District Court Practice Note (Crime) No. 8

Removal of Judgments from the Internet

Commencement

1. This Practice Note commences 1 December, 2008.

Application

2. This Practice Note applies to criminal jury trials.

Definitions

3. In this Practice Note:
   Accessible repository includes, but is not limited to, the NSW Caselaw and the Australian Legal Information Institute (AustLII) judgment repositories on the Internet
   Application to the Court includes a written application
   Judgment includes the reasons, orders, catchwords and other identifying details
   Identified judgment means any judgment that may impact on jury deliberations in a particular criminal trial
   Medium neutral citation means the year, court identifier and decision number of a judgment, for example, [2008] NSWDC 12.

Introduction

4. The purpose of this Practice Note is to ensure, for jury trials, that an electronic version of a judgment, which details specifics of the proceedings or related proceedings, is removed from the Internet for the duration of the trial or another appropriate period.

Process

5. A party that locates an identified judgment in an accessible repository is to bring the judgment and its location to the attention of the Court and all parties to the case.

6. For an identified judgment to be removed from an accessible repository, a party must make an application to the Court, no less than five working days before a jury is to be empanelled in the trial. The application must contain grounds for the request.

7. The application to the Court should contain the following information about the identified judgment:

   - the case title
   - the medium neutral citation
   - date of the judgment
   - the jurisdiction of the judgment
   - an estimated length of time before the identified judgment can be returned to the accessible repository.

8. The Court will determine the application and may direct the identified judgment to be temporarily removed from the accessible repository for the duration of the trial, or another appropriate period.

The Hon Justice R O Blanch
Chief Judge
21 October, 2008