



Land and Environment Court Rules (Amendment No 7) 2002

under the

Land and Environment Court Act 1979

Pursuant to section 74 of the *Land and Environment Court Act 1979* we have this day made the Rules set forth hereunder.

Dated this 19th day of June 2002.

.....
M.L. Pearlman AM Chief Judge

.....
N.R. Bignold Judge

.....
R.N. Talbot Judge

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Rule 1 Land and Environment Court Rules (Amendment No 7) 2002

**Land and Environment Court Rules (Amendment
No 7) 2002**

1 Name of Rules

These Rules are the *Land and Environment Court Rules (Amendment No 7) 2002*.

2 Commencement

These Rules commence on 1 July 2002.

3 Amendment of Land and Environment Court Rules 1996

The *Land and Environment Court Rules 1996* are amended as set out in Schedule 1.

Schedule 1 Amendment

(Rule 3)

Part 19

Insert after Part 18:

Part 19 Electronic information management systems

1 Application of Part to Class 1–4 matters only

This Part applies only to matters within Class 1, 2, 3 or 4 of the Court's jurisdiction.

2 Information management system for proceedings

The Registrar is to establish and maintain an electronic information management system comprising:

- (a) an *electronic process filing system* (or *EPF system*), for the purpose of enabling documents to be created, filed or served electronically,
- (b) an *electronic register of proceedings*, for the purpose of enabling information with respect to proceedings to be made available in electronic form.

3 Registration of users of electronic process filing system

- (1) A person may become a registered user of the EPF system by applying to the Registrar (whether by means of the system or otherwise) for registration as a user of the system.
- (2) A person may be registered as a user for all proceedings to which the user is a party, or for particular proceedings only, as specified in the application.
- (3) A person may be registered:
 - (a) as a *public user*, being a user who agrees to accept service of process by means of the EPF system for all proceedings to which the user is a party, or

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(b) as a *private user*, being a user who does not so agree, as specified in the application.

(4) A person may not be registered as a public user unless the person provides the Registrar with an email address to which documents can be delivered to the person by means of the EPF system.

4 Electronic creation, filing and service of documents generally

(1) A registered user for any proceedings may, by means of the EPF system, file or create documents in relation to those proceedings.

(2) A registered user for any proceedings may also, by means of the EPF system, serve a document so filed or created:

(a) on a public user, or

(b) on a private user who has agreed, in relation to the proceedings, to accept service of process by means of the system.

(3) A document filed by means of the EPF system must be in an electronic format approved by the Registrar as appropriate for documents filed by means of the system.

(4) A document created by means of the EPF system:

(a) in the case of a document authorised or required to be issued by the Registrar, is taken to have been issued by the Registrar, or

(b) in the case of a document authorised or required to be filed by a party, is taken to have been filed by the party.

(5) A document filed or served by means of the EPF system (including a document created by means of the system) is taken to have been filed or served in accordance with these rules.

(6) Any provision of these rules:

(a) that requires multiple copies of a document to be filed, or

(b) that requires multiple copies of a document to be served on a party,

does not apply to a document that is filed or served by means of the EPF system.

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- (7) Part 8 applies to the service on a party of a paper copy of a document that has been filed or created by means of the EPF system, but that has not been served on the party by means of that system, in the same way as it applies to the service of any other document.

5 Filing and service of documents requiring signatures

- (1) In the case of a document created by means of the EPF system, it is sufficient compliance with a requirement of these rules that the document be signed by a person if the document names the person and states that the document has been created by means of the system.
- (2) In the case of a document filed, but not created, by means of the EPF system, it is sufficient compliance with a requirement of these rules that the document be signed by a person if:
- (a) the document bears a facsimile of the person's signature and states that the document has been filed by means of the system, and
 - (b) a paper copy of the document, bearing the person's original signature, is delivered to the Registrar within 2 days (excluding any Saturday, Sunday or public holiday) after the date on which the document was filed.
- (3) Subrule (2) (b) does not prevent a document from being served, whether by means of the EPF system or otherwise, before the paper copy is delivered to the Registrar, but the validity of the document and its service depends upon the requirements of that paragraph being complied with.
- (4) This rule does not apply to the signatures of a Judge, a Commissioner, the Registrar or the Assistant Registrar.

Note. Section 66A of the Act applies to the signatures of a Judge, a Commissioner, the Registrar or the Assistant Registrar.

6 Filing and service of accompanying documentation

- (1) This Rule applies to a document (the *supplementary document*) that is required to be filed together with any other document (the *principal document*), where the principal document is, but the supplementary document is not, filed by means of the EPF system.

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- (2) It is sufficient compliance with the requirement referred to in subrule (1) if:
 - (a) the principal document states that the supplementary document is being filed otherwise than by means of the EPF system, and
 - (b) the supplementary document is delivered to the Registrar within 2 days (excluding any Saturday, Sunday or public holiday) after the date on which the principal document was filed or served.
- (3) Subrule (2) (b) does not prevent the principal and supplementary documents from being served, whether by means of the EPF system or otherwise, before the paper copy of the supplementary document is delivered to the Registrar, but the validity of those documents and their service depends upon the requirements of that paragraph being complied with.

7 Date of filing

- (1) Subject to subrule (2), a document that is filed by means of the EPF system after 5.00pm on any day (including a supplementary document referred to in rule 6) is taken to have been filed on the next day.
- (2) A document that is filed by means of the EPF system on a Saturday, Sunday or public holiday (including a supplementary document referred to in rule 6) is taken to have been served on the next day that is not a Saturday, Sunday or public holiday.

8 The electronic register of proceedings

- (1) The following information is to be included in the electronic register of proceedings:
 - (a) information identifying public users referred to in rule 3 (3) (a),
 - (b) information identifying proceedings initiated in the Court, together with the information referred to in subrule (2) in relation to the proceedings,
 - (c) such other matters as the Registrar considers appropriate to be included in the register.

- (2) The information required by subrule (1) (b) in relation to proceedings is as follows:
- (a) information as to the name and address of any legal practitioner or agent representing a party in the proceedings,
 - (b) information as to the nature of each document filed in the proceedings, together with information as to the date and time on which each such document was filed and the identity of the party by whom it was filed,
 - (c) information as to any callover in connection with the proceedings, including the date and time of the callover and particulars of any information furnished by the parties to the proceedings for the purposes of the callover,
 - (d) information as to each order made in the proceedings, together with information as to the date and time on which each such order was made and the identity of the party against whom it was made.