

Access to court documents: Information for victims of crime



New South Wales Government
Attorney General's Department
Victims Services

If you have been a victim of crime and there were criminal proceedings against the offender, you may be able access court documents. You can make an application to the relevant Local, District, or Supreme Court where the matter was heard.

You may be entitled to **fee free** access to judgments and written evidence in those court proceedings in which you are concerned. Fees may be charged for access to other documents, such as transcripts of oral evidence, or you may be required to sign an undertaking to reimburse transcript or copying fees (for example, where they form part of the costs in a successful civil action for the recovery of damages).

If you have any difficulties obtaining access, or are charged for access to judgments or written evidence, you should discuss the matter with the Registrar of the Court concerned. If you remain dissatisfied you can contact the Victims of Crime Bureau, which may be able to assist you.

Local Court

In the Local Court, you can make enquires about making an application for access to material held by the court with the Registrar of the Local Court. There is a form that you can fill out, and you will need to demonstrate that you have an interest in the case and can show sufficient cause to be entitled to access the documents requested. On the form you should explain why you wish to access the documents.

Unless the Registrar or Magistrate dealing with the application considers that the material or portions of it should be kept confidential, access to material in summary proceedings in the Local Court will normally be granted in respect of:

- the court record of proceedings conducted in open court
- documents that record what was said or done in open court
- material that was admitted into evidence
- information that would have been heard or seen by any person present in open court.

Access to other material will not be allowed unless the Registrar or Magistrate is satisfied that exceptional circumstances exist. Access will not normally be allowed before the proceedings have been concluded.

District Court

In the District Court, you can make an application for court documents by filling out the form attached to *District Court (Civil) Practice Note Number 11: Access to Court Files by Non-Parties*. Application should be made to the Registrar of the Court in which the matter was heard, and you should explain why you wish to access the documents.

You will normally be entitled to access transcripts of:

- your evidence
- the accused's evidence
- the Judge's remarks on sentence (as revised)
- the judgment (if the trial was heard by a Judge alone).

In addition, you can request extracts from the court file, including:

- police summary of facts or agreed statement of facts
- your statement to police
- the indictment
- the result of proceedings.

Access to other material will not be allowed unless a Registrar or Judge considering your application is satisfied that exceptional circumstances exist.

For more information, refer to *District Court (Civil) Practice Note Number 11: Access to Court Files by Non-Parties*, and enquiries may be made with the Registrar of the District Court where the matter was heard.

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Supreme Court

In the Supreme Court, you can make an application for court documents by filling out the form attached to *Practice Note No. SC Gen 2 – Access to Court Files*. Application should be made to the Registrar of the Court of Criminal Appeal, and you should explain why you wish to access the documents.

Unless the Registrar or Judge dealing with your application considers the material or parts of it to be confidential, access will normally be granted, subject to discretion, to:

- pleadings and judgments that have been concluded
- documents that record what was said or done in open court
- material that was admitted into evidence
- information that would have been heard or seen by any person present in open court.

Access to other material will not be allowed unless the Registrar or Judge is satisfied that exceptional circumstances exist.

For more information, refer to *Practice Note No. SC Gen 2 – Access to Court Files*, or contact the Supreme Court's Duty Registrar.

Contact Details

Courts

Local Courts www.lawlink.nsw.gov.au/lc

District Courts www.lawlink.nsw.gov.au/dc

Supreme Court www.lawlink.nsw.gov.au/sc

The location and contact details of courts in NSW are available on the web, or can be located in the White Pages.

Victims of Crime Bureau

Phone **02) 8688 5400**

Freecall **1800 633 063**

Victims of Crime Bureau monitors the implementation of the Charter of Victims Rights in NSW. Contact the Bureau if you require a copy of the Charter, need to discuss or clarify any concerns, or need further information or support. **Available 24 hours a day, 7 days a week.**

Website www.lawlink.nsw.gov.au/voc

The Victims of Crime website provides information on a variety of topics affecting victims of crime, and contact details of a number of agencies that may be able to assist.