

Work Health Act
PRACTICE DIRECTION

**ACCESS TO MAGISTRATES' COURTS FILES
(WORK HEALTH)**

The following practice direction, to govern access to work health court files by parties and members of the public, is issued pursuant section 95 of the *Work Health 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:

- a) A party may view and take a photocopy of any document on file not specifically covered by this practice direction.
- 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 fees, 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
 - Subpoenaed documents or other documents not yet in evidence, without an order of the Registrar or a Magistrate
 - Correspondence, without leave of the Registrar or a 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:

The Court reserved the right, to be exercised by the Registrar, to require a non-party requesting access to a file to give justification, either written or oral, for their request.

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

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

- a) A non-party may view and take a photocopy of -
 1. Pleadings
 - Application/Statement of Claim
 - Answer
 - Request for further and better particulars, Further and better particulars

- Notice of Addition of another Employer, Notice of order of adding another Employer, Notice to added Employer
 - 2. Representation
 - Notice of address for service, Notice of change of address for service
 - Notice of acting, Notice of ceasing to act. Notice of change of solicitor
 - 3. Listing of Matters
 - Notice of s.106 conference
 - Notice of hearing
 - Summons to witness
 - 4. Concluded applications
 - 5. Orders
 - Orders/Judgments
 - Reason for decision
 - Notice of Recording of Memorandum of Agreement, recorded Memorandum of Agreement, Notice of Direction by Court not to record a Memorandum of Agreement or to record it upon terms
 - 6. Notices of Appeal
 - 7. Enforcement
 - Section 97(2) or (2A) certificate
 - Certificate of taxation
 - 8. Miscellaneous
 - Affidavit of Service
 - Notice of discontinuance
- b) A non-party may view a 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 fees, a copy will be provided).
- c) A non-party may view exhibits NOT take a photocopy without an order of the presiding Magistrate.
- d) A non-party may NOT have access to the following documents-
1. Affidavits in support of concluded interlocutory applications, without an order of the Registrar of a Magistrate.
 2. Current applications
 - Interlocutory applications in respect of which a decision has not been given
 - Affidavits in support of interlocutory applications in respect of which a decision has not been given

3. Discovery
 - List or affidavit of documents
 - Notice to produce
4. Interrogatories
 - Interrogatories
 - Answer to interrogatories, without an order of the Registrar or a Magistrate
5. Any document that the Court orders remains confidential.
6. Evidentiary material (including medical reports) that has not been considered by the Court, such as subpoenaed documents or other documents not yet in evidence.
7. Correspondence, file notes (written by Magistrates or staff), bench sheets.

PROCEDURES

- 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