

Opening access to court records

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A new Court Information Act providing open access to court records has been proposed by the Law Commission in its report *Access to Court Records*, tabled in Parliament on 2 August 2006.

The underlying principles of open access, as stated in the report, are "open justice, and the public interest in the accountability of the judicial process and the administration of justice". As with the Official Information Act 1982, such access would be limited only by principled reasons for denying access, such as the protection of sensitive information (particularly in cases involving children or vulnerable people), court orders, or statutory prohibitions on the release of information.

"Many members of the public have an interest in what happens in the courts and rely on the media reporting", said Law Commission President Sir Geoffrey Palmer. "The regime we recommend will assist the media and aid accurate reporting and the free flow of information to the community about the judicial process."

The report also makes recommendations for a separate procedure for researchers seeking access to court records. In particular, it recommends setting up a Ministry of Justice committee that would consider all research proposals requiring access to court records. The committee, in consultation with judges, would have the final say on whether the requested access should be granted and under what conditions.

The report's recommendations also include increased public access to records after the hearing and at the end of any appeal period, greater availability of information about future hearings by way of online access to court calendars, and that fees charged for access to and copying of court records should be reasonable and not undermine any access provisions.

At this stage, the access proposed by the Law Commission does not include the records held by the approximately 100 tribunals in operation throughout New Zealand. "We examined this issue and, having consulted staff at a number of tribunals, concluded that the special character of many tribunals made any general approach dangerous unless we had the opportunity to examine them all."

<http://www.stuff.co.nz/stuff/0,2106,3781357a12855,00.html>