

Media Release

Rt Hon Geoffrey Palmer SC, President, Law Commission

Release of Law Commission Report: Suppressing Names and Evidence

The Law Commission's Report 109, *Suppressing Names and Evidence*, was tabled in Parliament today.

"Criminal cases in our courts must be open to public scrutiny," says President of the Law Commission Sir Geoffrey Palmer.

"As far as possible, the public should be able to attend court, and the media should be able to report what happens in the court room.

But sometimes doing justice in public poses risks to justice itself. The law must also protect the administration of justice, and the right to a fair trial. There may be special circumstances that justify suppressing information about a court case."

"Balancing these competing demands is not easy. Our aim is to make sure that the threshold for suppression remains high. Names or evidence should only be suppressed in exceptional cases and for compelling reasons.

The grounds on which suppression may be granted need to be clarified and tightened. They should be transparent, explicit and consistently applied."

"The most significant change the Law Commission recommends is in the area of name suppression," says Sir Geoffrey. The courts currently have a broad discretion to prohibit publication of names or identifying particulars of people accused or convicted of crimes.

"We recommend instead that there should be a clearer test for name suppression, with specified grounds set out in legislation," says Sir Geoffrey.

"Reasons must be given for the grant or refusal of an order. We also recommend that the procedure for granting temporary name suppression orders should be tightened up. A temporary order made at a defendant's first appearance should only be renewed if

evidence supporting the grounds for the order is produced. The judge should specifically state the expiry date of any temporary order.”

A summary of the key recommendations contained in the report is attached.

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