

SUPPRESSION AND STATUTORY PROHIBITION

September 2019



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 are either automatically applied under statute, or judge-ordered. A suppression order could be applied to a defendant, a witness, a victim, or someone 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 (suppression while an application is considered), a permanent suppression, or an order that stands until the matter is disposed of 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 statutory prohibitions

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

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 Criminal Procedure Act 2011 requires automatic suppression of the identity of defendants ([s201](#)), complainants ([s203](#)), and witnesses ([s204](#)) 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that the name, identifying particulars, address, or occupation of a complainant or witness under 18 years of age must not be published ([CPA 2011 s204](#)); ([Family Court Act 1980 s11b](#)).

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by the court to indicate the type of sentence a defendant would be likely to receive if they were to plead guilty, must not be published ([CPA 2011 s63](#)).

Bail hearings: [The Bail Act 2000 s19](#) prohibits publication of many matters dealt with at a bail hearing.

Jurors: [The Juries Act 1981 s32b](#) prohibits publication of details that could lead to identification of a juror.

The Immigration Act 2009 s151 imposes confidentiality of the identifying details of a claimant, a refugee, or a protected person during or after the determination of the claim or other matter.

Suicide: it is permissible to report a death as a 'suspected suicide' providing it occurred on or after 22 July 2006. 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 s71](#)).

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, s438](#)).

The rights of the media

When suppression is dealt with under the [CPA 2011 s210](#), 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](#)