

Youth Justice Act

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 21 of the *Justices Act* read with s 53 *Youth Justice Act* and will apply from the commencement of Part 2.3 *Care and Protection of Children Act* (NT).

BACKGROUND

The *Care and Protection of Children Act* has created a regime necessitating more care to be taken generally to ensure a child who may be subject to an investigation or protection order under the Act is not identified.

Restrictions on publication

Section 97 *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

Representatives appearing in a matter in the Youth Justice Court 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.

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

If the Court is of the view that a report is required pursuant to 51 *Youth Justice Act* then the Court shall be closed prior to that order being made.

Jenny Blokland
Chief Magistrate
24 November 2008