Coat of Arms

# PARTY ACCESS TO FILES

**Federal Court (Criminal Proceedings) Rules 2016 – Rule 1.20**

|  |  |  |
| --- | --- | --- |
| **1. Details of the person making the request** | | |
| (a) Name: |  | |
|  |  | |
| (b) Address: |  | |
|  |  | |
| (c) Telephone number: |  | |
|  |  | |
| (d) Email address: |  | |
|  |  | |
| (e) I represent the: |  | |
|  | |  |
| **2. Details of the proceeding** | | |
| (a) Title of proceeding: |  | |
|  |  | |
| (b) Proceeding number: |  | |
| (c) Judge |  | |
| |  | | --- | | 1. **Details of the documents required** | | I wish to inspect and photocopy the following documents on the court file:  **If there is insufficient space, please attach a separate page identifying the documents sought.**  **Decision in relation to request for access to documents**  ♦I approve the request to inspect and photocopy the documents mentioned in section 3.  Signed: ............................................................................................................ Date: ……………………………  **Authorised Registry Officer** | | | | |

1. **What ID are you producing [ FOR NSW REGISTRY ONLY]:**

As a party, I produce: driver’s licence: other identification

As solicitor\*/counsel, I produce: business card letter on firm’s letterhead

*\* If an agent is attending, a letter from the principal law firm should be provided authorising the agent to access material.*

**DECLARATION**

I declare that, as a party (or the party’s lawyer), I am entitled to view all documents contained on the file and there are no orders prohibiting me (or my client) from viewing any documents on the file.

Signature: ………………………….……………….. Date: ………………………….…

1. **You can return this form via email to:**

[federalcourtcrime@fedcourt.gov.au](mailto:federalcourtcrime@fedcourt.gov.au)

1. **Once approved** - You can pay by Visa, Amex (FCA only) or MasterCard via the Court’s website using Payment Express at:

<http://www.fedcourt.gov.au/forms-and-fees/court-fees/payment>

**OR**

At the Court by cheque, cash, money order, account or Visa, Amex (FCA only) or Mastercard.

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**OFFICE USE ONLY**

Date/Time of Inspection:………………...…………………...

Name of Registry Staff officer:……………………………………………………………….…

Signature: ………………………….…………………………….…

**Federal Court (Criminal Proceedings) Rules 2016**

1.20 Inspection of documents

(1) A party to criminal proceedings may inspect any document in the proceedings except:

(a) a document for which a claim of privilege has been made but not decided by the Court; or

(b) a document that the Court has decided is privileged; or

(c) a document for which a claim of public interest immunity has been made but not decided by the Court; or

(d) a document that the Court has decided is immune on the grounds of public interest; or

(e) a document affected by the operation of the *National Security Information (Criminal and Civil Proceedings) Act 2004*; or

(f) a document that the Court has ordered be confidential.

(2) A person who is not a party to criminal proceedings may inspect any of the following documents in the proceedings in the proper Registry:

(a) an indictment or information;

(b) a notice of address for service;

(c) a notice of change of address for service;

(d) an interlocutory application;

(e) an order of the Court;

(f) a notice of appeal;

(g) a notice of change of lawyer;

(h) a notice of ceasing to act;

(i) reasons for judgment;

(j) a transcript of a hearing heard in open Court.

(3) However, a person who is not a party to criminal proceedings is not entitled to inspect a document that the Court has ordered:

(a) be confidential; or

(b) is forbidden from, or restricted from publication to, the person or a class of persons of which the person is a member.

*Note:* For the prohibition of the publication of evidence or of the name of a party or witness, see sections 37AF and 37AI of the Act.

(4) A person may apply to the Court for leave to inspect a document, or class of documents, that the person is not otherwise entitled to inspect.

(5) A person may be given a copy of a document, except a copy of the transcript in criminal proceedings, if the person:

(a) is entitled to inspect the document; and

(b) has paid the fee (if any) payable in accordance with the *Federal Court and Federal Circuit Court Regulation 2012*.

*Note:* If there is no order that a transcript be confidential, a person may, on payment of the applicable charge, obtain a copy of the transcript of criminal proceedings from the Court’s transcript provider.