



JUDGMENT AND ORDER

Outcome Type: Final Order

Reference Number: 2015-02-NCPA

Between:

National Child Protection Alliance ('NCPA') (Applicant)

AND

Commonwealth of Australia (Respondent)

Remarks

Judgment and order made on 14 October 2016.

This final order shall conclude the above the court action unless a named Party wishes to appeal the judgment therein. Such shall require the filing of the *Form 3 – Application to Appeal* within 30 days from the date of this final order.

Judgment

Following the lack of attendance on behalf of the Applicant at the Interlocutory Hearing held on 12 September 2016, an order was made requiring the Applicant to confirm its stance in the above proceedings so that we could either proceed with or discontinue the matter. The Applicant was given one month, until 12 October 2016, to comply with this order. The Applicant has not done so and the time given has now lapsed.

Considering fairness to both Parties in the proceedings, we are deciding to exercise our discretion to strike out the matter of *NCPA v Commonwealth of Australia*. We are of the view that the Applicant has significantly wasted the Tribunal's time, especially in recent months, and it has neither been upfront or open with the Tribunal. In fact, the Applicant has largely ignored official correspondence from the Tribunal with no

justification or reasoning. We suggest that the Applicant does not take these proceedings seriously and as such, the detriment or inconvenience to the Respondent, and also to the Tribunal, is unjustified.

Order

1. The Applicant is to comply with Order 3 of the Record of Outcome dated 12 September 2016;
2. The matter is struck out from the court record;
3. No further order as to costs.



John Walsh of Brannagh

**JOHN WALSH OF BRANNAGH
CHIEF JUSTICE**