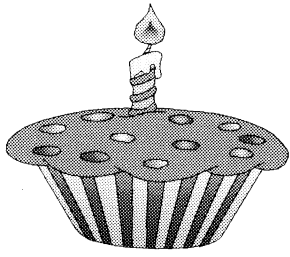


# NT LEGAL AID'S 10TH BIRTHDAY



Legal Aid will celebrate 10 years in the Territory next month with a public cake cutting in the Darwin Smith Street Mall.

Join the staff and friends of Legal Aid at 1pm on Wednesday 5 July 2000 for cake and balloons at their stall in the

mall. Information about the services Legal Aid offers to the community will also be made available.

*Balance* will run a special birthday feature next edition and welcomes any old photos or stories people would like to include.

## FERAE NATURAE

There's a line that goes something like "knowledge is power". In my previous life as a journalist, one of my jobs was to reveal the facts — in effect — to provide the public with the knowledge that would empower my readers. To give the public the capacity to make sensible, rational and informed decisions about the world around them.

But the quality of decisions are inextricably linked to the quality of the information.

And that is what worries me about recent developments on the Internet.

In Victoria in recent weeks two criminal cases have been aborted because of fears by presiding judges that jurors may have been unduly influenced by information — knowledge — potentially available to them by Internet sites such as the recently-launched CrimeNet. The rationale was that a defendant's priors — normally reserved from a juror considering a case — might become known by a juror during the course of a trial and thereby introduce elements of bias.

CrimeNet, and web sites of similar ilk, defend their cause by claiming that all they are doing is promoting material that is already "in the public domain". They claim that it is in the public interest to promote — indeed sensationalise — such information. They rely, so they say, on information that is available through newspapers. So it must be true! Yeah right.

No matter how scrupulous the reporter and the editors there is always human error.

When reporting crime and court stories one thing that was drummed into me was that one shouldn't rely on the sanctity of the printed word — whether it appeared on the files of my newspaper, or of court reports. I was obliged, whenever I was required to discuss someone's "priors" to check on the final disposition of cases — including that of appeals. I was also required to ascertain whether indeed those "priors" had any relevance to the story at hand.

Those were matters of accuracy and integrity as a journalist.

I was also obliged, as a matter of law, not to report anything that might unduly influence jurors.

I didn't have a problem with any of these duties — legal and moral — as a journalist. I regarded them as part of the deal as a member of the Fourth Estate — one of the unofficial checks and balances that protect society's freedoms.

Organisations such as CrimeNet, however, appear set to rampage over these protections. On its own admission, it makes no attempt to "marry" such reports with actual results — let alone oft-unreported results of matters on appeal. It has no access to the precautions available to the courts or police, such as similarities in names. In short, it has no entrenched interest, as does the justice system, in protecting the rights of individuals or in issues such as privacy. Its primary concern is scoring a few bucks on the way past "hits" on its Web Site.

As various commentators have said, policing the Net is difficult, if not impossible. Already, CrimeNet has stated that if legislative action is taken



*Ms Maria Ceresa, Executive Officer*

against it, it will merely move offshore and away from Australian jurisdictions.

Refinements to, and enforcement of, the application of Crown copyright in court decisions is a potential avenue in the misuse/partial use of such decisions — and is potentially enforceable under international copyright law. It is an exotic solution, perhaps, but better than tilting at the windmills of "legislating the Net". It would have the potential of hitting the pockets of the abusers of the integrity of our judicial system.

More to the point, it is up to the media to be more vigilant in their reporting of court decisions — not just the immediate judgements, but the results of all appeal processes. At least then the media, on which groups such as CrimeNet currently rest their defence, will no longer be smeared by grubby attempts to subvert the rights of the accused, let alone be responsible for aborting future trials.

See *Cyberlex* on page 16 to explore IT and CrimeNet.