

Open Courts Bench Book - Significant Updates

A time-saving resource for judicial officers

The Open Courts Bench Book was published in December 2013 to guide and assist decision making under the *Open Courts Act 2013* (the Act).

The Bench Book provides detailed commentary on the Act and model orders designed to ensure compliance with the formal requirements of the Act.

New guidance and templates

With the benefit of three years of experience and feedback regarding the Act, we have now made four important changes to the Bench Book:

1. Significant changes to model orders in **chapter 10** – These new templates better reflect the requirements of the Act regarding the need to specify the purpose of an order, precision and clarity of subject-matter and remove outdated references to orders lasting for 5 years or until further order.
2. New chapter **8.2.2 – Specifying the purpose of an order** provides more detailed guidance to explain the distinction the Act draws between the purpose of an order, the ground of an order and the matter being suppressed.
3. Significant changes to chapter **8.2.1 – Identifying the object of suppression**, to discuss different approaches to identifying the subject-matter of an order. This includes:
 - a. identifying the subject-matter explicitly in the order;
 - b. using a confidential schedule;
 - c. identifying material by reference to the effect or consequences of publication; or
 - d. identifying material by reference to events within the proceeding.
4. Restructure the treatment of pseudonym orders and their relationship with proceedings suppression orders. Material on pseudonym orders is now in **6.2.2 – Pseudonym orders**, a sub-chapter of **6.2 – Proceedings suppression orders**.