

Policy:   
**Access to Court Records and Information**

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| **Document Details** | | | |
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# Context

1. The International Framework for Court Excellence encourages Courts to develop, implement and review policies and practices that underpin their operations. Consistent with the principles of the framework, the County Court of Victoria (the Court) has implemented an Access to Court Records and Information Policy.
2. The Court is committed to improving the transparency and accessibility of information to build community understanding of the Court and its processes.

# Purpose

1. The purpose of this document is to set out how legal practitioners, parties to cases and members of the public can access information about Court cases.

# Scope

1. This policy applies to all cases in the Criminal, Commercial and Common Law Divisions of the Court, in Melbourne and at all circuit courts.
2. Access to information by the media is excluded from this policy. Journalists and other media representatives should refer to the Media Guide, available on the [Court website](https://www.countycourt.vic.gov.au/i-am-journalist) or email [media@countycourt.vic.gov.au](mailto:media@countycourt.vic.gov.au) for further information.

# Definitions

1. **Party to a case** means:
   1. In criminal cases – the accused, prosecution agency and their legal representatives.
   2. In appeal cases – the appellant, the respondent and their legal representatives.
   3. In civil cases – the plaintiff, the defendant and their legal representatives.
2. **Presiding judge** means the judge who has heard a particular case, or who has been allocated to hear the case.
3. **Court user** means any person who comes into contact with the Court.
4. **Member of the public** means a person who is not directly related to a Court case.
5. **Publicly available information** is information that the Court has made available to Court users and members of the public via its [website](https://www.countycourt.vic.gov.au/).

# Publicly Available Information

## Court Schedule

1. The Court publishes a schedule of cases to be heard each day, commonly known as the Daily Court List.
2. The Daily Court List is available to view on the [Court website](https://www.countycourt.vic.gov.au/court-schedule) and in public areas of the Melbourne court and circuit courts.
3. If the name of a party does not appear on the Daily Court List, enquiries should be directed to the Court Registry. Registry staff will indicate whether restrictions are in place preventing the publication of parties’ names.

## Court Connect

1. Court Connect is a free online case information search tool provided by the Court. It can be accessed via the [Court website](https://www.countycourt.vic.gov.au/case-information/court-connect), and via computers available in the Court Registry in Melbourne.
2. Court Connect allows court users to search for information about cases currently before the court, as well as past cases.
3. For Commercial and Common Law Division cases, users can search for case numbers, party names, documents filed, filing dates, summaries of judgments made, future hearing dates and jury or hearing fee payments.
4. For Criminal Division cases, users can search for the names of accused persons, indictment numbers and information about upcoming hearings.
5. Where a suppression order has been made, the case details generally will not appear in Court Connect.
6. Any information obtained through Court Connect should not be relied upon for official purposes.

## Sentencing Remarks and Judgments

1. The Court publishes sentencing remarks and judgments to [AustLII](http://www.austlii.edu.au/) and [Jade](https://jade.io/t/home). Both of these websites are free to access.
2. Sentencing remarks and judgments are published at the discretion of the presiding judge. Some sentencing remarks and judgments are published using pseudonyms due to legislative restrictions or suppression orders.
3. If sentencing remarks or a judgment is not available on [AustLII](http://www.austlii.edu.au/) or [Jade](https://jade.io/t/home), access can be requested by emailing [information.services@countycourt.vic.gov.au](mailto:information.services@countycourt.vic.gov.au). The email should include the case name, date of sentence or judgment, case number (if available), and a short explanation of why the sentencing remarks or judgment is being requested. Each request will be considered by the relevant judge.

# Criminal and Appeal Cases

## Documents on the Court File

1. Documents filed in criminal and appeal cases are not open for inspection unless directed by the Court or the Registrar.[[1]](#footnote-1)
2. Access to a document filed in a criminal or appeal case can be requested by completing the Application for Access to County Court Crime or Appeal File [form](https://www.countycourt.vic.gov.au/case-information). The completed form can be returned to the Criminal Registry via email [criminal.access@countycourt.vic.gov.au](mailto:criminal.access@countycourt.vic.gov.au) or in person at the Registry counter at the Melbourne Court or the relevant circuit court.
3. There is no fee associated with requesting access to documents filed in criminal or appeal cases.
4. All applications for access to documents filed in criminal and appeal cases are considered by a judge or registrar. The judge or registrar who considers the application may deny it, approve it only in part, or direct that information only be released in a redacted form or with pseudonyms applied.

## Court Orders

1. Parties to a criminal or appeal case can request access to court orders in that case by contacting the Criminal Registry via email [criminal.registry@countycourt.vic.gov.au](mailto:criminal.registry@countycourt.vic.gov.au) including the name of the case, case number and reason for requesting access to the order. The Registry may require proof of identity before releasing the order(s).
2. Members of the public can request access to orders made in criminal or appeal cases by completing the Application for Access to County Court Crime or Appeal File [form](https://www.countycourt.vic.gov.au/case-information). The completed form can be returned to the Criminal Registry via email [criminal.access@countycourt.vic.gov.au](mailto:criminal.access@countycourt.vic.gov.au) or in person at the Registry counter at the Melbourne Court or the relevant circuit court.

## Court Transcripts and Audio Recordings

1. Criminal trials are recorded and transcribed by the Victorian Government Reporting Service (VGRS). For information about requesting access to transcripts please visit the [VGRS website](https://www.courts.vic.gov.au/court-system/transcripts-and-judgments/criminal-transcripts).
2. Appeal hearings are not transcribed as a matter of course. Transcription of an appeal hearing is available by request only. Details of how to make a request for transcription, and associated fees can be found on the [VGRS website](https://www.courts.vic.gov.au/court-system/transcripts-and-judgments/criminal-transcripts). All requests for transcription of appeal hearings are considered by a judge.
3. Audio recordings of criminal and appeal hearings may be available, at the discretion of the presiding judge. If you wish to access the audio recording of a case please contact the chambers of the presiding judge [directly](https://www.countycourt.vic.gov.au/contact-us/judicial-contacts).

# Commercial and Common Law Cases

## Documents on the Court File

1. Documents filed in commercial and common law cases are available for inspection.[[2]](#footnote-2) Part of the file may be restricted pursuant to an order of the Court, or the discretion of a judge or the Registrar.
2. Inspection of a commercial or common law case file can be arranged by completing the Search Request by Public [form](https://www.countycourt.vic.gov.au/case-information) and returning it to the Civil Registry counter at the Melbourne court or the relevant circuit court.
3. Payment of the associated search fee is required prior to the release of commercial and common law case files. Details of current fees can be obtained from the [Court website](https://www.countycourt.vic.gov.au/fees).
4. Any part of the file that has been made available for inspection can be:
   1. Photocopied ([fees apply](https://www.countycourt.vic.gov.au/forms-and-fees/fees-and-costs-civil-proceedings))
   2. Scanned and saved onto a USB stick (no fee applies to scanning)
   3. Photographed

## Court Orders

1. Orders made in Commercial and Common Law Division cases can be viewed online via [Court Connect](http://cjep.justice.vic.gov.au/pls/p100/ck_public_qry_main.cp_main_idx).

## Court Transcripts and Audio Recordings

1. The Court does not transcribe commercial and common law cases. Transcription is arranged by the parties to the case through a transcription service provider. Consent of the trial judge to record the proceedings must be obtained before engaging a transcription service provider.
2. Audio recordings of commercial and common law cases may be made available for the purpose of enabling a party to consider a possible appeal. If you wish to access the audio recording of a case please contact the chambers of the presiding judge [directly](https://www.countycourt.vic.gov.au/contact-us/judicial-contacts).
3. Please refer to Practice Note PNCI 4 – 2013 [Release of Recordings in Civil Proceedings](https://www.countycourt.vic.gov.au/files/documents/2018-08/pnci4-2013release-recordings-civil-proceedings0.pdf) for further information.

## Accident Compensation Tribunal (A.C.T) Files

1. Inspection of accident/workers compensation files from 1930 – 1993 can be arranged by completing the A.C.T. Worker’s Compensation Search Request [form](https://www.countycourt.vic.gov.au/case-information) and returning it to the Civil Registry counter at the Melbourne court or the relevant circuit court.
2. Payment of the associated search fee is required prior to the release of A.C.T files. Details of current fees can be obtained from the [Court website](https://www.countycourt.vic.gov.au/fees).
3. Any part of the file that has been made available for inspection can be:
   1. Photocopied ([fees apply](https://www.countycourt.vic.gov.au/forms-and-fees/fees-and-costs-civil-proceedings))
   2. Scanned and saved onto a USB stick (no fee applies to scanning)
   3. Photographed.

# Confiscation List Cases

1. Access to documents filed in confiscation list cases can be requested by completing the Confiscation search [form](https://www.countycourt.vic.gov.au/case-information) and returning it to [confiscationlist@countycourt.vic.gov.au](mailto:confiscationlist@countycourt.vic.gov.au)

# Subpoena Documents

1. Information about accessing documents produced pursuant to a subpoena can be found on the [subpoena page](https://www.countycourt.vic.gov.au/going-court/subpoenas) of the Court website.

# Production of documents and things in custody of a court

1. To seek production of a document or thing in the custody of the Court or of another court or tribunal, a request must be made to the Registrar, pursuant to the *County Court Civil Procedure Rules 2018 (Vic) r 42.13.*

# Academic Research Requests

1. Requests for assistance with academic research are considered by the Court’s Research Committee. Information about submitting a request to the Research Committee can be obtained by emailing [information.services@countycourt.vic.gov.au](mailto:information.services@countycourt.vic.gov.au).

# Data Requests

1. The Court will consider requests for data and statistics. Requests for access to data and statistics can be made by completing the [Data Request Form](hhttps://www.countycourt.vic.gov.au/case-information) and returning it to [datarequests@countycourt.vic.gov.au](mailto:datarequests@countycourt.vic.gov.au).

1. *County Court Criminal Procedure Rules 2009* (Vic) r 1.08.1. [↑](#footnote-ref-1)
2. *County Court Civil Procedure Rules 2018* (Vic) r 28.05. [↑](#footnote-ref-2)