



New South Wales

Electronic Transactions (ECM Courts) Amendment (Digital Case File Application) Order 2021

under the

Electronic Transactions Act 2000

I, the Attorney General, and Minister for Prevention of Domestic and Sexual Violence, make the following Order under the *Electronic Transactions Act 2000*, Schedule 1, clause 3.

Dated 5 July 2021.

MARK SPEAKMAN, MP
Attorney General, and Minister for Prevention of Domestic and Sexual Violence

Explanatory note

The objects of this Order are—

- (a) to establish Digital Case File Application as an electronic case management system, and
- (b) to authorise the use of Digital Case File Application for certain purposes in certain proceedings in the following courts—
 - (i) Supreme Court,
 - (ii) Land and Environment Court,
 - (iii) Industrial Relations Commission,
 - (iv) District Court,
 - (v) Local Court,
 - (vi) Children’s Court,
 - (vii) Civil and Administrative Tribunal,
 - (viii) Dust Diseases Tribunal,
 - (ix) Coroners Court.

Electronic Transactions (ECM Courts) Amendment (Digital Case File Application) Order 2021

under the

Electronic Transactions Act 2000

1 Name of Order

This Order is the *Electronic Transactions (ECM Courts) Amendment (Digital Case File Application) Order 2021*.

2 Commencement

This Order commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Electronic Transactions (ECM Courts) Order 2005

[1] Clause 3 Definitions

Omit “clause 2 of Schedule 1 to the Act” wherever occurring in clause 3(1).

Insert instead “the Act, Schedule 1, clause 2”.

[2] Clause 3(1)

Insert in alphabetical order—

DCFA means the electronic case management system named Digital Court File Application that has been established under the Act, Schedule 1, clause 2.

ECM system has the same meaning as in the Act, Schedule 1.

[3] Clause 3(1), definitions of “Online Criminal Registry” and “SDMS”

Omit “Schedule 1, clause 2 of the Act” wherever occurring.

Insert instead “the Act, Schedule 1, clause 2”.

[4] Clauses 4–11

Omit clauses 4–10. Insert instead—

4 Authority to use JusticeLink—the Act, Schedule 1, clause 3

JusticeLink is authorised to be used by a court specified in Schedule 1, Column 1 for a purpose specified in Schedule 1, Column 2.

Note— The use of JusticeLink for a purpose specified in Schedule 1, Column 2 is regulated by rules of court.

5 Authority to use Comcase—the Act, Schedule 1, clause 3

Comcase is authorised to be used by a court specified in Schedule 2, Column 1 for a purpose specified in Schedule 2, Column 2.

6 Authority to use e-Court—the Act, Schedule 1, clause 3

e-Court is authorised to be used by a court specified in Schedule 3, Column 1 for a purpose specified in Schedule 3, Column 2.

7 Authority to use NCAT Online—the Act, Schedule 1, clause 3

NCAT Online is authorised to be used by a court specified in Schedule 4, Column 1 for a purpose specified in Schedule 4, Column 2.

8 Authority to use Online Registry—the Act, Schedule 1, clause 3

Online Registry is authorised to be used by a court specified in Schedule 5, Column 1 for a purpose specified in Schedule 5, Column 2.

9 Authority to use SDMS—the Act, Schedule 1, clause 3

SDMS is authorised to be used by a court specified in Schedule 6, Column 1 for a purpose specified in Schedule 6, Column 2.

10 Authority to use Online Criminal Registry—the Act, Schedule 1, clause 3

Online Criminal Registry is authorised to be used by a court specified in Schedule 7, Column 1 for a purpose specified in Schedule 7, Column 2.

11 Authority to use DCFA—the Act, Schedule 1, clause 3

DCFA is authorised to be used by a court specified in Schedule 8, Column 1 for a purpose specified in Schedule 8, Column 2.

[5] Schedule 1 Authority to use JusticeLink

Insert at the end of the Schedule—

Coronial officers

Use in coronial proceedings, but only to enable—

- (a) documents to be created, filed and used in electronic form, and
- (b) parties to the proceedings to communicate in electronic form with other parties to the proceedings and with coronial officers, and
- (c) information about the progress of the proceedings to be given in electronic form to parties to the proceedings and to members of the public generally.

[6] Schedule 5 Authority to use Online Registry

Insert at the end of the Schedule—

Coronial officers

Use in coronial proceedings, but only to enable—

- (a) documents to be created, filed and used in electronic form, and
- (b) parties to the proceedings to communicate in electronic form with other parties to the proceedings and with coronial officers, and
- (c) information about the progress of the proceedings to be given in electronic form to parties to the proceedings and to members of the public generally.

[7] Schedule 8

Insert after Schedule 7—

Schedule 8 Authority to use DCFA

clause 11

Column 1	Column 2
Court	Purpose
Supreme Court	Use in proceedings, but only to enable— (a) documents to be created, filed and used in electronic form, and (b) parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the Court, and (c) information about the progress of the proceedings to be given in electronic form to parties to the proceedings and to members of the public generally.
Land and Environment Court	Use in proceedings, but only to enable— (a) documents to be created, filed and used in electronic form, and (b) parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the Court, and (c) information about the progress of the proceedings to be given in electronic form to parties to the proceedings and to members of the public generally.
Industrial Relations Commission	Use in proceedings, but only to enable— (a) documents to be created, filed and used in electronic form, and (b) parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the Commission, and (c) information about the progress of the proceedings to be given in electronic form to parties to the proceedings and to members of the public generally.
District Court	Use in proceedings, but only to enable— (a) documents to be created, filed and used in electronic form, and (b) parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the Court, and (c) information about the progress of the proceedings to be given in electronic form to parties to the proceedings and to members of the public generally.

Column 1	Column 2
Court	Purpose
Local Court	Use in proceedings, but only to enable— (a) documents to be created, filed and used in electronic form, and (b) parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the Court, and (c) information about the progress of the proceedings to be given in electronic form to parties to the proceedings and to members of the public generally.
Children’s Court	Use in proceedings, but only to enable— (a) documents to be created, filed and used in electronic form, and (b) parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the Court, and (c) information about the progress of the proceedings to be given in electronic form to parties to the proceedings and to members of the public generally.
Civil and Administrative Tribunal	Use in proceedings, but only to enable— (a) documents to be created, filed and used in electronic form, and (b) parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the Tribunal, and (c) information about the progress of the proceedings to be given in electronic form to parties to the proceedings and to members of the public generally.
Dust Diseases Tribunal	Use in proceedings, but only to enable— (a) documents to be created, filed and used in electronic form, and (b) parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the Tribunal, and (c) information about the progress of the proceedings to be given in electronic form to parties to the proceedings and to members of the public generally.

Column 1	Column 2
Court	Purpose
Coronial officers	Use in coronial proceedings, but only to enable— <ul style="list-style-type: none">(a) documents to be created, filed and used in electronic form, and(b) parties to the proceedings to communicate in electronic form with other parties to the proceedings and with coronial officers, and(c) information about the progress of the proceedings to be given in electronic form to parties to the proceedings and to members of the public generally.
