

Local Court Act
PRACTICE DIRECTION

ACCESS TO MAGISTRATES' COURT FILES (CIVIL)

LOCAL COURT

(Local Court jurisdiction, Small Claims jurisdiction)

The following practice direction, governing access to Local Court files by parties and members of the public, is issued pursuant to section 21 of the *Local Court Act* and will apply from the date of this Practice Direction

This practice direction rescinds the Practice Direction dated 24 June 1996

Access by party:

1. A party may view and take a photocopy of any document on file not specifically covered by this practice direction.
2. 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).
3. A party may **NOT** have access to the following documents –
 - File notes (written by staff or Magistrates)
 - Bench sheets
 - Subpoenaed documents or other documents not yet in evidence, 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:

Access by non-parties is governed by section 12(3) of the *Local Court Act*, which restricts access to orders only (interlocutory and final orders).

PROCEDURES

- Documents and files cannot be removed from Registry.
- Access to a document or file may be subject to a search fee.
- Copying costs are to be borne by the person copying 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