



Magistrates Court of Western Australia

Fact Sheet 54 – Document and Transcript Requests

This fact sheet provides general information on how to request to inspect or obtain a copy of a court record or transcript.

General Information

A person may apply to the Court for access to court records and/or transcripts. Some applications may be referred to a Magistrate for approval.

Requests for court records and/or transcripts are required to be made at the Court location where the matter is being heard or managed.

What form should I complete?

There are different forms depending on the document and/or transcript being requested.

If you are a party to a proceeding and wish to request access to court records or transcripts, you are required to complete a **Form 1 – Request to Inspect or Obtain a Copy of a Court Record**. There may be applicable fees associated with the request.

If you are a party to a proceeding and wish to request access to certain court records, such as subpoenaed items, you are required to complete a **Form 2 – Application for Leave in Respect of Court Record**. There may be applicable fees associated with the request.

To request access to court records and/or transcripts to a matter which you are not a party to, you are required to complete a **Form 3A – Application for Access to Information Held by the Court** with a supporting **Form 2 – General Form of Affidavit**. Your application will be referred to a Magistrate for assessment. If the application is granted, there may be applicable fees associated with the request.

Forms and fee information are available on the Magistrates Court website:
www.magistratescourt.wa.gov.au.

How do I request a transcript

To request to listen to/or obtain a copy of a transcript where you are a party to the proceeding, you are required to complete a **Form 1 – Request to Inspect or Obtain a Copy of a Court Record ("Form 1")**. This form can then be lodged either by email or in person at the relevant Court registry location where the matter is proceeding. In civil matters, the Form 1 may also be lodged through the eCourts portal.

Parties cannot obtain a copy of the audio of the hearing however may to listen to the audio and take notes with the approval of a Magistrate.

Applicable fees may apply under the *Magistrates Court (Fees) Regulations 2005*.

Transcript turnaround times are calculated in business days and exclude weekends and public holidays.

Is there a time limit to order transcripts?

Audio recordings of court hearings are retained for a minimum of two years. If a transcript is not requested during that period and the audio recording is no longer available, a transcript cannot be produced. Where a transcript already exists on file, it forms part of the court record and is retained in accordance with the Court's retention and disposal schedule.

Restraining order documents & transcripts

If you are a party to a restraining order matter where an interim Family Violence Restraining Order or interim Violence Restraining Order has been granted, you may apply for a copy of the application, supporting affidavit and transcript of the ex-parte hearing.

The ex-parte hearing is a hearing where an applicant applies to the court for an interim restraining order.

There is no charge for the first copy of the application, affidavit and transcript if you are the applicant/person protected or respondent/person bound. Additional copies may incur fees.

Redactions

Court records may be redacted for various reasons. Restraining order documents containing personal information of parties, such as contact details and addresses, are redacted in accordance with the *Restraining Orders Act 1997*.

Restraining order transcripts may also be redacted where there are comments that identify the current address of any party.

Dashes may appear in transcripts in the following circumstances:

- Three dashes (- - -); where one speaker interrupts or speaks over another.
- A single dash (-); where the audio is unclear or inaudible.

How do I request subpoenaed items

Subpoenaed items are records produced to the Court following a Court approved witness summons to produce a record or thing.

When subpoenaed items are received from a summonsed party, a subpoenaed item receipt is issued to all parties advising the items have been made available to the Court.

To request to view or obtain copies of subpoenaed items, you are required to complete a **Form 2 – Application for Leave in Respect of Court Record (“Form 2”)**. The Form 2 is required to be lodged either via email or in person at the relevant Court registry location where the matter is proceeding, or for civil proceedings the form can be lodged via the eCourts portal.

Applicable fees may apply under the *Magistrates Court (Fees) Regulations 2005*.

How do I request exhibits

To request to view or obtain a copy of an exhibit, you are required to complete a **Form 1 – Request to Inspect or Obtain a Copy of a Court Record**.

The Form 1 is required to be lodged either via email or in person at the relevant Court registry location where the matter is proceeding, or for civil proceedings the form can be lodged via the eCourts portal. Applicable fees may apply under the *Magistrates Court (Fees) Regulations 2005*.

Certification

When requesting copies of Court documents you may request that the copies are certified. Certain fees may be applicable in accordance with the *Magistrate Court (Fees) Regulations 2005*. These fees are available on the Magistrates Court website: www.magistratescourt.wa.gov.au.

This is a guide only. The content is subject to change.

If you are unsure about any of the information in this fact sheet, contact your nearest registry or seek legal advice.