

BALANCE

LAW SOCIETY NORTHERN TERRITORY

BENCH GOES LIVE TO AIR

At a quarter to two on Friday 11 August 2000 the crowd outside the Federal Court in Darwin was already swelling. Camera crew and journalists were everywhere. Both court rooms in the small registry were packed to overflowing. Anticipation was high. Fifteen minutes later, right on cue, Justice Maurice O'Loughlin delivered his judgement summary of the Lorna Cubillo and Peter Gunner v. Commonwealth stolen generation compensation case. It was the first time in Australia that a judgement was simultaneously broadcast live on television, radio and the internet. *Balance* spoke to the Federal Court's Director of Public Information, Bruce Phillips and ABC TV Darwin's Murray McLaughlin, about how it all happened.

"When the stolen generation case came up I talked to Bruce Phillips about the ABC doing a live to air," Murray McLaughlin told *Balance*. "He went away and I suppose it took a week or two before we heard their decision. They announced their decision and gave us one week's notice to put it all together."

"It didn't just happen out of the blue," said Mr Phillips. "The Federal Court has had six years of experience with court

television, including live broadcasts on free-to-air, cable television and the internet. We did the "Superleague" and MUA/Patrick's matters for example. We couldn't have done it without that background.

"It was up to Justice O'Loughlin whether or not to broadcast the judgement. We never make presumptions. The support of the judge is absolutely critical," he said.

"Justice O'Loughlin agreed to broadcast this judgement because of the great public interest in the case. It gave people the opportunity to hear directly and immediately about the reasons for his decision, a view shared by other judges within the court."

The judgement was almost 700 pages long so a concise summary was the key to clearly

and accurately disseminating the basic information.

"When you do live to air like this there is no filtering process, you are communicating with the public directly and immediately. The judgement summary needs to be clearly written with a view to the public. In days gone by the delivery of judgements was mainly for lawyers. That

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The ABC TV Darwin "Outside Broadcast" van parked outside the Federal Court in Darwin relayed the live to air broadcast around Australia and to the crowd outside the courthouse on Friday 11 August 2000.

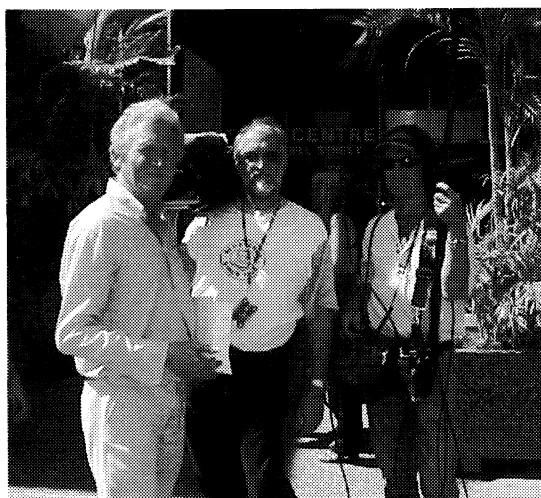
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has now changed with the use of summaries which have made it infinitely easier for journalists to do their job and for the public to understand the decisions," Mr Phillips said.

The Federal Court and the ABC worked closely in the week leading up to the judgement to prepare a programming schedule. Both Mr Phillips and Mr McLaughlin referred to the trust relationship necessary between both parties for the broadcast to work successfully.



ABC TV's Mr Murray McLaughlin with camera and sound operators Gerry Myer and Andy Maxworthy outside the Federal Court in Darwin.

"There were a few ground rules laid down. I wanted two cameras in the court and we got that OK. We also wanted one camera pointing at the judge and one in the gallery to get some pictures of the bench — the lawyers, Cubillo and Gunner and so on — and in the end they agreed to that. It ended up very much a matter of trust between the court and us. We had to feel it out as it went," said Mr McLaughlin.

Coordinating equipment and staff for the broadcast, as well as catering to the crowds expected to arrive on the day, was a joint responsibility.

"The ABC set up an OB (Outside Broadcast) van out the front of the

Federal Court the night before with a security guard beside it all night. Next to the van we had a generator. Down the street we had a satellite dish beaming straight to Sydney," said Mr Phillips.

"It was not just set up for live to air because we also knew a lot more people would turn up that could fit in the court rooms at the Federal Court in Darwin. We had monitors set up in the court foyer, in the conference room and outside the court for people to watch the judge deliver his summary."

"the mere fact that it was being broadcast live would have excited more people to tune in."

broadcast and had a line open to Bruce's mobile for extra insurance. The cue words were "go, go" and "go" the judge went."

According to Mr Phillips in terms of communicating the message the broadcast was an unqualified success.

"There was a lot of media in the week before the judgement so people knew it was going to be broadcast live. I have no doubt that there were people gathered around TV sets and radios throughout the country listening in. There were also snippets on Foxtel and BBC cable news so people around the world knew what decision came out of the Darwin court room that Friday. Broadcasting it live elevated the issue to another level — more people have been able to think and hear about the decision"

Murray McLaughlin agrees. "I am sure that the mere fact that it was being

broadcast live would have excited more people to tune in."

Mr Phillips praised the programming efforts of the ABC team.

"It might have just been an 8 minute piece — but ABC TV in Darwin put a lot more into it. As a piece of TV I think it hung together really well," he said.

"About 2000 judgements are handed down by the Federal Court every year. In reality only a few of those cases, despite their value, have as much media or public interest in them as the stolen generation case.

"When we get the opportunity to do live to air like this we have got to make it work well."

The Lorna Cubillo and Peter Gunner v. The Commonwealth of Australia judgement can be found on the Federal Court website at: www.fedcourt.gov.au



Emotional scenes outside the court as the media gathered for a press statement after the judgement summary was delivered.

Timing on the day was essential — both to cue in and wrap off the broadcast.

"They had given us a rough estimate of how long things were going to run," said Mr McLaughlin. "They told us about eight minutes and in fact O'Loughlin had it dead right.

"I was in the control room before the