



REQUEST BY NON-PARTY FOR ACCESS TO COURT DOCUMENTS

NOTICE TO NON-PARTY ACCESS APPLICANT YOU MUST READ THIS BEFORE REQUESTING ACCESS TO COURT DOCUMENTS

'Unrestricted' documents in a proceeding are those documents that fall within the categories set out in sub-rule 2.32(2) of the Federal Court Rules and include originating applications, pleadings, certain formal notices, transcript and reasons for judgment. A non-party access applicant may apply, under rule 2.32 of the [Federal Court Rules 2011](#) (Federal Court Rules), to inspect 'unrestricted' document(s) in a proceeding, subject to any order or direction of the Court and certain exceptions (regarding confidentiality and restriction from publication). Where there has been no first hearing in a proceeding, a non-party may apply to the Court for leave (permission), pursuant to sub-rule 2.32(4) of the Federal Court Rules, to inspect document(s) that the non-party is not otherwise entitled to inspect.

'Restricted' documents in a proceeding are those documents that fall outside the categories set out in sub-rule 2.32(2) of the Federal Court Rules. Examples of restricted documents include an affidavit (other than an affidavit accompanying an application or amended application in a native title proceeding); an exhibit; an expert report; evidence taken on deposition; and written submissions. A non-party requires the leave of the Court, under sub-rule 2.32(4) of the Federal Court Rules, to inspect restricted documents.

Prior to making any request for access to documents, the Court expects that a non-party access applicant will have given careful consideration to:

- the relevant Rules (attached)
- the [Access to Documents Practice Note \(GPN-ACCS\)](#)
- whether the request is the most efficient method possible to obtain the documents (e.g. certain types of documents are available to be accessed by parties and non-parties, without a fee, through the [Commonwealth Courts Portal](#))
- whether the documents could be more easily and cost effectively obtained from an original or other source (e.g. a report of a Government agency freely available on that agency's website)
- ensuring the request is clear, concise, accurate and specific about the document(s) being requested (e.g. rather than requesting all affidavits on a file, only requesting those relevant to a person or particular period of time), and
- whether they anticipate a likelihood for controversy to arise due to the request (e.g. if the material sought is commercially sensitive, confidential or intended to be used in another proceeding).

In the Federal Court of Australia fees are payable and copying charges may also apply. The [current fee](#) is published on the Court's website (refer to item 123).

A [step-by-step guide](#) on how to make an Access Request to inspect Court documents is available on the Court's website.

NOTE: ALL questions in **PARTS 1-6** of this form must be completed. **Page 6** will be completed by the Court. The completed form may be lodged via email to Document.Inspections@fedcourt.gov.au

WARNING

UNDER THE *CRIMINAL CODE 1995* (CTH) ANY PERSON WHO KNOWINGLY MAKES AN UNTRUE REPRESENTATION OR STATEMENT TO OBTAIN A BENEFIT OR ADVANTAGE FROM THE COMMONWEALTH IS GUILTY OF AN OFFENCE AND, IF FOUND GUILTY, CAN BE FINED OR IMPRISONED.

REQUEST BY NON-PARTY FOR ACCESS TO COURT DOCUMENTS

*Federal Court Rules 2011 – Rule 2.32
Federal Court (Corporations) Rules 2000 – Rule 11.3 (7)
Federal Court (Bankruptcy) 2005 – Rule 6.13(7)
Access to Documents and Transcript Practice Note (GPN-ACCS)*

PART 1 – ACKNOWLEDGMENT

I acknowledge that I have given careful consideration to the matters set out in:

- the 'Notice to non-party access applicant' (page 1)
- the [Access to Documents Practice Note \(GPN-ACCS\)](#), and
- Rule 2.32 of the [Federal Court Rules 2011](#) (page 5)
and declare that the contents of this request are true and correct.

1.1 Full name

1.2 Signature

1.3 Date

PART 2 – DETAILS OF THE PROCEEDING

2.1 Title of proceeding

2.2 Proceeding number (if known)

2.3 Judge / Registrar (if known)

PART 3 – DETAILS OF THE NON-PARTY ACCESS APPLICANT

3.1 Media representative

No

Yes:

Details of media entity

3.2 Legal representative

No

Yes:

Details of legal firm

3.3 Researcher

No

Yes:

Details of organisation

3.4 Other

PART 4 – CONTACT DETAILS FOR NON-PARTY ACCESS APPLICANT

4.1 Postal address

4.2 Email address

4.3 Telephone number (mobile preferred)

PART 5 – UNRESTRICTED DOCUMENTS

<p>5.1 Do you wish to inspect unrestricted document(s) on the court file?</p>	<p><input type="checkbox"/> Yes – complete 5.2 <input type="checkbox"/> No – complete Part 6 if you are requesting restricted documents</p>
<p>5.2 Clearly list the unrestricted document(s) you wish to inspect. NOTE: Sub-rule 2.32(2) of the <i>Federal Court Rules 2011</i> sets out the unrestricted documents that can be inspected.</p>	<p>Unclear requests for unrestricted documents may result in your request being refused.</p>
<p>5.3 Is this request being made before the 1st directions hearing or hearing of the proceeding (whichever is earlier)?</p>	<p><input type="checkbox"/> Yes - complete 5.4 <input type="checkbox"/> No</p>
<p>5.4 Do you apply to the Court, pursuant to Rule 2.32(4) of the <i>Federal Court Rules 2011</i>, for leave to inspect the unrestricted document(s) prior to the first directions hearing or hearing of the matter (whichever is earlier)?</p>	<p><input type="checkbox"/> Yes - complete 5.5 <input type="checkbox"/> No</p>
<p>5.5 Please provide written reasons to assist the judicial officer to determine your request for access to unrestricted document(s) (e.g. media public interest story, research or accessing document(s) for potential use in future litigation etc.).</p> <p>More information is available via Access to Documents Practice Note (GPN-ACCS).</p>	<p>If there is insufficient space, please attach your additional reasons as a separate page.</p>
<p>5.6 If your request to inspect the unrestricted document(s) nominated in 5.2 is approved, do you wish to be given a copy of these document(s)?</p> <p>NOTE: Transcript is an excluded document.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

PART 6 – RESTRICTED DOCUMENTS

6.1 Do you wish to inspect restricted document(s) on the court file?	<input type="checkbox"/> Yes – complete 6.2 <input type="checkbox"/> No
6.2 Clearly list the restricted document(s) you wish to inspect. NOTE: Restricted document(s) are all court documents that are not included in sub-rule 2.32(2) of the <i>Federal Court Rules 2011</i> .	
6.3 Pursuant to Rule 2.32(4) of the <i>Federal Court Rules 2011</i> you must seek the Court’s leave to inspect restricted document(s). Please provide written reasons to assist the judicial officer to determine your request (e.g. media public interest story, research or accessing document(s) for potential use in future litigation etc.). More information is available via Access to Documents Practice Note (GPN-ACCS) .	Unclear requests for restricted documents may result in your request being refused.
6.4 If your request to inspect the restricted document(s) nominated in 6.2 is approved, do you wish to be given a copy of these document(s)? NOTE: Transcript is an excluded document	<input type="checkbox"/> Yes <input type="checkbox"/> No

RELEVANT INFORMATION

The following links provide quick access to relevant information and services for this application:

[Access to Documents and Transcripts Practice Note](#)



[A step-by-step guide on how to make an Access Request to inspect Court documents](#)



[Federal Court of Australia current fees](#)



[Commonwealth Courts Portal](#)



[Federal Court Rules 2011](#)



Federal Court Rules 2011 – Rule 2.32 Inspection of documents

(1) A party may inspect any document in the proceeding except:

- (a) a document for which a claim of privilege has been made:
 - (i) but not decided by the Court; or
 - (ii) that the Court has decided is privileged; or
- (b) a document that the Court has ordered be confidential.

(2) A person who is not a party may, after the first directions hearing or the hearing (whichever is earlier), inspect the following documents in a proceeding in the proper Registry:

- (a) an originating application or cross-claim;
- (b) a notice of address for service;
- (c) a pleading or particulars of a pleading or similar document;
- (d) a statement of agreed facts or an agreed statement of facts;
- (e) an interlocutory application;
- (f) a judgment or an order of the Court;
- (g) a notice of appeal or cross-appeal;
- (h) a notice of discontinuance;
- (i) a notice of change of lawyer;
- (j) a notice of ceasing to act;
- (k) in a proceeding to which Division 34.7 applies:
 - (i) an affidavit accompanying an application, or an amended application, under section 61 of the *Native Title Act 1993*; or
 - (ii) an extract from the Register of Native Title Claims received by the Court from the Native Title Registrar;
- (l) reasons for judgment;
- (m) A transcript of a hearing heard in open Court.

Note **Native Title Registrar** and **Register of Native Title Claims** are defined in the Dictionary.

(3) However, a person who is not a party 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 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 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 the proceeding, if the person:

- (a) is entitled to inspect the document; and
- (b) has paid the prescribed fee.

Note 1 For the prescribed fee, see the *Federal Court and Federal Circuit and Family Court Regulations 2022*.

Note 2 If there is no order that a transcript is confidential, a person may, on payment of the applicable charge, obtain a copy of the transcript of a proceeding from the Court's transcript provider.

Note 3 For proceedings under the Trans-Tasman Proceedings Act, see also rule 34.70.

Federal Court (Corporations) Rules 2000 - Rule 11.3(7)

Unless the Court otherwise orders, an affidavit in support of an application for examination summons is not available for inspection by any person.

Federal Court (Bankruptcy) Rules 2016 - Rule 6.12(6)

If the affidavit is (a) filed in a sealed envelope in accordance with sub-rule (4); or (b) marked "Confidential" as permitted by paragraph (5)(a) a Registrar must not make it available for public inspection.

COURT USE ONLY (applicant not to complete)

DECISION IN RELATION TO REQUEST BY NON-PARTY FOR ACCESS TO COURT DOCUMENT(S)

Request for 'unrestricted' document(s) BEFORE the 1st directions hearing or hearing

I **grant leave**, pursuant to Rule 2.32(4) of the *Federal Court Rules 2011*, to inspect the requested unrestricted document(s).

OR

I **grant leave**, pursuant to Rule 2.32(4) of the *Federal Court Rules 2011*, to inspect the requested unrestricted document(s) subject to the following conditions:

OR

I **do not grant leave**, pursuant to Rule 2.32(4) of the *Federal Court Rules 2011*, to inspect the requested unrestricted document(s) for the following reasons:

All requests for 'restricted' document(s) regardless of time, require leave

I **grant leave**, pursuant to Rule 2.32(4) of the *Federal Court Rules 2011*, to inspect the requested restricted document(s).

NOTE: The ACCESS TO DOCUMENTS AND TRANSCRIPTS PRACTICE NOTE (GPN-ACCS) provides, at paragraph 4.3, that access to a restricted document will generally be given where the document has been read in open Court.

OR

I **do not grant leave**, pursuant to Rule 2.32(4) of the *Federal Court Rules 2011*, to inspect the requested restricted document(s) for the following reasons:

Request for 'unrestricted' document(s) AFTER the 1st directions hearing or hearing

Requests for unrestricted document(s) (that are not subject to a confidentiality order or otherwise restricted) do not require leave to be granted after the 1st directions hearing or hearing and can be made available for inspection.

FEE PAID:

\$

RECEIPT NO.

Judge / Registrar

Date: