

Domestic Violence Act
PRACTICE DIRECTION

ACCESS TO MAGISTRATES' COURT FILES (DOMESTIC VIOLENCE)

Background

The following practice direction, governing access to Domestic Violence files by parties and members of the public, is issued pursuant to section 20AB of the *Domestic Violence Act* and will apply from the date of this practice direction.

This practice direction rescinds the practice direction dated 24th June 1996.

Whether to permit access remains in the discretion of the Registrar at all times.

In respect of any documents not included in this practice direction, or where staff are unsure, the matter is to be referred to the Registrar for determination.

Access by party:

- a) A party may view and take a copy of:
 - Applications
 - Orders
 - Affidavits of service or declaration of service

- b) A party may view transcript but NOT take a photocopy of it. (Pursuant to section 13 of the Records of Depositions Act, parties may apply in writing for a copy of the transcript and, upon payment of the prescribed fee a copy will be provided).

- c) A party may **NOT** have access to the following documents
 - File notes (written by staff or Magistrates)
 - Bench sheets
 - The court file cover, without leave of the Registrar
 - Subpoenaed documents or other documents not yet in evidence, without an order of the Registrar or Magistrate
 - Affidavits not yet in evidence or relied upon, without an order of the Registrar or Magistrate
 - Correspondence, without leave of the Registrar or Magistrate. (Access by parties to the correspondence section of a Court file is generally denied. However in some cases it may be appropriate for a party to view correspondence from another party to the Court. Parties seeking to view correspondence should make a request to the Registrar).

Access by non-party:

A non-party may NOT view or take a copy of any documents on the Court file, without an order of the Court.

Procedure

- Documents and files cannot be removed from the Registry
- Access to a document or file may be subject to a search fee
- Copying costs are to be borne by the person copying and the documents. Photocopying by court Staff will be charged at the prescribed fee in item (4)(b) of the Local Court Regulations.

**HUGH BRADLEY
CHIEF MAGISTRATE**

19 January 2004