wollongong	42	62	15	22	57	84	11	16
Total	184	43	49	12	254	62	159	39

Table 6: Number and percentage of original stories (o) by localism to sampled area, 2023.

In 2023 most original court coverage (254 stories, 62 per cent) occurred within the local government areas being sampled. Of this, the majority of reporting (184) took place in Local Court, with far less (49) in District Courts. In around half of local government areas sampled saw no District Court coverage at all.

Here PIJI found significant differences across local government areas. At the high end, 92 per cent of original stories in Dubbo and 84 per cent in Tamworth were about either the Local or District Courts in each of these local government areas, a very high degree of localism. Conversely, only 22 per cent of original stories in Wagga Wagga were from those courts.

2024 LGA	Local Court		District Court		Total, LGA courts		Other Court	
	n	% total o	n	% total o	n	% total o	n	% total o
Albury	41	40	0	0	42	41	61	59
Broken Hill	0	0	0	0	0	0	0	0
Dubbo	13	62	1	5	16	76	5	24
Lismore	1	14	1	14	2	29	5	71
Mid-Coast	4	29	2	14	6	43	8	57
Newcastle	35	31	26	23	71	63	41	3
Orange	18	78	0	0	18	78	5	22
Shoalhaven	8	29	1	4	9	32	19	68
Tamworth	15	60	3	12	19	76	6	24
Wagga Wagga	13	46	2	7	15	54	13	46
Wollongong	34	49	5	10	41	84	8	16
Total	182	44	41	10	239	58	171	42

Table 7: Number and percentage of original stories (o) by localism to sampled area, 2024.

The proportion of localism in the 2024 sample was remarkably consistent: 239 stories, or 58 per cent, occurred within the local government area being sampled. This was again consistently split between the Local Court (182 stories, 44 per cent) and the District court (41 stories, ten per cent).

Localism across regions was different between the two samples, however. In 2024 the highest levels were in Wollongong (84 per cent), Orange (78), Tamworth and Dubbo (76 each). The lowest levels of localism were in Lismore (29 per cent), Shoalhaven (32) and Albury (41).

Low levels of localism are explained by a higher degree of regionalism across most outlets. Both the Daily Advertiser and Region Riverina in Wagga Wagga also published stories from the Griffith, Federation and Greater Hume LGAs, and Region Riverina, which does not have a presence in Albury, nevertheless covered a story there in 2023.

This was similar to results in Shoalhaven, where around half of all original reporting took place at Batemans Bay Local Court in Eurobodalla Shire, and in Mid-Coast, which also featured reporting from Port Macquarie Local Court in Port Macquarie-Hastings Council. In these results, lower levels of original court reporting within the sampled LGAs reflect editorial interests that include surrounding areas.

Results from Albury are partially due to this same regionalism - court cases were reported in Wangaratta and Shepparton - but are particularly due to the unique nature of that LGA: the Border Mail was simultaneously providing court coverage in the twin cities of Albury (37 stories in 2023, 44 in 2024) and Wodonga (28 stories, 35 stories). 71 per cent of the Border Mail's original court stories were from one of these two local government areas in 2023, and 77 per cent in 2024.

In 2023 Lismore had a higher degree of 'Other Court' stories due to ongoing coverage of a murder trial taking place in the Sydney Supreme Court; the incident in question took place in the city, as well as stories from Casino Local Court and the Children's Court. In 2024, there was far less original content – only seven stories of 22 coded, compared to 27 stories of 48 coded in 2023. Most of these were produced by News Corp, though very few – only two – were set within Lismore itself, with other stories located both in Sydney and the other towns in the north coast region.

Unique cases by region

	Oct 2023				May 2024			
	Stories		Cases		Stories		Cases	
LGA	n	%	n	%	n	%	n	%
Albury	37	15	771	7	42	40	1046	9
Broken Hill	0	0	531	5	0	0	446	4
Dubbo	24	9	1022	9	16	92	1055	9
Lismore	16	6	774	7	2	59	645	5
Mid-Coast	10	4	732	7	6	59	734	6
Newcastle	54	21	2091	19	71	57	2404	20
Orange	51	20	548	5	18	78	757	6
Shoalhaven	5	2	925	8	9	42	937	8
Tamworth	26	10	846	8	19	84	1148	10
Wagga Wagga	4	2	882	8	15	22	923	8
Wollongong	57	22	1876	17	41	84	2002	17
	254	100	10998	100	239	62	12097	100

Table 8: Comparison of location of stories as a proportion of reported content.

This table provides an overview of the volume of unique cases heard by courts across the period, as well as the number of original articles published in the Local and District courts of each local government area. The highest number of cases were listed in Newcastle (2091), Wollongong (1876) and Dubbo (1022), and the lowest in Broken Hill (531) and Orange (548).

These results reveal differences in the number of cases heard - which PIJI uses as a proxy measure for the number of opportunities for court reporting - and the number of court articles produced.

No court coverage was identified in Broken Hill across either sample period. This was not due to a lack of opportunity: daily lists for the criminal division of those two courts suggest 531 unique cases were heard in October 2023 and 446 in May 2024. Rather, court reporting does not appear to be within the editorial focus of either the ABC's local station or newspaper the Barrier Truth. Indeed, searches for the terms "District Court" and "Local Court" on the Barrier Truth website returns only three court reports over the past three years. The Barrier Truth closed in between sample periods.

The next section provides further detail about the relationship between the number of cases heard in a region and the number of stories produced, finding mixed results.

As a unique identifier, case numbers are likely to be the most reliable measure of the number of hearings, but caution should still be taken with interpreting these numbers. The same individual can be listed against multiple unique case numbers for the same case, which inflates the overall number of unique case numbers over and above the number of hearings.

For the same reason, unique case numbers are not a measure of the number of individuals who appeared before the sampled courts in the period. Determining the number of unique individuals is complicated by multiple factors: the name of the accused is not a field provided by the court and data contained within the most similar field to that, Case Name, can be structured in multiple ways. The names of parties to a case are removed where the hearing is taking place in closed court. PIJI also identified multiple instances of the same individual being listed with and without their middle name and, in some instances, spelling errors. There is also no guarantee that a case being listed for a particular day means that the case was actually heard.

A large proportion (between 13 - 23 per cent) of hearings in each court were applications for apprehended violence orders. NSW Local Court confirmed in an email to PIJ that there are no automatic limitations on reporting of these hearings, but there is always the possibility that suppression orders may be made in the course of proceedings, preventing media reporting. New South Wales, like other Australian jurisdictions, prevents the identification of victims of certain sexual offences in publications without authorisation of the court or the victim. These offences could be a factor in many application hearings and therefore additionally impose a limitation on reporting.

We did not find a single example of a media outlet reporting on an apprehended violence order application hearing, suggesting that regardless of whether such limitations exist in every case, outlets are not attempting to cover these hearings.

Despite these caveats, the overall number of cases in every local government area across the month is sufficient to establish that there were many opportunities available for the production of court stories. The overall lack of court reporting at most outlets studied is not due to a lack of options and must therefore be explained by other factors.

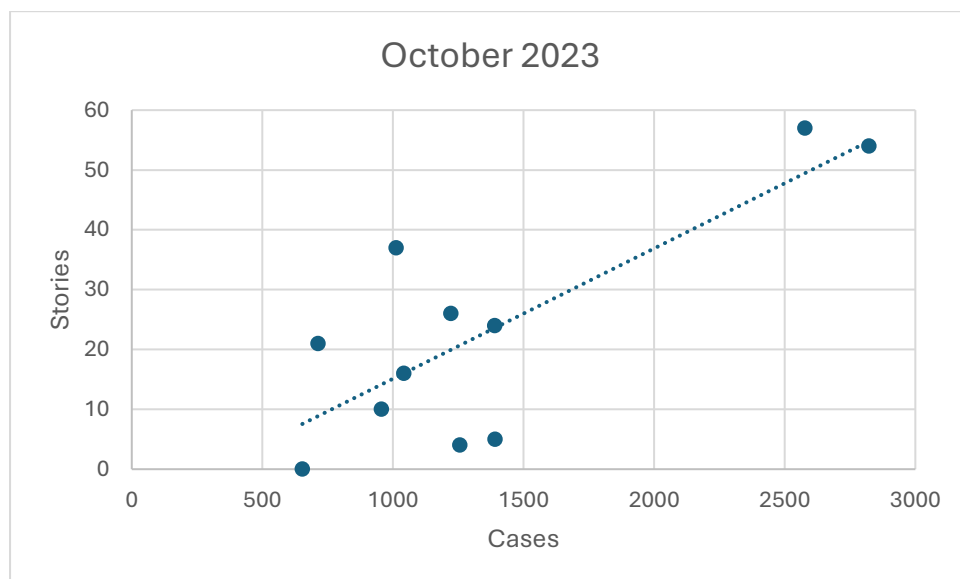
Correlation between court cases and stories

Kendall's tau-b (τ_b) correlation coefficient was used to determine the strength and direction of association between the number of cases occurring in a given court and the number of original stories published in that region about that court.

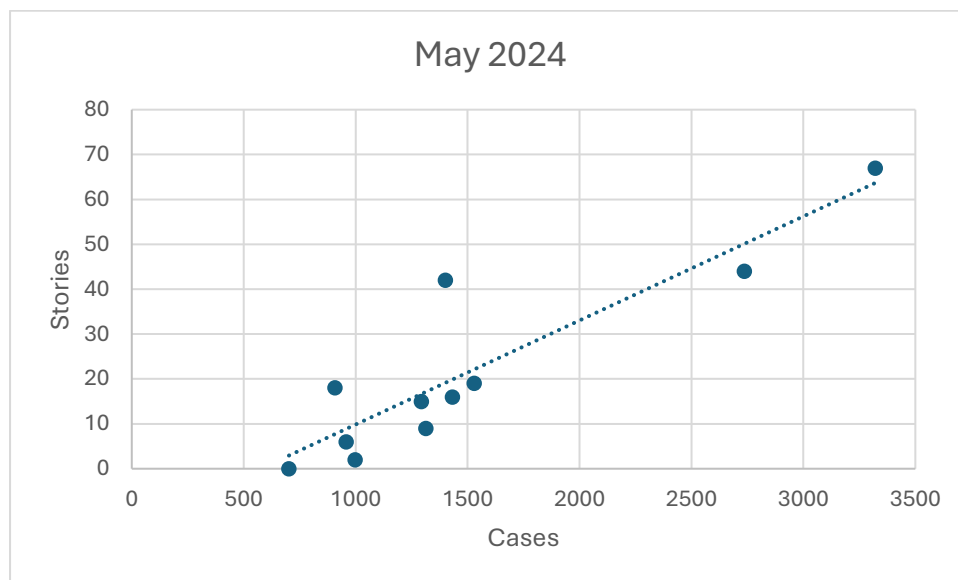
Similar to the chi-squared test above, Kendall's tau-b is a non-parametric measure, meaning that it was suitable for PIJ's data given the presence of outliers and lack of normal distribution. It was also preferred over Spearman's rho, an alternate non-parametric correlation coefficient, because of its usefulness when analysing small sample sizes greater than ten. Kendall's tau-b specifically is also equipped to handle ties in the data, which tau-a is not.

Values of tau-b range between -1 and +1, with a positive value indicating that as one variable increases the other also increases, and a negative value that as one increases the other decreases.

The current correlation analysis considered the strength of association between total cases and relevant stories in each region of the resample, $n = 11$. For this analysis syndicated content and stories coded to 16 Regulatory were excluded, as this crime code did not exist in the October 2023 sample.



This analysis found different results across each sample period. The October 2023 sample did not show a significant correlation ($p = .165$).



The May 2024 sample, however, showed significant correlation ($p = .003$) between number of cases and number of relevant court stories by region using a two-tailed significance test. A Kendall's tau B of 0.67 indicates a strong-very strong positive correlation.

Bylines by entity

2023	Bylines	Bylined	Unbylined	Generic bylines	Total
News entity (e)	n	n	n	n	n
Major entities					
AAP	10	17	0	0	17
ABC	6	15	0	0	15
ACM	22	145	95	48	288
News Corp	16	92	1	0	93
Subtotal major	54	269	96	48	413
Independent entities					
NSW Local App Co.	0	0	1	0	1
Pepper Publishing	1	5	0	3	8
Region Group	2	8	0	0	8
Subtotal independent	3	13	1	3	17
Total	57	282	97	51	430

Table 9: Unique bylines, bylined stories, unbylined stories and generic bylines, by entity, 2023.

PII recorded the bylines of reporters against each court story during assessment. Across the 430 original articles, we identified 57 unique individual bylines. 282 stories had a reporter byline, including all stories produced by Australian Associated Press and Region Media. Across these stories, bylined reporters at AAP and ABC produced far fewer stories on average (1.7 and 2.5) than those at News Corp (5.8) and Australian Community Media (6.5).

Another 97 stories did not have a byline - the overwhelming majority of these at Australian Community Media, both in print and online. The only story published by NSW Local App Company in the sample did not have a byline; this is true of everything published by this entity, whether court reporting or not.

Finally, 48 stories, again mostly at ACM titles, had generic bylines such as ‘Staff reporter’ or ‘Court reporter’. Three stories at the Newcastle Weekly (Pepper Publishing) used the name of the publication as the byline, these have also been recorded as generic.

A large number of stories published by ACM’s Border Mail in Albury were attributed to the court, rather than an individual journalist: 26 to Albury Court, five to Wangaratta Court, and three to Wodonga Court. These have been recorded as ‘generic’ bylines, but this practice invites the interpretation that the article copy was provided by court staff, rather than a journalist. If so, these stories could not be considered independent reporting. There were no other indications on these stories that they were supplied content. Separately, the Border Mail attributed a single court story to a reporter, and 56 stories were not attributed at all. We did not observe this at any of the 13 other Australian Community Media titles assessed. If stories are being externally produced it could explain the disproportionate levels of court reporting observed in Albury across this sample. PIJI will continue to review this in future research.

2024	Bylines	Bylined	Unbylined	Generic bylines	Total
News entity (e)	n	n	n	n	n
Major entities					
AAP	25	149	0	0	149
ABC	15	29	1	0	30
ACM	31	183	10	110	303
News Corp	13	70	0	0	70
Subtotal major	84	431	11	110	552
Independent entities					
NSW Local App Co.	0	0	1	0	1
Pepper Publishing	1	1	0	0	1
Region Group	2	5	0	0	5
Subtotal independent	3	6	1	0	7
Total	87	437	12	108	559

Table 10: Unique bylines, bylined stories, unbylined stories and generic bylines, by entity, 2024.

As in the previous sample, we found that only Australian Community Media frequently did not provide the journalist’s name as a byline on stories. However, there was a major shift from entirely unbylined stories in 2023 to generic bylines in 2024. Where nearly 100 ACM stories were unbylined in the previous sample, only ten were unbylined in May, while the generic bylines number increased from 48 to 110. The overall proportion of ACM stories without a reporter byline dropped from 48 to 40 per cent.

RQ2: What types of cases are covered?

This question was addressed through coding three content elements of each story: the type of proceeding being covered; the offences alleged to have been committed; and the location of the incident. Due to very low data at the following levels of analysis, independent outlets have been excluded from further discussion.

Proceeding type by entity

2023	AAP		ABC		ACM		NCA		Total
Proceeding type	n	%	n	%	n	%	n	%	n
Bail	0	0	0	0	8	3	4	4	12
Committal	1	6	0	0	13	5	8	9	22
Hearing	0	0	2	13	19	7	8	9	29
Judgment	0	0	1	7	5	2	2	2	8
Mention	4	24	1	7	77	27	21	23	103
Sentence	0	0	1	7	76	26	23	25	100
Trial	0	0	9	60	12	4	6	7	27
Other	1	6	0	0	1	< 1	0	0	2
Total	6	2	14	5	211	70	72	24	303

Table 113: Number and percentage of stories of each proceeding type, by entity, 2023.

Each article coded could be allocated against one of six proceeding types. During testing, coders found that it was frequently difficult to identify from the article text what type of proceeding was being reported. This information was rarely stated and instead had to be inferred from facts given in the story. To reduce variance among the coders, proceeding types were instead allocated according to the court listing of the case being heard, rather than the text of the article. As a consequence, where the case being described in the article could not be matched against a case on the daily list, the data is missing. A total of 303 of the 413 original stories published by major outlets coded have proceeding type allocated against them. Despite this missing data, we believe that this is a more robust approach than inferring from the article text.

The two most common hearing types by far were Mentions and Sentences, each accounting for around a third of all article types. These proceeding types were most common at Australian Associated Press, Australian Community Media and News Corp Australia publications. For the latter two each hearing type accounted for around a quarter of coverage. AAP did not cover any regional New South Wales sentences in the sample, though only six of 17 of the wire service's stories were able to be matched to a case on the daily list.

Less than ten per cent of stories in the sample (27 of 303) were Trial hearings. Australian Community Media produced the greatest number of Trial stories overall, though it made up a tiny fraction of its court coverage: only four per cent. The ABC, which did not produce a significant amount of court coverage in the period, had a far greater proportion of court stories (60 per cent), though this is of a very small sample (14). AAP was not found to cover any Trials in the sample.

There were very few examples of ongoing coverage: there were only 16 instances across the entire sample of the same case being reported more than once. The most significant of these was at the Illawarra Mercury, which produced six stories across the month following the trial of a man who was accused of receiving over 300 grams of cocaine.⁶⁹ Stories about this case alone make up half of all

⁶⁹ The case ended in a hung jury in October 2023. At time of writing, there have been no further proceedings against the man.

Trial proceeding coverage at any Australian Community Media outlet, and almost a quarter of all stories.

Committal hearings, which occur after a plea has been entered and determine whether the case will proceed to trial, were uncommon across the board. The data suggests that editorial resources are being allocated to the very beginning (Mention) and very end (Sentence) of cases, while any steps along the way - Bail, Committal, Trial - are not being covered to any meaningful degree.

2024 Proceeding type	AAP		ABC		ACM		NCA		Total
	n	%	n	%	n	%	n	%	n
Bail	7	5	0	0	8	3	3	4	18
Committal	2	1	0	0	6	2	4	6	12
Hearing	6	4	1	3	10	3	0	0	17
Judgment	4	3	0	0	0	0	1	1	5
Mention	15	10	5	17	92	30	19	27	131
Sentence	35	24	5	17	37	12	13	19	90
Trial	51	34	0	0	2	1	1	1	54
Other	13	9	2	7	5	2	0	0	20
Total	133	38	13	4	160	46	41	12	347

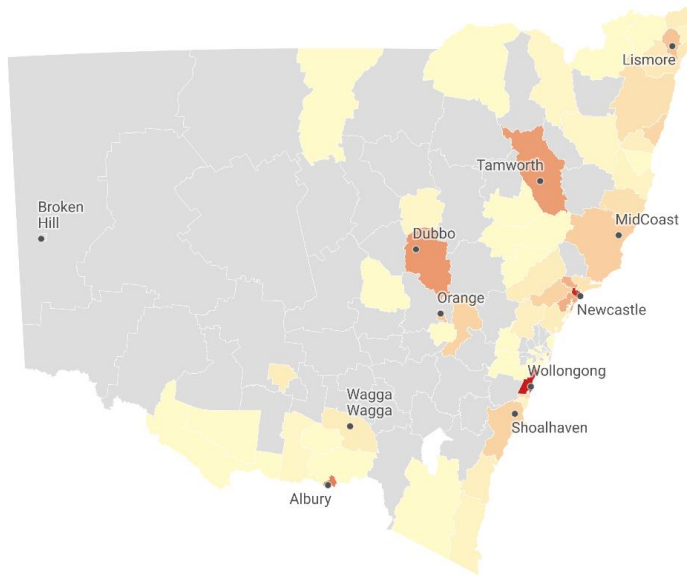
Table 12: Number and percentage of stories of each proceeding type, by entity, 2024.

These results were highly consistent in the second period. Mention hearings were the largest focus overall, followed by sentencings. The balance of coverage across different hearings types was also broadly consistent across different outlets.

The number of trial hearings that were observed in the sample has increased significantly between the two periods. This is partially due to the different approach to sampling AAP; the proportion of trial hearings rose in line with the increase in stories from the wire service.

However, we also observed a considerable decrease in trial coverage at the ABC between the two periods. This was one of the only statistically significant changes that we recorded across any metric, even accounting for the small sample size due to low output at the public broadcaster. Where the ABC followed three murder trials in October 2023, which accounted for all nine stories, we did not find any evidence of ongoing trial coverage in 2024.

Story location by region



◀ *Figure 2: Number of stories that occurred in each local government area, 2023*

▼ *Figure 3: Number of stories that occurred in each local government area, 2024*

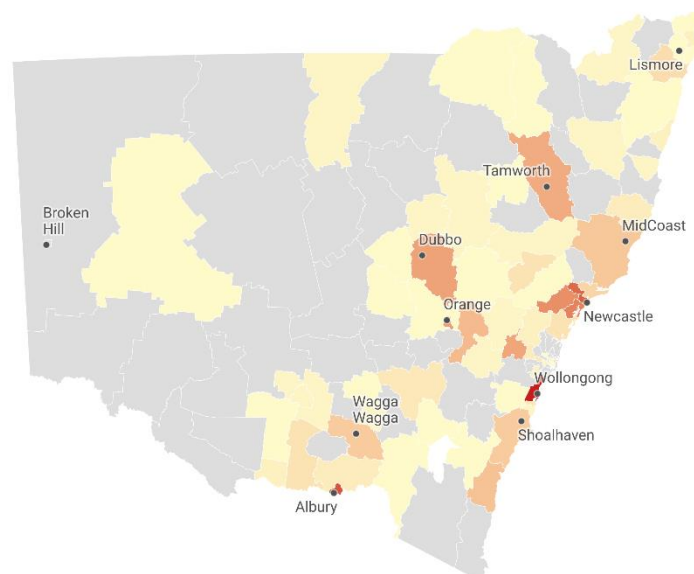
Coding also captured the location of the events of each story. Note that this is not the location of the court where the matter was heard, but where the incident(s) were alleged to have taken place: an event that occurred entirely in the Maitland local government area, for example, may be tried at the District Court in Newcastle; this story would only be coded to Maitland.

Unsurprisingly, we found that the majority of stories were located within the same local government area as the court. In both samples the LGAs with the highest number of stories accorded with the courts that received the most coverage: Wollongong (56 stories), Newcastle (56) and Albury (54) in 2023, and Wollongong (44), Albury (36) and Newcastle (34) in 2024. The three most common locations outside of regions sampled were the same in both years: Wodonga (28 stories in 2023, 38 stories in 2024), Lake Macquarie (22 / 27) and Maitland (21 / 32 stories).

Within the sampled regions, the fewest number of stories were located in Wagga Wagga in 2023 (five) and Lismore in 2024 (one).

Lismore-based *The Northern Star* produced five original court stories across the month, including three about neighbouring Richmond Valley Shire, and one about Tweed Shire.

Coverage in the 2024 sample was more geographically spread than in 2023, with 620 location codes spread across 106 areas, compared to 581 codes across 82 areas in 2023.



Offence division by entity

Crime	Crime category				
	2023		2024		Change
	n	%	n	%	%
01 Homicide and related offences	40	10	45	11	+1
02 Acts intended to cause injury	87	21	80	20	-1
03 Sexual assault and related	32	8	41	10	+2
04 Dangerous or negligent acts	58	14	72	18	+4
05 Abduction, harassment	16	4	26	6	+3
06 Robbery and related offences	17	4	24	6	+2
07 Unlawful entry and burglary	25	6	23	6	-0
08 Theft and related offences	62	15	44	11	-4
09 Fraud and related	16	4	15	4	-0
10 Illicit drug offences	64	15	49	12	-3
11 Weapons offences	36	9	38	9	+1
12 Property damage	36	9	23	6	-3
13 Public order offences	28	7	37	9	+2
14 Vehicle regulatory offences	42	10	37	9	-1
15 Offences against justice	54	13	45	11	-2

Table 43: Offences covered in stories, 2023 and 2024

The offences detailed in every story were coded according to the Australian and New Zealand Standard Offence Classification framework. Each offence is allocated against one of 15 'offence divisions', which group similar types of offence: 'Murder', for example, is allocated the code 0111 and grouped alongside 'Murder, attempted' (code 0121) in the '01 Homicide and related offences' division. In most cases, the story clearly stated the charges and the appropriate categorisation was clear. In instances where the story clearly described a particular offence without stating any charges, it has been allocated at the coder's discretion. Where the charges were not stated and a clear identification of the offence was not possible, it has been left out.

Where a story included charges and additionally described an action that may also constitute an offence but where no charges were brought, the latter has not been coded. For example, in a hypothetical story about a man who was charged with murder and who, it emerges during the course of the trial, also stole their victim's car but does not face auto theft charges, the story would only be coded against the '0111 Murder' offence.

Note that Table 4 lists the number of charges allocated to each division in stories published by each news entity, not the number of stories that contained those charges. As it is common for individuals to face multiple charges in the same case, and for those charges to be simultaneously within the same offence division and across different divisions, the overall number of charges is far in excess of the number of sampled stories.

The largest category of reporting overall was the 'Acts intended to cause injury' division, which includes acts which cause non-fatal harm to another person and where there is no sexual element. This category includes assault and threats to assault if there is a belief that the threat could be enacted. This category was the largest focus at Australian Community Media, constituting a fifth of all crime stories.

Violent crime categories were the highest divisions of coverage at all major news entities. News Corp outlets focussed nearly equally on the 'Acts intended to cause injury division' and the 'Sexual assault and related' division, the latter of which includes threats, assault and rape.

By contrast, Australian Community Media produced far less coverage of sexual offences: these stories were 23 per cent of News Corp's output, and only six per cent at ACM.

Drug offences were the second highest category of coverage overall and were present in output of every major entity across the sample. Australian Community Media produced the most stories in this category overall (49, 13 per cent), but they were a smaller proportion than at News Corp, where its 27 stories made up 20 per cent of overall court coverage.

Both News Corp and Australian Community Media produced coverage in every category of offence, though there was a clear weighting toward violent crimes, crimes of negligence including traffic offences, and drug offences.

There were no significant changes to the proportion of crime category coverage between the two samples. The 'Acts intended to cause injury' division remained the most covered crime in both October 2023 (21 per cent) and May 2024 (20 per cent), while division 09 'Fraud and related offences' remained the least (4 per cent in both periods, though tied with division 05 'Abduction and harassment' in 2023).

Discussion

These results suggest that court reporting is occurring across regional New South Wales, but that scope of this coverage is narrow. Regional cities are receiving far more court coverage than smaller areas - large centres like Albury, Newcastle and Wollongong are the sites of the bulk of court reporting. In the case of Newcastle and Wollongong, this reflects the higher case load in these locations. The picture is more complicated for Albury, which had fewer cases than many other locations assessed, but where journalists can also look across the border to cases in Wodonga and further afield in northern Victoria for stories.

By contrast, some regional cities - particularly Wagga Wagga, but also Nowra (Shoalhaven) and Taree and Forster (Mid-Coast) are seeing far less coverage than the caseloads in their courts would suggest.

Audiences in Broken Hill do not appear to receive any court coverage from their local newspaper or the public broadcaster. The local government area has the smallest population of any assessed for this study (17,000 people at the 2021 census, far below the next smallest, Orange, at 40,000), but is not the smallest local government area with a Local Court in New South Wales: the four smallest LGAs in the state, Brewarrina (1600), Central Darling (1800), Balranald (2200) and Bogan (2600) all have courts that sit at least a few times a month. Future research could assess these very small areas to determine whether court coverage is occurring in them, whether there is a relationship between the population of a place and its court coverage, and, if so, whether there is a 'floor' population below which coverage does not appear to be occurring.

This study also found that the overwhelming majority of court reporting is produced by major media entities, and in particular the two newspaper publishers with the greatest footprints in regional New South Wales: Australian Community Media and News Corp Australia. Independent local news publishers are a negligible source of court coverage overall, with a few - Region Media and Pepper Publishing in particular - producing a small amount of coverage, and the majority none.

Consistent with previous Australian research, we found that most court reporting was conducted at the Local Court level, with very little coverage of District Courts. Reporters are also prioritising covering Mention and Sentence proceeding types at the expense of ongoing coverage of trials.

Both of these proceeding types are of potentially high editorial value, as they can condense a large amount of information into a short timeframe. Mention proceedings, which typically involve pleas, are the first stage of the trial process. If an accused pleads guilty, across a short hearing a reporter can receive the details of the incident; the plea of the accused; and potentially orders imposed by a Magistrate.

Similarly, where a case has gone to trial and a guilty verdict has been reached, a Sentence hearing will summarise the incident, impose a sentence, and provide detailed reasoning including legal analysis and the circumstances particular to this case. It is not surprising that time-poor reporters would prioritise attending hearings that will be more concise and are more likely to have news value than a Trial hearing, though it is likely that this will affect the public perception of crime in their communities by disproportionate coverage of guilty pleas and verdicts; and the inclusion of the facts provided by the (successful) prosecution at the expense of those from the (unsuccessful) defense.

These findings are consistent with prior research on court reporting of lower courts in Victoria by Hess and Waller, who summarised that Magistrates Courts could represent the most valuable use of a metropolitan journalist's time because they can return to the newsroom with several story ideas rather than sit through a day of legal argument in a higher court that might not result in a report.⁷⁰

Violent offences are the overall highest focus of coverage, particularly assaults, sexual offences and homicides. Non-violent offences, particularly drug, traffic and some theft offences were a particular focus at News Corp but not other entities.

These findings suggest an interpretation of the editorial priorities of each major news entity studied: the AAP and ABC had far less court coverage overall, their reporters produced fewer stories, but they were more likely to cover Trial proceedings, in District and higher-level courts, and both prioritised homicides, suggesting an approach that overall prioritised less but deeper reporting. By contrast, the volume of coverage at ACM and News Corp was far greater, reporters produced more stories each, predominantly from Local Courts, across every offence division but with particular priority for non-fatal violent crime, traffic and drug offences, and mostly covered Mention and Sentence hearings - suggesting a consistent, day-to-day commitment to the courts as a source of stories.

Regional New South Wales is heavily dependent on two media entities - Australian Community Media and News Corp - for court reporting in news publications. This appears to be a unique vulnerability not replicated across other pillars of public interest journalism - local government, public services, community - which are subjects of coverage by a mix of the ABC and independent local news. In markets without ACM and News Corp - of which there are an increasing number since 2020⁷¹ - it remains to be tested whether another outlet steps into the gap or if no court reporting occurs at all.

⁷⁰ Hess and Waller 2013. p. 61.

⁷¹ Dickson and Costa 2023.

4. Interviews with journalists and editors

This project sought to gain insight into the decisions behind the amount and nature of court reporting in regional New South Wales from the perspective of journalists and editors, and to understand some of the drivers and barriers to court coverage.

PIJI conducted a series of in-depth, semi-structured interviews with journalists and editors based in regional New South Wales from a range of print and digital news outlets identified through our 2023 and 2024 quantitative court sampling. Purposive sampling was used to identify potential participants on the basis of their experience and professional role as journalists and editors, rather than aiming to achieve a random or representative sample where data can be replicated.

Nine participants were interviewed online between April-July 2024. This sample comprised of four journalists and five editors. All journalists and two of the editors interviewed were at outlets that are conducting court reporting, while the three remaining editors were at outlets which conducted little to no court reporting. We hoped to include a diversity of perspectives by hearing from participants from news outlets representing a range of court reporting production.

The approach of in-depth, semi-structured interviews aimed to encourage participants to share their experience and explore issues most significant to them.⁷² In addition to asking about participants' experience with court reporting and their views on the role of news media with regards to courts, our questions were designed to tease out the journalistic and editorial decisions behind court coverage, and the internal and external factors that influence court reporting.

Recordings from the interviews were transcribed and analysed using thematic analysis to look for commonalities and differences that emerged from the responses⁷³, with qualitative coding assistance from NVivo software.

To avoid any disclosure of the identities of participants, participants are not identified by name, organisation or location in this report. Instead, participants were assigned a pseudonym according to their role within the organisation they work for (editor 'E' or journalist 'J').

As detailed below, the interviews identified barriers for court reporting, providing qualitative insights behind the sampling court report results from 2023 and 2024 presented in the previous section. Responses also provided examples where court reporting was facilitated and challenges were overcome, sharing potential opportunities that may enable more court coverage.

This research suggests that newsroom factors such as the lack of full-time journalists, court training requirements and difficulties retaining staff are particularly challenging when it comes to court reporting, in part due to the time and expertise involved. The rapport between journalists or editors with courts and court personnel also influenced news outlets' capacity to conduct court reporting, as did the legal support available to newsrooms. Lastly, news outlets that recognised strong audience consumption of court and crime stories facilitated their court reporters to produce these stories.

⁷² Longhurst 2009.

⁷³ Ibid.

Views on court reporting

When interviewing journalists and editors in regional New South Wales, we were interested in their views on the role of news media with regards to courts.

All editors interviewed discussed the importance of court reporting and the responsibility of news outlets to cover courts, regardless of the volume of court reporting their news outlets produced. Editors of news outlets which produced court reporting believed that it was an important pillar of public interest journalism.

There are a couple of reasons that we have increased our court reporting team and that we do a lot of court reporting. One of them is public interest. (E01)

Though most participants discussed a normative civic importance of covering the courts, some participant invoked the open justice oversight function in their response:

It's [court reporting] an important part of bearing witness to the community, sharing local news with the local community. Courts are public places, justice is administered in public. (E02)

I think it is that broader responsibility of the community and your newspaper readers knowing that the court process, that crime and punishment process is working correctly. (E04)

Editors whose news outlets produced little to no court reporting nonetheless felt a responsibility or interest in doing court reporting.

I think that the media certainly has a cumulative... as an organism... does, absolutely have a responsibility to report on the courts. I think that I feel a personal responsibility, to be doing it. (E03)

When asked whether there was enough court reporting being conducted, one journalist pointed to the growing number of courtrooms without a news media presence.

Unfortunately, there are a lot of courtrooms, and the number is probably growing, in New South Wales and no doubt around Australia where there are empty courtrooms in terms of media presence, and that's very concerning. (J02)

Acknowledging the difficulty faced by their individual news outlet to cover courts, other interviewees saw courts being covered by a network of many different news outlets and that combined, this was providing some court reporting to communities. For example, one journalist responded that the focus of their newsroom is in smaller regional courts rather than higher profile cases in major cities, which are covered by other news outlets. This idea that news outlets prioritise coverage of certain courts and defer coverage of other courts to other news outlets was also expressed by two other respondents. One editor (E01) of a news outlet conducting court reporting said that they have seen gaps in court reporting in smaller communities surrounding their main market, and had subsequently expanded their court coverage to include these areas. This view was supported by an editor (E03) whose news outlet does not conduct court reporting, saying that they rely on those news outlets who are better resourced to provide that coverage.

Role of court reporting

Responses suggested that the role of news outlets providing court coverage and court reporters themselves varied from court communicators and translators to educators and deterrers of crime, describing the educative function of the media in open justice.

Journalists interviewed described their role as court reporters as a kind of intermediary between the court and the public by reporting on what has happened for their readers who are unlikely to attend court themselves.

Well, court at its core is public for people to go to, anybody could go into court if they wanted and sit down and watch. Or proceedings. They just don't because why would you? So I think this is another way of putting court, the court process, and who's been in court, out in the public, in a way where they don't have to go to court. (J03)

People want to know about murders that happen in the community, but they don't have time to sit in a courtroom and listen to it. (J01)

For others, this intermediary role between the court and public also involved translating legal jargon and proceedings.

But the reality of it is where you know experienced journalists going in there, deciphering all the legal-speak to put out a story so people can understand it ... I think it's very important for people to know what's going on in the community and to have the reporters to be able to get it out to the community in layman's terms so that they can understand. (J04)

Some editors interviewed went further, suggesting the role of news media goes beyond simply communicating the court events of the day to audiences who are not attending court themselves, but extends to educating their audiences on how the court system works.

It's important to have transparency around the legal system. For the community. It's a system that a lot of people don't have to interact with. So that's where the education side of it is really important as well so that people can understand the procedures and even the rulings around sentences.

I feel like it's our obligation, like I said, to maintain the community's faith in the legal process ... to find the truth and educate the community on what is actually the truth. (E01)

This second editor went on to stress that their job is not to be a stenographer for the courts or to defend them if they aren't working, but to provide a factual account of what occurred. The same editor said that court reporting is a "record of community expectations", capturing the community's attitudes towards crime and punishment of the time. Another editor (E02) stated that one of the roles of news media in relation to courts was "to [not only] understand the standards that the courts set for behaviour, but also for what the tolerance of our society is".

Some interviewees also described the news media as playing a role in crime prevention through the 'name and shame function' of court reporting as described by Hess and Waller. One journalist (J03) believed it was "good for people to know who is out there and what they've been doing, particularly with sex offences" as the threat of potentially being written about in a regional area is a "deterrent for people not to commit certain crimes". This participant shared an anecdote where a lawyer said to them that their client was more scared of the media than of the magistrate.

An editor (E04) reasoned that “it’s not about naming and shaming” just for the sake of it, but that “people need to know that the deterrent is there”. They suggested that coverage of courts by the news media is one way of deterring the public from committing crimes, as they remind audiences that there are consequences for certain anti-social behaviours. This editor also observed that while other state agencies, such as police or local councils, have communications teams and platforms through which they share information with the public, this is not true of the court system, with the news media still fulfilling that role. They said that in their experience, the courts are not taking full advantage of the news media’s role as communicators.

Editorial decisions

PIJ’s quantitative research into court reporting has consistently found that plea hearings to violent and drug offences receive the greatest share of coverage, with far less reporting on trial hearings and other categories of offence.

When asked about who within a news outlet is responsible for deciding which court stories are covered, responses indicated that coverage decisions are largely made by court reporters themselves, with some editorial oversight.

Interviewees said that a range of factors are taken into account when deciding which stories to cover. This includes how well-known the person charged is or their position within the community, and how public or violent the crimes are. One journalist (J03) said that they look for cases that are “interesting” and “quirky”, joking that even judicial staff could guess which cases they would likely be reporting on.

The freedom to pick what stories to cover was inherently also true at news outlets reliant on freelancers; as external contractors, editors have even less day-to-day control over their activities than staff reporters. One editor, when asked whether freelancers in their network ever pitch court reports, described what they viewed as the thought process for a freelance journalist:

They’ve also gotta factor in for themselves ‘if I’m getting paid this amount per story, what’s easier? To write a potentially litigious story about, you know, a local issue that arises in the court, or is it easier to do a community story?’ For the same amount of money that’s what they are gonna go do 90 per cent of the time, because it’s easier, takes a lot less time, and doesn’t involve sitting all day in the courthouse. (E03)

Respondents said that audiences want to read court and crime stories, evidenced by increased subscriptions and online traffic, and these commercial considerations impact their choices of stories. As one court reporter put it:

Bad news sells unfortunately. (J03)

One journalist (J02) said that they consider audience engagement mid-court proceedings, and that “if [the story] hasn’t been going tremendously online, or been picking up interest and being run in our print editions, I won’t be covering the bits in between”, meaning the trial itself between the plea and verdict.

An editor (E02) suggested that being driven by audience engagement for public interest journalism was the wrong approach, while another (E01) said that both public interest and audience engagement influence which court cases their news outlet covers.

Journalists interviewed also said how the inclusion of photos in published court stories tends to be met with strong audience engagement, particularly in smaller communities where there's more of a chance that audiences will recognise the people photographed in the article.

This view was not universally held. Two editors not producing court reporting (E03, E04) said that they have not received any feedback or queries from readers about the lack of court reporting in their publications. Another (E05) said that though they don't cover the courts, their newsroom receives emails from people in the community suggesting they cover certain court cases.

The expectations of audiences and the need to co-exist in a small community were front of mind for some interviewees.

One editor (E04) said that they navigate the social cohesion impact of court reporting in a regional community by sticking to facts but providing minimal detail. This editor said that where there was a case involving somebody from their community, they would only report the charges and outcome, and would not publish "a lot of the nitty gritty ... it's too inflammatory and people have issues with it".

Some court reporters (J02, J03, J04) said that they consider being a court reporter in small, regional communities as potentially having a personal impact. Some (J03, J04, E04) said they have received complaints from people who are angry about being the subject of an article, demanding that stories and photos be removed. Another (J02) said that complaint emails and being confronted in person outside of the courtroom is a concern for journalists, and may discourage some journalists from reporting on court. Another journalist (J03) said that they had also been threatened in public by someone they had written about. Both said that court reporters need to have a thick skin and become desensitised to personal attacks.

Two journalists (J03, J04) said that taking photos of people outside of court can be particularly intimidating.

Legal barriers

Court reporters face multiple legal impositions on their journalism, including suppression orders, contempt of court and statutory prohibitions on publishing certain types of information. At the extreme end, journalists who breach these rules can be jailed.

Journalists interviewed said that restrictions on what can be published influence their decisions about which cases to cover. This was particularly true in situations where the identities of parties involved in a case were suppressed.

One journalist (J03) said that they had experienced showing up at court with the intention of writing about a particular trial, only to discover on arrival that a non-publication order had been placed on the proceedings, preventing any coverage.

In cases where statutory restrictions prevent identification of parties, such as sexual offences or crimes involving children, journalists must be careful about the information that they include in any report. A journalist (J02) said that the first court story they ever wrote clearly breached these restrictions by identifying both the perpetrator and their victims in a rape case.

Our lawyer replied with 'Have you done legal training?' And obviously I hadn't, I was a rookie in court. I'd clearly identified all these victims, these child victims of sexual violence. A double whammy, essentially. It was hard to write, I had to cut heaps of information ... there are ways

around [the restrictions] but if you're not taught how to do that it takes more than one training session to get across everything. (J02)

Family violence cases were also highlighted as one that most participants interviewed would not cover due to the legal risk involved. Though protecting parties involved in those cases is in the interest of all involved, one journalist (J02) said, that an unfortunate impact is that domestic violence related matters are covered less due to the legal restrictions usually placed on them, despite making up a significant number of local court matters each week. Another journalist (J01) recounted an example where a prominent member of their community was charged with serious domestic violence-related offences and successfully applied for a non-publication order on their identity. The reporter was able to continue to report the story without naming the individual, but chose not to contest the order in this instance, as they have not successfully overturned a non-publication order in the past. The journalist said that there is a general awareness of the story in the community anyway – they receive emails asking about what is happening with the individual, but they cannot answer these queries.

This observation is consistent with both prior research and PIJJ's sampling. We found no evidence of coverage of apprehended violence order (AVO) cases, despite these being a large proportion of court proceedings each week, and little evidence of coverage of other incidents of family evidence.

Some interviewees said that they had received legal notices in response to their reporting, but of those who had, none said that the threats had led to legal action against their news outlets.

One editor (E02) said that their confidence in the law meant that they could confidently report from the courts. They said that as court reporters, they are able to report on facts as they are presented before the jury in open court proceedings, and therefore people making legal threats "haven't really got a leg to stand on".

Another editor (E01) said that their news outlet is often threatened with legal action, and that they are "very passionate about not letting that influence the reporting". As they have legal teams that run through any court report that they are concerned about, this editor was more focused on their outlet's court reporting being accurate, fair and balanced. The editor did say that their reporting "probably more cautious" than metropolitan outlets which are "much more provocative than us in their coverage", however.

Challenges

Interviewees' responses identified many challenges for conducting court reporting. Staffing and financial pressures are challenges that relate to the new industry in general. This section presents how the lack of staff, and difficulties training and retaining staff were identified by interviewees as particularly challenging for conducting court reporting.

Interviewees also determined that the lack of resources posed a challenge for reporting. At times, 'resources' was used interchangeably with 'staff', while other times it was used to capture a range of general capacity needs and limitations of new outlets. Where possible, this section refers to the specific resource being referred to by interviewees i.e. staff, time. In some instances, 'resources' remains a broad capture, for example, referring to one or more of staff, wages, time, and expertise.

Time

Common responses stressed that conducting court reporting presents particular difficulties for news outlets that are already limited in terms of full-time staff, particularly because of the time and labour demands, including travelling to and attending court.

Two editors spoke of the geographic distance between where reporters are based and the multiple courts within their news outlet's coverage area, and how it is difficult to justify the time required for their staff to travel multiple hours to attend court. One outlet included in the study covers a court that is four hours' drive away from its newsroom.

Some journalists interviewed were the only reporters on staff at their news outlets, which severely limited the amount of time that they were able to spend court reporting, and the distance they could travel to do it.

There's some courts I can't go to just because literally I'm one person. (J03)

The time-consuming nature of physically sitting in court was also identified as a challenge by interviewees. Editors who did not conduct court reporting, yet believed it was important, cited the time requirements of sending a journalist to attend court as a barrier. One editor (E04), for example, said that "it's a waste of resources to have someone sit in a courtroom all day" for a minor story like "two DUI charges". Another editor (E05) said that it is difficult to justify the level of resources needed to send a journalist to attend court when there may be nothing reportable or an adjournment, even for high-profile court cases.

One journalist pushed back on the view that court reporting is too resource intensive. When asked to respond to that view, they said that

...it's difficult for smaller publications to recognise that going to court is actually a better use of your resources than staying in the office and reporting on other things, because we know that the results show that readers want to read court reporting. (J01)

An editor (E03) whose news outlet did not conduct court reporting said that time was the major limiting factor; and that they themselves would love to go and sit in the local court if they had more of it. Another editor (E05) at a news outlet that does not conduct court reporting explained that they do not have the resources to do it, and that "even if I did send one of my freelancers down there to sit at court, the likelihood is the quality of that story would be pretty poor".

Interviewees who regularly attend court described their typical day sitting in the courtroom. When asked about whether the court cases they chose to attend were pre-planned or spontaneous, one journalist (J02) responded that if they're not covering something specific, attending court "is a bit like fishing". The unpredictable nature of attending court evoked in this analogy was echoed by others:

You never know when something unexpected happens. (J01)

You've got to sit through just the most boring stuff to get to the gold nuggets that are actually worth writing about. (J03)

The investment in sitting all day in a courthouse may not even lead to a return, as two other editors reflected, with some trips returning little to nothing publishable:

It's unpredictable, you can send someone to a case for a day and they may not have anything reportable. (E01)

If you could spare somebody to go and sit in a courtroom three days a week ... it's really like, what is it really actually giving you, like a few centimetres of content? (E04)

The small nature of regional newsrooms can mean that journalists are not just facing competing reporting priorities, but can additionally be involved in production processes, such as layout and printing, which also competes with reporting time, as one editor reflected:

I can't send somebody to sit in a courtroom all day to fluff around for three stories that are, you know, four sentences long, it means nothing when all our staff is lacking because we're a small operation. Our journalist is heavily involved in the actual design and production and all those things. (E04)

Increasing information provision by the courts, including livestreams, lowers the barrier to reporting for one editor. Although not ideal, one editor (E02) said that being able to access court proceedings remotely freed up time for their journalists to report other stories alongside court reports.

To make a three hour round trip and to be filing that single story when we can cover it by getting access to the court proceedings [online] and [when] I've got someone sitting in the office who covers that and then goes on to file the other stories that she needs to do that day... (E02)

Staff

The difficulties of training journalists in court reporting were discussed with interviewees. This section explores how responses stressed the importance of appropriate court training as it is a specialised skill which must be done in an accurate way to avoid legal ramifications, and the court process is usually unfamiliar and requires in-person guidance and practice in a courtroom. Some interviewees talked about how only a few staff members within a news outlet may have court reporting expertise, however, where court knowledge can be passed on through internal training, interviewees found it useful.

The importance of appropriate training in order to ensure that journalists are producing accurate court reports was a view commonly expressed by interviewees. One editor (E03) said that “court reporting can't be done by any community member off the street” because it needs to be “100 per cent accurate...it needs to be perfect”.

Nevertheless, most of the journalists interviewed shared their personal experiences starting out in court reporting and said that they felt unprepared.

When I was in smaller media outlets I had no one to show me. I was pretty much thrown in and [told] go here, just do this. I had no idea what was going on so legally I could have aborted a trial because I had no idea what I was doing. (J04)

I don't know if there is enough hand holding for young journalists or inexperienced journalists to sort of come to grips with [court reporting]. That takes a lot more than just the one training session I had. (J03)

I didn't do a single court reporting class. Didn't do any court reporting ... and so the first time I ever covered court was when I worked at the local paper. (J02)

Journalists described their first experiences of attending court as “very daunting” (J04) and “really confronting” (J02). They described it as a disorienting experience, mentioning the “different” (J04) and “bizarre” (J02) language used in court proceedings.

I was told, oh, you're going in our report tomorrow and I was terrified because I didn't know how it worked, no one knew me. Like, I didn't even think anyone was allowed to just pop into court. So I bring my laptop into court to take notes. I didn't even think I was allowed to do that. (J03)

These court reporters later received court reporting training from their employers. They emphasised how useful this internal training was, particularly for teaching junior journalists the court process by physically attending court.

So they [senior journalists] go with someone physically and then like, they teach them. ‘Oh, this is what that means. And this is what that means. And this normally happens if that happens’, and it just it gives them a bit of a heads up. (J04)

To learn, what's important? What's being said that is important in a courtroom? What should be focused on? Where I should be going. How I should write a story. What is legally risky? (J02)

According to the interviewees, providing training for this specialised skill is made more challenging when there is a lack of existing internal court reporting expertise within newsrooms. Three journalists said that in their experience there are newsrooms where editors and senior staff do not have court reporting knowledge themselves and are therefore not in a position to provide advice to their court reporters.

Despite these difficulties, court reporting was seen as very important for journalists to be trained in. One journalist (J02) said that the “sink or swim” approach was not suitable for learning court reporting, and another (J01) said that although in general regional reporting is usually taught “by just getting thrown into the deep end”, they thought that “court is too important and too risky to do that”.

An editor (E02) expressed a desire for their publication to have a stronger focus on training journalists in court reporting aided by more internal knowledge and resources as ideally every journalist should be doing a “stint” in court reporting, reflecting that the days of sitting in court all day as a young journalist are largely gone.

Another editor (E03) said that they would be comfortable training journalists themselves, but would want to do that training in person and by attending court together, stretching further their already limited time and resources. Though this outlet no longer produces court reporting, it has in the past, when they “had people that are comfortable to do it”, suggesting that employing well-trained court reporters would help facilitate court reporting at a news outlet that does not otherwise provide court coverage.

Another editor (E05) at a news outlet that is not producing court reporting said that finding somebody with appropriate expertise was a key barrier. They also said that they were not taught media law at university, and from their experience trying to do a crime story in the past with little editorial support, they believe that it takes time to build a court reporting skillset:

Even if you learned in a classroom, it'd still take another year of experience on the job to really get it in your bones. (E05)

In contrast to the experience of the reporters, who broadly felt that they were still early in their journalism careers and unprepared for court when they first attended, one editor said that the high professional standards required means that they do not send junior staff to court:

All of our court reporters are relatively experienced, you know, and very measured and that's why they're in those roles because...accuracy is essential and, you know, we're not putting our most junior reporters in those roles. (E01)

From their own experiences and observations, interviewees said that as well as being intimidated or confused by courtroom proceedings, junior journalists may feel anxious about making mistakes that open themselves or their newsrooms to legal action. Similarly, all three of the editors whose newsrooms don't cover the courts said that the legal risks that can arise from court reporting are a factor in this decision. One stated simply:

We really don't have enough money to get sued. (E03)

A journalist (J03) recalled their experience previously producing court reporting for a news outlet with no legal team, saying that it was "scary". In this case, editors assumed the responsibility for identifying and removing legally risky elements, which was "also a bit frightening" for the young journalist.

Among those newsrooms that do produce court reporting, most reported having access to legal advice, as well as senior staff confident in identifying legal risks. Multiple participants from across different news entities in the study said that all court reports go through legal teams for clearance before they are published.

News outlets also face issues with staff retention, both generally due to financial pressures and cost-of-living in regional areas and compounded by the particular mental toll of court reporting.

An editor (E03) spoke about general challenges faced by the news industry in terms of staff retention. They said that even if they were in a position to hire a journalist, it is uncertain for how long they could employ them for, which they believed was unsustainable for their news outlet but also unfair on newly hired journalists.

It's really hard to retain young staff because you've gotta be able to offer them a liveable wage. (E03)

Other interviewees highlighted how it can be difficult retaining court reporters due to the emotional and mental demands of court reporting over a long period of time. One journalist reflected that:

I know that there are people that are going to court and that are confronted about what is being covered in court. And court reporting will probably end up just not being for them. Like it is fairly graphic, you are seeing the extremes of life and that could take a significant mental toll on a lot of people. So that's a barrier that probably isn't talked about too much. I've read a lot of reports about court reporting and crime reporting where they're doing it at the time and then they finish their career or they're coming to the end of their career and they're like 'far out that did take a big mental on [me]'. (J02)

Relationships with courts

Interviewees were asked about their relationships with local courts.

Responses emphasised how collaborative relationships with court personnel facilitated their reporting, while other responses depicted less accommodating courtrooms for news media. The level of rapport and collaboration that court reporters had developed with local courts also impacted their ability to access court documents.

The court's willingness to accommodate and collaborate with news media was dependent on a range of factors. One factor identified by interviewees was the attitude of individual court personnel, such as magistrates, towards the presence of news media in their courtroom.

Ten years ago when I was the journalist, we had a really good magistrate, and he would actually give you everything you needed to know in his sentencing speech...like he knew I was there so he'd just do that for me, so that was very helpful. (E04)

Sometimes if it's a certain judge, he likes to know exactly who you are and why you're there and you have to tell the court stuff beforehand, before you even walk into the court, whereas in other courtrooms it's not a requirement and you don't have to normally. But it's just depending on the judge or the magistrate because there's some funny about media, others don't really care. (J04)

The level of the court was perceived as making a difference by one editor (E04), who said that in their experience, district courts tend to be accustomed to having court reporters from daily publications in attendance, whereas local courts are under more pressure to get through lists of increasingly more cases, and are therefore too busy to assist journalists and include them in the court process.

This editor believed it was the responsibility of journalists to create relationships with the court to make it easier to access court documents, though they said that placing the responsibility on the journalist is not ideal and requires extra effort on the journalist's part. Much as staff turnover among reporters can impact long-term relationships with court staff and impede news production, the same is true of courts, where changes in personnel reset the relationship.

Court reporters that we interviewed described good relationships with the local courts they attend, noting the benefits of maintaining these.

I try and keep really friendly with all of them. Often I have to speak to [them] inside and outside court, especially if I'm trying to clarify something about their case. (J02)

I have a good relationship with everyone in the courthouse. I think I try very hard to maintain relationships with court staff because I do apply for a lot of documents. (J01)

Similar to prior research, one journalist (J03) we spoke to said that court staff would provide tip-offs about cases that might make interesting stories. They also reflected that on the professional pride that comes from knowing that court staff are reading and appreciate the coverage.

One editor (E04) recalled a deterioration of relationships and, as a consequence, access to information as a result of procedural changes at the court. Though the editor did not believe it was intentional, they felt that there had been insufficient attention to the needs of the media. As a consequence, they reflected

It's almost at the point where I need to witness the crime and report it myself with my own crime number to know exactly what time it is so I can get information on it. (E04)

We did not specifically ask about non-court staff such as police and counsel, but one editor said that they felt that lawyers were not willing to engage with journalists (E05).

The most commonly held view among all participants was that, for better or worse, building relationships with court staff was an important part of the job, and that knowing the right people was increasingly important in accessing information.

Discussion

This research suggests that while there is broad goodwill and desire to conduct court reporting, as well as a potential commercial benefit to doing so, production is inhibited by a combination of financial, legal and social barriers.

Interviewees reported that the oversight and education functions of the media in relation to open justice were important, and also recognised a normative civic importance, as well as benefits to their businesses, in court reporting. They understood the role of journalism as a check on the court, though in practice tended to more strongly reflect on the education function in describing what is occurring in the courts to their audiences and their role in deterring crime. One journalist reinforced prior research⁷⁴ on the way that media creates social meaning by defining the boundaries of community when they stated that they don't 'name and shame' people for the sake of it, but to remind people that the media has that power.

Barriers drawn from these interviews include the lack of full-time journalists able to build and maintain relationships with their local courts, the importance and difficulty delivering training and developing sufficient expertise, and the challenges of retaining court reporters long-term.

Editors interviewed said that an overall lack of staff capacity limits their ability to report from the courts. For outlets that do, the time and labour required for their journalists to do court reporting were still significant, largely due to the time-consuming nature of physically attending court. These statements are consistent with prior research⁷⁵ that court reporting is out of reach for many smaller newsrooms, as well as the quantitative findings from this study that the vast majority of reporting is produced by major news companies.

The unpredictability of local courts is a factor, where hearings may be continually delayed due to insufficient preparation or attendance by parties to a case. Lower courts regularly run late, and daily lists may bear little resemblance to the actual operations of the day, causing difficulty for any journalist planning to attend just one short proceeding. The impact of this unpredictable scheduling on journalistic production was raised by our participants and in prior research.⁷⁶

One interviewee said that the provision of more information by the courts, including transcripts and livestreams, partially mitigates the high cost of attending court. However, journalists we spoke to said that attending court has tangible benefits that cannot be realised in the digital environment, including developing relationships with staff to facilitate access to information, clarifications about points of law and evidence, and tip-offs about potentially newsworthy cases.

⁷⁴ Hess 2016.

⁷⁵ Hess and Waller 2013; Simons, Dickson and Alembakis 2019.

⁷⁶ Chamberlain et al. 2021.

Prior research⁷⁷ has additionally found that remote reporting on courts can ‘miss’ the most important details of a proceeding. Not being physically present in a courtroom would also seem to diminish the positive impact that journalists can have on the conduct in a courtroom that interviewees in this and other⁷⁸ research has found. There is an additional concern from a professional ethics standpoint about reporting that is entirely produced based on court-supplied materials – it is unclear whether news of this kind meets professional standards around independence, or if it can meaningfully fulfill the oversight function of court reporting.

Interviewees believed court reporting training was important in terms of ensuring accuracy and familiarity with both the law and court processes, and they did not think there was enough training available. Court reporters interviewed benefited from internal training, having received minimal, if any, court reporting training prior to attending court. University journalism schools do provide court reporting and media law subjects⁷⁹ but based on this research this may not be sufficient for preparing young journalists for attending court.

Beyond formal training, interviewees raised the importance of having senior staff able to act as mentors to younger court reporters. It is one thing to attend a short course on court reporting; it is another to have access to an experienced reporter able to provide informal guidance on a day-to-day basis.

The issue of building and maintaining expertise is a broader one in journalism. The industry’s ongoing contraction has led to a well-documented⁸⁰ hollowing out of capacity, with senior staff most affected. This is evident both in layoffs and in the career paths of journalists: in past research editors have said that mid-career journalists are difficult to retain, as salaries and advancement opportunities in the news industry are not as competitive as those in communications.⁸¹

The mental and emotional toll associated with the heavy subject matter of court reporting was also mentioned as a barrier for retaining court reporters long-term. In 2019, in an Australia-first, a Victorian court held that newspaper *The Age* had breached its duty of care towards a former court reporter by failing to provide a safe workplace and ordered that it pay damages for her post-traumatic stress disorder.⁸² Interviewees spoke of the potential for burnout and recognised it among colleagues, though none reflected feeling that themselves.

Interviewees reported that taking photos of parties to a case outside of a courtroom was particularly confronting. The expectation that journalists will take photos and video is another result of a contracting media sector: where in the past media companies would employ professional photographers for this ‘snatch photography’, the labour costs and ubiquity of smartphones has shifted that job to reporters.⁸³ One benefit of the previous approach was putting distance between the reporter, who sits in a courtroom all day with the parties and who may need information from counsel or the participation of other parties for their reporting, and the photographer who confronts them on the courthouse steps taking unwanted photos and footage. The collapsing of these two roles

⁷⁷ Chamberlain et al. 2021.

⁷⁸ Simons and Bosland 2020.

⁷⁹ Disclaimer: the lead author has lectured in media law and provided court reporting training for journalism students at Monash University.

⁸⁰ Dodd A. and Ricketson M. 2021. *Upheaval: disrupted lives in journalism*.

⁸¹ Simons, Dickson and Alembakis 2019.

⁸² Edraki F. and Carrick D. Trauma of news journalism in focus after *The Age* found responsible for reporter’s PTSD.

⁸³ Jones 2021.

creates greater tension between the reporter and their subjects than previously existed, though our interviewees only said that it impacted how they felt about their jobs, not their ability to report.

We did not test whether the absence of these barriers would hypothetically allow court reporting for those outlets which did not currently produce it, or more court reporting for those already conducting it. Moreover, the inverse of a barrier identified by interviewees cannot be assumed to automatically be a driver for court reporting without further research. Therefore, the drivers and barriers discussed in this section are only those apparent from the responses.

Nonetheless, there were a few factors determined by interviewees that had the ability to both facilitate and limit court reporting. These factors included the legal support available at news outlets, and the cooperation and relationship between news outlets and their staff, and courts and their personnel.

News outlets that produced court reporting tended to be confident in the legality and accuracy of their published stories, enabled either by staff with a clear understanding of the legal parameters they are allowed to operate in or by the presence of in-house legal teams. On the other hand, news outlets that did not produce court reporting noted a lack of internal legal capacity at a news outlet level, a lack of legal expertise at a journalist level, and therefore expressed concern about publishing potentially litigious stories. There was a fear expressed by one participant that any legal action, no matter how defensible, could nevertheless be devastating for the business.

The journalists we spoke to showed a strong awareness of how to navigate legal restrictions. In the examples provided, the journalists attempted to find ways to report the story while not breaching the orders and restrictions that were in place, and were aware of the pathways that were open to them if they wanted to challenge orders on a public interest basis. However, their experiences also reinforced the difficulty that an inexperienced journalist or newsroom would encounter trying to report from the courts in some circumstances.

Court reporters who were able to build collaborative relationships with local courts found that this enabled their access to documents, allowing them to produce full and accurate court reports. One journalist also expressed getting professional satisfaction from knowing that court staff, including a magistrate, was reading and appreciating their work. However, maintaining these relationships was difficult, particularly where staff turnover was higher.

Where relationships between news outlets and courts were more underdeveloped or had deteriorated, this resulted in a sense of inaccessibility and hostility, both in terms of physically attending court and accessing court documents. Prior research has suggested that courts without regular attendance by media 'forget' the principles of open justice, and fail to provide the access to spaces and to information that journalists need, whether through ignorance of these requirements or by not having appropriate systems in place.⁸⁴

One of the drivers that emerged through the interviews was the audience readership and subscriptions that court reporting attracted. Interviewees at news outlets which produced court reporting noted that a prioritisation of court and crime stories at organisational or editorial level, largely driven by strong audience demand, enabled journalists to focus on court reporting. Some of the editors who did not produce any court reporting also did not report hearing from their audiences a desire for more.

⁸⁴ Jones 2021.

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About the Public Interest Journalism Initiative

The Public Interest Journalism Initiative (PIJI) is a specialist think tank advancing a sustainable future for public interest journalism in Australia.

Through our original research and advocacy work, we seek to stimulate public discussion and establish optimal market pre-conditions in investment and regulation that will sustain media diversity and plurality in the long term.

PIJI is a registered charity with tax concession charity (TCC) status. It is a philanthropically funded, non-profit company limited by guarantee (ABN 69 630 740 153) governed by a Board of independent directors, advised by an Expert Research Panel and Policy Working Group and regulated by the ACNC, ATO and ASIC.

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[Public Interest Journalism Initiative]

info@piji.com.au

www.piji.com.au

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