

Media release

New Zealand Law Commission Te Aka Matua o te Ture

20 June 2017

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Contempt report protects right to a fair trial

Freedom of expression does not include the right to undermine fair trials says Law Commission President Douglas White.

The Law Commission has finished its review into the laws of contempt of court.

Contempt laws protect the justice system, including a defendant's right to a fair trial.

The law in this area has evolved in a piecemeal fashion throughout its long history, which has resulted in a lack of certainty. Contempt laws are increasingly antiquated and inappropriate in our modern society. They predate the digital-age and need to be updated to address these technological developments.

To reform the law, the Law Commission is recommending a new statute *The Administration of Justice (Reform of Contempt of Court) Act*, which will replace old judge-made law with new offences, new enforcement provisions and new processes.

The proposed Act provides clearer rules for the media when reporting on court cases.

Publishing information about a defendant can prejudice a fair trial.

The proposed Act limits what news media representatives and bloggers can report on court proceedings, but it also makes clearer than the current law where the line is between contempt and freedom of expression.

"We have taken a complicated area of law and made recommendations that give everyone much more certainty. That will make it fairer and easier for everyone, including the media to do its job effectively," says Douglas White.

The Commission recommends new digital-age rules for jurors who search information online which is not part of the evidence at the trial.

The Commission will be launching its Final Report [Reforming the Law of Contempt of Court: A Modern Statute - Ko te Whakahou i te Ture mō Te Whawhati Tikanga ki te Kōti: He Ture Ao Hou](#) at a media conference on:

- **2pm Wednesday, 21 June 2017**
- **Law Commission, Level 19, 171 Featherston St, Wellington**

For more information

- Hon Douglas White QC, Law Commission President, 021 997 182
- Stephen Day, Law Commission Communications Adviser, 021 2900 734