



THE LAW SOCIETY
OF NEW SOUTH WALES

COPI

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Direct Line: 9926 0209

30 July 2009

Mr Laurie Glanfield AM
Director General
Attorney General's Department
GPO Box 6
SYDNEY NSW 2001

Dear Mr Glanfield,

Re: National Register for suppression orders

I refer to your letter dated 16 July 2009 seeking comments from the Law Society on the project to create a national Register for suppression orders.

I had referred your request to the Litigation Law & Practice Committee (the Committee) for comments and set out below their views on the project.

The Committee understands that few suppression orders are made by the courts each year. Mostly, information is suppressed because legislative provisions require it, eg. non-identification of sexual assault victims, juvenile accused etc. There are a number of discrete pieces of legislation that require suppression orders and it would appear that, where the suppression order is required by legislation, the Register would not refer to them causing confusion to the media and others referring to the Register as to reasons for the making of the order.

There is also the danger that reliance on the Register alone, without examining the suppression order, may cause an inadvertent breach of the order and bring in train its attendant consequences.

As it is proposed to publish the Register on the Federal Court's website, the suppression order itself will not be available for perusal on the website. Thus the media representative has to contact the court concerned to examine the order.

In the absence of legal standing for the Register, the Committee feels there is little benefit to be gained from it and the potential danger that reliance may be placed on it without examining the suppression order.

If it is the intention of SCAG to continue with this project, it is submitted that there should be placed a warning on the front page (or other suitable area readily visible to the reader) that reliance on the Register would not be a defence to a breach of a suppression order.

Yours sincerely

Joseph Catanzariti
President

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