

Reporting on the Childrens Court in Queensland

A guide for media representatives

September 2024

Acknowledgments and disclaimer

Acknowledgement of Country

We recognise and acknowledge Aboriginal and Torres Strait Islander peoples as the First Peoples of Queensland and as the Traditional Custodians of our precious land and waters. We pay our respects to their Elders past and present.

We recognise and celebrate the unique and continuing position of Aboriginal and Torres Strait Islander peoples in our history, culture and future, and acknowledge their ongoing strength, resilience and wisdom. We are working to translate this recognition into fair, safe and inclusive practices, policies and services for Aboriginal and Torres Strait Islander peoples.

Legal disclaimer

The information contained in this guide is a general overview of the current Queensland laws. Legal information in the guide is general information and should not be considered legal advice. Journalists should seek independent legal advice when reporting on court proceedings involving children. It is current at the time of publication.

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Introduction

Queensland's laws place restrictions on accessing and publishing information affecting or involving children, including for court proceedings where children are charged with a criminal offence. These laws aim to strike a balance between maximising prospects of rehabilitation, upholding the child's best interests and ensuring provisions are consistent with principles relating to the administration of justice, such as the rights of victims of crime and open justice.

This media guide is a resource to support media representatives when reporting on criminal proceedings in the Childrens Court of Queensland and Supreme Court proceedings involving child defendants. It outlines how journalists can attend, report on, and find out about when and where court matters involving children will be heard.

Childrens Court of Queensland

In Queensland, criminal matters involving children (aged 10 to 17) are dealt with in the Childrens Court of Queensland¹ established under the *Childrens Court Act 1992 (Qld)* (Childrens Court Act), except where the offence must be dealt with in the Supreme Court. The Childrens Court of Queensland is constituted by a magistrate or a judge depending on the stage of the matter and seriousness of the offence. The court also hears matters involving child protection and certain adoption cases. Proceedings in the Supreme Court are not Childrens Court proceedings.

Criminal proceedings involving children

In Queensland, under the Criminal Code:

- a child under 10 cannot be tried and/or sentenced for an offence
- a child under 14 can only be tried and/or sentenced if the prosecution proves the child had the ability to understand that their offending behaviour was seriously wrong.

Where a child is alleged to have committed an offence, cases can be dealt with by:

- the Childrens Court at the Magistrates Courts level – known as the Childrens Court (Magistrate);
- the Childrens Court of Queensland at the District Court level – known as the Childrens Court of Queensland (Judge); or
- the Supreme Court, dealing with an offence defined as a 'supreme court offence' under the *Youth Justice Act 1992 (Qld)* (YJ Act).

Childrens Court (Magistrate)

All children charged with a criminal offence will first appear in the Childrens Court (Magistrate). This court can only finalise summary offences and less serious offences by way of trial or sentence.

A case may go to a higher court if the law says it must (for example, a serious offence like robbery), or if the law says the child can choose which court the matter is heard in (for example, an indictable (serious) offence like assault occasioning bodily harm).

For serious offences, the magistrate will decide if there is enough evidence for a trial or sentence in the Childrens Court of Queensland (Judge) or Supreme Court of Queensland. If there is, the magistrate will send the charge to the Childrens Court of Queensland (Judge) or Supreme Court. This is known as the committal process.

These arrangements for commencing proceedings in the Magistrates Court and the committal process mirror the process for adults.

¹ NOTE: When reporting on matters involving the Childrens Court, journalists should refer to the correct name for the court (without an apostrophe), which reflects the spelling in the legislation that establishes the court.

Childrens Court of Queensland (Judge)

The Childrens Court of Queensland (Judge) deals with children who have been charged with serious criminal offences, except those that must be heard in the Supreme Court. This court also hears sentence reviews (similar to an appeal) from sentences imposed in the Childrens Court (Magistrate), and appeals against child protection orders and parentage orders.

Proceedings in the Childrens Court of Queensland (Judge) will not start until the prosecution presents an indictment. An indictment is a written document that contains the offences charged against the child.

Judges presiding over this court have been appointed from the District Court of Queensland.

Supreme Court of Queensland

The Supreme Court of Queensland Trial Division and Court of Appeal hear matters involving children charged with offences of murder, manslaughter, unlawful striking causing death and trafficking in a dangerous drug listed in Schedule 1 of the *Drugs Misuse Act 1986*.

Access to Childrens Court criminal proceedings

Queensland's Childrens Court Act has been amended to allow Childrens Court criminal proceedings to be more open to victims, family of deceased victims, victims' representatives, people with a proper interest in the proceedings, and accredited media entities. These amendments came into effect on 30 August 2024.

Media are no longer required to make an application to the court to attend Childrens Court (Magistrate) criminal proceedings.

Childrens Court (Magistrate) criminal proceedings remain **closed** to the public.

In the Childrens Court (Judge) and Supreme Court jurisdictions, which are presided over by a judge, media are able to attend criminal proceedings being dealt with on indictment, at the discretion of the presiding judge.

Regardless of jurisdiction, the general prohibition in the YJ Act against publishing a child's identifying information continues to operate. This includes information that is likely to lead to the identification of the child. Other prohibitions on publication of certain information (including for example, information identifying a child subject to a child safety order) also continue to operate. Unless the court orders otherwise, no information identifying an accused child may be published.

See page 8 for information regarding prohibition of disclosure of confidential information relating to a child – accredited media entities.

Table 1 outlines the access to proceedings involving children following these amendments.

Table 1: Access to proceedings involving children following amendments to *Childrens Court Act 1992*

	Childrens Court (Magistrate)			Childrens Court (Judge)			Supreme Court		
	Bail applications	Summary proceedings – trial and sentence	Committal proceedings	Proceedings on indictment – bail, trial and sentence	Bail applications (in relation to charges not on indictment)	Sentence reviews	Bail applications	Proceedings on indictment – trial and sentence	Appeals to the Court of Appeal
Open to victim / relative of a deceased victim?	✓			✓			✓		
Open to victim's representative?	✓*			✓	✓*		✓		
Open to accredited media entity? **	✓*			✓	✓*		✓		
Open to public?	✗			✓	✗		✓		

* Subject to exclusion order

** An accredited media entity is a media organisation accredited under the Supreme Court's media accreditation policy.

NOTE: This table is a general overview of the recent amendments and does not comprehensively list all situations in which a courtroom may be closed or persons may be excluded from the courtroom.

Reporting on Childrens Court matters: the legalities

Queensland legislative restrictions when reporting and publishing information on Childrens Court proceedings are outlined in various legislation including:

- *Childrens Court Act 1992*
- *Youth Justice Act 1992*
- *Child Protection Act 1999*
- *Justices Act 1886*
- *Evidence Act 1977*
- *Mental Health Act 2016*.

This list is by no means exhaustive and should not be considered legal advice – it simply highlights the potential breadth of issues to consider. Journalists should seek their own legal advice about media reports regarding Childrens Court proceedings.

Publication or disclosure of information about an accused child

The YJ Act contains provisions relating to publication of confidential information, including identifying information, of a child. 'Publish' means publish to the public by television, radio, internet, newspaper, periodical, notice, circular or other form of communication.²

The *Youth Justice Regulation 2016* contains provisions relating to disclosure of confidential information about a child.

What is confidential information?

The YJ Act defines confidential information about a child to include:

- identifying information about the child; and
- a report made for the purposes of, or tendered in, a court proceeding relating to the child; and
- a report about the child made for the department or another government department; and
- a report about the child given to an agency for the purpose of carrying out the objects of the YJ Act; and
- information about the child gained by a convenor or coordinator in relation to the convening of a conference; and
- a record or transcription of a court proceeding relating to the child.³

What is identifying information?

The YJ Act defines identifying information about a child as information that identifies the child, or is likely to lead to the identification of the child, as a child who is being, or has been, dealt with under the YJ Act.

For example, the following is considered identifying information:

- (a) the child's name, address, school or place of employment;
- (b) a photograph, picture, videotape or other visual representation of the child or someone else.⁴

² *Youth Justice Act 1992*, Schedule 4 Dictionary.

³ *Youth Justice Act 1992*, s 284.

⁴ *Youth Justice Act 1992*, Schedule 4 Dictionary.

Under the YJ Act, a court may allow publication of identifying information about a child if it considers that it would be in the interests of justice to allow the publication, but this does not apply to a Childrens Court constituted by a Childrens Court Magistrate.⁵ The court must take into account:

- the need to protect the community, and
- the safety or wellbeing of a person other than the child, and
- the impact of the publication on the child's rehabilitation, and
- any other matters it considers relevant.

Unauthorised publication of identifying information about a child is an offence under the YJ Act and can result in a maximum penalty of 100 penalty units or two years' imprisonment for an individual and 1,000 penalty units for a corporation.⁶

Prohibition of disclosure – accredited media

A new offence 'Prohibition of disclosure of confidential information relating to a child – accredited media entities' under section 44AA of the *Youth Justice Regulation 2016* was introduced on 30 August 2024. It applies to a person who has confidential information relating to a child that was disclosed to an accredited media entity, or other confidential information relating to a child that was directly or indirectly derived from the use of the initial information.

A person who intentionally discloses the confidential information to anyone, other than as authorised under the Regulation, or recklessly discloses, can be penalised up to a maximum of 20 penalty units.

The person may disclose the confidential information to another person if the recipient is an employee, contractor or agent of the accredited media entity and if the disclosure is necessary to enable that person or another employee, contractor or agent of the accredited media entity to attend a Childrens Court hearing.⁷

See page 5 for information regarding other prohibitions on publication.

Covering Childrens Court matters – guiding principles

- ✓ Be aware of the date, time, location and courtroom in which the Childrens Court (Magistrate) criminal proceeding is being heard. The de-identified Childrens Court (Magistrate) list emailed to accredited media will assist with this.
- ✓ Be aware that registry staff are not able to confirm or release further details about Childrens Court criminal proceedings. Information such as charges and court outcomes may be sourced by attending hearings in person.
- ✓ Carry proper identification to show court staff that you are an accredited media representative. Ensure this identification is visible during proceedings.
- ✓ Read the relevant practice direction relating to the permitted use of electronic devices in court rooms including restrictions on photographs or video footage in a courtroom.
- ✓ Be aware that closed court provisions may apply in certain circumstances and the presiding judicial officer still retains discretion to close the court or make an exclusion order. See pages 11-12 for more information about when a court may be closed.
- ✓ Be respectful of people attending Childrens Courts proceedings, particularly parties, family members, support personnel and witnesses. Media representatives are not to film people inside the court building, from either within the building or from a location outside in the court precinct.

⁵ *Youth Justice Act 1992*, s 234.

⁶ *Youth Justice Act 1992*, s 301(1).

⁷ *Youth Justice Regulation 2016*, s 44AA(3).

- ✓ Ensure you understand all the legislative restrictions in relation to reporting and publishing in relation to Childrens Court matters including the general prohibition in the YJ Act against publishing a child's identifying information.
- ✓ Seek independent legal advice about reporting and publishing information. Ultimately the decision to include specific information in a media report and the decision to publish that report always rests with the media entity – as do the legal defences which may be available should a court or other party pursue a media entity regarding a published report.

Finding out about Childrens Court matters

There is a range of information resources to assist media to identify Childrens Court proceedings they wish to attend.

Queensland Police Service

Media can keep up to date with the upcoming court appearance of child defendants by subscribing to media releases issued by the Queensland Police Service (QPS). These media releases generally outline the particulars of incidents, the offences with which the child has been charged, and when and where they will appear in court.

The QPS will also supply a QP number at the bottom of the media release. Media can use this QP number to identify the corresponding matter on the de-identified daily court list for the Childrens Court (Magistrate) so they can attend the court proceeding. Accredited media entities can also use this QP number to obtain the next listing date by making a request to the court registry.

Australian Federal Police

The Australian Federal Police (AFP) has the jurisdiction to investigate crimes against the Commonwealth of Australia including cybercrime, espionage and foreign interference, terrorism, serious organised crime, human trafficking and people smuggling, money laundering and financial crime, and airport and aviation crime. The AFP generally issues media releases about people (including children) who have been charged with a Commonwealth offence and will advise when and where they will appear in court.

The AFP does not provide a reference number in its media releases. AFP matters will appear in the de-identified daily court list for the Childrens Court (Magistrate) without a reference number.

De-identified daily court lists

Childrens Court (Magistrate)

A daily court list of Childrens Court (Magistrate) criminal matters listed across the state for the following day will be issued via email to accredited media entities.

Due to confidentiality provisions within the YJ Act, identifying information including names and dates of birth will not be provided in this list. The de-identified court list will include information such as QP number, court file number, charges before the court, type of court event, court date and court location. Information is provided so accredited media know when and where Childrens Court (Magistrate) criminal proceedings will be heard, for the purpose of determining which matters they may wish to attend in person.

It is important for each accredited media entity to ensure its nominated email address is appropriately monitored and that court emails are handled in compliance with privacy obligations under the law. This includes compliance with section 44AA of the *Youth Justice Regulation 2016* (see page 8 for further information about permissible disclosure of confidential information provided to accredited media entities).

Each accredited media entity will receive the de-identified court list to the nominated email address for court notices. A **single** email address must be nominated. Any accredited media entity seeking to update

its email address should contact the Principal Information Officer, Supreme and District Courts, at MediaSDC@justice.qld.gov.au for further information.

Accredited media entities are responsible for the distribution of the de-identified daily court list within their organisation. De-identified daily court lists cannot be obtained from the court registry.

Childrens Court (Judge) and Supreme Court

Matters involving child defendants scheduled for the Childrens Court (Judge) and Supreme Court will continue to be listed on the relevant daily law list which is available online on the Queensland Courts website - www.courts.qld.gov.au. Matters are de-identified, with the courtroom, time and presiding judicial officer's name listed.

Requesting court information

The de-identified law list should be used as the primary method to identify when and where Childrens Court (Magistrate) matters are listed. However, to enable accredited media entities attend Childrens Court criminal proceedings, information about the next court date and location can be requested.

The amendments do not change the information that can be disclosed to accredited media, apart from information to enable accredited media to attend court proceedings.

The below table outlines what information can be disclosed to accredited media entities by the court registry about Childrens Court criminal proceedings.

✓ court information advising when and where proceedings will be heard – next court date and location only
× court outcomes
× confirmation of court information (including charges before the court, bail/remand status, offence dates and locations, age of defendant etc.)
× court information accredited media entities may have had access to and heard during court proceedings, such as orders of the court

Accredited media seeking to know the next court date and location of a Childrens Court criminal proceeding can obtain this information via the contacts below. When making the request, accredited media entities must provide:

- sufficient information for the court to identify the matter (such as the QP number), and
- evidence of accreditation under the Supreme Court's media accreditation policy.

Childrens Court (Magistrate)

Contact the [relevant registry](#) or MediaMC@justice.qld.gov.au.

Childrens Court of Queensland (Judge) and Supreme Court

Contact the relevant registry or the Principal Information Officer at MediaSDC@justice.qld.gov.au.

Copies of records or documents of Childrens Court proceedings

There is no change to search or copy provisions relating to any part of the record of a Childrens Court criminal file under the YJ Act, *Justices Act 1886* and Childrens Court Act. Media wishing to search or copy any part of a Childrens Court criminal file, including a subpoenaed document or exhibit, should seek independent legal advice.

Attending Childrens Court proceedings

Accredited media can attend Childrens Court (Magistrate) criminal proceedings. See pages 11-12 below for information regarding when a court may be closed.

Media must ensure they have proper identification to prove they are employed by or working under contract to an accredited media entity. Further information about the media accreditation policy is outlined below in this guide.

Media representatives should be respectful of people attending Childrens Courts proceedings, particularly parties, family members, support persons and witnesses. These proceedings can be highly emotive and the presence of media may heighten this further.

The permitted use of electronic devices and restrictions in relation to taking of photographs or video footage in courtrooms hearing Childrens Court matters are outlined in practice directions for the relevant court jurisdiction:

- [Magistrates Court Amended Practice Direction 1 of 2014](#)
- [District Court Amended Practice Direction 10 of 2014](#)
- [Supreme Court Amended Practice Direction 8 of 2014](#).

Media must be mindful that the general prohibition in the YJ Act against publishing a child's identifying information may also extend to the filming or photographing certain parties including families and support people as they attend or leave the court precinct. This includes being aware that publishing vision or photographs that include families, support people or others associated with a child defendant could potentially allow the identification of the child.

People entering and leaving the court building are entitled to unimpeded access to the building and a level of privacy when using facilities within them. Media representatives are not to film persons inside the court building, from either within the building or from a location outside in the court precinct.

Media accreditation process

Queensland Courts manages a list of media entities and individuals accredited with the Supreme Court, the District Court and the Magistrates Court. Although applicable in all courts in Queensland, the process for accreditation under the media accreditation policy is administered by the Supreme Court.

Journalists employed by a media entity, which is identified in Part A of the policy, are automatically accredited. Other persons must seek and be approved for accreditation. The application process for becoming an accredited media representative is outlined in the [Media Accreditation Policy](#) (contained in Supreme Court of Queensland Practice Direction Number 8 of 2014).

A journalist accredited by Queensland Courts must carry with them a form of identification which confirms that person is an employee (e.g. an ID card provided by the employer or a business card provided by the employer). Brisbane-based journalists can apply for a Media Court ID Card from mediaSDC@justice.qld.gov.au.

When a court may be closed

Exclusion orders

While the amended Childrens Court Act enables accredited media entities to be present during Childrens Court (Magistrate) criminal proceedings and proceedings heard in the Childrens Court of Queensland not on indictment, the court may exclude persons, including accredited media entities, from the courtroom if, after considering prescribed matters, the court is satisfied it is necessary to prevent prejudice to the proper administration of justice or for the safety of any person, including the child.

A party to the proceeding can apply for an exclusion order. A court on its own initiative can also make an exclusion order.

Where an exclusion order application is being considered, accredited media entities who would be excluded by the order may make submissions to the court for consideration in determining whether to make an order.⁸

Under the Childrens Court Act, in making the exclusion order, the court must consider:

- the primacy of the principle of open justice
- the public interest
- [youth justice principles](#) under the YJ Act
- age of the child
- any special vulnerabilities of the child
- whether the child can't meaningfully participate in the proceeding due to the presence of the person proposed to be excluded by the order
- seriousness of the offence alleged to have been committed by the child
- any cultural considerations relating to the child
- whether the presence of the person proposed to be excluded by the order may prejudice any future court proceedings
- any submissions made under new section 20(1) of the Childrens Court Act
- any other matter the court considers relevant.⁹

The Chief Magistrate has issued [Magistrates \(Childrens\) Court Practice Direction 1 of 2024](#) regarding applications for exclusion orders. The practice direction sets out a standard procedure for applying for an exclusion order in the Magistrates (Childrens) Court jurisdiction. Submissions may be made to the court on an application in accordance with the practice direction. Any person (including an accredited media entity) making submissions may appear in person or be legally represented.

Mental health matters

Where a Magistrate is considering dismissing or adjourning a charge due to the child's unfitness for trial or unsoundness of mind under the *Mental Health Act 2016*, the court is closed. Persons, including an accredited media entity, may be allowed to be present if the court is satisfied it is in the interests of justice.

Other closed court provisions and contempt of court

Other closed court provisions may apply and require the exclusion of accredited media. An example is where a special witness is giving evidence under section 21A of the *Evidence Act 1977*.

A person may also be excluded from the courtroom if they are in contempt of court.

Resources

Queensland Courts

[Media: Working with Queensland Courts](#)

[Magistrates \(Childrens\) Court Practice Direction 1 of 2024](#) – Applications for exclusion orders - s.20(2) of the Childrens Court Act 1992

Magistrates Court media enquiries – MediaMC@justice.qld.gov.au

Supreme and District Court media enquiries – MediaSDC@justice.qld.gov.au

⁸ *Childrens Court Act 1992*, s 20(4).

⁹ *Childrens Court Act 1992*, s 20(3)(a)-(k).

Department of Justice and Attorney-General (DJAG)

DJAG Media – media.relations@justice.qld.gov.au

Queensland Sentencing Advisory Council (QSAC)

[Sentencing children](#)

Key terms and definitions

Accredited media

An accredited media entity means an entity listed as an accredited media entity in the Supreme Court's media accreditation policy. The policy is appended to Amended Practice Direction Number 8 of 2014: Photography and Electronic Devices in Court Buildings, available at [Queensland Courts](#).

Youth justice principles

The [charter of youth justice principles](#) underpins the YJ Act. The principles include that the community should be protected from offences, particularly from serious repeat youth offenders, young people should be held accountable and encouraged to accept responsibility for what they have done.

De-identified daily court list - Childrens Court

A daily court list outlining Childrens Court (Magistrate) criminal proceedings across Queensland. This list is de-identified and includes only the QP number, court file number, charges before the court, type of court event, court date and court location. This list is emailed to the accredited media list held by Queensland Courts.