



New South Wales

Local Court (Amendment No 11) Rule 2020

under the

Local Court Act 2007

The Local Court Rule Committee has made the following rule of court under the *Local Court Act 2007*.

JAMES WISEMAN
Secretary of the Rule Committee

Explanatory note

The object of this Rule is to amend the *Local Court Rules 2009* to—

- (a) insert a new provision to provide that, in committal proceedings, summary proceedings and application proceedings, a person, whether or not a party to the proceedings, may only have access to, or obtain a copy of, a video recording of the proceedings with the leave of the Magistrate or registrar, and only if the person undertakes not to copy, or allow someone else to copy, the video recording, or give possession of the video recording to someone else, and
- (b) make a minor amendment to a corresponding provision that gives access to court records other than video recordings of court proceedings to ensure that the two provisions are consistent.

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1 Name of Rule

This Rule is the *Local Court (Amendment No 11) Rule 2020*.

2 Commencement

This Rule commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Local Court Rules 2009

[1] Rule 8.10 Copies of court records

Omit “the Magistrate” from rule 8.10(3). Insert instead “a Magistrate”.

[2] Rule 8.10(4)

Omit “The Magistrate”. Insert instead “A Magistrate”.

[3] Rule 8.10(6)

Insert after rule 8.10(5)—

- (6) In this rule, *court record* does not include a video recording of the proceedings in the Court.

[4] Rule 8.10A

Insert after rule 8.10—

8.10A Copies of court records—video recording

- (1) This rule applies to committal proceedings, summary proceedings and application proceedings.
- (2) Unless the Court, or another court or tribunal has ordered otherwise, a person, whether or not a party to the proceedings, may only have access to, or obtain a copy of, a video recording of the proceedings in the Court—
 - (a) with the leave of a Magistrate or registrar, and
 - (b) if the person gives an undertaking to the Court that the person will not copy, or permit a person to copy, the video recording, or give possession of the video recording to another person, and
 - (c) in respect of leave to obtain a copy of the video recording—on payment of the prescribed fee.
- (3) A Magistrate or registrar may grant leave for the purposes of subrule (2) if the Magistrate or registrar has determined that the video recording contains evidence that may be relevant—
 - (a) in proceedings brought in respect of an offence under section 24A of the Act, or
 - (b) in proceedings in which an official video recording of proceedings in a court or tribunal is admissible in evidence, or
 - (c) in proceedings for contempt of court, or
 - (d) in any other proceeding before a court or tribunal, or any other body or person exercising judicial or quasi-judicial functions.
- (4) In determining whether to grant a person leave for the purposes of subrule (3), the Magistrate or registrar is to have regard to the matters set out in rule 8.10(5).