



# What's in a name? (with apologies to Mr Shakespeare, aka Mr 'Smith')

Anonymising Family Court of Australia judgments

## Why anonymise?

Statutory requirement – *Family Law Act 1975* (Cth) s 121.

**'Anonymise'** – Making anonymous by the removal of names and identifying particulars.

**Method** - delete/obscure (automated) or edit (manual/intellectual process)?

## Underlying principles:

Maintain the **privacy** of the parties and their children.

Maintain the **integrity** of the judicial officer's reasons.

Maintain the **readability** of the judgment.

## Why pseudonyms?

Easier to remember than letters/initials for citation purposes.

Protects the privacy of the parties.

Enables the media to report on cases without fear of breaching s 121.

Same pseudonym over the life of the matter.

Consistent use across jurisdictions –  
FCC/FCoA/HCA.

## **Pseudonyms should:**

Begin with **same letter** as party's actual name.

Be **ethnically** appropriate.

Be **culturally** sensitive.

Be **respectful** to the parties.

Be **phonetically dissimilar** to party's actual name.

## Parties' names – citation and cover sheet

Use an appropriate pseudonym for each party's surname

Citation e.g. Shakespeare & Hathaway / *Smith & Hall* [2014] FamCA ...

and

Cover sheet e.g. William Shakespeare & Anne Hathaway / *Mr Smith & Ms Hall*

## Names - in the orders and reasons

Use **generic descriptions** consistently throughout the judgment.

Mr Shakespeare (“the father / husband / applicant”) / Ms Hathaway (“the mother / wife / respondent”)

Alternatively, where necessary, use **initials/letters**.

Brandon (“the child”) / “the children B, F and G”

**NB: as each letter stands in place of word, the same letter should not be used for different words**

## Government entities, large business entities

No need to anonymise unless it is apparent that a failure to do so would permit a party or witness to be identified.

“Department of Community Services” / “Commonwealth Bank”.

Alternatively where necessary, “the father is the CEO of a public service agency” / “the mother is a public official”



## Business entities (generally)

Use **generic descriptions**.

“the father’s company” / “the family trust”

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Where necessary – use **initials/letters** or take other steps to conceal the identity of the entity.

“C Pty Ltd” / “Firm X”

Remove ABN or ACN references.

## Names of witnesses

Use **generic descriptions** consistently throughout the judgment.

“the family report writer” / “the child’s teacher” / “the paternal grandmother”

Alternatively, where necessary, use **initials/letters**.

“Dr D” / “Ms S” / “Professor Q”

## Dates of birth and other significant dates likely to be publicly accessible

Refer only to the year.

“the parties married in 1992” / “the child was born in 2004”

Alternatively, where necessary, refer only to the month and the year.

“the paternal grandfather died in July 1996”

Not necessary to anonymise dates of applications, affidavits, hearings, etc.

## Addresses (residential and business)

Use a **generic description** for the property.

“the former matrimonial home” / “the coastal property”

Where necessary to refer to a property by more specific location, anonymise using **letters** or broader geographic location.

“the house in Town E” / “the F Street property” / “the Melbourne and Sydney properties”

## Other identifying details e.g. schools, employers, sports clubs, occupations, bank account details, motor vehicle registration numbers, etc

Use a **generic** description.

“the child’s school” / “the child’s extracurricular activities” / “the father is a health professional”

Where necessary, use **initials/letters**.

“R Public School” / “the mother then worked for H”

Account / folio / registration numbers, etc, should be replaced by an ellipsis, or a combination of ellipsis and last digit(s) of the number sequence.

e.g. “vehicle registration number ...” / “NAB Account No ...456”

## File Numbers and/or Appeal Numbers

No need to anonymise, unless suppressed by order

e.g. medical procedures judgments

## Quotes from passages of evidence, orders, transcript, or other judgments in the same matter

Any quoted material from earlier proceedings in the matter needs to be anonymised, with such anonymisation enclosed in square brackets.

“The wife’s affidavit evidence was that:  
‘[The husband] told [the child] that I was going to sell [the former matrimonial home].’...”

## Quoted extracts from litigation in other jurisdictions involving the parties

Anonymise any information in quoted extracts as per the above criteria.

“In that case, his Honour said (at paragraph 12):  
‘Mr [J] is clearly not a witness of credit’...”



## Tips for the unwary

**Do not** rely on **Find** (misses variant spellings of same name/word).

**Do not** rely on **Find > Replace All** (results in unintended changes to unrelated words).

**Do** maintain a **running sheet** of changes (aka “**anonymisation key**”) to facilitate consistency in multiple judgments in same matter.

**Do** use **Find** to check completed document against changes in anonymisation key.

**Do remove** embedded hyperlinks – not sufficient to delete URL.

## CONCLUSION

### **Process:**

Anonymisation - resource intensive and intellectually demanding. Application of guidelines on “case by case” basis to achieve consistent quality.

### **Outcome:**

Judgments published online meet the criteria of privacy protection, integrity of reasons and readability.

Enquiries regarding unreported/unpublished  
Family Court judgments may be made to:  
[Judgments.publication@familycourt.gov.au](mailto:Judgments.publication@familycourt.gov.au)

Or contact:

Lyn Newlands  
Judgments Publication Coordinator  
Family Court of Australia  
Phone: 03 8600 3990  
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