

ACCESS TO COURT INFORMATION

in the High Court, Court of Appeal, and Supreme Court

September 2019



The New Zealand courts recognise that the media plays an important role reporting the courts and helping the New Zealand public understand our justice system. We have created this document to assist with making the work of the courts as open and transparent as possible.

This resource sheet summarises where to locate information about cases heard within the High Court, Court of Appeal, and Supreme Court. We recommend that you become familiar with the Senior Courts (Access to Court Documents) Rules 2017, [chapter six](#) of the Ministry of Justice document Media Guide for Reporting the Courts and Tribunals, and information on [statutory provisions and suppression orders](#) that may restrict access to documents such as victim impact statements and psychiatric reports.

Please note that information held by the court and tribunals is not subject to the [Official Information Act 1982](#).

Court Lists

The courts' schedules are called daily lists. These provide the name of the presiding judge, details of hearing: name, time, location, and case number; and legal parties.

[Daily lists](#) are published on the Courts' website once they are available (usually after 4pm if the court is sitting the next day), and a hard copy is posted in the waiting area of the court or provided on request from court registry staff. In many busy courts schedules are published on electronic boards.

In addition to daily lists, the Court of Appeal publishes a [monthly list](#) of upcoming hearings and the Supreme Court publishes [all upcoming hearings](#).

Judgments

[Judicial Decisions Online](#) (JDO) provides a searchable database of judgments and decisions from the High Court (from 2005), Court of Appeal (from 2003), and Supreme Court. All decisions are published unless they are subject to a suppression (automatic or judge-ordered) or relate to bail applications or bail appeals.

If a judgment from the High Court or Court of Appeal is considered to be of public interest (JPI) it is published on the [Courts website](#) and retained for 90 days. All decisions from the Supreme Court are published on the [Courts website](#) and are permanently available. Substantive judgments are published with a media release.

You can subscribe to receive an email alert when a JPI or a Supreme Court decision is published on the CourtsNZ website.

Twitter

The Courts' twitter account is used to notify publication of a JPI, a judicial event, or other matter of interest. The twitter handle is: [@courtsofnz](#).

Access to court documents

Access to court documents in the Supreme Court, Court of Appeal, and High Court is governed by the [Senior Courts \(Access to Court Documents\) Rules 2017](#). The rules apply to any document while it is in the custody and control of the court, in both civil and criminal cases.

There are essentially two types of documents under the access rules: documents that can be accessed as of right; and documents that you can access only with court permission. The documents that can be accessed as of right are set out in [rule 8 \(1\) \(2\) \(3\)](#), and include the permanent court record, any sentencing notes, and any judgment or order or minute made in a court proceeding.

Documents that you can access only with court permission in a criminal trial include pre-trial judgments and electronically recorded documents of interview with a defendant ([rule 8 \(4\)](#)).

If you do not attend a hearing in person and would like information about a case, you need to make a request for the information. Once the matter has been brought before the court, the only information court staff can give you without reference to the court rules is details of the next appearance. Simple requests can be made by calling the Contact Centre on **0800 268 787**. If the Contact Centre is unable to answer your question, they will refer you to the appropriate court.

If you want to find out more about a specific case, you need to apply to search the court record.

Application Process

You can apply for access to court documents by letter or email to the registrar of the relevant court ([court contact details](#)). Make sure you include your name and contact details, enough information about the document that it can be identified, why you want access to the document, and detail any conditions to access that you are prepared to meet, such as – ‘view not copy’. Alternatively you can complete the [application for access to court documents](#). To expedite the process, address any issues that are likely to arise and be prepared to receive objections and to respond in writing to those objections.

When the registrar receives your application, they will share it with the relevant parties. Any person who wishes to object must give written notice of that objection to the registrar within the required time.

[Rule 12](#) of the Senior Courts (Access to Court Documents) Rules 2017 sets out the following ‘matters to be considered’ when determining requests for access:

- a. the orderly and fair administration of justice:
- b. the right of a defendant in a criminal proceeding to a fair trial:
- c. the right to bring and defend civil proceedings without the disclosure of any more information about the private lives of individuals, or matters that are commercially sensitive, than is necessary to satisfy the principle of open justice:
- d. the protection of other confidentiality and privacy interests (including those of children and other vulnerable members of the community) and any privilege held by, or available to, any person:
- e. the principle of open justice (including the encouragement of fair and accurate reporting of, and comment on, court hearings and decisions):
- f. the freedom to seek, receive, and impart information:
- g. whether a document to which the request relates is subject to any restriction under rule 7:
- h. any other matter that the judge thinks appropriate.

Some specialist courts, tribunals, and authorities have special provisions regarding access to court information (refer to the [media guide](#) for more information).

Information about [fees](#) that may be charged is available on the Ministry of Justice website.

Please note: court staff cannot give you information about a criminal case, including confirming whether or not a particular person has charges pending, where the defendant has not yet appeared in court. This is to allow for the possibility of suppression being ordered by the judge at the first appearance or because automatic suppression may apply.

More information is available from:

- The [Ministry of Justice Media Centre](#)
- The Ministry of Justice document: [Media guide for reporting the courts and tribunals](#)
- The [media section](#) of the courts of New Zealand website
- The [In-Court Media Coverage Guidelines 2016](#)