

PRACTICE NOTE SC Gen 3

Copying of court documents

Commencement

1. This Practice Note was issued on 16 June 2010 and commences 1 July 2010.

Application

2. This Practice Note applies to the Court of Appeal, Court of Criminal Appeal, and the Common Law and Equity divisions of the Supreme Court.

Definitions

3. In this Practice Note:

Approved firm means a firm approved by the CEO & Principal Registrar (CEO) under this Practice Note or former Practice Note 107.

Documents means documents on a court file or documents produced in answer to a subpoena, notice to produce, order to produce, or tendered as an exhibit in the proceedings.

Person means a party or other person who is entitled to access documents or who is granted access to documents.

Introduction

4. The purpose of this practice note is to facilitate access to documents by:

- providing a scheme for their uplift and photocopy by *approved firms* on behalf of a person and
- permitting portable scanning in the registry, subject to conditions.

Procedure for use of approved firm

5. Where a person has access to documents and has not used a portable scanner, unless the Court otherwise orders, this access will be taken to:

- authorise the person to appoint an approved firm;
- authorise the appointed approved firm to uplift the documents from the Registry (upon producing proof of appointment),
- to make copies and to provide them to the person; and
- require the firm to return the documents to the Registry within 2 working days of uplifting them.

6. An approved firm may be appointed to act on behalf of more than one person.

7. Where a person is granted photocopy access but the Court declines to allow uplifting of documents, the person may ask the Registry to copy the documents. A fee per page will be payable for this service.

8. Inspection of the original documents may only be undertaken at the registry. A person may not inspect the original documents whilst they are in the possession of the approved firm except with approval of a registrar.

Approval of copier firms

9. The CEO may, on the Court's behalf, issue a certificate of approval of a legal copier firm where satisfied that the firm has:

- completed the approved legal copier firm agreement (Schedule 1)
- reliable systems for speedy, confidential and secure processing of documents entrusted to it and
- holds satisfactory insurance coverage, lodges a bond or provides other satisfactory means of meeting claims arising from loss, damage or misuse of documents entrusted to it.

10. The CEO may revoke a certificate by written notice to the firm. Seven days' notice of revocation will be given.

11. The names and contact details of each approved legal copier firm will be displayed on the Court's website at http://www.lawlink.nsw.gov.au/lawlink/Supreme_Court/ll_sc.nsf/pages/SCO_prac_note_107

Scanning of documents

12. Personal scanners and notebook computers may be used in the registry by persons granted access to documents, subject to the availability of space and power supply.

J J Spigelman AC
Chief Justice of New South Wales
16 June 2010

Amendment history

16 June 2010: This Practice Note replaced the previous version of SC Gen 3 that was issued and on 17 August 2005.

17 August 2005: Practice Note SC Gen 3 replaced Former Practice Note No. 107

Schedule 1

Approved legal copier firm agreement

Organisation name:	
Organisation ACN:	
Organisation ABN:	
Signatory name (the agreement signatory accepts responsibility for all copier firm & staff actions):	
Signatory title:	
Signatory email address:	
Signatory telephone number:	
Signatory address:	

Obligations of an approved legal copier firm:

The legal copier firm agrees to:

- ensure that all staff are trained and kept up-to-date confidentiality requirements and any policy and procedural changes issued by the Court, including that staff must not use information obtained from court documents for any purpose
- that secure disposal is used for any discarded photocopies
- ensure that no access is given to documents at the copying firm's premises
- maintain satisfactory insurance coverage, or other satisfactory means of meeting claims arising from loss, damage or misuse of documents entrusted to it
- ensure that the Supreme Court CEO is informed if the copier firm's contact details change and

- advise the Supreme Court CEO at the earliest opportunity of any breach or potential breach of this agreement or any policy governing access to, and use of, court information.

NSW courts reserve the right to:

- change the policies and procedures governing access to court documents (including this agreement) without notice
- terminate a copying firm's status as an approved firm by a notice in writing if the firm or one of its staff members has been responsible for a breach of this agreement and
- refuse or cancel approval if any information provided in this application (or subsequently) is false or misleading.

	Supreme Court		Applicant copying firm
Name:		Name:	
Signature:		Signature:	
Title	CEO & Principal Registrar	Title:	
Date:		Date:	