

CT Inver

To All Judges, Masters and Magistrates

Re: Sitting in open Court

It seems an appropriate moment to refer to this issue again.

Though proceedings may be categorized as a Chambers application, I advise all judicial officers to hold such proceedings in open court. There are exceptions. Some of these I had listed in an earlier memorandum of 29.5.08, a copy of which I extend now.

Our approach should be to maintain open justice at all times, unless for special reason otherwise. It is part of providing for a fair trial.



Anthony Gates

Chief Justice

19/3/2010

c.c. CR
OC Civil Suva
DR Lautoka
DR Labasa

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MEMORANDUM

From: The Hon. Acting Chief Justice

Phone No.: 321-1335/321-1698

To: All Judges and Magistrates

Subject: Re: Open Justice


Date: 29/5/2008

The trend is all against justice being administered behind closed doors. As Justice Connors pointed out in his recent report, in NSW even chambers courts are conducted in an open courtroom to which the general public have free access. In Canada chambers hearings are not permitted, save for exceptional reasons which must be recorded.

There are certain instances, such as with juveniles or vulnerable witnesses or for reasons of commercial confidence or public security, where a closed court will be necessary. These cases are comparatively rare.

It should now be the norm to conduct judicial proceedings in public unless there are special reasons to order otherwise.

In Suva or in Lautoka occasionally there are a shortage of courtrooms. Nonetheless, judicial officers should strive to conduct proceedings in open court.


A.H.C.T. Gates
Acting Chief Justice

c.c. The Master, High Court, Suva
Chief Registrar
Deputy Registrar, High Court, Lautoka
Deputy Registrar, High Court, Labasa
Senior Court Officer, Civil Registry, High Court, Suva