

Local Court

Practice Direction

Child in Need of Protection – Restriction on Publication of Childrens’ Names – Procedure to be Adopted

The following practice direction is issued pursuant to section 21 of the *Local Court Act* and will apply from the commencement of Part 2.3 *Care and Protection of Children Act* (NT).

Background

The Local Court has been given the jurisdiction to deal with children in need of protection pursuant to the provisions of the *Care and Protection of Children Act*. The Family Matters Court created under the *Community Welfare Act* has ceased to exist and all matters regarding child protection will be dealt with in the Family Matters jurisdiction of the Local Court.

Restrictions on publication

Section 97 of the *Care and Protection of Children Act* makes it an offence to publish a report of any proceeding or the results of any proceeding if that publication has not been authorised by the Court or any law in force in the Territory

Section 301 *Care and Protection of Children Act* makes it an offence to publish any material that may identify someone who is a child in the CEO’s care, or for whom application for care has been made or is the subject of a Temporary Protection Order, Assessment Order or is involved or alleged to be involved in a sexual offence (whether as a victim or otherwise). The publication is allowed if authorised under the *Care and Protection of Children Act* or any other law in force in the Territory. There is no specific exception for those people who publish the protected details in performance of their functions under the *Care and Protection of Children Act*.

PROCEDURE

1. All proceedings in the Family Matters jurisdiction of the Local Court shall be in closed Court and the names of parties will not be published on the Court list; reference will only be made to the file number and the court room in which it is to be heard.
2. Parties are required to wait outside of the courtroom until called. The matter will be called by the court officer by reference to the file number only. Practitioners should assist the court officer to identify family members in relation to each matter to avoid confusion of unrepresented parties.
3. Representatives appearing in a matter in the Local Court (other than the Family Matters jurisdiction) that may possibly involve the identification of a child in need of protection should alert the court staff prior to commencement of proceedings that s 301 *Care and Protection of Children Act* may apply and the court may need to be closed. If it becomes apparent that the

representative was wrong about the possibility of identification then it is within the discretion of the Magistrate to re-open the Court.

4. If it becomes apparent that s 301 may apply during a proceeding the representative should bring s 301 to the attention of the Magistrate as soon as possible.

Jenny Blokland
Chief Magistrate
24 November 2008