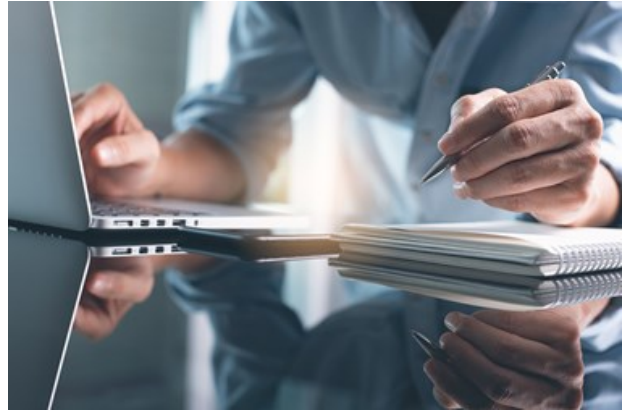




Are criminal charges against a person publicly available?

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Date: Sunday March 13, 2022

If you are charged with a criminal offence, what are the chances of those charges, including your name, being made publicly available (including to the media), regardless of the ultimate outcome? Publicly available 'charges' (as opposed to convictions or acquittals), is quite common.

What is publicly available in criminal proceedings?

Generally, aside from domestic violence proceedings, court proceedings are open – including for trials, sentences, and even routine mentions and adjournments of matters. This means that any member of the public can observe the proceedings, and the media can report on them.

In Queensland, the court also publishes a "daily law list" of criminal and civil court matters each day. This list provides the names of people who will be before the court the next day. The list usually notes a defendant's name and the courtroom they are to appear in. Those records are public and, at least in Queensland, can be accessed online, by any member of the public (including media), the day prior to when the matter is in court.

Third-party websites recording courts' daily law lists

There are no publicly accessible archives of past daily law lists on the courts' website. However, recently a number of websites have come to the fore that appear to do a sweep of court records (including daily law lists) of scheduled court appearances around the country and retain a record of them.

In some cases, the charge associated with the court appearance is also noted. No details regarding convictions or otherwise (for criminal matters) or outcomes (for civil matters) are available. Daily law lists are also sometimes reproduced in newspapers, including online, and thereafter a defendant's name may be searchable online.

It is important to note that what appears on these lists are just *charges* against an individual. They are not *convictions* (findings of guilt) or *acquittals* (findings of not guilty). These sites also do not record circumstances where the charges are ultimately withdrawn.

However, in sexual offence cases in Queensland, the media is restricted by what they can report about the matter before it is committed to the District Court. To this end, a person cannot be named if they are accused of (for example) rape or sexual assault offences until after they are 'committed' (that is, their matter is transferred) to the District Court. The main reason for this is that sometimes the nature of the offence means that mentioning the defendant's name will likely lead to identifying the victim.

Judge can choose to suppress information

To protect a victim or witness, and/or to avoid jeopardising an upcoming court proceeding, judges have the ability to suppress information heard in court. This is called a non-publication order.

If such an order is made, the publication of the suppressed information is prohibited by law. If the media wishes to publish the information suppressed, they must bring an application to the court to overturn the non-publication order.

If the media has reported a court proceeding contrary to a suppression order, the matter may be brought to the attention of the court or police. Penalties apply for contraventions of such orders.

Otherwise, whilst there is little that can be done to avoid the publication of your name on a daily law list or third-party website as mentioned above, there are certain practical steps that can be taken to minimise the chance of media coverage of your matter or to reduce the extent of it, such as making no comment to the media.

Get help from a criminal lawyer

If you have been charged with a criminal offence and have an impending court date, we recommend you contact us to discuss your matter and possible strategies that can be put in place to mitigate the publicity your matter may attract.

Contacting Gilshenan &Luton

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This blog is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.