

Court Reporting in Australia

By Peter Gregory
Cambridge University Press, 2005



'The best at our craft should be able to speak with anyone from the chief justice to the cleaner and treat them with civility.'

A book about the shortfalls of some legal practitioners, perhaps? Not at all. This book is aimed at another species in the fish tank called the courtroom, the journalist. The author is Peter Gregory, chief court reporter for *The Age*. It is a text, a book directed

to journalists and students of journalism.

Which is all the more reason why the book is of value to barristers. It is about the courtroom from a different view, for a different audience. Gregory doesn't preach. Each person in the courtroom has a job, and he explains his. Nor does he condescend. His newspaper may be doing a more highbrow job on a particular story; that doesn't mean that a tabloid, or a radio, or the television, can't be dictated by the realities of their different markets.

Gregory opens with the disarmingly simple proposition that courts are 'a public mechanism for controlling behaviour and resolving disputes.' The barrister is focused only on two things here, the controlling and the resolving. After all, the craft of the barrister is advocacy, his or her participation in those things. The journalist's focus is on the counterparts, the behaviour and the dispute, for these are the things which will first attract the public eye. The public, as Gregory says, is interested in a good story. And so murder trials, as Gregory admits, are the 'bread and butter' of the court reporter's job.

Indeed, Gregory is so fair-minded that I found myself asking at times, well, how *do* you excuse the fact that some journalists

behave with appalling indifference to the consequences of their actions? But then I reminded myself that this is only a textbook, and that people have wallowed in the misery of others since the Book of Job.

The court reporter's greatest enemy is time. The book gives a good flavour of the tensions that can arise during a working day, for example when a competitor is missing from the courtroom? Where are they? What story are they on? The last chapter, headed 'An atypical Friday at court', tracks a hypothetical day in court for representatives from a daily tabloid and broadsheet, television and radio reporters from the ABC and the commercials, and a team from a wire service. Gregory asked colleagues from these backgrounds to help put together an hour-by-hour timeline. Those barristers who have from time to time ended up with too many Friday court mentions in too many courts will relate.

One difference between the barrister and the court reporter is that there is nothing between the barrister and their audience, while for the court reporter, there is the office. Gregory – with 23 years of experience behind him – may be a tad optimistic in telling prospective journalists to 'assume you are the only grown-up working for your organisation and try to help everyone else associated with your story'. Or maybe not. It is the journalist's byline, after all.

Is court reporting simplistic exploitation? It's certainly preferable to the alternative of no court reporting, and short of abolishing the general public or jailing the prurient, I'm not sure what's left. Gregory waves no magic wand. He merely stresses for his students that courtesy, diligence and respect can't be jettisoned for the deadline, rather, they are part and parcel of meeting it.

Reviewed by David Ash

Park & Anor v Brothers [2005] HCATrans 773
(27 September 2005)

Gummow J: I do not think the judge cracked.

Mr Hughes: He did not. I do not have to show that he cracked and, as one would expect, his Honour did not.

Gummow J: Yes, exactly.

Mr Hughes: But he said at page 215, line 5:

That has absolutely nothing to do with it. I have the distinct impression you are seeking to waste the time of the Court.

Page 217, line 15:

His Honour: This is ridiculous. I will not put up with this sort of cross-examination. It is a complete waste of time. If you would ask some relevant questions, you may go ahead.

I want to make it perfectly plain, your Honours, that I am not making any criticism whatsoever of the somewhat stringent observations.

Hayne J: They might have been provoked just a little by the questions that preceded them:

Q. What type of lambs were they?

A. Four legged.

Q. Designed for wool?

Gleeson CJ: I think they represent what I once heard you describe as "tentative asperity".

Mr Hughes: Yes. Perhaps it is a little more than tentative but even if it was only tentative...