

## **RESTRICTION ON PUBLICATION OF PROCEEDINGS**

### **Pursuant to section 534**

#### ***Children, Youth and Families Act 2005 (Victoria)***

- (1) A person must not publish or cause to be published—
- (a) except with the permission of the President or of a magistrate under subsection (1A) a report of a proceeding in the Court or of a proceeding in any other court arising out of a proceeding in the Court that contains any particulars likely to lead to the identification of—
    - (i) the particular venue of the Children's Court, other than the Koori Court (Criminal Division) or the Neighbourhood Justice Division, in which the proceeding was heard; or
    - (ii) a child or other party to the proceeding; or
    - (iii) a witness in the proceeding; or
  - (b) except with the permission of the President or of a magistrate under subsection (1A) a picture as being or including a picture of a child or other party to, or a witness in, a proceeding referred to in paragraph (a); or
  - (c) except with the permission of the President or of a magistrate under subsection (1A) or of the Secretary under sub-section (3), any matter that contains any particulars likely to lead to the identification of a child as being the subject of an order made by the Court.
- 1A On application to the Court, a magistrate may grant permission for the publication if the magistrate is satisfied that—
- (a) The circumstances giving rise to the request for permission to publish are an emergency; and
  - (b) Publication is reasonably necessary for the safety of—
    - (i) The child, other party or witness referred to in subsection (1); or
    - (ii) Any other person or the community.

Penalty:

- (a) In the case of a body corporate—500 penalty units;
  - (b) In any other case—100 penalty units or imprisonment for 2 years.
- (2) The Court in making an order may direct the Secretary not to grant permission under sub-section (3) with respect to the order.
- (3) The Secretary may, in special circumstances, grant permission for the publication in relation to a child who is the subject of a family reunification order, a care by Secretary order or a long-term care order of any matter that contains any particulars likely to lead to the identification of a child as being the subject of an order made by the Court.
- (4) Without limiting the generality of sub-sections (1) and (3), the following particulars are deemed to be particulars likely to lead to the identification of a person—
  - (a) the name, title, pseudonym or alias of the person;
  - (b) the address of any premises at which the person resides or works, or the locality in which those premises are situated;
  - (c) the address of a school attended by the person or the locality in which the school is situated;
  - (d) the physical description or the style of dress of the person;
  - (e) any employment or occupation engaged in, profession practised or calling pursued, by the person or any official or honorary position held by the person;
  - (f) the relationship of the person to identified relatives of the person or the association of the person with identified friends or identified business, official or professional acquaintances of the person;
  - (g) the recreational interests or the political, philosophical or religious beliefs or interests of the person;
  - (h) any real or personal property in which the person has an interest or with which the person is otherwise associated.
- (5) Sub-section (1) does not apply to the publication of accounts of proceedings of the Court, where those accounts have been approved by the President.