



Worksheet 4.2 - answers

1. A person must be found guilty or plead guilty before their name and details may be suppressed.

False.

s 200 (1) A court may make an order forbidding publication of the name, address, or occupation of a person who is charged with, or convicted or acquitted of, an offence.

2. There are eight outcomes listed in section 200(2) of the CPA. In order to be authorised to make a suppression order the court must be satisfied that publication of the details of the person charged, convicted or acquitted would make one of them likely.

True.

s 200 (2) The court may make an order under subsection (1) only if the court is satisfied that publication would be likely to—

- (a) cause extreme hardship to the person charged with, or convicted of, or acquitted of the offence, or any person connected with that person; or
- (b) cast suspicion on another person that may cause undue hardship to that person; or
- (c) cause undue hardship to any victim of the offence; or
- (d) create a real risk of prejudice to a fair trial; or
- (e) endanger the safety of any person; or
- (f) lead to the identification of another person whose name is suppressed by order or by law; or
- (g) prejudice the maintenance of the law, including the prevention, investigation, and detection of offences; or
- (h) prejudice the security or defence of New Zealand.

3. The phrase extreme hardship applies to a person charged, convicted or acquitted; the phrase undue hardship applies to a victim or a person on whom suspicion might fall if publication was allowed.

True.

Section 200(2) a, b, and c.

4. When a person is well-known, they are automatically deemed to suffer extreme hardship for the purposes of a suppression decision.

False.

s 200(3) The fact that a defendant is well known does not, of itself, mean that publication of his or her name will result in extreme hardship for the purposes of subsection (2)(a).

5. When a person makes a first appearance, an interim suppression order may be made if the person simply advances an arguable case that one of the eight factors applies to them. Therefore court of first appearance does not have to make a decision as to whether it is actually satisfied of the likelihood of publication causing one of the factors in section 200(2).

True.

6. Whether or not the publication of the details of a defendant is suppressed or allowed, the court may make an order suppressing the details of witnesses, victims, and persons connected to him or her.

True.

Section 202(3) Subsection (1) applies whether or not the court has made an order under section 200 suppressing the identity of the defendant.

7. With regard to an order suppressing details of evidence or submissions made in a proceeding in respect of an offence, one of the factors the court must be satisfied of is that publication would cause undue hardship to the defendant.

False.

section 205(2) provides (emphasis added):

The court may make an order under subsection (1) only if the court is satisfied that publication would be likely to—

- (a) cause undue hardship to any **victim** of the offence; or
- (b) create a real risk of prejudice to a fair trial; or
- (c) endanger the safety of any person; or
- (d) lead to the identification of a person whose name is suppressed by order or by law; or
- (e) prejudice the maintenance of the law, including the prevention, investigation, and detection of offences; or
- (f) prejudice the security or defence of New Zealand.

8. Suppression applications are so rare in cases at JPs' jurisdiction level that there is really no need to apply one's mind to the issue.

False.

In fact the opposite is true. There is no predicting what case will come up next, and what applications will be made. It would be embarrassing to be scrambling to understand even the basic principles. A court-sitting Justice is under a duty to be as well-prepared as possible.