



## **MEDIA GUIDELINES**

**Released 7 September 2023**

### **INTRODUCTION**

- 1 These Guidelines are issued under section 63(1) of the *Inquiries Act 2014 (Vic)* (**Act**) and deal with media matters in relation to the Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools (**Board of Inquiry**).
- 2 These Guidelines apply to all news media organisations, freelance journalists and other individuals who report and publish information on the Board of Inquiry, including its public hearings.
- 3 These Guidelines may be updated and varied from time to time.
- 4 The Board of Inquiry may, at any time, depart from these Guidelines if it considers it appropriate to do so.

### **OBJECTIVES**

- 5 The Board of Inquiry recognises that the media has an important role to play in relation to its inquiry.
- 6 The Board of Inquiry seeks to work co-operatively with news media organisations to:
  - 6.1 communicate with the public and develop community understanding of the Board of Inquiry's work and child sexual abuse more generally; and
  - 6.2 facilitate fair, accurate and timely public reporting of the Board of Inquiry's work, including its public hearings.
- 7 The Board of Inquiry intends to release as much information about its inquiry as possible, subject to legal, privacy and safety considerations, especially given the sensitive nature of much of the information relevant to its inquiry.

### **DEFINITIONS**

- 8 In these Guidelines, these terms have the following meanings:

**Chairperson** means the Chairperson of the Board of Inquiry, Kathleen Foley SC.

**Exclusion Order** means an order made by the Chairperson excluding any person from the Board of Inquiry's proceeding under section 71 of the Act.

**News media organisation** means:

  - (a) a commercial enterprise that engages in the business of broadcasting or publishing news; and
  - (b) a public broadcasting service that engages in the dissemination or publishing of news.

**Publish** means disseminate or provide access to the public or a section of the public by any means, including by:

  - (a) publication in a book, newspaper, magazine or other written publication;
  - (b) broadcast by radio or television;
  - (c) broadcast or electronic communication, including by publication on the internet; or

(d) bring to the notice of the public or any member of the public by any other means.

**Restricted Publication Order** means an order made by the Chairperson prohibiting or restricting the publication of information or evidence under section 73 of the Act.

## BACKGROUND

- 9 The Board of Inquiry will generally adopt the following approach to information:
- 9.1 written submissions may be made available to the general public, unless the person or organisation making the submission has requested anonymity or confidentiality (in whole or in part) or the Board of Inquiry otherwise determines the submission should not be made available;
  - 9.2 information from any community consultations and stakeholder and expert roundtable discussions may be made available to the general public;
  - 9.3 a list of witnesses for the public hearings will be published on the Board of Inquiry's website prior to the hearings;
  - 9.4 transcripts of the public hearings will be uploaded onto the Board of Inquiry's website as soon as practicable;
  - 9.5 the Board of Inquiry may publish information given by a witness at the public hearing (including any witness statement); and
  - 9.6 any person or organisation (or the legal representative of that person or organisation) granted leave to appear or appearing as a witness may be granted appropriate access to any information, evidence or document relevant to the particular hearing, but only for the purpose of appearing at that hearing and subject to any other direction made by the Chairperson.

## PUBLIC HEARINGS

- 10 Subject to any direction or order to the contrary, the Board of Inquiry will livestream its public hearings to its website.
- 11 During the public hearings, news media organisations representatives **may** use personal laptop computers, tablets, mobile telephones and other electronic devices for electronic note-taking, text messaging, social media posting and publishing reports from the hearing room, provided such devices are switched to silent mode and any such use does not interfere with the hearing.
- 12 During the public hearings, people in the hearing room (including news media organisations representatives):
- 12.1 **may not** use mobile telephones for making or receiving calls;
  - 12.2 **may not** film or record (including sound record) any of the proceedings (without the prior approval and facilitation of the Communications and Engagement Manager); and
  - 12.3 **may not** photograph, film or record (including sound record) the:
    - 12.3.1 hearing room or other rooms and facilities at the hearing venue;
    - 12.3.2 public gallery or witness box at the hearing venue;
    - 12.3.3 foyer, reception or lifts of a building in which the Board of Inquiry is conducting a hearing; or
    - 12.3.4 Chairperson, Counsel Assisting, Board of Inquiry members of staff, witnesses, their legal representatives or members of the public, either in the hearing room or entering or leaving the hearing room (without the prior approval and facilitation of the Communications and Engagement Manager).
- 13 With prior approval and facilitation of the Communications and Engagement Manager, the Board of Inquiry may permit limited photography and filming of the opening and closing hearings by a pool camera or a photographer engaged by the Board of Inquiry. The Communications and

Engagement Manager may with prior approval and facilitation permit filming or recording (including sound recording) in the media room.

- 14 At all times, news media organisations and their representatives must comply with all:
- 14.1 relevant legislative requirements;
  - 14.2 any Restricted Publication Orders or Exclusion Orders;
  - 14.3 all Board of Inquiry Practice Directions; and
  - 14.4 any reasonable requests by Board of Inquiry officers.
- 15 News media organisations, their representatives and other individuals must observe any delay in the livestream broadcast prior to publishing any material from the hearing venues, to ensure compliance with any Restricted Publication Orders or Exclusion Orders.
- 16 News media organisations, their representatives and other individuals are also requested to be mindful when photographing, filming or recording (including sound recording) outside the hearing venues, including ensuring compliance with any Restricted Publication Orders or Exclusion Orders and any requests by the Communications and Engagement Manager not to photograph, film or record (including sound record) specific individuals outside the hearing venues.
- 17 If news media organisations and their representatives do not comply with paragraphs 11, 12, 14 to 16, access to the Board of Inquiry's information, public hearings and facilities may be withdrawn and any representative may be excluded from the public hearings under section 71 of the Act.

#### **MEDIA REGISTRATION AND FACILITIES**

- 18 If an accredited news media organisation wishes to access the Board of Inquiry's media facilities, they must apply for registration with the Board of Inquiry. The Board of Inquiry may also consider applications for registration from any freelance journalists who wish to report upon and publish information about the public hearings.
- 19 During the public hearings, the Board of Inquiry intends to make available to registered media representatives the following facilities:
- 19.1 a dedicated media room from which to prepare and publish reports of the public hearings;
  - 19.2 a working space at the back of the hearing room (if space permits);
  - 19.3 a dedicated audio-visual feed of the public hearings (accessible from the media room);
  - 19.4 appropriate opportunities to photograph and/or film the Chairperson and the hearing room (with the facilitation of the Communications and Engagement Manager);and
  - 19.5 appropriate access to any information, evidence or document relevant to a particular hearing,
- provided such facilities, information, evidence or document are only used for the purpose of, and to the extent necessary for, fair and accurate public reporting of the Board of Inquiry's public hearings and not used (or permitted to be used) for any other purposes.
- 20 All applications for registration must be made on the form attached to these Guidelines entitled "Registration form for news media organisations and their representatives".
- 21 The application form may be sent via email to: [media@beaumarisinquiry.vic.gov.au](mailto:media@beaumarisinquiry.vic.gov.au).
- 22 The Board of Inquiry will consider all applications for registration and determine in its absolute discretion which applicants should be registered. The Board of Inquiry will notify applicants of its determination.

#### **LEGISLATIVE RESTRICTIONS**

- 23 Various legislation prohibits, or imposes limitations on, the publishing of certain types of

information which may potentially be received by the Board of Inquiry.

- 24 Such legislation includes (without limitation):
- 24.1 sections 41, 191 and 534 of the *Children, Youth and Families Act 2005* (Vic);
  - 24.2 sections 3 and 4 of the *Judicial Proceedings Reports Act 1958* (Vic);
  - 24.3 section 121 of the *Family Law Act 1975* (Cth); and
  - 24.4 sections 17, 20, 25 and 26 of the *Open Courts Act 2014* (Vic).
- 25 The onus is on news media organisations and their representatives to understand these requirements, including ascertaining whether any relevant suppression orders exist and to comply with all such requirements.

#### **RESTRICTED PUBLICATION ORDERS**

- 26 At all times, any access to information, evidence or documents contemplated by these directions is subject to the Chairperson exercising the power under section 73 of the Act to make a Restricted Publication Order.
- 27 The Chairperson may make a Restricted Publication Order prohibiting or restricting the publication of:
- 27.1 any information that may enable the identity of a person who has given, or is to give, information or evidence to the Board of Inquiry for the purposes of its inquiry to be ascertained; or
  - 27.2 any information or evidence given to the Board of Inquiry for the purposes of its inquiry.
- 28 The Chairperson may make a Restricted Publication Order if:
- 28.1 prejudice or hardship might be caused to any person, including harm to their safety or reputation;
  - 28.2 the nature and subject matter of the information is sensitive;
  - 28.3 there is a possibility of any prejudice to legal proceedings;
  - 28.4 the conduct of the proceeding would be more efficient and effective; or
  - 28.5 the Chairperson otherwise considers the prohibition or restriction appropriate.
- 29 On the same grounds, the Chairperson may make an Exclusion Order under section 71 of the Act.
- 30 Any Restricted Publication Orders or Exclusion Orders will be placed on the door of the place where the public hearings are being conducted and will otherwise be available to any news media organisation.
- 31 The onus is on everyone attending the public hearings (including news media organisations and their representatives) to ascertain whether any Restricted Publication Orders or Exclusion Orders exist and, if so, strictly comply with all such orders.

#### **MEDIA LIAISON WITH THE BOARD OF INQUIRY**

- 32 All news media organisation contact with the Board of Inquiry as contemplated by these Guidelines (unless indicated otherwise), including registrations and requests for comment, should in the first instance be directed to the Communications and Engagement Manager, Ellie Sadrinajafi, via [media@beaumarisinquiry.vic.gov.au](mailto:media@beaumarisinquiry.vic.gov.au).



### Registration Form for News Media Organisation Representative

|  |   |
|--|---|
| <b>News Media Organisation</b>   |   |
| Contact address  | (State) (Postcode)  |
| <b>Representative</b>  |   |
| Contact telephone number   | (Business)<br>(Mobile)                                      |
| Contact email address  |   |
| <b>Media room</b><br>I request access to, and a security pass for, the media room. | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |

We undertake, and will procure that each of our news media organisation's representatives undertakes, to:

- (a) only use any Board of Inquiry media facilities and information for the purposes of, and to the extent necessary for, fair and accurate public reporting of the Board of Inquiry's work and not use those facilities or information (or permit them to be used) for any other purposes;
- (b) exercise all reasonable care in accessing, storing and publishing any Board of Inquiry information;
- (c) comply with all relevant legislative requirements (including, without limitation, the *Children, Youth and Families Act 2005* (Vic), the *Judicial Proceedings Reports Act 1958* (Vic), the *Family Law Act 1975* (Cth) and the *Open Courts Act 2013* (Vic));
- (d) comply with any Restricted Publication Orders or Exclusion Orders; and
- (e) comply with all Board of Inquiry Practice Directions and any reasonable requests by Board of Inquiry officers.

We acknowledge that a breach of these undertakings may result in our registration and access to the Board of Inquiry's media facilities, information and public hearings being withdrawn and in any representative being excluded from the public hearings under section 71 of the Act.

**Signed** for and on behalf of the news media organisation by:

\_\_\_\_\_  
Name: (Print):

\_\_\_\_\_  
Title:

Date:

Please lodge this form by sending it via:

- email to: [media@beaumarisinquiry.vic.gov.au](mailto:media@beaumarisinquiry.vic.gov.au)