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Criminal justice and the media in Denmark and Australia

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Criminal justice and the media in Denmark and Australia

Nina Krománn and Mark Pearson

Abstract

Australia and Denmark have differing legal systems and, apart from a recent royal wedding, very few historical or cultural connections. Nevertheless, it is useful to compare and contrast the level of access the two countries allow the media when reporting on the criminal justice process. This paper demonstrates that, despite their different justice systems, there are numerous similarities between the approaches to media reportage of justice in both countries, and also important differences.

Introduction

This article compares the laws of sub-judice contempt in Australia and Denmark. It outlines the origin and principles of the Danish and the Australian approaches and reviews Danish contempt laws and contrasts them with Australian contempt laws. Examples from court cases are used to illustrate the laws and the relative perspectives on the media's role in the justice process. Finally, the article considers some of the criticism that has been voiced regarding the state of sub-judice contempt laws in both countries.

Contempt of court – origins and purpose

Butterworths concise Australian legal dictionary (1998) defines contempt as: "Words or actions which interfere with the proper administration of justice or constitute a disregard for the authority of the court." As Pearson (2004, pp. 79, 80) notes, the original purpose of contempt law was to establish and maintain the authority of the court by punishing those whose actions were disrespectful. In Britain, Arlidge and Eady (1982) record that in the 12th century the legal treatise Glanvill referred to "contemptus curiae", meaning the contempt shown by a party in failing to appear before a court. Contempt law is still founded on the need to preserve the dignified administration of justice. The

introduction of the news media gave contempt a new dimension. Sir John Fox wrote in 1927:

The art of printing and the publication of the newspaper have brought into prominence a form of contempt connected with the law of libel which in earlier times was represented by a few scattered cases of comment on the action of Judges. (Fox, 1972, p. 2)

Media reportage of upcoming court cases is now one of the most common forms of contempt.

There are differences between the common law approach to contempt and that applied in civil law and other jurisdictions in Europe where, as Article 19 (2000, p. 2) notes, it does not exist in "such a broad, encompassing sense". In its background paper (2000, p. 4), Article 19 points out that, among international bodies, only the European Court of Human Rights has discussed the relationship between free expression and the justice system in any detail. Further, the paper highlights the difficulty in comparing this area of the law across the two court systems:

There is also a clear difficulty in finding functional equivalents between the contempt of court principles which exist in common law systems and the disparate principles which exist in civil law and other jurisdictions. (Article 19, 2000, p. 18)

The organisation concludes its paper by calling for international standards in this area. Despite Article 19's pessimism about the ability to find "functional equivalents" between the different legal systems, this article sets out to find similarities and differences between the Australian and Danish approaches to the media-justice interface.

Danish and Australian law – different origins and principles

Before looking at the laws on contempt of court, it is important to consider the origins of the legal systems in the two countries. Denmark is a monarchy and has been so for more than 1000 years (Special Broadcasting Service, 1995, p. 173). The first written Danish laws are from the Middle Ages, when Denmark was divided into three jurisdictions, each with a different set of laws. In 1661, when the absolute monarchy was introduced, a Danish Supreme Court was established as the country's highest court. Under absolutism the king was the head of government and administration as well as president of the Supreme Court (Zahle, n.d.). In 1683, a unified legal system, known as King Christian V's Danish Laws, replaced the provincial laws (*Legal system*, n.d.). The absolute monarchy lasted until 1849, when the Constitutional Act of the Kingdom of Denmark established Denmark as a democracy with a constitu-

tional monarchy. The Constitution of 1849 implemented the separation of legislative, executive and judicial power. The Constitution was last changed in 1953 (Zahle, n.d.). The change from an absolute monarchy to a constitutional monarchy was inspired by similar changes across Europe and constitutions from Norway, France and Belgium, and the ideas of Montesquieu influenced the execution of the Danish Constitution (*Grundloven, historie og statstanker*, n.d.).

The legal process in Denmark, as in much of Europe, is based on an inquisitorial system. In the inquisitorial system, the judge has an examining role and is not required to base a verdict only on the lawyers' presentation of a case (Caenegem, 2002, pp. 51, 52). Denmark has a uniform national government, with its laws applying to all jurisdictions. The most senior Danish court is the Supreme Court. Beneath it sit the Eastern High Court and Western High Court. The lowest level of court is the 82 city courts (*Legal system*, n.d.). Unlike many countries, including Australia, Denmark does not have a separate constitutional court. Constitutional cases are tried in the court the case would normally fall under and follow the same procedure as criminal cases (*Domstolene*, n.d.).

Until 1901, Australia consisted of a number of British colonies. The Australian legal system originates from British traditions, and was introduced when Captain Arthur Philip arrived in 1788 (Meek, 1999, p. 8). Each state was established with its own parliament and courts (Ward, 1983, p. 4). Australia became a constitutional monarchy at federation in 1901, and the British queen is still monarch in a ceremonial sense, represented by governors in each state and the governor-general nationally (Carter, 1995, p. 120). As a federation, the new Commonwealth of Australia maintained the existing state parliaments and laws, while a federal parliament and High Court were founded to "determine laws relating to the national interests as specified by the Constitution" (Pearson, 2004, p. 11). In terms of the judicial system, different laws apply in different states, and each state has a separate court system. The High Court is a federal court which deals with cases on constitutional matters and which have been appealed from individual states' supreme courts (Carvan, 2002, pp. 65, 66). While the Danish judicial system is inquisitorial, the Australian is adversarial, reflecting the British tradition. In the adversarial system, the two opposing parties (prosecutor/defence) are responsible for finding and presenting evidence, judges base their ruling on who they find has argued the most convincing case and juries are often involved (Caenegem, 2002, pp. 51, 52).

In summary, Denmark has a single set of laws, whereas Australia has different laws from state to state and federally. Both countries have a superior national court which deals with appeals cases from around the country. Denmark has an inquisitorial system, while Australia follows the British tradition and has an adversarial system.

Danish and Australian press laws

Danish journalists have to be acquainted with three main laws when it comes to court reporting. First, there is the *Administration of Justice Act* of 2003, under which some restrictions apply to what can be reported during a trial and details as to how sources can be protected are outlined (Chap. 18, §172, sec. 1-6). Second, there is the *Criminal Act* of 2003, in which the individual's right to privacy and defamation laws are outlined (Chap. 27, §264a & §267). Third, there is the *Media Liability Act of 1998* which allocates responsibility for publication (Chap. 3, §9-28) and contains an ethical code of conduct (Chap. 5, §34-35).

This last part is unique to Denmark. When the *Media Liability Act* was introduced in 1992 (Engell, 1992), one of its chapters covered the establishment of an independent press council consisting of two judges, two journalists, two representatives from the Danish Union of Journalists and two representatives from the public (*Media Liability Act of 1998*, Chap. 7, §41-52). The Press Council executes an ethical code of conduct which became law with the establishment of the council (*Media Liability Act of 1998*, Chap. 5, §34-35). This step was criticised by other countries to which Denmark normally compares itself, as a move towards state-controlled media, but defended by the Danish Union of Journalists (Dansk Journalistforbund) on the grounds of its independence from the state (Poulsen, 2002). Private persons and companies can file a complaint when they feel a media organisation has broken the ethical code of conduct, called the Press Ethical Rules. If the Press Council sustains a complaint, criticism is expressed and subsequently has to be published by the media organisation in question (*Media Liability Act of 1998*, Chap. 7, §49). An example from 1998 showed that the Press Council can initiate an investigation without receiving a formal complaint. After a newspaper had published a picture of the Danish Crown Prince and his girlfriend on the beach, the council initiated a complaint and expressed criticism of the publication. The editor of the newspaper refused to print the criticism, saying the Press Council could deal with cases only when a complaint from outside had been filed. In the following trial, the City Court fined him DKK 3000 for failing to publish the criticism, and when the appeal was tried in High Court the fine was increased to DKK 5000, with the court finding the Press Council could indeed initiate cases on its own and that in failing to publish the criticism the newspaper had broken §53 of the *Media Liability Act of 1998* (Vestre Landsret, 1998).

In Australia, journalists reporting on the judicial system have to be familiar with laws such as sub-judice contempt and defamation in each state. There is no single identifiable body of law applying to the media when it comes to court reporting. Restrictions on reportage vary according to the type of case and the court. For example, special restrictions apply to sexual offences and Children's Court hearings. However, the main area journalists need to know is sub-judice

contempt laws, which outline restrictions on reporting (Pearson, 2004, pp. 55-75). Journalists in both Denmark and Australia need to look to legislation and case law when assessing their legal risks.

Danish and Australian laws on contempt of court

Although they have different legal systems, laws on court reporting in Denmark and Australia are built on the same principles and ideas. Transparency in the judicial system is seen as desirable, and there is a focus on the public's right to be informed. However, the individual's right to a fair trial and individual privacy carry weight, and the laws in both countries try to juggle these contradictory interests (Espersen, 2004; McLachlan, 2001, Chap. 4.100 & 4.150). The following section examines the most relevant laws from the Danish *Administration of Justice Act* and relates them to Australian laws.

Open justice

Open administration is part of the Danish Constitution (Danske Mediers Forum, 2003) and it is a basic principle that Danish trials should always be open to the public and, by extension, the press. Journalists are allowed to report what takes place during the trial and can identify all the involved parties (*Administration of Justice Act of 2003*, Chap. 2, §28a and §31). Having said that, there are exceptions which limit what journalists can write.

In Denmark, a case can be heard in camera when a person is under the age of 18, when there is a fear that an open court may endanger the rightful course of the trial, when a person's security is believed to be compromised or when it will expose a person to unjustified violations. Cases involving trade secrets, national security and relationships to other countries can also be heard in camera. The court is closed only when bans on reporting and prohibition of publication of names are believed to be insufficient protections. In cases involving sexual assault the court is closed during the victim's testimony if the person requests it (*Administration of Justice Act of 2003*, Chap. 2, §29).

Recent cases in Denmark have shown a tendency for courtroom doors to be kept open when the accused is under 18. In 2003, a journalist appealed against a decision to close the court in a case where two 16-year-olds were accused of bag-snatching. The incidents involved hold-ups of citizens at gunpoint. The request to close the doors was made after the charges had been related to the court in the preliminary hearing but before the accused had entered their plea. The High Court decided the seriousness of the crime justified allowing the public to follow the trial and added that it was also in the interests of the accused that the public heard their plea and their version of the crime. The High Court found that a prohibition of the publication of the names of the accused would

have been enough protection without the court being closed (Vestre Landsret, 2003). A year earlier, a journalist appealed against a decision to close the court in a case where a 17-year-old was accused of sexual assault. The High Court found that prohibition of publication of the name of the accused and, if needed, a ban on reporting parts of the case would have been sufficient to protect the accused and the complainant (Vestre Landsret, 2002).

Both Australia and Denmark operate under a principle of open justice. In both countries, journalists have the opportunity to challenge suppression orders and the court will consider whether public interest outweighs the accused's rights and whether the accused can be protected through other means. Moreover, Australian states differ on some aspects of suppression, particularly with regards to sexual offences and juvenile matters (Pearson, 2004, pp. 65-67).

Ban on reporting

Danish courts can ban reporting when an accused is under the age of 18, or when there is reason to believe publication will jeopardise someone's safety, obstruct the course of the trial or expose someone to unjustified violations (*Administration of Justice Act of 2003*, Chap. 2, §30). This is similar to Australian law, but there is a difference when it comes to an accused under the age of 18. In Australia, children under the age of 18 are always protected (in Queensland and Victoria children under the age of 17) against identification, and courts restrict reporting of parts of the trial which could lead to identification (Pearson, 2004, p. 67). In Denmark, it is considered on a case-by-case basis and initiated by the judge, the prosecutor or the counsel for the defence (*Administration of Justice Act of 2003*, §30a).

Prohibition of the publication of the names of suspects

In criminal cases the Danish courts can prohibit publication of the name, occupation, residence and other information which might lead to identification of the accused or other persons mentioned during a trial. Concern for someone's safety or exposing someone to unjustified violations are reasons suppression might be used. However, the court has to consider the seriousness of the crime and its social importance before suppressing names (*Administration of Justice Act of 2003*, Chap. 2, §31, sec. 3). In sexual assault cases, identification of the complainant is always prohibited unless released by the police (*Administration of Justice Act of 2003*, Chap. 92, §1017b, sec. 1-2).

In the Blekingegade case, four journalists were charged with contempt of court after they published names from a kidnapping list which a group of men on trial had made before their arrest. The court had suppressed publication of the names on the list. The Eastern High Court found the chief editor guilty of

contempt, as he was in charge and therefore the only one responsible according to the *Media Liability Act*. He was fined DKK 15,000 (TV 2-journalister blev frifundet, 1992). Danish and Australian law are very similar in this area. Prohibitions are issued on a case-by-case basis and journalists have to be careful to check suppression orders before they write their articles.

However, there seem to be differences in the extent to which the two countries uphold the prohibition of identifying a victim of sexual assault. As noted above, Danish police can publicise the victim's name. In Australia, the protection of a sexual assault victim is extended to suppressing identification of the accused if that would lead to the victim's identification (Pearson, 2004, p. 65). Australia's Hinch case showed the courts are very strict when it comes to protecting a sexual assault victim. Hinch identified a child sex victim in his radio program when he talked to the child's father. He had the consent of the child's parents and the issue being discussed was a case of public interest, because the man accused of the crime was a priest who had been charged with a number of incidents of sexual assault. Nonetheless, the court found no excuse for breaking the child's anonymity, and Hinch was found guilty of identifying a sexual assault victim (Hinch's conviction for identifying a child sex assault victim upheld, 1996).

The Isenvad case from Denmark has some similarities but a different outcome. In a case where a man had been convicted of incest, the local newspaper published the name and address of the convicted father. This made it possible for people to identify the family and the victim of the crime. The court did not react to the newspaper's mentioning of the name because a prohibition of the name of the accused had not been enforced and the verdict had been reached. The case was dealt with only because the family and victim filed a complaint to the Press Council. The convicted had been active in junior sports in the small town and at times his household had been a private day-care centre. The Press Council found public interest overrode the anonymity of the family and dismissed the complaint (Pressenævnet, 2001). These cases suggest Danish laws are more lenient towards media coverage and the public interest is given more weight than in Australia, where the individual's privacy usually takes priority.

Photos and sound

Danish regulations on publishing photographs of an accused and rules on the use of film and tape recorders in the courtroom can be found in the *Criminal Law of 2003* and the *Administration of Justice Act of 2003*. The *Administration of Justice Act of 2003* (Chap. 2, §32) prohibits the use of tape recorders or videotape in Danish courtrooms, and while a media organisation can apply for permission to film in the courtroom, it is rarely granted (Danske Mediers Forum, 2003).

When it comes to photos of people involved in crimes, the rules are less clear. As mentioned, Danish courts try to balance the public's right to information and the individual's right to privacy, and that is reflected in the laws on what kind of photos can be published. As a general rule, a photo can be published if it has been taken in a public place or the person in the picture has consented to its publication (*Criminal Law of 2003*, Chap. 27, §264 & §264a). However, a photo taken in a private place and without consent can be legal if there is a public interest in showing the picture (Hammer & Bruhn, 1999). Additionally, the code of conduct states that the media have to show consideration when photographing victims and relatives involved in crimes and accidents and be extra careful in their publication of such pictures (*Press ethical rules*, Chap. B, §3). When it comes to the accused, the code of conduct states that the media should avoid identifying an accused by name or photo if there is no public interest in knowing their identity (*Press ethical rules*, 1992, Chap. C, §6). It is also a general principle of the code that there can be no indication of the guilt of the accused (*Press ethical rules*, 1992, Chap. C, §5). This set of laws means rules on publishing photos are to some extent left for the media and Press Council to interpret. It is common practice among the media to make an accused unidentifiable in photos, but there are examples of the media choosing to run photos clearly identifying an accused before or during a trial. One example that illustrates the "grey" rules regarding photos is a 2003 case in which a 22-year-old man was arrested for raping and killing a 12-year-old girl. The media had covered the police investigation extensively, and when the accused was arrested it made big headlines. The majority of the media chose not to identify the accused and made sure photos did not reveal his identity. They followed the ethical guidelines of not naming him on the basis there was no public interest in knowing his identity. However, one newspaper put a big and clearly identifiable picture of him on the front page and named him. The photo had been taken in public and, because identity was not believed to be an issue, identifying the accused was a purely ethical question each media organisation had to consider (*Derfor nævner vi ikke hans navn*, 2003).

The Danish Attorney-General is currently revising the *Administration of Justice Act*, and one of her proposals is to ban journalists from taking photographs of the accused, witnesses, victims and relatives outside the court building. She is worried about the violation they experience by being photographed on their way to or from the trial. Journalists are strongly opposing this proposal on the grounds that it is in the public interest for the media to be able to take photographs outside the court building. They also argue there have been no problems with the media's photo coverage of trials in the past and hence there is no reason to decrease press freedom in this area (*Dansk Journalistforbund*, 2003).

Australian laws are significantly stricter when it comes to the media's use of photos. Australian journalists have to be able to predict whether identity will

be an issue even before a trial starts if they want to publish pictures of an accused in their pre-trial coverage (McLachlan, 2001, Chap. 4.330).

Media prejudgment

As the Article 19 (2000) background paper points out, the laws related to the role of the media in the justice system in non common law jurisdictions are quite disparate. That is the case with Danish law. The Danish *Administration of Justice Act of 2003* contains one section explicitly addressed to the media which says journalists must report trial cases objectively and truthfully. A journalist can be found guilty of contempt of court if he or she gives substantial false information about a criminal case which has not yet been finally settled or dismissed, obstructs the course of the trial, or while the trial is still being heard makes statements which in an unjustifiable way can influence judges, lay assessors and jurors in regard to the outcome of the trial (*Administration of Justice Act of 2003*, Chap. 92, §1017).

Australia has similar laws, but they are more extensive. A concern with the media's objectivity in reporting and media prejudgment is addressed in Australian law both through legislation and common law. The media have to be careful not to indicate the guilt or innocence of an accused, present emotional interviews with witnesses or relatives, or report in a way that could influence jurors (McLachlan, 2001, Chap. 4.290, 4.310, 4.410 & 4.430). In short, the media have to report objectively and honestly, as is also required under Danish law. However, Australian sub-judice contempt laws underline the influence the media can have on witnesses and jurors, and the media have to be very careful not to prejudge a trial. This is also the case in Denmark, but it is more explicitly mentioned in Australian contempt law. One reason for this difference in emphasis on juror influence may be found in the fact that trial by jury is more common in the Australian legal system than in the Danish. In the Danish system, only criminal cases tried in the High Court where the accused has pleaded not guilty to a charge with a minimum sentence of more than four years in prison are heard by a jury (*Landsretterne*, n.d.). In Australia, trial by jury can take place both in the district and supreme courts in indictable criminal cases and some civil cases (Chisholm & Nettheim, 1997, pp. 108, 109).

Two cases illustrate the difference in how prejudgment is dealt with in the two countries. In Australia in 1989, Paul Mason confessed to the axe murders of two women. Police allowed the media to film him when he was taken to the scene of the crimes and gave details about his confession. Mason later committed suicide in prison. Six media outlets were found guilty of sub-judice contempt and fined a total of \$670,000 on the grounds they had assumed Mason's guilt and could have influenced potential jurors (NSW Law Reform Commission, 2000).

The Danish murder case mentioned in the previous section also contained aspects of media prejudgment. There were numerous examples of the media talking to friends of the accused and speculation about his mental health. There was an implicit assumption of the guilt of the accused before his trial. However, because no restrictions on reporting had been enforced by the court and because no-one filed a complaint with the Press Council – and due to the fact the accused pleaded guilty at the preliminary hearing – the assumption of guilt in the media and the media's behaviour were purely an ethical concern (Derfor nævner vi ikke hans navn, 2003).

These very different outcomes show a tendency in Denmark to treat as ethical breaches matters which are taken as serious legal breaches in Australia.

Punishment

If a Danish journalist breaks any of the relevant laws, he or she can be fined and, in grave offences, imprisoned for up to four months. In identity cases the journalist will be fined if he or she knew a ban on publication of identification had been made. Furthermore, if the journalist knew or could be expected to know the case was being tried in court or that the police had investigated the case he or she could be fined. It is the journalist's responsibility to inquire about prohibition of identification by talking to police, the prosecution or the court (*Administration of Justice Act of 2003*, Chap. 2, §32b, sec. 1-2). When Australian journalists are found guilty of contempt, they can similarly be fined or imprisoned, depending on the seriousness of the offence (McLachlan, 2001, Chap. 4.610).

Criticism of sub-judice contempt laws

The assumptions of Australian contempt law regarding the media's influence on jurors and lack of influence on judges have been strongly questioned. Only a few studies have analysed the extent to which jurors may be influenced by the media's coverage of a case and these studies indicate that it has very little influence. "A recent study of 312 jurors in 48 criminal trials in New Zealand found the juries are unlikely to be swayed by media coverage," reported Beeby (2001, p. 10). The current sub-judice contempt laws are based on a view that the media are very powerful and can change people's minds. If jurors are not as likely to be influenced by the media, is it then justifiable to use protection of jurors as an argument for restricting press freedom? (Robinson, 2001, p. 261; Eisenberg, 1998). Conversely, the notion that Australian judges are immune to influence has also been criticised. "The maxim in Australia is that 'no judge would be influenced in his judgment by what may be said by the media. If he were he would not be fit to be a judge.'... We live in a media culture to which no one is immune," argues Anderson (1999, p. 66).

In Denmark, the apparent openness of the court has been difficult to verify. The Attorney-General recently answered a list of questions from the National Union of Journalists. One of these regarded how often trials were heard in camera, as the union fears the public interest is not given sufficient weight when a judge considers a request to close the doors. The reply was that no statistics were available (Espersen, 2004).

Conclusion

Danish and Australian journalists work within two fundamentally different legal systems. Nonetheless, there are many similarities, and in both countries contempt laws try to balance the public's right to information and the individual's right to privacy and a fair trial. One important difference in the legislation in the two countries is an ethical code of conduct for journalists which has been made law in Denmark and is executed by an independent Press Council. While Australia also has an ethical code, it is self-regulatory and rarely enforced.

One slight variation in the contempt laws concerns how the courts protect children under the age of 18. In Denmark, suppression of names and bans on reporting on such cases are considered on a case-by-case basis and weighed against the public interest. In Australia, there is always protection of the identity of minors. Another difference in the laws is the extent to which the courts uphold the anonymity of sexual assault victims when there also is a public interest. Here Australia takes the side of the individual's privacy and Denmark the side of the public interest.

The laws on publishing photos before and during a trial are dissimilar in the two countries. Australian laws are very strict when it comes to publishing photos of an accused before trial, and the media has been fined heavily for contempt of court on several occasions. In Denmark, publication of photos is largely an ethical assessment the individual media organisation makes and something the Press Council can deal with through complaints.

The differences in what the media is allowed to say in Denmark and Australia may originate from different perceptions of how powerful the media are and who they might influence. Both countries have the view that media coverage can affect the course of a trial and have legislation ensuring journalists report objectively and honestly. However, in the Danish legal system the media's possible influence on judges, lay assessors and jurors is emphasised, whereas the Australian legal system focuses on the possible influence on jurors but assumes judges are immune to the media. Additionally, regulations on pre-judgment are more strict in Australia than in Denmark, where media prejudgment is largely dealt with through the code of conduct and is therefore a question for media consumers and the Press Council.

Many of the issues which qualify for sub-judice contempt in the Australian court system are dealt with in Denmark by the ethical code of conduct and, by extension, the Press Council. What the Danish legislation of the code of conduct means in terms of regulation of the media in the two countries requires further investigation. Nevertheless, it is interesting that, despite Denmark's formal enactment of its ethical code, the case studies show more of a self-regulatory approach to contempt complaints in Denmark than in Australia.

The cases presented in this paper give the impression that Danish courts value the public's right to information and reward journalists who speak up in court to oppose suppression orders, whereas Australian courts seem more focused on the rights of the parties to a case. However, there are no statistics on how often judges restrict reporting or hold trials in camera in either country. We have shown that it is not always clear in either country when sub-judice contempt laws will be enforced and when public interest overrides that of the individual. It is especially difficult to predict when laws regarding media prejudgment have been breached, as they are a question of interpretation. Additionally, it is questionable whether the reasoning of restricting press freedom because of the potential influence on jurors is a valid argument today.

The laws in the two countries can be confusing, and in future revisions of the laws journalists must have their arguments ready and fight for press freedom. The Danish Attorney-General is currently revising the *Administration of Justice Act*, and media professionals and academics in Australia have long called for a revision of Australian contempt laws. Several questions arise which might be addressed in such reviews:

- Does the notion of media influence on jurors still hold in modern society?
- Is the Danish model with an ethical code of conduct which has been made law successful or does it involve too much state control?
- Why is there a media prejudgment section in the Danish *Administration of Justice Act* when the ethical law is supposed to take care of such problems?

In conclusion, a comparison of media laws in Denmark and Australia reveals many insights into the role of the media in modern democracies and the respective public interests at stake in the reporting of criminal justice.

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