

# NAME SUPPRESSION

BY KAYLA AND JANET

SEPTEMBER 2014

*Name suppression is when a person's name and any details about them are not released publicly; for example that person's name is not published in a newspaper article or magazine about the case and passed onto any unauthorized third party. Name suppression is granted by the court or government under set terms or depending on your social status.*

## CURRENT LAWS

The laws that name suppression fall under are the CRIMINAL PROCEDURE ACT 2011, SS 200-204. At the moment the law states that name suppression is available in the follow situations:

- For victims and defendants in specific sexual cases, the aim being to protect the victim
- For children under 17 who are complainants or witnesses in criminal proceedings
- As provided in any statute; for example, section 438 of the Children, Young Persons, and Their Families Act 1989 restricts publication of any proceedings of the Youth Court except with the leave of the court
- For defendants and any other person connected to proceedings (for example, witnesses, victims), at the discretion of the court, subject to certain considerations.

There are also certain factors that determine whether or not name suppression is granted. It is granted if by publishing the defendants name would:

- Cause extreme hardship to the defendant or people connected with the defendant (for example, the defendant's family)
- Cast suspicion on another person that may cause them undue hardship
- Cause undue hardship to a victim
- Create a real risk of prejudicing a fair trial
- Endanger any person's safety
- Lead to the identification of another person who has name suppression
- Prejudice the maintenance of the law or the security or defense of New Zealand.

To address concerns about well-known people being given preferential treatment, the legislation will provide that there will be no presumption of extreme hardship solely on the ground that publication will identify a defendant who is well-known.

Those who are convicted with offences that are alcohol or drug-related are not granted with name suppression.

---

***“DO NORMAL EVERY DAY PEOPLE NOT HAVE THE SAME POTENTIAL CONSEQUENCES WHEN ACCUSATIONS ARE PLACED UPON THEIR NAMES AS WELL KNOWN FIGURES DO?”***

---

### IN THIS NEWSLETTER:

- Current laws
- What we want to change
- Why do we want to change it
- Past cases
- Perspectives
- SST
- What we are doing
- Actions you can take
- Websites for more information



NEW ZEALAND PARLIAMENT LOGO

## PERSPECTIVES

Former National party political member **SIMON POWER** says *"Being famous is not a good enough reason to be granted name suppression. To ensure public confidence in the justice system is maintained there must be one set of rules for everyone."*

Maori Party co-leader **TARIANA TURIA** says *"It makes a mockery of the justice system, when the identity of a 13-year-old child is released into the public arena, despite her mother seeking name suppression, while a former All Black star is allowed to keep his name secret"*

## WHAT WE WANT TO CHANGE

The policy we are aiming to influence is the Criminal Procedure Act 2001, ss 200-204. Clause 204 states that the defendant is allowed to apply for name suppression.

## WHY DO WE WANT TO CHANGE IT

Name suppression is granted too readily and inconsistently. We believe that it is more appropriate if only the victim was able to apply for name suppression and to choose if the defendant should be granted name suppression not the court or government.

The name suppression has been largely pointless due to the modern technologies in today's society as in some cases personal identification is already realized on social media sites such as Facebook and Twitter.

## PAST CASES

*For the sake of not wanting to breach any current laws, no names are mentioned in regards to the following cases.*

An Entertainer charged with a sex crime against a 16 year old female victim was found to have committed the offence but discharged without conviction. Name suppressed was granted permanently because among other reasons conviction and publicity would have a disproportionate effect on the entertainer's career and ability to travel.

An All Black who pleaded guilty to child assault charged is granted name suppression due to social status in New Zealand.

A 45-year-old All Black was charged with assaulting his partner, resisting police and possession of cannabis, was given name suppression again because of his social status.

Newspaper Publishers Association chief executive **TIM PANKHURST** says *"The courts in this country are far too ready to offer suppression. A justice system operates the most effectively in full sunlight and any sort of suggestion that people of influence ... are protected, undermines the system."*

Prime Minister **JOHN KEY** said he agreed with Simon Power about the need to stop the emerging "special class" of high-profile people using their status to get name suppression.



## SENSIBLE SENTENCING TRUST (SST)

The SST is a charitable trust that exists to advocate on behalf of the victims of serious violent and/or sexual crime and homicide in New Zealand, with a view to ensuring effective sentencing and penal policies that reduce re-offending and ultimately keep the public safe.

They believe that the final name suppression should be available only for the benefit of victims while they wish of it to be in place. SST's firmly believe there should be no permanent name suppression granted unless the complainant or victim requests and agrees to it.

Check them out at: <http://www.sst.org.nz/>

### Disclaimer:

The Sensible Sentencing Trust is currently under observation with some of their actions being illegal. We do not support those activities. We only agree and with their stance on Name Suppression and fully support their action on it.



SENSIBLE SENTENCING TRUST LOGO

## WHAT WE ARE DOING

At Glenfield College, the Level 3 Sociology class is looking at the policies and issues surrounding the current situation regarding name suppression in New Zealand. Our class is contributing to the aim of getting these policies changed by a number of different actions.

We have organized a talk in assembly to make sure that the other students of our school are aware and are knowledgeable what is going on, and have set up poster around the school so the students continue to remain aware.

We have sent petitions all around the school and have received so far, over a hundred and fifty signatures in support of what we are doing and trying to achieve.

We have written to a national MP in order to show our thoughts, views and disagreement with the current policy situation, with the aim that we will be able to sway their opinions to be in favor with ours so that a policy change will occur.

And lastly we are creating this pamphlet and sharing it through different forms of social media and through our school website in order to reach a bigger audience and to get even more people to agree with our views and to potentially take a peaceful action for themselves.

## ACTIONS YOU CAN TAKE

Actions that you could potentially take that would help ours and other people's aims greatly by lobbying your MP. By this we mean that you could create your own letter and send it to your local MP or to any other MP. (MP's contact details, can be found from the following URL's <http://www.parliament.nz/en-nz/mpp/mps/current> and <http://campaign.labour.org.nz/team> )

You can even take a simple and easy action by showing your support toward the Sensible Sentencing Trust by going to their website and signing up. It isn't a huge commitment; you will just receive update emails and occasional Action Alert emails when they need your voice. ( <http://www.sst.org.nz/> )

Another alternative action that you can take is by simply creating awareness in your family and community. The more people that know about the current policy and the change that we would like to occur, the better.

And lastly, you can take a social action by simply sharing this pamphlet on in any way that you can.

**AND YOU HAVE ALREADY TAKEN YOUR FIRST STEP TOWARDS SOCIAL ACTION BY SIMPLY READING THIS PAMPHLET!**

## WEBSITES FOR MORE INFORMATION

<http://www.beehive.govt.nz/release/government-makes-name-suppression-harder-get>

<http://www.simpsongrierson.com/new-rules-for-name-suppression-proposed/?quarter=2010Q4>

<http://www.mandm.org.nz/2009/12/name-suppression-and-the-balancing-of-rights-and-freedoms.html>

[http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=10620458](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10620458)

[http://www.sst.org.nz/wp-content/uploads/2014/06/SST\\_Newsletter\\_May2014.pdf](http://www.sst.org.nz/wp-content/uploads/2014/06/SST_Newsletter_May2014.pdf)

**Why should there be two different laws for an everyday person and someone in the public eye?  
Do they not both have an influence over other people?  
What makes it fair that one can have name suppression granted easily but the other cant?**

## SUCCESSFUL CASES

The man that was accused of killing Connor Morris has had his name suppression lifted. After an online petition that was signed by more that 15,000 people, the killers name suppression was withdrawn and his identity was released to the public. The online petition states *"It's important for the community to know who they should really fear and for the family to receive fair justice for Connor"*.

Michael Murray (the accused killer) has been scheduled for his four week trial in August next year.

The success in this case, shows what the power and support of the New Zealand can do. Show your support by getting behind this campaign.

**YOU CAN MAKE A DIFFERENCE!**