

SUPPRESSION AND STATUTORY PROHIBITION

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Open justice is a guiding principle of New Zealand courts. However, in the interests of justice and integrity there may be times in the progress of a case that restrictions are applied. It is the responsibility of media representatives to obtain suppression information from the courts ([locate a court](#)).

This document provides an overview only. For more information refer to the Ministry of Justice [Media Guidelines](#), [Courts of New Zealand Statutory Prohibitions on Publication](#), and relevant statutes.

What are suppressions?

Suppressions either automatically apply under a statute, or are ordered by a judge. A suppression order could apply to information which is relevant to a defendant, a witness, a victim, or someone else associated with the case. It could be an existing order of the court, an order of a lower court, or an order made in the course of delivering a judgment. It could be an interim suppression (details suppressed while a judge considers a suppression application), a permanent suppression, or an order that stands until the matter is disposed by the courts.

It is misleading to suggest that a judge has prohibited publication of details that are protected by statutory prohibition. It is Parliament's direction that these details are automatically and absolutely suppressed.

An overview of some prohibitions

Please note that the following list of suppressions is not exhaustive:

Trial information: Information which is related to the trial of a person who is arrested for, or charged with, a category 3 or 4 offence cannot be published if publication would cause a real risk of prejudice to their right to a fair trial ([Contempt of Court Act 2019, s 7](#)). This applies until the person is not charged, pleads guilty, or the jury delivers its verdict, or the charge is disposed of, or a judge-alone trial starts ([s 7\(1\)\(b\)](#)).

A court can itself make an order forbidding publication of information related to a trial ([Criminal Procedure Act 2011, s 199C](#)).

Details of a defendant's previous convictions must not be published if the defendant is charged in a category 3

or 4 proceeding, unless the court gives permission ([CPA 2011, s 199A](#)).

A court can order any person, including an online content host, to take down or disable access to prejudicial information under that person's control ([Contempt of Court Act, s 9](#); [CPA 2011, ss 199B and 199D](#)).

Sexual cases: You must not publish details that may identify people when reporting on matters of a sexual nature. This is to protect the victims of these crimes. The CPA 2011 requires automatic suppression of the identity of defendants ([s 201](#)) and complainants ([s 203](#)) in specified sexual cases.

Identities of children, young, and vulnerable people protected: Several Acts of Parliament state that the name, identifying particulars, address, or occupation of a complainant or witness under 18 years of age must not be published ([CPA 2011, s 204](#)); [Family Court Act 1980, s 11B](#)).

Sentencing indications: Statements made by the court to indicate the type of sentence a defendant would be likely to receive if they were to plead guilty, must not be published ([CPA 2011, s 63](#)).

Bail hearings: Publication of many matters dealt with at bail hearings is prohibited ([Bail Act 2000, s 19](#)).

Jurors: Publication of details that could lead to identification of a juror are prohibited ([Juries Act 1981, s 32B](#)).

Immigration: Identifying details of claimants, refugees, and protected persons must remain confidential during and after the determination of a claim or other matter ([Immigration Act 2009, s 151](#)).

Suicide: A death can be reported as a “suspected suicide” provided it occurred on or after 22 July 2016. If the coroner finds the person died by suicide the death can be reported as suicide. The method of suicide and any detail such as the place of death must not be published without the Coroner’s permission ([Coroners Act 2006, s 71](#)).

Youth Court: Media may attend Youth Court proceedings (closed to the public) but cannot report on them unless they have the leave of the relevant judge. Even when leave is given there are certain matters which are absolutely prohibited from publication ([Oranga Tamariki Act 1989, s 438](#)).

The rights of the media

When suppression is dealt with under the [CPA 2011, s 210](#), the media have the right to tell the court their views; to appeal a decision; and to apply for a suppression order.

You can be penalised if you break a suppression order. Check with the registrar if you are unsure about a suppression order and encourage your media organisation to seek legal advice if there is any doubt about what can and cannot be published.

More information:

[In-Court Media Coverage Guidelines](#)

Youth Court – [Media and Reporting Protocol](#)