



MEDIA RELEASE

Hon. John Hatzistergos MLC
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COMMUNITY GIVEN GREATER ACCESS TO COURT INFORMATION

NSW Parliament has passed legislation overhauling the complex system governing the release of court information, giving the public and media organisations greater access to court documents.

NSW Attorney General, John Hatzistergos, said the Court Information Bill passed through parliament yesterday after it received cross-party support.

The laws are Australia's first stand-alone legislation providing for open access to court information, introduced after wide consultation with the media, victims of crime, courts and the legal profession.

"Being able to easily obtain information discussed in court proceedings is an essential feature of an open and transparent justice system. The new laws balance the principle of open justice with the need to protect the privacy and safety of witnesses and victims," Mr Hatzistergos said.

Mr Hatzistergos said the reforms simplify access by creating two categories of information – 'open access' and 'restricted access' – and will be applied to all courts across the State.

"The laws are built around providing 'open access' to court information wherever possible. Under the previous system, different rules operated in the Supreme, District and Local courts and the onus was on the public to convince a court they should have access," he said.

"The new system gives court officers greater confidence to provide access to court information by creating clearer guidelines on what can be released to the public."

Under the new laws, the public will be entitled to access:

- Documentation which commences proceedings;
- Written submissions made by a party to proceedings;
- Statements and affidavits admitted into evidence, including expert reports;
- Judgments, directions and orders given or made in the proceedings, including a record of conviction in criminal proceedings;
- When a matter is to be heard by a court and the name of the Judge, Magistrate or Registrar who is listed to hear the proceedings;
- For criminal proceedings, open access information will also include the indictment, court attendance notice or other document commencing proceedings.

Unless a court orders otherwise journalists will also be provided with additional access to information classified as restricted such as (a) information contained in transcripts of closed proceedings; (b) personal information in a court record; and (c) information contained in a brief of evidence in criminal proceedings.

"The media play a crucial role in informing the public about civil and criminal proceedings and as a result require access to information that will enable fair and accurate reporting."

Access to other information classified as 'restricted access', such as information contained in medical or psychiatric reports, may be obtained by making an application to the court.

Mr Hatzistergos said that courts will still retain their power to make suppression and non-publication orders to protect the identity of victims and witnesses and contain information that may prejudice a trial. He said that work was underway to develop a nationally uniform approach.

In developing the reforms the Government consulted with the Right to Know, the Press Council, the Homicide Survivors Association and NSW Chief Justice, James Spigelman.