



**SUPREME COURT  
OF WESTERN AUSTRALIA**  
Stirling Gardens  
Barrack Street  
Perth WA 6000

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## **MEDIA STATEMENT**

### **PUBLIC ACCESS TO COURT INFORMATION HELD BY THE SUPREME COURT OF WESTERN AUSTRALIA.**

The Supreme Court of Western Australia is reviewing its rules governing public access to court documents and it wants your opinion on the issue.

"We need to update our rules in part because of changes in information technology and court procedures but also because it is timely to look at the balance between the competing desires for open justice and personal privacy," says WA Chief Justice, the Hon Wayne Martin AC.

"At present, under the Rules of Court, people who are not parties to the case, and the media, can only view and copy a limited number of documents that are filed through the Central Office of the Court. As a result of changes in procedure and technology, not all documents relating to a case are filed through our Central Office, so we need new rules. Although the current rules provide the Court with a discretion to grant public access to any document relating to a case, they provide no guidance as to the manner in which that discretion is to be exercised."

"As a result of changes in court procedure, evidence and arguments are often based on documents that are not fully accessible to the public. This makes proceedings difficult to follow, and makes it difficult for the media to report those proceedings accurately. It is our tentative view that more documents should be publicly accessible to assist interested members of the public and the media to understand court proceedings", the Chief Justice says.

Proposed changes to Order 67 rule 11 of the Rules of the Supreme Court would allow people who are not parties to the case, and the media, to have access to:

- a wider range of documents as of right, including the transcript of public hearings;
- documents referred to in public hearings, such as pleadings, witness statements, expert reports or affidavits, unless there is good reason not to allow access;
- documents not referred to in a public hearing, but only if there is good reason to allow public access.

These proposals are consistent with the open justice principle, by creating a presumption in favour of public access to all documents referred to in a public hearing, unless there is a good reason not to allow access.

The changes will mean that representatives of the media and members of the public who are not parties to proceedings will have the right to view a greater number of documents on court files, but the Court will retain the right to refuse the release of information, for example, if access could lead to scandal mongering by exposing untested private information or release sensitive private details.

A Discussion Paper entitled "Access to Court Information" is on the Supreme Court website for review by those interested - see [http://www.supremecourt.wa.gov.au/O/other\\_publications.aspx](http://www.supremecourt.wa.gov.au/O/other_publications.aspx).

Written comments or submissions should be forwarded to:

Chief of Staff, Chief Justice's Chambers, Supreme Court of WA, Stirling Gardens, Barrack Street, Perth, WA.

Any queries should be directed to the Media Liaison Manager:

Phone: 9421 5303 or by email: [val.buchanan@justice.wa.gov.au](mailto:val.buchanan@justice.wa.gov.au)