

PRACTICE DIRECTION NUMBER 13 OF 2013

DISTRICT COURT OF QUEENSLAND

IDENTIFICATION BY REGISTRY OF FILED MATERIAL SUBJECT TO LEGISLATIVE PUBLICATION RESTRICTION, AND NON-PARTY ACCESS TO THAT MATERIAL

1. This practice direction applies to material filed in the District Court Registry where the identity of a party to the proceeding, or a victim, is subject to publication restriction under:
 - s 189 and s194 of the *Child Protection Act 1999*,
 - s10 of the *Criminal Law (Sexual Offences) Act 1978*,
 - s301 of the *Youth Justice Act 1992*, or
 - another Queensland or Commonwealth statutory provision.

Upon the assumption that the Court is bound by such statutory provisions, this direction is intended to ensure that identifying particulars are not published contrary to the restrictions.

The unavailability of files for inspection by persons not parties to the proceeding (para 4, third dot point) is complementary, and necessarily complementary, to the statutory restriction on publication.

2. When filing material in the District Court Registry, parties or their legal representatives must notify Registry staff that the material is subject to a legislative non-publication provision, and identify the provision.
3. They must also notify the Registry staff of any proceeding where material subject to such restriction may previously have been filed without the requisite notification to staff.
4. Unless an order has been made under s. 234 of the *Youth Justice Act*, paragraph 5 (a) of this Practice Direction does **not** apply in relation to a child to whom Part 9 of the *Youth Justice Act* applies.
5. Subject to any contrary order of a Judge:
 - (a) a prospective hearing in a proceeding where material of the kind described in paragraph 1 has been filed, will be listed by name in the usual way;
 - (b) the file for such a proceeding will be endorsed as follows: “Subject to any contrary order of a Judge, this file is not available for search by any person who is not a party to the proceeding or a party’s legal representative in the proceeding”; and

- (c) the file will not be available for search by any person who is not a party to the proceeding or a party's legal representative in the proceeding.
6. The listing of an application for a "contrary order" (para 5) will not name or otherwise reveal the identity of the parties.
 7. Judgments ordinarily will be presented in a form which avoids disclosure of "identifying information", in accordance with current practice.

Chief Judge PM Wolfe
24 October 2013