

## RECORD OF APPLICATION BY NON-PARTY FOR ACCESS TO MATERIAL HELD BY THE COURT

### APPLICATION

This application is made under:

- s 314 *Criminal Procedure Act 1986 (media applicants only)*       Rules of Court\*  
 s 314 and Rules of Court *(media applicants only)*

I (name) \_\_\_\_\_, (occupation) \_\_\_\_\_

of (address or media organisation) \_\_\_\_\_

(email) \_\_\_\_\_ (phone) \_\_\_\_\_

apply to  inspect, and/or  copy the document(s) described in the following proceedings:

File no: \_\_\_\_\_ Case name: \_\_\_\_\_ Court location: \_\_\_\_\_

Jurisdiction:     Local Court Crime       District Court Crime       Children's Court Crime  
                   Local Court Civil       District Court Civil

Identify documents:

#### *Crime*

- indictment, court attendance notice or other document commencing the proceedings  
 witnesses' statements tendered as evidence  
 police fact sheet (in the case of a guilty plea)  
 transcripts of evidence (*dates*): \_\_\_\_\_  
 any record of a conviction or an order  
 other: \_\_\_\_\_

#### *Civil*

- sealed copy of judgment / order  
 certified copy of reasons for judgment / order  
 pleading filed in the proceedings: \_\_\_\_\_  
 other document filed in the proceedings: \_\_\_\_\_

Specify any further details (or attach document): \_\_\_\_\_

My reason for requesting the information is:

- to prepare a fair and accurate report of current proceedings  
 other (specify or attach document): \_\_\_\_\_

I acknowledge that (each box below must be ticked):

- I cannot make copies of any part of the file unless specific permission is granted and relevant copy fees are paid. It is an offence to use any device to photograph court documents (s 9, *Court Security Act 2005*);  
 Approval to inspect or copy a court document does not override legislated prohibitions on the publication or broadcasting of certain information. I am aware of and will ensure that I comply with any applicable prohibitions\*\*, including upon the publication or broadcasting of information that would identify particular individuals involved in court proceedings, such as the prohibition on identification of a complainant (victim) in relation to proceedings for a prescribed sexual offence (s 578A, *Crimes Act 1900*).  
 I may be prosecuted for breaching restrictions on publishing and broadcasting information in connection with court proceedings and am aware of the legislative penalties that apply;  
 The file is the property of the Local, Children's or District Court, as applicable;  
 I cannot remove any part of the file;  
 I am allowed to make my own notes on a separate paper or type into an electronic device e.g. laptop;  
 I must not add, alter, or otherwise deface any part of the file;  
 I shall ensure that I comply with the terms of any non-publication order or direction made in relation to the file, including orders made under the *Court Suppression and Non-Publication Orders Act 2010*.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\* **Rules of Court** means r 8.10, Local Court Rules 2009; Pt 52 r 3, District Court Rules 1973; or r 36.12 Uniform Civil Procedure Rules 2005, as applicable to the particular proceedings.

\*\* [https://www.judcom.nsw.gov.au/publications/benchbks/local/Non-publication\\_and\\_suppression\\_orders.html#p62-040](https://www.judcom.nsw.gov.au/publications/benchbks/local/Non-publication_and_suppression_orders.html#p62-040) provides a non-exhaustive list of legislative non-publication provisions.

**DETERMINATION**

The application is **GRANTED** pursuant to:

- s 314, Criminal Procedure Act 1986:** I am satisfied that the applicant is entitled to inspect the documents sought under the terms of s 314 (or)
- Rules of Court:** I am satisfied that it is appropriate to grant access to the applicant to the documents sought on the conditions set out below.

I am satisfied that the person granted access has a sufficient interest in the proceedings and has a sufficient reason to access the documents. I am satisfied that the grant of access is not prohibited by legislation or court order. The grant of access is subject to conditions set out below:

The applicant may  inspect only  inspect and copy the following documents:

*Crime*

- indictment, court attendance notice or other document commencing the proceedings
- witnesses' statements tendered as evidence
- police fact sheet (in the case of a guilty plea)
- transcripts of evidence (dates): \_\_\_\_\_
- any record of a conviction or an order
- other: \_\_\_\_\_

*Civil*

- sealed copy of judgment / order
- certified copy of reasons for judgment / order
- pleading filed in the proceedings: \_\_\_\_\_
- other document filed in the proceedings: \_\_\_\_\_

Specify any further details: \_\_\_\_\_

Access is granted subject to strict compliance with:

- The non-publication order made on (date): \_\_\_\_\_
- Any applicable statutory prohibition or restriction on publication, including: \_\_\_\_\_
- Other (specify): \_\_\_\_\_
- Payment of any prescribed fees for file retrieval, copying and/or provision of transcript.

**Applicant's acknowledgement**

I \_\_\_\_\_ acknowledge that I have been informed of the need to comply with the above obligations in relation to access, and understand that it remains my responsibility to comply with any statutory prohibition or restriction on publication, and any court order or direction, whether or not referred to in this record of determination.

Signature \_\_\_\_\_ Date \_\_\_\_\_

The application is **REFUSED** pursuant to:

- s 314, Criminal Procedure Act 1986:** I am not satisfied that the applicant is entitled to inspect the documents sought under the terms of s 314 (and/or)
- Rules of Court:** I am not satisfied that it is appropriate in the circumstances to grant access to the applicant to the documents sought.

Reasons for refusal:

- I am not satisfied that the person seeking access has a sufficient interest in the proceedings and/or a sufficient reason to access the documents.
- The grant of access is not permitted by legislation or court order.
- Other reason/s (specify or attach further): \_\_\_\_\_

**AUTHORITY**

Signature: \_\_\_\_\_ Name: \_\_\_\_\_ Date: \_\_\_\_\_

- Registrar  Deputy Registrar  Assistant Registrar  Judicial Registrar  Magistrate/Judge

**ACCESS PROVIDED**

Access exercised on (date): \_\_\_\_\_ ID supplied: \_\_\_\_\_

- ID type:  Media photo ID  Media business card AND personal photo ID  Media status confirmed by DCJ Media Unit