

CITATION: *McAuley v Northern Territory Police Force & Ors* [2026] NTSC 66

PARTIES: McAULEY, Lucas

v

NORTHERN TERRITORY POLICE FORCE

and

DIRECTOR OF PUBLIC PROSECUTIONS

and

INDEPENDENT COMMISSIONER
AGAINST CORRUPTION

TITLE OF COURT: SUPREME COURT OF THE NORTHERN
TERRITORY

JURISDICTION: SUPREME COURT exercising Territory
jurisdiction

FILE NO: 2025-02536-SC

DELIVERED: 18 August 2026

JUDGMENT OF: Burns J

CATCHWORDS:

SUPPRESSION ORDERS – Court suppression and non-publication – Primary objective of open justice – Whether suppression order necessary – Meaning of “necessary” – Effect of suppression order on open justice – evaluation of balance

EVIDENCE — Suppression order — *Evidence Act 1939* (NT) s 57 - Inherent Jurisdiction — Relevant test — Whether desirable that name be suppressed in interests of the administration of justice

Evidence Act 1939 (NT) s 57

Police Administration Act 1978 (NT)

Public Interest Disclosure Act 2008 (NT)

Independent Commissioner Against Corruption Act 2017 (NT)

ABC v DI [2007] VSC 480; Australian Broadcasting Corporation v L & Tudor Stack [2005] NTCA 7; Hogan v Hinch (2011) 243 CLR 506; HT v The Queen (2019) 269 CLR 403; John Fairfax & Sons Pty Ltd v Police Tribunal of NSW (1986) 5 NSWLR 465; McAuley v Northern Territory Police Force & Ors [2026] NTSC 31; Nine Network Australia Pty Ltd v McGregor & Ors (2004) 183 FLR 44; O'Shane v Burnwood Local Court (NSW) (2007) 178 A Crim R 382; R v Bradley [2020] NTSC 23, referred to

REPRESENTATION:

Counsel:

Plaintiff:	Self-represented
Defendants:	L Spargo-Peattie

Solicitors:

First Defendant:	Mills Oakley
Second Defendant:	Solicitor for the Northern Territory
Third Defendant:	Hutton McCarthy
Judgment category classification:	B
Judgment ID Number:	Bur2613
Number of pages:	24

IN THE SUPREME COURT
OF THE NORTHERN TERRITORY
OF AUSTRALIA
AT DARWIN

McAuley v Northern Territory Police Force & Ors [2026] NTSC 66
No. 2025-02536-SC

BETWEEN:

LUCAS MCAULEY
Plaintiff

AND:

**NORTHERN TERRITORY POLICE
FORCE**
First Defendant

AND:

**DIRECTOR OF PUBLIC
PROSECUTIONS**
Second Defendant

AND:

**INDEPENDENT COMMISSIONER
AGAINST CORRUPTION**
Third Defendant

CORAM: BURNS J

REASONS FOR JUDGMENT

(Delivered 18 August 2026)

- [1] By way of background, the substantive proceedings involved allegations by the plaintiff, a serving member of the Northern Territory Police Force at that time, (charged with and acquitted of certain

offences in 2014), that criminal proceedings were brought against him out of malice and without reasonable cause.

- [2] The plaintiff commenced proceedings by Originating Motion filed on 25 August 2025 in the Supreme Court of the Northern Territory claiming a writ of mandamus directed to the first defendant, Northern Territory Police Force ('NTPF'), the second defendant, the Director of Public Prosecutions ('DPP') and the third defendant, the Independent Commissioner Against Corruption ('ICAC').
- [3] The plaintiff further claimed declarations that the refusal and/or failure of the defendants to properly investigate, act upon or refer the plaintiff's allegations and evidence "amounts to an unlawful failure to discharge their statutory and public duties" and that conduct on the part of officers or agents of the defendants delaying, obstructing, or refusing to act upon credible allegations of serious misconduct, constitutes maladministration, abuse of public office, and conduct tending to pervert the course of justice.
- [4] Finally, the plaintiff sought an order that he be "formally recognised as a whistle-blower within the meaning of the relevant Northern Territory legislation and afforded all mandatory protections arising therefrom" and an order for costs against the defendants.

[5] On 6 May 2026 I published my Reasons for Decision in this matter¹ inclusive of the following Orders:

- a) An order pursuant to r 9.06 (a) of the *Supreme Court Rules* 1987 (NT) (SCR) removing the first defendant as a party to the proceeding.
- b) An order pursuant to r 22.01(2) of the SCR giving summary judgment to the defendants in relation to the whole of the claims in the plaintiff's originating motion filed 25 August 2025.
- c) An order that the plaintiff's Summons dated 3 November 2025 seeking to substitute the first defendant be dismissed.
- d) An order that unless either party seeks a different costs order within 14 days of the publication of these orders and reasons, the plaintiff is to pay the defendants' costs of the proceedings on the standard basis.

[6] Immediately after informing the plaintiff of my decision, he sought that a final order suppressing his identity be made before broad publication of my orders and reasons.

Background on Suppression order law

[7] During the substantive proceedings the plaintiff made an application by Summons dated 9 September 2025 seeking the following orders:

¹ *McAuley v Northern Territory Police Force & Ors* [2026] NTSC 31.

- a) That the plaintiff's name is not published in connection with the proceedings and that in all documents open to public inspection the plaintiff be referred to as 'XYZ' or such pseudonym as the court directs;
- b) That any non-publication order made remain in force until further order of the Court; and
- c) Such further or other orders as the Court deems appropriate.

[8] At this time both the plaintiff and defendants filed written submissions.

Interim Suppression Order – the parties' submissions

[9] The plaintiff sought that he be referred to by the pseudonym "LM" on the Cause List, transcript and any publicly accessible document and any other publication of his name or identifying information be prohibited.

[10] The plaintiff submitted that the threshold for departure from the principle of open justice was overcome and that an interim non-publication order was justified on the following four grounds:

- a) That there was a real risk to the administration of justice. The plaintiff submitted that the alleged misconduct by public authorities which he identified meant that public identification of him as the informant created a practical risk of prejudice and reprisal towards him which would be likely to 'chill the very

disclosures the Court is supervising'. As this was an application made during the proceedings, the plaintiff submitted that an interim non-publication order would protect the process while the Court determined the issues.

- b) The plaintiff submitted that anonymisation of his identity at the interim stage provided minimal intrusion to the principle of open justice and preserved public reporting of the proceeding's substance while withholding only his name. He submitted that an interim suppression order was the least-restrictive means to protect him while the proceedings continued.
- c) The plaintiff submitted his affidavits filed in the proceedings established the public-interest character of the litigation, that there was a power imbalance (between himself and the NTPF, DPP and ICAC), and there were personal circumstances justifying protection of him at the interlocutory stage.
- d) The plaintiff submitted that the defendants, as public authorities, ought to assist the Court neutrally in determining the scope and conditions of an interim suppression order rather than opposing the orders.

[11] On these submissions the plaintiff sought an interim non-publication/ anonymisation order in the terms outlined in paragraph [7] above.

- [12] In response to the plaintiff’s summons and written submission, the defendants submitted that there was no evidence which pointed to a risk of reprisal connected to the current proceeding or previous similar proceedings in which the plaintiff had been involved which would warrant an interim non-publication order.
- [13] The defendants outlined the test for a non-publication order as set out in *Hogan v Hinch*² and *HT v The Queen*³ as to whether an order is necessary, which is a test applied with a high level of strictness.⁴ The defendants outlined such an order must be “really necessary to secure the proper administration of justice”⁵ which may be satisfied where there is a real risk that identification would deter a plaintiff from continuing a proceeding.⁶
- [14] The defendants submitted that mere “desirability”, or a desire to avoid embarrassment or distress, is not sufficient to warrant an order for non-publication.⁷ However, that necessity must be established with “cogent”⁸ evidence that a “mere belief that an order is necessary is insufficient.”⁹

2 (2011) 243 CLR 506, [26] (*Hinch*).

3 (2019) 269 CLR 403, [82] (*HT*).

4 *O’Shane v Burnwood Local Court* (NSW) (2007) 178 A Crim R 382, [34].

5 *John Fairfax & Sons Pty Ltd v Police Tribunal of NSW* (1986) 5 NSWLR 465, 477 (*John Fairfax*).

6 *ABC v D1* [2007] VSC 480, [68] and [82] (Forrest J) (*ABC*).

7 *John Fairfax* at 142G-143E.

8 *ABC* at [71].

9 *John Fairfax* at 477.

- [15] The defendants referred to a number of video recordings which the plaintiff identified in a previous Affidavit as demonstrating the necessity for non-publication of his identity.
- [16] The defendants submitted that those videos did not identify any risk of reprisal, nor did they identify from whom any reprisal would come, how or why any reprisal would occur, or any rational connection between any such unidentified risk and the proceeding to warrant the necessity of an interim order of non-publication.
- [17] The defendants further drew the Court's attention to similar claims of misconduct made by the plaintiff against the NTPF in years prior to these proceedings which were conducted without anonymity and submitted that this was inconsistent with the notion that anonymity is now necessary in this case. The defendants further noted the video evidence relied upon by the plaintiff to demonstrate a risk of reprisal was hearsay, and as such prima facie inadmissible and dated (nine years old).
- [18] In response to the defendants' submissions the plaintiff filed submissions in reply asserting that the recordings referred to (annexed in the plaintiff's Affidavit as LM-002 and filed with the originating motion) linked the proceedings to the Professional Standards Command (PSC) within the NTPF and the Public Interest Disclosures (PID) Office.

[19] The plaintiff quoted an unknown source, presumably relating to the PSC and PID Office, as supporting the proposition that statutory obligations and protections were engaged by his disclosures such as to justify the interim order sought.

[20] The plaintiff went on to reiterate his previous submission that the interim order sought is narrowly tailored and identified the grounds on which he relied on statute; being s 57 of the *Evidence Act 1939* (NT) (Evidence Act), supported by the ‘protective frameworks’ in the *Public Interest Disclosure Act 2008* (NT) (PIDA) and the *Police Administration Act 1978* (NT) (PAA).

***Evidence Act 1939* (NT)**

[21] The relevant section appears in Part VII of the *Evidence Act* which is headed “Publication of Evidence”. The relevant parts of s 57(1) are in the following terms:

Prohibition of the publication of evidence and of names of parties and witnesses

1) Where it appears to any court:

- a) that the publication of any evidence given or used or intended to be given or used, in any proceeding before the court, is likely to offend against public decency; or
- b) that, for the furtherance of, or otherwise in the interests of, the administration of justice, it is desirable to prohibit the publication of the name of any party or intended party to, or witness or intended witness in, the proceeding;

the court may, either before or during the course of the proceeding or thereafter, make an order:

- i. directing that the persons specified (by name or otherwise) by the court, or that all persons, except the persons so specified, shall absent themselves from the place wherein the Court is being held while the evidence is being given; or
- ii. forbidding the publication of the evidence, or any specified part thereof, or of any report or account of the evidence, or any specified part thereof, either absolutely or subject to such conditions, or in such terms or form, or in such manner, or to such extent, as the court approves; or
- iii. forbidding the publication of the name of any such party or witness.

[22] The operation of s 57 of the *Evidence Act* has been considered by the Court of Appeal on numerous occasions, including most extensively in *Australian Broadcasting Corporation v L & Tudor Stack*,¹⁰ *Nine Network Australia Pty Ltd v McGregor & Ors*¹¹ and more recently in *R v Bradley*¹² (*Bradley*).

[23] In *Bradley*, at [19], Grant CJ noted the constraints on the operation of the provision in the following passage:

That power is constrained by a number of matters. First, it is limited to prohibiting the publication of the name of a party to a proceeding or details which might identify that party. It does not extend to a general prohibition on the publication of other details. Secondly, an order forbidding the publication of the name of a party to a proceeding before the Court can only be made if it is desirable to do so in the furtherance of, or otherwise in the interests of, the administration of justice. Thirdly, the power must be exercised judicially. In this context, the phrase “the interests of the administration of justice” is primarily directed to ensuring that the publication of a party's name does not create a risk that the trial of the party would be unfair, or of the party suffering undue

10 [2005] NTCA 7.
11 (2004) 183 FLR 44.
12 [2020] NTSC 23 (*Bradley*).

prejudice or undue hardship in the party's defence or in the conduct of the case: see *Advertiser Newspapers Ltd v Bunting & Ors* [2000] SASC 458 at [19].

Public Interest Disclosure Act 2008 (NT)

[24] Moving to the plaintiff's reference to the PIDA protective frameworks, the explanatory statement of the Bill which became the PIDA provided that the objective of the statute was to create a scheme to encourage and facilitate disclosure of improper conduct by public officers and public bodies to investigate such matters, and to protect persons who make public interest disclosures and persons who may suffer harm as a result of reprisal action for such disclosures.

[25] The plaintiff submitted he was a protected discloser (whistle-blower) for the purposes of the PIDA. He submitted such protective regimes were enlivened due to disclosures made by him of serious criminal misconduct and misfeasance within the DPP and the NTPF which had been subsequently handled within the PIDA framework and continued by the ICAC under the *Independent Commissioner Against Corruption (ICAC) Act 2017* (NT) (*ICAC Act*).

[26] I will interpolate at this point to observe that in my reasons for decision dated 6 May 2026 I concluded that the plaintiff had no reasonable prospect of obtaining an order that he be formally recognised as a whistle-blower within the meaning of the relevant

Northern Territory legislation and therefore afforded the mandatory protections arising therefrom.

[27] The plaintiff made submissions regarding the protections afforded to whistle-blowers under s 53(1) and s 53(4) of the PIDA and ultimately submitted there was no prejudice to any defendant, or the administration of justice if his identity was to be suppressed, as he was fully participating in the litigation and accountable to the court.

[28] I note that the PIDA was repealed in June 2018.

Police Administration Act 1978 (NT)

[29] It is unclear which provision of the PAA the plaintiff relied on in support of his submissions.

[30] By email dated 7 October 2025, the plaintiff raised concerns about the potential identification of a police informant in one of the video recordings annexed to a previous affidavit filed by the plaintiff. The plaintiff sought the Court and defendants' position on how his identity concerns might be addressed.

[31] The defendants had no objection to a suppression order being made regarding the specific video identified by the plaintiff.

[32] The defendants noted that the starting point for such an order still remains the core principle of open justice which requires the court processes to be open and for all material filed with the Court, including

affidavits filed by the parties, to be open to inspection and subsequent publication.¹³

[33] However, the Court has an inherent power to control its processes, including by making orders restricting access to material.¹⁴ This inherent power may only be exercised where it is necessary in the interests of justice.¹⁵

[34] In this case the recording identified a police informant and as such the defendants submitted that suppression of the evidence would be in the interest of justice because, without such secrecy, the informant's capacity to assist police may be undermined and the covert strategies used by police to investigate crimes may be divulged. Further, it may deter other persons from becoming police informants in the future. Those matters are contrary to public interest.

[35] A non-final consent order was made dated 10 October 2025 to the effect that the video identified as annexure 'LM-062' of the plaintiff's Affidavit sworn 27 August 2025 be marked as confidential and not to be made accessible to a person who is not a party to the proceedings.

[36] That non-publication order will remain indefinitely by way of final orders that I will make in these reasons.

13 *Hinch* at [20]-[22].

14 *HT* at [82].

15 *Ibid.*

[37] Ultimately, on 20 October 2025 the Court also ordered an Interim Non-Publication Order pursuant to s 57 of the *Evidence Act*, ordering that the plaintiff's name be anonymised until a final determination of the plaintiff's proceedings were determined.

[38] I have determined that a permanent non-publication order prohibiting publication of the plaintiff's name in these proceedings is not warranted for the reasons that follow.

Final Suppression Order – the parties' submissions

[39] After I delivered my decision on 14 May 2026, the plaintiff made further submissions seeking the continuation of the non-publication order and a final order maintaining "protective status".

[40] The plaintiff submitted that continuation of anonymisation of his name was necessary in the interests of justice and was consistent with both the Court's inherent jurisdiction and the protective purposes underlying 'the relevant statutory integrity frameworks'.

[41] The plaintiff again referred to s 53 of the since repealed *PIDA Act* which he submitted reflected a statutory policy of protecting the identity and confidentiality of persons making disclosures concerning alleged official misconduct. Again, the plaintiff referred to the 'protective legislative purpose' of the repealed Act to derive a link to the claimed necessity to maintain the anonymisation of his identity in these proceedings.

- [42] The plaintiff submitted that the proceedings arose due to his disclosures to the NTPF Professional Standards Command concerning alleged official misconduct within the office of the DPP, NTPF and ICAC and therefore substantial weight should be given to protecting him from reprisal and unnecessary prejudice.
- [43] The plaintiff submitted that unrestricted publication of his identity or potentially identifying particulars would substantially undermine the “protective purposes” of the legislation to which he referred, and frustrate the legislative intent underlying the various pieces of legislation. The plaintiff did not provide submissions or evidence demonstrating how the protective purposes of the repealed Act could be undermined by the publication of his identity.
- [44] The plaintiff further submitted that open justice is not absolute and may yield where suppression or non-publication is necessary to prevent prejudice to the administration of justice.
- [45] The plaintiff submitted that necessity was established in the present case for the following reasons; the potential risk of reprisal arising from allegations made against former public officers, the potential for identification of him to discourage future whistle-blowers and disclosers from coming forward, and potential adverse effects to any future legal avenues available to him.

- [46] The plaintiff further submitted that the orders sought are narrow in scope, confined to his identifying particulars which he submits is the least restrictive interference with open justice necessary to prevent prejudice and protect the integrity of the administration of justice.
- [47] The plaintiff further submitted that the Court's inherent jurisdiction permits such orders where necessary to ensure that Court processes are not used as a vehicle for 'the very reprisals and prejudice that statutory integrity frameworks seek to prevent'.
- [48] The plaintiff submitted that in circumstances where the proceeding was determined at an interlocutory stage without a final evidentiary determination of disputed factual matters, the balance of justice heavily favours continuation of the existing protective position.
- [49] The plaintiff further submitted that there is no identifiable countervailing public interest requiring disclosure of his identity beyond the ordinary operation of open justice principles, particularly where the Court's reasons, legal analysis, and disposition of the proceeding remain publicly available.
- [50] The plaintiff claimed the proceeding was dismissed without a final evidentiary determination regarding the plaintiff's asserted status within statutory disclosure and integrity frameworks. He submitted that removal of anonymity may create disproportionate prejudice given the absence of final factual findings and the ongoing risk of reprisal

connected with the disclosures raised. There was limited evidence, however, put to me to establish the ongoing risk of reprisal that the plaintiff claimed to exist.

[51] Ultimately the plaintiff sought final orders that he continue to be identified by the pseudonym "LM" in all published Reasons and Court records; identifying particulars of the Plaintiff not be published except by further order of the Court and any publicly released version of my reasons be amended or redacted to reflect these orders.

[52] The defendants submitted that the plaintiff had previously applied for suppression orders and written and oral submissions about that application were made with the judgment reserved.

[53] The defendants pressed their earlier oral and written submissions.

[54] The defendants made final submissions in response to the plaintiff's further written submissions dated 8 May 2026.

[55] Firstly, the defendants submitted there was no risk identified which makes an order 'necessary' in the circumstances.

[56] Again, the defendants prefaced their submissions outlining the principle of open justice, emphasising the high level of strictness associated with the principle and that such an order must be necessary to secure the proper administration of justice.¹⁶

16 *John Fairfax* at 477.

- [57] The defendants ultimately submitted that the plaintiff's further written submissions identify no need for any anonymity, and certainly none which outweighs the significant public interest in open justice.
- [58] The defendants submit that this fear is unfounded and illogical because the plaintiff has made these allegations to numerous persons for over a decade with no adverse consequence and as such he is already associated with the claims. Suppression would therefore serve no purpose. There could also be no risk of reprisal because he has not been a member of the Police Force for 12 years, nor is there any articulation of a connection between any (unidentified) risk and this proceeding.
- [59] If the Court were to accept the plaintiff's submissions, the defendants noted the Court would be required to find, as a matter of fact, that there is a risk of reprisal and strict proof of such matter. No evidence of any risk of reprisal has been adduced.
- [60] The plaintiff submitted that the absence of an order may "prejudice future legal processes". The defendants labelled this as illusory. No "future legal process" or apparent prejudice to those proceedings is identified by the plaintiff to support this claim.
- [61] While the plaintiff's submissions refer to two statutory schemes, one, the PIDA, is repealed, and the plaintiff was found not to have made protected disclosures under the *ICAC Act* for the purpose of that Act.

[62] Regarding the plaintiff's submission that failing to suppress his name would have a "chilling effect" on future disclosures, the defendants submitted that this suggestion is also illusory and, in any event, depends on the plaintiff substantiating the need for anonymity, which he has not done.

[63] The defendants submitted that for those reasons, there was no sound basis to depart from the open justice principle and therefore also no need to consider whether the proposed orders are "proportionate".

[64] The defendants further submitted the mere fact that an interim suppression order was made cannot provide a 'bootstraps' basis for making the order permanent. The interim order was made to preserve the status quo while the application was being determined, so as not to render that application futile. It was not any recognition that an order was otherwise necessary.

[65] In response to the defendants' submissions asserting the plaintiff had no evidence in support of his concerns regarding future prejudice and reprisal, the plaintiff relied further upon the contents of a statutory declaration sworn 26 September 2024 previously annexed to an Affidavit of the plaintiff dated 27 August 2025.

[66] Within the plaintiff's declaration which he relies on as evidence he stated, "I have on numerous occasions reported to the ICAC that the media broadcast which originally named me and stated, 'Senior

Constable Lucas McAuley charged with two counts of criminal deception' continues to expose me to reprisal action." And further, "broadcasts were only edited at the direction of government in late 2023 to redact my name. This was done after I said it was a perpetuation of reprisal action against me and that I was a victim of crimes and the naming of me was malicious slander." The plaintiff did not identify any actual reprisal that flowed from these events.

[67] The plaintiff relied on correspondence annexed to the same affidavit dated 9 February 2024 addressed to the Commissioner of Police in which the plaintiff expressly acknowledged and thanked the Police Commissioner for having his name removed from online broadcasts and recorded that the redaction: "assists in the reduction of the current reprisal action I still face as a result of this matter." Again, this in itself is not proof that reprisal or prejudice actually existed.

[68] The plaintiff submitted that the correspondence demonstrated concerns regarding identification, adverse consequences and potential reprisal were repeatedly communicated to public authorities' years before commencement of the present proceeding.

[69] The plaintiff's reliance on his statutory declaration and the contents therein is not in itself evidence of previous prejudice and reprisal and evidence that future prejudice or reprisal may follow the publication of his identity in these proceedings.

[70] The plaintiff relied on further 'evidence' that a Sergeant in the NTPF had previously contacted him directly on his personal mobile telephone and stated, amongst other things, "If I find out that you're spreading the rumours about me getting you sacked mate you want to be pretty careful". The Plaintiff submits that he regarded this conversation as intimidating and threatening, particularly having regard to the officer's involvement in matters connected with the antecedent investigation. There is no evidence before the Court that any actions were actually taken by the officer or that other threats were subsequently made.

[71] The plaintiff states that he has commenced appeal proceedings before the Court of Appeal to appeal the summary dismissal of the present proceedings, and as such his concern is not directed to hypothetical future litigation but to active appellate proceedings presently before the Court.

[72] In these circumstances, the plaintiff submitted that the Court should exercise caution before treating the evidentiary position as finally established for the purposes of determining whether continued anonymisation is appropriate.

Should a final order prohibiting publication of the plaintiff's identity be made?

[73] The starting point is the prima facie position that court proceedings must be conducted in public, and the public has the right to know what

is occurring in the courts. This is the principle of open justice. There are a number of purposes served by the public interest in open justice including that the work of the courts should not be done in secrecy but should be available to the public and subjected to public scrutiny as the public have an inherent right to know how the laws are being implemented.

[74] An order forbidding publication of the name of a party to a proceeding may only be made where it is desirable to do so “for the furtherance of, or otherwise in the interests of, the administration of justice”. It is to be noted that the expression “the administration of justice” is to be given a broad interpretation.

[75] A well-established starting point for any exercise of suppression orders is the judgment of the Court of Appeal in *John Fairfax & Sons Ltd v Police Tribunal of New South Wales*.

[76] In that case the Court of Appeal addressed the question of open justice. McHugh JA said, at 476:

The fundamental rule of the common law is that the administration of justice must take place in open court. The Court can only depart from this rule where its observance would frustrate the administration of justice or some other public interest for whose protection Parliament has modified the open justice rule. The principle of open justice also requires that nothing should be done to discourage the making of fair and accurate reports of what occurs in the courtroom. Accordingly, an order of the Court prohibiting the publication of evidence is only valid if it is really necessary to secure the proper administration of justice in proceedings before it.

[77] An order prohibiting publication of proceedings, in whole or part, must be demonstrably necessary. Whether necessity is demonstrated requires there to be material before the Court upon which it can reasonably reach the conclusion that it is necessary to make an order prohibiting publication. Mere belief by the plaintiff that the order is necessary to minimise reprisal and prejudice is insufficient.

[78] The plaintiff has relied on various videos, correspondence and previous personal experiences within the NTPF to demonstrate he is at risk of reprisal and prejudice should his identity be disclosed.

[79] Whether the plaintiff will actually suffer prejudice or reprisal following the publication of his identity however must be determined as a matter of fact which requires proof.

[80] It is undisputed that the plaintiff has previously brought similar proceedings without anonymity. He is no longer working for the NTPF and there is no real evidence of any actual attempts of reprisal against him by those the subject of his allegations.

[81] The relevant statute identified by the plaintiff which provides the power to make a non-publication order in the Northern Territory is s 57 of the *Evidence Act*, as well as the Court's inherent jurisdiction.

[82] This Court has an inherent jurisdiction to make a non-publication order of the name of a party to a proceeding if such an order is in the interests of the administration of justice.

[83] The test as to whether a suppression order forbidding the publication of the name of a party to a proceeding should be made in the inherent jurisdiction of the Supreme Court is a stricter test than that required by s 57 *Evidence Act*. This test was outlined in *R v Bradley*¹⁷ by Grant CJ at [21]:

The test as to whether a suppression order forbidding the publication of the name of a party to proceedings should be made in the inherent jurisdiction is a stricter test than that required by s 57 of the Evidence Act. It is whether such an order is reasonably necessary to secure the proper administration of justice. The power is not available merely because disclosure might interfere with important privacy interests: see *J v L & A Services Pty Ltd* (No 2) [1995] 2 Qd R 10. The reason for the stringency of this test is that it is well-established that the principle of open justice is one of the most fundamental aspects of the system of justice in Australia. The conduct of proceedings in public is an essential quality of an Australian court of justice.

[84] I am unpersuaded that there is any legitimate basis for the plaintiff's fears. I do not accept with regard to publication of the plaintiff's identity that this is a case where the public interest in open court proceedings should be subordinated to any other public or private interest.

[85] It is common ground between the parties that the order prohibiting access to and publication of annexure "LM-062" to the plaintiff's

17 *Bradley* at 21.

Affidavit of 27 August 2025 should continue and I make that order.

Otherwise, the interim suppression order is vacated, and I decline to make a further suppression order.

Orders

[86] I make the following formal orders:

- 1) The video identified as annexure ‘LM-062’ of the plaintiff’s Affidavit sworn 27 August 2025 is marked as confidential and is not to be made accessible to any person who is not a party to the proceedings.
- 2) The interim non-publication order made 20 October 2025 is vacated.
- 3) The plaintiff’s application for a final non-publication order is refused.
- 4) Unless a different order is sought within 14 days of publication of these orders and reasons, I order the plaintiff to pay the defendants’ costs of the application.
