

Magistrates Courts

Practice Direction No. 10 of 2025

Issued: 26 May 2025

Evidence Act 1977 Part 6C – Limits on publishing information in relation to sexual offences – Division 3 – Publishing identifying matter in relation to defendants – Division 4 - Complainant privacy orders

Commencement

1. This Practice Direction commences on 26 May 2025.

Repeal

2. Practice Direction 4 of 2023 – Non-publication orders – *Criminal Law (Sexual Offences) Act 1978* is repealed.

Purpose

3. The purpose of this Practice Direction is to facilitate procedural consistency in the determination of applications for a non-publication orders (NPO) and complainant privacy orders (CPO).
4. While it is recognised that local conditions may require adjustment to the practices and procedures set out in this Practice Direction, adherence to this Practice Direction is encouraged, wherever possible.
5. Nothing in this Practice Direction is to be taken as removing or limiting the discretion of a Magistrate.

Definitions

6. Terms used in this Practice Direction unless stated otherwise are as defined in Part 6C of the *Evidence Act 1977*¹.

Application for a NPO or CPO

7. If the defendant is charged with a prescribed sexual offence,² an eligible person, using the form in **Annexure A** may apply to a Magistrates Court for a NPO prohibiting the publication of identifying matter relating to the defendant before the defendant is committed for trial or sentence or sentenced on the charge.³
8. A person with sufficient interest⁴ may apply to a court for a CPO in relation to a deceased

¹ *Evidence Act 1977* ss.103ZZL, 103ZZV and 103ZZZD

² Rape, attempt to commit rape, assault with intent to commit rape and/or an offence against the Criminal Code, s. 352.

³ *Evidence Act 1977* s.103ZZW(2).

⁴ "A person with sufficient interest" is not defined in the *Evidence Act 1977* but section 103ZZZE(2) provides that the applicant must set out the reasons why they believe (a) it is necessary to prohibit or restrict the publication of identifying matter in relation to the complainant; and (b) why the publication

complainant using the form in **Annexure A**.

9. The applicant must give at least 3 business days' notice of their intention to make the application to –
 - a. the court; and
 - b. if applying for a non-publication order – each other eligible person.⁵
10. However, the Court may hear an application for a NPO despite notice not being given if the Court is satisfied –
 - a. there is a good reason for notice not having been given; or
 - b. it is in the interests of justice that the Court hear the application without notice having been given.⁶
11. Where the applicant for a NPO is the defendant, notice to the complainant –
 - a. must not be given personally by the defendant; and
 - b. must be given by the prosecution giving a copy of the complainant or another person nominated to receive correspondence on the complainant's behalf in relation to the matter.⁷
12. Applications for NPO should ordinarily be made in the Magistrates Court registry where the prescribed sexual offence will be heard.
13. Applications for CPO may be made in the Magistrates Court registry convenient to the applicant.
14. A Notice of Application in the form in **Annexure B** is to be filed with the Application for a NPO or CPO.
15. The Registrar will endorse the location and date of hearing on the Notice of Application. This document is referred to in this direction as the "*endorsed notice of application*".
16. The Registrar of the court where the Notice of Application was filed will send the endorsed notice of application, by email to accredited media entities.
17. Applicants for NPO and CPO should be aware that the endorsed Notice of Application will ordinarily be treated by the Court as an open, non-confidential document. However, the name of any living complainant(s) and contact details (unless the contact is a legal representative) will be redacted from the endorsed notice of application before accredited media entities are provided with the endorsed Notice of Application.
18. An application may be supported by an affidavit or affidavits. If waiver of the requirement to provide the affidavit to other parties is to be sought the affidavit should be provided in an unsealed envelope noting "**Affidavit not to be viewed or provided to any party without direction of a Magistrate**".

Accredited Media Entities

19. The court must, on receiving notice of intention to make an application for a NPO or CPO make reasonable steps to ensure that each accredited media entity is notified of the application. The notification may be by electronic communication or another way that the court considers appropriate.⁸

would cause undue distress to the applicant.

⁵ Evidence Act 1977 s.103ZZW(3).

⁶ Evidence Act 1977 s.103ZZW(4).

⁷ Evidence Act 1977 s.103ZZW(5). Notice under subsection (5) may be given by electronic communication. (s.103ZZW(6)).

⁸ Evidence Act 1977 ss.103ZZX and 103ZZZG.

20. Any accredited media entity wishing to be notified of applications for NPO or CPO or of the making of such order/s must nominate an email address for receipt of notifications.
21. Any accredited media entity wishing to nominate a single email address for receipt of notifications may provide that email address by contacting the Principal Information Officer, Supreme and District Courts, mediaSDC@justice.qld.gov.au.
22. Any notifications by the court will ordinarily be given only to the email address nominated pursuant to paragraph 20.
23. Any accredited media entity that has previously nominated an email address and later wishes to be removed from the notification list or change that address may contact the Principal Information Officer, Supreme and District Courts, mediaSDC@justice.qld.gov.au.
24. If the other parties to the application or accredited media organisations neither consent nor oppose the making of the orders sought, they are not required to attend the hearing of the application.
25. Any accredited media entity seeking further details regarding notices given should direct their inquiries not to the court but to the applicant or the applicant's legal representatives, in accordance with the details provided in the notice.

Interim order and Waiver

26. An application for an interim order may be made prior to the giving of the notice of application using the form in **Annexure A**.
27. An application for waiver of the requirement to give notice of a NPO may be made at the same time as an application for an interim order or a final NPO using the form **Annexure A**.⁹
28. The applicant should provide a draft interim order in the form in **Annexure C** with appropriate amendments, when making the application for an interim order.
29. When considering the application for an interim order the Court may make directions including but not limited to when, where and by what means for example, by video-link, the application is to be heard and the giving of the endorsed notice of application to eligible persons and accredited media. In an application for an Interim NPO the Court may also order that the application be heard in closed court.¹⁰
30. Upon making the interim order a copy of that order will be sent electronically to any accredited media entity who has nominated an email address for receipt of notifications.
31. When the Court makes an interim order, the Court will hear and decide the substantive application as a matter of urgency and where practicable within 72 hours after making an interim order.¹¹ An example of where it may not be practicable to hear the substantive application within 72 hours is where the court is not sitting (for example, a Sunday).

Giving Notice and Service of the Application

32. Unless the requirement to give notice has been waived the applicant will give to the court at the hearing of the application for a NPO an affidavit attesting to giving of the endorsed notice of application to each eligible person in accordance with [Form 45 of the Criminal Practice Rules](#).
33. While the *Evidence Act 1977* does not require service of the Application for a NPO before the hearing of it, service of the application will expedite the hearing of the matter in a court.
34. Subject to any other order of a Court, the endorsed notice of application may be given to

⁹ *Evidence Act 1977* ss.103ZZW(4)

¹⁰ *Evidence Act 1977* s.103ZZZ(2).

¹¹ *Evidence Act 1977* ss.103ZZZA and 103ZZZL.

the parties by sending a copy of the endorsed notice of application and the application by email.

35. If the applicant for a NPO is a defendant, the defendant must not give personally to the complainant the endorsed notice of the application or the application for a NPO. The endorsed notice of application or application can be given to the complainant by giving to the appropriate prosecuting authority (the Queensland Police Service or the Office of the Director of Public Prosecution) a copy of the endorsed notice and/or application for the prosecution to give a copy of that notice and/or application to the complainant or another person nominated to receive correspondence on the complainant's behalf.¹²
36. The appropriate prosecuting authority is the authority appearing to prosecute on the prescribed sexual offence.
37. The prosecuting authority may prove that an endorsed notice of application has been given to the complainant by filing an affidavit attesting to how the endorsed notice of application was given. The prosecuting authority may redact any contact details of the complainant from any material given to the Court, defendant, or another party.
38. A Magistrate may vary any requirement to give an affidavit if satisfied by other evidence that the required notice of application has been properly given.
39. Proof that notice of an application for a NPO or CPO has been given to accredited media entities can be given to the Court by the Registrar producing a copy of an email from the court to those accredited media entities who have supplied an email address in accordance with paragraph 20.

Hearing of the Application for NPO or CPO

40. At the hearing of the application, the applicant should provide a draft Order in the form **Annexure D** or **Annexure E** with appropriate amendments.
41. If a NPO or CPO is granted the Notice of Application, application, and affidavit/s will be marked as confidential with access restricted to ensure they are not read, save by order of a magistrate or judge.
42. Upon making the NPO or CPO a copy of that order will be sent electronically to any accredited media entity who has nominated an email address for receipt of notifications.

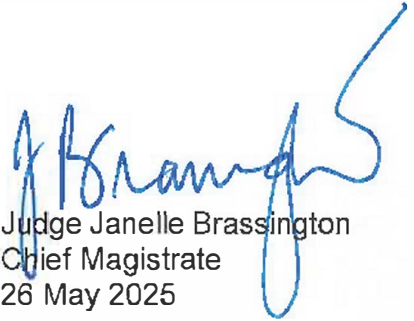
Review

43. An application for review of a NPO or CPO may be made by filing an application for review in the form in **Annexure A** and a notice of application to review in the form in **Annexure B**.
44. The Registrar will endorse the location and date of hearing on the Notice of Application to Review. This document is referred to in this direction as the "*endorsed notice of application to review*".
45. The applicant for review of a NPO must give an endorsed notice of application to review to all the original parties, including if the applicant for review is not the original applicant, the original applicant.
46. The applicant for review must give the notice of application to review to a complainant only by giving that notice to the prosecution who will then give a copy of the notice to the complainant, or another person nominated to receive correspondence on the complainant's behalf in relation to the matter. The prosecution may redact any contact details of the complainant from any material given to the Court, defendant, or another party.
47. The Court will give notice of an application for review to the accredited media under

¹² Evidence Act 1977 s.103ZZW.

paragraph 20.¹³

48. At the hearing of the review, the applicant should provide a draft Order in the form **Annexure F** with appropriate amendments.
49. If the NPO or CPO is varied or revoked a copy of that order will be sent electronically to any accredited media entity who has nominated an email address for receipt of notifications.



Judge Janelle Brassington
Chief Magistrate
26 May 2025

ANNEXURE A to Practice Direction 10 of 2025

APPLICATION

In the Magistrates' Court
at [venue]

Court Reference : _____

In the matter of:

[Prosecution]:

[Defendant]

Name of applicant:

Complainant / Prosecutor / Defendant / Person with sufficient interest (*delete non applicable*)

Email address:

NOTE: Pursuant to section 103ZZW(3) of the Evidence Act 1977, the applicant must give three (3) business days' notice of an application for a non-publication order to the Court and to each other eligible person, unless the Court is satisfied that there is good reason to waive the notice requirement, or it is in the interests of justice to do so.

Eligible persons are the complainant, the prosecution, and the defendant.

Application for:

- ☐ Non-Publication Order
- ☐ Complainant Privacy Order
- ☐ Interim Order
- ☐ Waiver of Requirement to Give Notice of a Non-Publication Order
- ☐ Review of a non-publication / complainant privacy order
- ☐ Extend duration of Complainant Privacy Order

Grounds of Application:

<hr/> <hr/> <hr/> <hr/> <hr/>

- ☐ This case is next listed for mention*/hearing*/committal* at _____ on _____.
- ☐ There is no matter before the Court.

Dated: _____

[Applicant or applicant's legal practitioner]

ANNEXURE B to Practice Direction 10 of 2025

NOTICE OF APPLICATION

File Number: _____

To the Magistrates Court at [Location]

[Prosecution]: _____

[Defendant] _____

And to: [identify other proposed recipients of notice]

I,the applicant give notice of the making of an application for a:

- ☐ Non-Publication Order
☐ Complainant Privacy Order
☐ Review of a Non-Publication Order / Complainant Privacy Order *(delete non applicable)*
☐ Extension of a Complainant Privacy Order

In relation to: _____, the ☐ defendant / ☐ complainant (dec'd).
Name of person whose identity is sought to be suppressed

This application will be heard at the Magistrates' Court of [Place] at: _____
(Court location)

on: _____ at: _____ AM/PM
(Date) (Time)

Or soon afterwards as the business of the Court allows.

(to be completed by the registrar)

(Registrar Signature and Date)

You may, if you wish, be heard on this issue in court on the application hearing date. You may appear in person or be legally represented.

IF THE DEFENDANT IS THE APPLICANT THE NOTICE TO THE COMPLAINANT MUST NOT BE GIVEN PERSONALLY TO THE COMPLAINANT BY THE DEFENDANT. THE DEFENDANT MUST GIVE TO THE PROSECUTION A COPY OF THE NOTICE WHO WILL THEN GIVE THE NOTICE TO THE COMPLAINANT OR ANOTHER PERSON NOMINATED TO RECEIVE CORRESPONDENCE ON THE COMPLAINANT'S BEHALF.

**Delete if not applicable*

NOTE: The Court will take reasonable steps to ensure that each accredited media entity is notified of the application in accordance with the Evidence Act 1977

BEFORE THE NOTIFICATION OF ACCREDITED MEDIA THE NAME OF ANY LIVING COMPLAINANT AND CONTACT DETAILS WILL BE REDACTED FROM ANY NOTICE OF APPLICATION GIVEN TO ACCREDITED MEDIA AND DEFENDANT

ANNEXURE C to Practice Direction 10 of 2025

INTERIM NON-PUBLICATION ORDER / COMPLAINANT PRIVACY ORDER

Section 103ZZZA or 103ZZZL - Evidence Act 1977

In the Magistrates' Court
at [venue]

Court Reference : _____

In the matter of:

[Prosecution]:

[Defendant]

An application for a non-publication order / complainant privacy order having been made to this Court, until that application is determined, or this order is otherwise revoked:

1. The Court orders that publication of any identifying matter in relation to the defendant / complainant including:
 - a. The name of the defendant / complainant;
 - b. The address of the defendant;
 - c. The place of employment of the defendant; or
 - d. any other particular of the defendant / complainant or another person likely to lead to the identification of the defendant / complainant, *(delete non applicable)*

and any photograph, picture, videotape, digital image or other visual representation of the defendant / complainant or another person that is likely to lead to the identification of the defendant is prohibited.

2. The purpose of this order is to prevent publication of the matters referred to in paragraph 1 until a substantive application can be heard.
3. For the purpose of this order, 'publication' means the dissemination or provision of access to the public by any means including, publication in a book, newspaper, magazine or other written publication; or broadcast by radio or television; or public exhibition; or broadcast or electronic communication.

Magistrate

Date:

ANNEXURE D to Practice Direction 10 of 2025

NON-PUBLICATION ORDER

Sections 103ZZY, 103ZZZ – Evidence Act 1977

In the Magistrates' Court
at [venue]

Court Reference : _____

In the matter of:

[Prosecution]:

[Defendant]

An application for a non-publication order having been made to this Court by _____, [Name of Applicant]
an eligible person pursuant to s.103ZZW of the *Evidence Act 1977*, and having heard from (s.103ZZZ(1)):

- ☐ the applicant;
- ☐ the defendant;
- ☐ the complainant;
- ☐ an accredited media entity, namely.....
- ☐(a person whom the court considers has sufficient interest in the question of whether the order should be made).

And having considered the following (s. 103ZZZ(3)(b)):

- (i) the primacy of the principle of open justice;
- (ii) the public interest;
- (iii) any submissions made or views expressed by or on behalf of the complainant about the application;
- (iv) any special vulnerabilities of the complainant or the defendant;
- (v) any cultural considerations relating to the complainant or the defendant;
- (vi) the potential effect of publication in a rural or remote community;
- (vii) the potential to prejudice any future court proceedings;
- (viii) the history and context of any relationship between the complainant and the defendant (including, for example, any domestic violence history);
- (ix) other relevant matters namely,

The Court is satisfied the defendant is charged with a prescribed sexual offence² and that a non- publication order is necessary to (s. 103ZZY):
(One or more grounds may be relied upon)

- ☒ prevent prejudice to the proper administration of justice
- ☐ prevent undue hardship or distress to a complainant or witness in relation to the charge
- ☐ to protect the safety of any person.

The Court orders:

1. Publication of any identifying matter in relation to the defendant including:
 - a. The name of the defendant;
 - b. The address of the defendant;
 - c. The place of employment of the defendant; or
 - d. any other particular of the defendant or another person likely to lead to the identification of the defendant, including:

.....
and any photograph, picture, videotape, digital image or other visual representation of the defendant or another person that is likely to lead to the identification of the defendant is prohibited pursuant to s. 103ZZV and s.103ZZZ(4)(c))

For the purpose of this order, 'publication' means the dissemination or provision of access to the public by any means including, publication in a book, newspaper, magazine or other written publication; or broadcast by radio or television; or public exhibition; or broadcast or electronic communication.

2. Notwithstanding the order in paragraph [1] the order does not restrict the lawful publication of [any identifying matters not covered by the order for example, "any evidence, argument or other matter given or referred to in court proceedings".] (s.103ZZZ(4)(c))
3. This order ceases to have effect when the defendant is committed for trial or sentence or sentenced on the charge or the charge is withdrawn, whichever happens first.

.....
Magistrate

Date:

² Prescribed sexual offence is defined in s. 103ZZV of the *Evidence Act 1977* to mean (a) rape (b) attempt to commit rape (c) assault with intent to commit rape (d) an offence defined in the Criminal Code, section 352

ANNEXURE E to Practice Direction 10 of 2025

COMPLAINANT PRIVACY ORDER

Sections 103ZZZE, 103ZZZG Evidence Act 1977

In the Magistrates' Court
at [venue]

Court Reference : _____

In the matter of:

[Prosecution]:

[Defendant]

An application for a non-publication order having been made to this Court by _____,
[Name of Applicant]
a person with sufficient interest pursuant to s.103ZZZE of the *Evidence Act 1977*, and having heard from:

- ☐ the applicant;
- ☐ the prosecution;
- ☐ an accredited media entity, namely.....
- ☐(a person whom the Court considers has sufficient interest in the question of whether the order should be made).

And having considered the following in relation to the applicant and the complainant:

- (i) the nature and closeness of the relationship between them, including their social and emotional ties;
- (ii) the duration of the relationship between them and the frequency of contact;
- (iii) whether they lived together or related together in a home environment;
- (iv) any financial dependence or interdependence between them;
- (v) any other form of dependence or interdependence between them;
- (vi) the provision of any paid or unpaid responsibility or care by or between them;
- (vii) the provision of sustenance or support by or between them;
- (viii) any history of domestic violence or other offending or alleged offending by the applicant against the complainant that would make the applicant not an appropriate person to be granted an order;
- (ix) whether they were in a relationship that had cultural recognition as being like family in the applicant's or the complainant's community;
- (x) any other factors the Court considers relevant namely.....

The Court is satisfied that it is necessary to avoid causing undue distress to the applicant¹⁴ and despite this is satisfied that the particular circumstances make it necessary to displace the public interests in, as relevant, the principles of open justice and freedom of expression, including free communication and disclosure of information.

The Court orders:

1. Publication of any identifying matter in relation to the complaint including:

- a. The name of the complainant;
- b. The address of the complainant;
- c. The place of employment of the complainant; or
- d. any other particular of the complainant or another person likely to lead to the identification of the complainant as a victim of a sexual offence or an alleged sexual offence,

and any photograph, picture, videotape, digital image or other visual representation of the complainant or another person that is likely to lead to the identification of the complainant as a victim of a sexual offence or an alleged sexual offence is prohibited pursuant to s. 103ZZZG of the *Evidence Act 1977*.

For the purpose of this order, 'publication' means the dissemination or provision of access to the public by any means including, publication in a book, newspaper, magazine or other written publication; or broadcast by radio, television or the internet, or broadcast on a social media platform or an online social network; or public exhibition.

.....
Magistrate

Date:

¹⁴ *Evidence Act 1977* s.103ZZZG(1).

ANNEXURE F to Practice Direction 10 of 2025

REVIEW OF NON-PUBLICATION ORDER / COMPLAINANT PRIVACY ORDER / EXTENSION OF
COMPLAINANT PRIVACY ORDER

Section 103ZZZB Evidence Act 1977

In the Magistrates' Court

at [venue] _____

Court Reference: _____

[Prosecution]:

[Defendant]

An application for review of a non-publication / complainant privacy order having been made to this Court and having heard from (s.103ZZZ(1)):

- ☐ the applicant;
- ☐ the defendant;
- ☐ the complainant;
- ☐ an accredited media entity, namely.....
- ☐ any other person the court considers has sufficient interest in the question, namely
.....

The order of the Court is that the order made on [date of order] before Magistrate [Name of Magistrate] at the Magistrates Court at [Place] is

- ☐ Confirmed
- ☐ Revoked
- ☐ Varied as follows:
 - ☐ Extended until [The period of extension of a Complainant Privacy Order must not exceed 5 years in relation to each extension].
 - ☐ Dismissed

.....
Magistrate

Date: