

ACT Courts and Tribunal



Information for the Media

October 2022

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September 2022**

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1. INTRODUCTION, CONTACTS AND QUICK LINKS

This media information package has been produced as a guide to assist media personnel, including sound recordists, camera operators and photographers, who attend ACT Courts or Tribunal (ACTCT) for the purposes of reporting court proceedings or undertaking research.

1.1. ACT Courts and Tribunal media contacts

The ACTCT should be given an opportunity to comment on a proposed report of any matter or issue concerning the work of the courts or ACAT prior to publication.

Depending on which court or tribunal the matter is in, contact should be made with the relevant Registrar (see details below).

Whilst you will be required to put all requests in writing, please do not rely upon email if your matter is urgent or is required by a specific deadline.

- **ACAT Registrar** (02) 6207 1740 ACATRegistrar@act.gov.au
- **Magistrates Court Registrar** (02) 6207 1203 MCRRegistrar@courts.act.gov.au
- **Supreme Court Registrar** (02) 6207 1203 SC.Media@courts.act.gov.au

If the matter relates to the ACT Court and Tribunal generally, please contact the:

- **Principal Registrar & CEO** (02) 6207 1054 Governance@courts.act.gov.au

1.2. Media contact with the Judiciary or ACAT President and Members

1.2.1. Chief Justice or Judges

Media inquiries seeking comments from the Chief Justice or a judge should be directed to the Chief Justice's chambers:

- **Chief Justice Chambers** (02) 6207 2601 Associate.ChiefJustice@courts.act.gov.au

1.2.2. Chief Magistrate or Magistrates

Media inquiries seeking comments from the Chief Magistrate or a magistrate should be directed to the Principal Registrar:

- **Principal Registrar & CEO** (02) 6207 1054 Governance@courts.act.gov.au

1.2.3. ACAT President and Members

Media enquiries for an ACAT Members should be directed to:

- **Members Support Team** (02) 6207 1740 Tribunal@act.gov.au

1.3. Justice and Community Safety (JACS) Directorate media contact

For more general inquiries, e.g. about ACT government initiatives affecting the ACTCT, please contact the **JACS media team on 6207 7173** or by email via jacsmedia@act.gov.au.

1.4. ACT Courts and Tribunal

The head of the ACT Courts and Tribunal is the 'Principal Registrar and CEO' appointed by the ACT Attorney-General under section 11A of the *Courts Procedures Act 2004*. The ACT Courts and Tribunal is responsible for the administration of the Courts and Tribunal.

1.5. Court and Tribunal hearing dates and times

Court and Tribunal hearing dates and times (Listings) can be found on our websites via www.courts.act.gov.au.

1.6. Supreme Court Judicial Officers

[ACT Supreme Court's Judicial Officers](#) are appointed in accordance with the [ACT Supreme Court Act 1930](#).

The ACT government may also appoint [acting judges](#) to sit in the Supreme Court. There are also [Federal Court judges](#) who hold commissions as additional judges of the Supreme Court.

1.7. Magistrates Court Judicial Officers

The ACT Magistrates Court [magistrates](#) and [special magistrates](#) are appointed by the ACT government under the [Magistrates Court Act 1930](#). Each ACT Magistrate is also an ACT Coroner. Special magistrates may also be appointed ACT Coroners.

1.8. ACAT President and Members

The [ACAT members](#) are appointed by the ACT Executive under the [ACT Civil and Administrative Tribunal Act 2008](#).

1.9. Court and Tribunal Registrars

The ACT Supreme Court, ACT Magistrates Court and ACAT each have a Registrar and Deputy Registrars. Contact details for Registrars are available in Section 1.1.

1.10. Jurisdictions of the ACT Courts and Tribunal

The courts and tribunal in the ACT include:

- the [ACT Supreme Court](#), including the:
 - i. Court of Appeal; and
 - ii. Drug and Alcohol Sentencing List.
- the [ACT Magistrates Court](#), including the:
 - i. Childrens Court;
 - ii. Family Violence Court;

- iii. Galambany Court;
- iv. Warrumbul Court; and
- v. Industrial Court;
- the [ACT Coroner's Court](#);
- the [ACT Civil and Administrative Tribunal](#) (ACAT)

1.11. Prosecutors in ACT criminal cases

The ACT does not use police prosecutors. The police and most regulatory agencies are represented by the [Office of the ACT Director of Public Prosecutions](#) in prosecutions under Territory law in ACT courts.

Matters involving Commonwealth offences are in most cases handled by the [Commonwealth Director of Public Prosecutions](#).

ACT DPP can be contacted on (02) 6207 5399 and the Commonwealth DPP on (02) 6206 5666 or inquiries@cdpp.gov.au.

2. MEDIA REQUIREMENTS AT THE ACT COURTS AND TRIBUNAL

2.1. Entry to court or tribunal buildings

Access to the ACT Law Courts Building is via Knowles Place, Canberra City. Access to the ACAT is via 15 Constitution Avenue, Canberra City.

Media representatives entering a court or tribunal building must comply with security screening and the conditions of entry policy available from the Court and ACAT websites.

2.2. Media identification

It is recommended that members of the media carry some form of media identification at all times.

2.3. Court and tribunal etiquette

General information for the public about etiquette is available on our websites at www.courts.act.gov.au. General information is provided below.

2.3.1. Noise during proceedings

Speaking or whispering loudly during proceedings is not permitted.

2.3.2. Use of mobile devices

Mobile phones, laptop computers, personal digital assistants and similar electronic devices are governed by Rule 6908 of the [Courts Procedures Rules 2006](#) outlined below.

6908 Use of electronic devices in courtrooms

- (1) A person must not use an electronic device in a court room unless—

- a. the person is—
 - i. a party to a proceeding before the court; or
 - ii. a legal representative of a party to a proceeding before the court; or
 - iii. a media representative; or
 - b. the person is permitted by the presiding judicial officer to use the device.
- (2) Unless permitted by the presiding judicial officer, a person mentioned in subrule (1) must not use an electronic device in a court room if use of the device—
 - a. interferes with the court recording system or other technology; or
 - b. in the opinion of the presiding judicial officer, interferes with courtroom behaviour, is inconsistent with the court’s functions, or otherwise impedes the administration of justice; or
 - c. generates sound or requires speaking into the device; or
 - d. records a photograph or video image; or
 - e. records or digitally transcribes the proceedings other than in accordance with this rule.
- (3) If a sheriff’s officer or another officer of the court reasonably believes that a person is using an electronic device in contravention of this rule, the officer may direct the person to—
 - a. leave the courtroom; or
 - b. give the electronic device to the officer until the person leaves the courtroom; or
 - c. allow the officer and the presiding judicial officer access to the electronic device to view any images or listen to any recordings; or
 - d. modify or delete the images or recordings on the electronic device as directed by the presiding judicial officer.
- (4) A person who contravenes this rule may be dealt with for contempt of court.

2.3.3. No cameras or recording devices in court

Cameras and other recording devices are not permitted in the ACT Courts Precinct Building or any other building being used by a Court or ACAT unless the registrar of the relevant court or tribunal has consented. To seek approval to use cameras or recording devices inside ACT Courts and Tribunal premises, you must contact the relevant registrar. A request to film proceedings must be made to the relevant judicial officer as early as possible, and no later than one week prior to the hearing date.

2.3.4. Entering and Leaving the hearing room

When entering and leaving the courtroom, it is customary to acknowledge the bench with a bow. Entering and leaving the courtroom or hearing room must be done with minimal disturbance to the proceeding. You should not enter or leave the courtroom while an oath or affirmation is being taken. When a judicial officer enters or leaves a courtroom or hearing room, it is customary to stand and bow.

ACAT does not require people to stand when an ACAT Member enters or leaves the room.

2.4. Open and closed proceedings

As a general rule, all proceedings of the Supreme Court (including the Court of Appeal), Magistrates Court (including the Coroners, Galambany and the Warrumbul Courts), are open to the public. The assessment process prior to the Galambany and Warrumbul Courts is not open to the public.

The Childrens Court is closed to the public under section 72 of the [Court Procedures Act 2004](#).

Proceedings brought under the *Personal Violence Act 2016* and *Family Violence Act 2016* are held in public Division 4.3 of the [Personal Violence Act 2016](#) (PV Act) and *Family Violence Act 2016* provides that *the hearing of a proceeding* before the Magistrates Court must be in public subject to the exceptions below. A hearing need not be in public where the:

- If the application is for an interim order; or
- a party is not present at a time when the application is returned before the court; or
- The court has made an order permitting the hearing, or part of the hearing, to take place in private with only stated people to be present at the hearing.

Conferences, mediations and other dispute resolution processes are not open to the general public.

Proceedings in ACAT are generally open to the public. However, proceedings under the [Mental Health Act 2015](#) are closed to the public. Section 194 of that Act requires that these proceedings be conducted in private.

In some circumstances other proceedings before the courts and ACAT may be closed to the general public.

3. FILMING REQUIREMENTS

3.1. Respect the privacy of other users

Media representatives are asked to be respectful of people attending the courts and ACAT, particularly parties, family members and witnesses.

People entering and leaving the ACT Law Courts Building or any other building being used by an ACT court or ACAT are entitled to unhindered access to those buildings and a degree of privacy when using facilities within them. For these reasons, media representatives must not film or photograph persons *inside* any building being used by a court or ACAT, from either within the building or an outside location.

The *Court Procedures Act 2004* provides that a person has a right to enter and remain in public areas of the courts' premises if he or she complies with all orders made by a judge, magistrate, police officer, sheriff's officer or a security officer appointed under that Act. A

person is not entitled to remain in a courtroom where a court is sitting unless seating is available.

3.2. Do not obstruct entrances or compromise security

Media representatives filming or photographing people attending court or ACAT premises should take care not to obstruct entrances to court buildings or otherwise inconvenience people using those premises or compromise court or tribunal security.

It is an offence under s 154 of the *Crimes Act 1900* (ACT)

- obstruct the passage of persons into or out of government premises,
- to behave in an offensive or disorderly manner while on those premises, or
- to refuse or neglect, without reasonable excuse, to leave those premises when directed to do so by a policy officer or by the occupying authority's (in this case, the court's) security personnel.

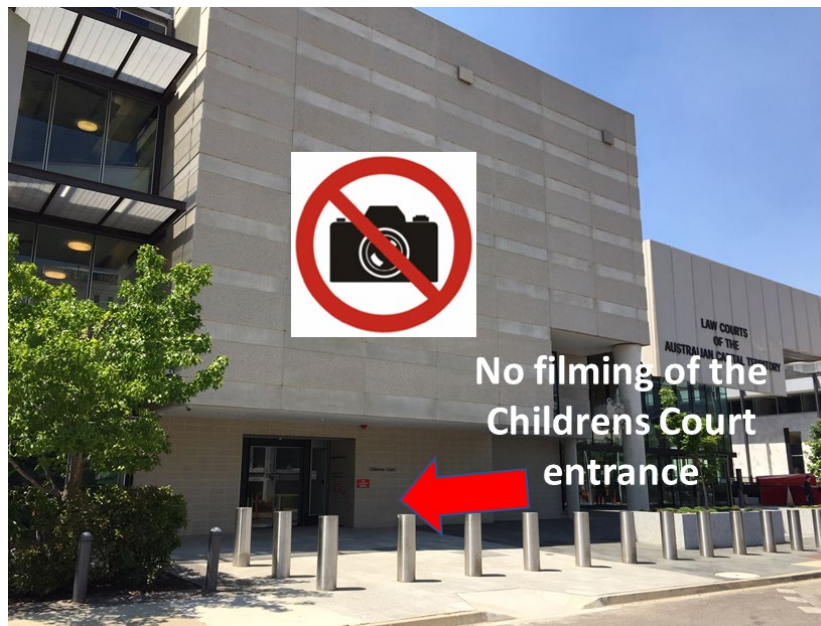
3.3. The Court Precinct

When filming or photographing people entering or leaving the Court Precinct via the Knowles Place entrance, camera operators and photographers are to remain on the road side of the metal bollards outside of the court entrance, as indicated below.



Additionally, a clear pathway into and out of the Court Precinct must be maintained at all times, and persons operating video, photographic or audio recording equipment **must not** **impede the pathway of persons entering or leaving the Court Precinct.**

People must not be filmed entering or leaving the Childrens Court entrance under any circumstance. The Childrens Court entrance is situated next to the main Court Precinct entrance.



For security reasons, photographs or video footage may not be taken of the court cells, the driveways under the building or the car parking areas inside the building gates, and cameras may not be positioned so as to record activities in those locations.

3.4. ACAT - 15 Constitution Ave, Canberra City

Filming in the ACAT premises is not permitted without the approval of the registrar or President of ACAT. See the ACAT website for contact details.

Even then, filming of ACAT proceedings is at the discretion of the presiding member. Approval for filming ACAT proceedings must be sought at least one week prior to the commencement of the hearing.

3.5. Inspection of crime scenes or other places

During a hearing, it may be desirable for the court or ACAT to view a place or object outside of the courtroom or hearing room. The view is held in the presence of the judicial officer hearing the matter, the parties and their lawyers. As the court or tribunal is formally sitting while the view is taking place, the media are not entitled to film or photograph the view in progress without the permission of the presiding judicial officer or ACAT Member.

3.6. Powers to remove people from court or tribunal premises

Section 50 of the *Court Procedures Act 2004* authorises a judge, magistrate or ACAT presidential member to order members of the public, either generally or specifically, not to be admitted to or to leave a court or part of court premises if he or she considers it is necessary for securing order and safety in court premises. Failure to comply with such an order is an offence punishable by a fine of 50 penalty units, imprisonment for 6 months, or both.

Sections 44 (Person may be required to state name etc.) and 47 (Security officer may require thing that may hide firearms etc. to be left) of the *Court Procedures Act 2004* give security officers in the court power to require people to do certain things in specified circumstances.

If a person fails to comply, the security officer may require the person not to enter court premises, or to leave court premises or part of court premises immediately. Failure to comply with such a requirement is an offence against section 49 of Court Procedures Act 2004, which carries a maximum penalty of a fine of 50 penalty units.

For the purposes of sections 44, 47, 49 and 50, 'court' includes the ACAT.

As mentioned above, s 154(2) of the Crimes Act 1900 makes it an offence, punishable by a penalty of 2.5 penalty units or 3 months' imprisonment or both, to obstruct entry to government premises, behave in an offensive or disorderly manner while on them, or fail to leave when directed to do so. A number of court officers are authorised under paragraph 154(2) of the Crimes Act 1900 to direct people to leave court premises.

4. ACCESS TO COURT AND TRIBUNAL INFORMATION

4.1. ACAT Files

Requests to inspect ACAT files (except Mental Health files) should be in writing to the Registrar, giving an outline for the request. Some information on file, however, may be excluded from inspection in the interest of justice. Such exclusions are at the discretion of the Registrar or a member of the ACAT. There are fees for the inspection of files. Information about how to request access to ACAT files is available from the [ACAT website](#). ACAT's policy on accessing documents and material on ACAT case files is available on the [ACAT website](#).

4.2. Court Civil files

Rule 2903 of the Court Procedures Rules 2006 permits anyone to search the registry for, inspect, or take a copy of, any document filed in the registry in a civil matter. However, a person who is not a party to the proceeding to which the document relates cannot access specified classes of documents as set out in sub-rule 2903(2) unless it appears to the registrar that the person has a sufficient interest in the document – or the court gives the person leave.

Rule 3802(2)(s) modifies rule 2903 for the purposes of Family Violence and Personal Violence Proceedings.

Different rules apply to the Childrens and Coroner's Courts.

4.3. Court Criminal files

Rule 4053 of the Court Procedures Rules 2006 permits anyone to search the registry for, inspect, or take a copy of, any document filed in the registry in a criminal matter. However, a person who is not a party to the proceeding to which the document relates cannot access specific classes of documents as set out in sub-rule 4053(2) unless it appears to the registrar that the person has a sufficient interest in the document – or the court gives the person leave. Access to documents may also be declined if the registrar decides that it is in the interests of justice to do so.

4.4. Procedure for inspecting court files

To make an appointment to view a file you may either attend at the court registry or contact the registry. Your access to the court file will be subject to the supervision of a court officer. Only legal practitioners may access court files without supervision.

4.5. Documents produced under subpoena

Rules 2903 and 4053 of the *Court Procedures Rules 2006* do not apply to documents produced to the Court under subpoena. Rule 6609 sets out a party's entitlement to inspect documents produced to the Court under a subpoena, and states that other people may only inspect subpoenaed documents with the Court's leave.

4.6. File inspection fees

Fees for inspecting Magistrates Court files and obtaining copies of documents contained on them are listed on the Magistrates Court website (see [civil](#) and [criminal](#) fees). For Supreme Court inspection fees, see [that court's website](#). ACAT fees are listed on the [ACAT website](#).

4.7. Transcripts of proceedings

Copies of transcripts for matters heard in the Supreme and Magistrates Court, and the ACAT are available by paying the relevant fees. Further details on how to order transcripts are provided on our websites.

4.8. Access to ACT Courts and Tribunal operational data

Release of other (de-identified) data on the operation of the courts or ACAT is governed by a [protocol](#) requiring the approval of the head of the relevant jurisdiction (Chief Justice, Chief Magistrate or ACAT President). Data release requests should be made in writing to the Principal Registrar through Governance@courts.act.gov.au.

5. RESTRICTIONS ON PUBLICATION OF COURT PROCEEDINGS OR THE IDENTITIES OF PEOPLE INVOLVED

5.1. Contempt of court

Both the Supreme and Magistrates Courts have power to make orders restricting publication of information concerning proceedings. Failure to comply with such orders may constitute a contempt of court (see, for example, *Magistrates Court Act 1930*, [s 307](#)).

A number of specific legislative provisions restrict, or permit restriction of, publication of material relating to court proceedings. The following examples are not intended to provide an exhaustive list.

5.2. Sexual offences – complainant's identity

[Section 74](#) of the *Evidence (Miscellaneous Provisions) Act 1991* makes it an offence to publish the name, or other information allowing identification, of a complainant in a sexual

offence proceeding. The offence carries a maximum penalty of 50 [penalty units](#), imprisonment for 6 months or both.

5.3. Protection of the administration of justice

Under [s 111](#) of the *Evidence (Miscellaneous Provisions) Act 1991*, the Supreme Court or the Magistrates Court may make an order forbidding publication of parties' or witnesses' names or identities, evidence given in a proceeding before it, or reports of that evidence, in order to protect the administration of justice. Orders under this provision can be in force for any length of time, can impose any conditions, and can even be made after a hearing has concluded. It is also possible for a court to order under s 111 that certain people be excluded from the courtroom.

Contravention of a s 111 order is an offence carrying a maximum penalty of 50 [penalty units](#), imprisonment for 6 months or both.

5.4. Inappropriate lawyers' questioning of witnesses

Lawyers ask witnesses a range of questions in court proceedings, but not all of those questions are legitimate, and the law prevents publication of those that are not. For example, [s 195](#) of the *Evidence Act 2011* makes it an offence to print or publish, without the express permission of a court, any question that the court has disallowed under section 41 or Part 3.7 of the *Evidence Act 2011*, or because the likely answer to the question would contravene the credibility rule. Section 41 permits a court to disallow questions that are misleading, unduly annoying, harassing, intimidating, offensive, oppressive, repetitive, those expressed in an insulting or inappropriate tone or those based solely on stereotypes. (The fact that a witness considers a question distasteful or its answer private is not enough to make the question improper.) The other types of questions covered by s 195 are questions relating to a witness' credibility that do not fall within exceptions to the rule that credibility evidence is not normally allowed. It is therefore important to pay attention to judicial rulings on questions to witnesses. The maximum penalty for an offence against section 195 is 60 [penalty units](#).

5.5. Childrens Court proceedings

Restrictions on publication of proceedings in the Childrens Court, and proceedings in the Supreme Court relating to children and young people, are discussed above.

5.6. Applications for protection orders (including family violence, personal protection and workplace protection orders)

[Section 149](#) of the *Family Violence Act 2016 (FV Act)* and [section 99 of the Personal Violence Act 2016 \(PV Act\)](#) make it an offence to publish an account or report of a proceeding on an application for a protection order if the report or account identifies, or allows the identification of, a party to the proceeding, a person concerned or associated with the matter, or a witness. An offence against those provisions carries a maximum penalty of 10 [penalty units](#). Exceptions to the offence (e.g. where a party tells someone about the order, or the court does so) can be found in section 150 of the FV Act or section 100 of the PV Act

6. CONTACT WITH JUDGES, JURORS AND COURT OFFICERS

6.1. Contact with judges, magistrates and tribunal members

Media representatives must not contact members of the judiciary or ACAT members regarding ongoing proceedings.

Unless a judicial officer or ACAT member has agreed to be contacted directly by a member of the media, any contact by the media with a judicial officer or ACAT member should be through the judicial officer's associate, their personal assistant or the registrar of the relevant court or ACAT. Contact details are available at the front of this document.

6.2. Jurors

Juror identities and jury deliberations are confidential under s 42C of the [Juries Act 1967](#). Information concerning a jury's deliberations – including information about statements made, opinions expressed, arguments advanced and votes cast in the course of a jury's deliberations – is protected information under s 42C. The identity of jurors is also protected information. It is an offence to publish protected information. The maximum penalty for such an offence is 50 [penalty units](#), imprisonment for 6 months or both.

6.3. Court officers

Court and ACAT officers are not permitted to comment on the progress of cases, particularly their likely outcomes. Details of when a matter is next due in court can be obtained from the relevant court's or ACAT's website or by inspecting the case file.

Court and tribunal officers are prohibited from providing legal advice.

If you wish to know the result of a matter, you can inspect the court or tribunal file. If a written decision or judgment has been delivered, it will generally be available on the court's or tribunal's website:

- <http://www.courts.act.gov.au/supreme/judgment> for Court of Appeal and Supreme Court judgments;
- <http://www.courts.act.gov.au/magistrates/judgment>
- <http://www.acat.act.gov.au/judgment>

If you are unable to locate a judgment or decision please contact the Russell Fox Library for assistance via RussellFoxLibrary@courts.act.gov.au or (02) 6207 5794.

If you have an enquiry about a matter that cannot be answered by inspecting the file or from the court or ACAT's website, you should contact the Registrar of the relevant court or tribunal. Subject to the exceptions set out below, court and tribunal officers, other than the Registrars, must not be contacted by phone for information about a case. The head of the Criminal Section in the Magistrates Court may be contacted concerning court dates and bail conditions, or in relation to minor factual matters; the list clerk in the Supreme Court may be contacted about listing matters there.

7. LEGISLATION WEBSITES

Commonwealth	www.legislation.gov.au
Australian Capital Territory	www.legislation.act.gov.au
New South Wales	www.legislation.nsw.gov.au
Queensland	www.legislation.qld.gov.au
South Australian	www.legislation.sa.gov.au
Tasmanian	www.legislation.tas.gov.au
Victorian	www.legislation.vic.gov.au
Western Australian	www.legislation.wa.gov.au