

# Magistrates Courts

---

## Practice Direction No. 3 of 2018

### Non-Party access to Bail files before Hearing

---

1. This practice direction applies to material filed in the Magistrates Court Registry for an application for bail. It is intended to ensure that material that would justify an order under s 12 of the *Bail Act 1980* is not published before the court can consider whether such an order should be made.
2. When filing material in the Magistrates Court Registry, parties or their legal representatives must notify Registry staff that the material is filed in relation to an application for bail.
3. Subject to any contrary order of a Magistrate:
  - the file for such a proceeding will be endorsed as follows: “Until the application is determined and subject to any contrary order of a Magistrate, material on this file other than the application is not available for search by any person who is not a party to the proceeding or a party’s legal representative in the proceeding”;
  - material on the file other than the application will not be available for search by any person who is not a party to the proceeding or a party’s legal representative in the proceeding before the application for bail is determined; and
  - the parties to the application are required to address the question whether an order should be made under s 12 in their outlines of argument for the application.



Judge Orazio Rinaudo  
Chief Magistrate  
Date: 18 July 2018