

PRACTICE DIRECTION NUMBER 4 OF 2023

INDUSTRIAL COURT OF QUEENSLAND QUEENSLAND INDUSTRIAL RELATIONS COMMISSION INDUSTRIAL REGISTRAR

GUIDELINE FOR THE MODIFICATION OF A DOCUMENT BEFORE PUBLICATION

1. This Practice Direction is to be read in conjunction with Practice Direction 3 of 2023.
2. Open justice is one of the fundamental principles of our justice system.¹ Generally, all hearings and records of proceedings before the Court or Commission are open to the public. The open justice principle may, on rare occasions, be limited where it is necessary to secure the proper administration of justice.
3. Rule 97 of the *Industrial Relations (Tribunals) Rules 2011* confers discretion on the Court, Commission, or Industrial Registrar ('Tribunal') to, in the public interest or for another reason the Tribunal considers appropriate, withhold publication of a document, or modify a document, before publication, in a way that does not affect the essence of the document.
4. The circumstances where the Tribunal may consider it appropriate, in the public interest or for another reason, to modify a document before publication may include:
 - (a) not releasing identifying information of:
 - (i) an individual under 18 years of age;
 - (ii) a correctional services officer within the meaning of the *Corrective Services Act 2006*, where the identification of the correctional services officer may endanger the correctional services officer or may put at risk the operation of any corrective services facility within the meaning of the *Corrective Services Act 2006*;
 - (iii) a prisoner within the meaning of the *Corrective Services Act 2006*;
 - (iv) a detainee within the meaning of the *Youth Justice Act 1992*;
 - (v) a health service employee within the meaning of the *Hospitals and Health Boards Act 2011*, where identification of the health service employee may endanger the health service employee;
 - (vi) a patient of any health service facility within the meaning of the *Hospitals and Health Boards Act 2011*;

¹ *Scott v Scott* [1913] AC 417

- (vii) a local government employee within the meaning of the *Local Government Act 2009*, where identification of the local government employee may endanger the local government employee;
 - (viii) a police officer, where the identification of the police officer may endanger the police officer or put at risk any police operation;
 - (ix) a public sector employee, within the meaning of the *Public Sector Act 2022*, where identification of the public sector employee may endanger the public sector employee; or
 - (x) a witness or other person mentioned in a proceeding where not releasing identifying information about the witness or person is necessary to secure the proper administration of justice;
- (b) not releasing identifying information in relation to a party, witness or child concerned in a domestic and family violence proceeding;
 - (c) not releasing identifying information about a person's criminal history;
 - (d) not releasing identifying information about a person's trade secrets; and
 - (e) not releasing identifying information about a person's financial position.
5. The decision as to whether or not a document is de-identified and, if so, to what extent, is a matter for the Tribunal to determine.

P. Davis
President
5 April 2023