

Practice Note DC (Civil) No. 11

Access to Court Files by Non-Parties

1. Access to material in any proceedings is restricted by Part 52 rule 3 of the District Court Rules 1973 to parties, except with the leave of the Court or Registrar.
2. Access will normally be granted to non-parties in respect of:
 - (a) pleadings and judgments in proceedings that have been concluded, except in so far as an order has been made that they or portions of them be kept confidential;
 - (b) documents that record what was said or done in open court;
 - (c) material that was admitted into evidence; and
 - (d) information that would have been heard or seen by any person present in open court,unless the Judge or registrar dealing with the application considers that the material or portions of it should be kept confidential. Access to other material will not be allowed unless a registrar or Judge is satisfied that exceptional circumstances exist.
3. It should not be assumed that material held by the Court comes within paragraph 2. Affidavits, and witness statements, that are filed in proceedings are often never read in open court. This can occur because they contain matter that is objected to and rejected on any one of a number of grounds or because the proceedings have settled before coming on for hearing. Affidavits, statements, exhibits and pleadings may contain matter that is scandalous, frivolous, vexatious, irrelevant or otherwise oppressive. Rule 14.28 of the Uniform Civil Procedure Rules allows the Court to order that this type of matter be struck out of a document.
4. If access to material is given prior to the conclusion of the proceedings to which it relates, material that is ultimately not read in open court or admitted into evidence would be seen. Thus, access will not normally be allowed prior to the conclusion of the proceedings.
5. Even where material has been read in open court or is included in pleadings, there may be good reason for refusing access. Material that has been rejected or not used or struck out as being scandalous, frivolous, vexatious, irrelevant or otherwise oppressive, may still be legible. Where access to material would be otherwise unobjectionable, it may concern matters that are required to be kept confidential by statute (eg the Criminal Records Act 1991) or by public interest immunity considerations.

6. Application by a person, who is not a party to proceedings, for access to material held by the Court in the proceedings shall be made in the attached form to the Registrar, who will refer doubtful cases to the Chief Judge or to a Judge nominated by the Chief Judge. The Registrar or Judge may notify interested parties before dealing with the application. The applicant must demonstrate that access should be granted in respect of the particular documents the subject of the application and state why the applicant desires access. Enquires may be made to the Registrar.
7. The person to whom access to material is granted normally may copy or take extracts from the material and the registry may assist with copying.

The Hon. Justice R.O. Blanch A.M.
Chief Judge
9 August 2005

Application by a non-party for access to material held by the court

I (applicant's full name) :

(occupation): of (address):

Postcode:

apply for leave to inspect the documents described below in the following proceedings:

File No:

Name of case:

Identify documents:

My reason for requesting leave is: