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16 January 2018

Dear Media Outlet,

Re: Media reporting – George Pell

As you will be aware, charges against George Pell, alleging historical sexual offences, were filed on 29 June 2017.

Following recent media reporting about the death of one of the complainants in this matter, I would like to remind all media organisations of the need to ensure compliance with:

1. Section 4 of the *Judicial Proceedings Reports Act 1958*;
2. Any non-publication orders in force in respect of this matter; and
3. The principles of sub judice contempt.

Judicial Proceedings Reports Act 1958

As you will be aware, subsection 4(1A) of the *Judicial Proceedings Reports Act 1958* (the *JPR Act*) makes it an offence to publish or cause to be published any particulars likely to lead to the identification of a person against whom a sexual offence (as defined in the *JPR Act*) is alleged to have been committed, whether or not a proceeding in respect of the alleged offence is pending in a court.

I note that section 4(1B) of the *JPR Act* provides a defence only where a proceeding in respect of the alleged offence **is not pending** in court at the relevant time.

Subsection 4(1C) of the *JPR Act* provides that if a proceeding in respect of the alleged offence **is pending** in a court at the relevant time, it is a defence to a charge under subsection 4(1A) for the accused to prove that the matter was published, or caused to be published in accordance with the **permission of that court granted on an application by a person**.

Finally, I note that there is no provision in the *JPR Act* that permits publication of such particulars after a complainant has died.

Proceeding suppression order

A proceeding suppression order made pursuant to section 17 of the *Open Courts Act 2013* is currently in force in respect of this matter. The order prohibits publication of a number of matters including:

- (i) The nature of the charges against the accused, save for the fact that they are historical sexual offences.

I advise that I consider that publication of a description of the allegations (including the location and a description of the conduct) goes beyond what is permitted by the order and in my view, would amount to a breach of the order.

Sub judice contempt

As this matter is currently before the courts, the principles of sub judice contempt apply. Reporting should therefore be limited to a fair and accurate report of proceedings. Reporting of opinions or speculation about George Pell's guilt or innocence, or his ability to receive a fair trial offends the sub judice principle.

I request that you ensure that your staff is aware of, and complies with, the prohibitions on publication set out in this letter.

Yours faithfully,

A handwritten signature in blue ink, reading "Gavin Silbert". The signature is written in a cursive style with a large initial 'G' and a long, sweeping tail.

Gavin Silbert QC
Acting Director for Public Prosecutions, Victoria