



MEDIA RELEASE

**Hon. John Hatzistergos MLC
Attorney General
Minister for Justice**

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NEW LAWS TO IMPROVE ACCESS TO COURT INFORMATION

Laws governing media and public access to court information will be overhauled by the Lemna Government, NSW Attorney General John Hatzistergos announced today.

Mr Hatzistergos said the government had endorsed the recommendations of a new report - *Report on Access to Court Information* - to improve access to a range of court documents, while also better protecting the rights of vulnerable victims.

"NSW will overhaul the current complex system to improve access to transcripts, affidavits and other information from court proceedings," Mr Hatzistergos said.

"Currently different rules operate in the Supreme, District and Local Courts, and they rely on the discretion of individual Judges, Magistrates and Registrars to grant or deny access.

"To enable fair reporting of cases and greater public understanding of the judicial system, it is important to provide a more consistent and clear basis on which decisions regarding access to documents are made."

Mr Hatzistergos said protections afforded to victims and other vulnerable people would be strengthened by the proposed changes.

"The rights of sexual assault victims and children involved in care proceedings not to be identified will continue and the new legislation will consolidate some of the diverse laws in this area," Mr Hatzistergos said.

"It is also proposed to provide greater protection for victims of domestic violence, while maintaining the need to hold perpetrators publicly accountable for their actions".

Mr Hatzistergos said the Report proposed a simple regime with just two categories of document - Open Access and Restricted.

"Documents classified Open Access will be available to journalists and the public, any may include police fact sheets, evidence transcripts, affidavits and pleadings," he said.

"Those classified Restricted, such as medical and psychiatric reports, will only be available if the court grants leave or the statutory provision confers a right of access. Currently, these types of documents are not normally released."

Mr Hatzistergos said the courts could not grant access without first considering the effect on the privacy or safety of an individual, and on the administration of justice, as well as the reason for which access is required. The courts can also impose conditions on the release of any documents in this category.

"There will also be new safeguards for personal information contained in court information. To protect against identity theft, courts and litigants will be obliged to remove personal identifiers such as dates of birth and residential addresses."

The Report also recommends facilitating protocols between the Director of Public Prosecutions and the media for access to physical exhibits, along the lines of the model in place in the United Kingdom.

Mr Hatzistergos said the Report arose from the Government's 2006 Review of Access to Court Documents, which received submissions from victims groups, media organisations, legal organisations and privacy bodies.

It formed the basis for discussions of a national model at the Standing Committee of Attorneys General meeting last week.

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