

Friday, 24 July 2008

ENDING THE MAZE OF SUPPRESSIONS

The Attorney-General Michael Atkinson will support Commonwealth moves to establish a national electronic register of suppression orders, raised at a meeting in Christchurch New Zealand today.

South Australia has been a leading state in removing barriers to free and fair court reporting and enshrining the public's right to know in legislation.

At the Standing Committee of Attorneys-General meeting today, the Commonwealth Attorney-General Robert McClelland suggested looking into a national electronic register of suppression orders.

“There is an inconsistent and complicated regime for suppression orders across the nation and some courts are criticised for the over-zealous use of such orders,” Mr Atkinson said.

“This can make it difficult for journalists in the modern era of reporting where information is published instantly across state borders. What may be legal in one state may breach an order in another state,” he said.

“A national register could give easy access to comprehensive information about cases across Australia and help facilitate lawful and open reporting on court cases,” Mr Atkinson said.

“Courts often have good and proper reasons to suppress some information, for example, to protect victims of crime or to ensure a fair trial, but this must be balanced against the public's right to know,” he said.

The South Australian Government introduced significant changes to suppression order laws in April last year.

“Anecdotal evidence is that the changes are giving the media a firm basis to fight suppression orders that they believe are unnecessary or contrary to open justice. Ultimately, it is up to the court to decide what details must be concealed and for what period, to achieve justice,” he said.

South Australia compares favourably with other jurisdictions because:

- the court must recognise the public interest in open justice when considering making a suppression order
- the court may only issue a suppression order if it's satisfied special circumstances exist
- the media can be heard on an application for a suppression order and can appeal against the issuing of an order
- the court must review suppression orders at various points in proceedings
- the Registrar must notify media organisations of orders by email or fax
- suppression laws are located in one place in the statute book.

“There is much more work to be done at a national level on this matter and this is an important step in the right direction,” Mr Atkinson said.

“I look forward to working with the Commonwealth and State Attorneys-General and sharing the experience South Australia has had in trying to limit the number of unnecessary suppression orders.”

Attorneys-General also discussed more than twenty matters of legal reform at SCAG including a judicial exchange program, harmonisation of criminal laws and indigenous justice matters.