

# Electronic Transactions (ECM Courts) Order 2005

[2005-710]



New South Wales

## Status Information

### Currency of version

Historical version for 4 June 2021 to 15 July 2021 (accessed 25 December 2024 at 13:07)

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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File last modified 4 June 2021

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New South Wales

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# Electronic Transactions (ECM Courts) Order 2005



New South Wales

## 1 Name of Order

This Order is the *Electronic Transactions (ECM Courts) Order 2005*.

## 2 Commencement

This Order commences on 28 October 2005.

## 3 Definitions

(1) In this Order—

**Comcase** means the electronic case management system of that name that has been established under clause 2 of Schedule 1 to the Act.

**e-Court** means the electronic case management system of that name that has been established under clause 2 of Schedule 1 to the Act.

**JusticeLink** means the electronic case management system of that name that has been established under clause 2 of Schedule 1 to the Act.

**NCAT Online** means the electronic case management system of that name that has been established under clause 2 of Schedule 1 to the Act.

**Online Criminal Registry** means the electronic case management system of that name established under Schedule 1, clause 2 of the Act.

**Online Registry** means the electronic case management system of that name that has been established under clause 2 of Schedule 1 to the Act.

**SDMS** means the electronic case management system named Single Dispute Management System that has been established under Schedule 1, clause 2 of the Act.

**the Act** means the *Electronic Transactions Act 2000*.

**Note—**

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Order.

(2) Notes in the text of this Order do not form part of the Order.

#### **4 Authority to use JusticeLink**

Pursuant to clause 3 of Schedule 1 to the Act, JusticeLink is authorised to be used by any court specified in Column 1 of Schedule 1 for any purpose specified in Column 2 of that Schedule in relation to that court.

**Note—**

The use of JusticeLink for any such purpose is regulated by rules of court.

#### **5 Authority to use Comcase**

Pursuant to clause 3 of Schedule 1 to the Act, Comcase is authorised to be used by any court specified in Column 1 of Schedule 2 for any purpose specified in Column 2 of that Schedule in relation to that court.

#### **6 Authority to use e-Court**

Pursuant to clause 3 of Schedule 1 to the Act, e-Court is authorised to be used by any court specified in Column 1 of Schedule 3 for any purpose specified in Column 2 of that Schedule in relation to that court.

#### **7 Authority to use NCAT Online**

Pursuant to clause 3 of Schedule 1 to the Act, NCAT Online is authorised to be used by any court specified in Column 1 of Schedule 4 for any purpose specified in Column 2 of that Schedule in relation to that court.

#### **8 Authority to use Online Registry**

Pursuant to clause 3 of Schedule 1 to the Act, Online Registry is authorised to be used by any court specified in Column 1 of Schedule 5 for any purpose specified in Column 2 of that Schedule in relation to that court.

#### **9 Authority to use SDMS**

Pursuant to Schedule 1, clause 3 of the Act, SDMS is authorised to be used by any court specified in Schedule 6, Column 1 for any purpose specified in Column 2 of that Schedule in relation to that court.

#### **10 Authority to use Online Criminal Registry**

Pursuant to Schedule 1, clause 3 of the Act, Online Criminal Registry is authorised to be used by any court specified in Schedule 7, Column 1 for any purpose specified in Column 2 of that Schedule in relation to that court.

## Schedule 1 Authority to use JusticeLink

(Clause 4)

Column 1	Column 2
Court	Purpose
Court of Criminal Appeal	<p>Use in proceedings under the <i>Criminal Appeal Act 1912</i>, but only so as—</p> <p>(a) to enable documents to be filed, issued, used and served in electronic form, and</p> <p>(b) to enable parties to the proceedings to communicate in electronic form with the Court of Criminal Appeal in connection with any business of the Court that is being conducted in the absence of the public.</p>
Supreme Court	<p>Use in proceedings under the <i>Bail Act 2013</i>, but only so as to enable detention applications and variation applications to be created, filed, issued and used in electronic form.</p> <p>Use in civil proceedings in the Corporations List, but only so as to enable documents to be filed, issued, used and served in electronic form.</p> <p>Use in civil proceedings in the Possession List, but only so as to enable documents to be filed, issued, used and served in electronic form.</p> <p>Use in civil proceedings in the Equity Division, but only so as to enable parties to the proceedings to communicate in electronic form with the Supreme Court in connection with any business of the Court that is being conducted in the absence of the public.</p> <p>Use in civil proceedings in the Common Law Division, but only so as to enable parties to the proceedings to communicate in electronic form with the Supreme Court in connection with any business of the Court that is being conducted in the absence of the public.</p> <p>Use in criminal proceedings, but only so as—</p> <p>(a) to enable arrest warrant documents to be created, issued and used in electronic form, and</p> <p>(b) to enable indictments to be created, filed, issued, used and served in electronic form.</p> <p>Use in proceedings under the <i>Bail Act 2013</i>, but only so as to enable detention applications and variation applications to be created, filed, issued and used in electronic form.</p>

Land and Environment Court	<p>Use in proceedings in Class 1, 2, 3, 4 or 8 of the Land and Environment Court's jurisdiction, but only so as—</p> <p>(a) to enable documents to be filed, issued, used and served in electronic form, and</p> <p>(b) to enable parties to the proceedings to communicate in electronic form with the Court in connection with any business of the Court that is being conducted in the absence of the public.</p>
Industrial Relations Commission	<p>Use in proceedings in Class 5, 6 or 7 of the Land and Environment Court's jurisdiction, but only so as to enable documents to be filed, issued, used and served in electronic form.</p> <p>Use in proceedings in the Industrial Relations Commission, but only so as—</p> <p>(a) to enable documents to be filed, issued, used and served in electronic form, and</p> <p>(b) to enable parties to the proceedings to communicate in electronic form with the Commission in connection with any business of the Commission that is being conducted in the absence of the public.</p>
District Court	<p>Use in civil proceedings, but only so as to enable parties to the proceedings to communicate in electronic form with the District Court in connection with any business of the Court that is being conducted in the absence of the public.</p> <p>Use in criminal proceedings, but only so as—</p> <p>(a) to enable arrest warrant documents to be created, issued and used in electronic form, and</p> <p>(b) to enable indictments to be created, filed, issued, used and served in electronic form.</p> <p>Use in proceedings under the <a href="#">Bail Act 2013</a>, but only so as to enable detention applications and variation applications to be created, filed, issued and used in electronic form.</p>

Use in civil proceedings, but only so as to enable parties to the proceedings to communicate in electronic form with the Local Court in connection with any business of the Court that is being conducted in the absence of the public.

Use in criminal proceedings, but only so as—

- (a) to enable court attendance notices to be filed, issued, used and served in electronic form, and
- (b) to enable arrest warrant documents to be created, issued and used in electronic form.

Use in committal proceedings heard at the Downing Centre in Sydney commenced (whether at the Downing Centre or elsewhere) on or before 31 December 2012, but only so as to enable parties to the proceedings to communicate in electronic form with the Local Court in connection with any business of the Court that is being conducted in the absence of the public in accordance with section 56 (3) of the [Criminal Procedure Act 1986](#).

Local Court

Use in proceedings under the [Crimes \(Domestic and Personal Violence\) Act 2007](#), but only so as—

- (a) to enable applications for an apprehended violence order to be filed, issued and used in electronic form, and
- (b) to enable applications to vary, revoke or annul an apprehended violence order to be filed, issued and used in electronic form, and
- (c) to enable applications for substituted service of an apprehended violence order to be filed, issued, and used in electronic form, and
- (d) to enable arrest warrant documents to be created, issued and used in electronic form.

Use in proceedings under the [Bail Act 2013](#), but only so as to enable detention applications and variation applications to be created, filed, issued and used in electronic form.

	<p>Use in criminal proceedings, but only so as—</p> <p>(a) to enable court attendance notices to be filed, issued, used and served in electronic form, and</p> <p>(b) to enable arrest warrant documents to be created, issued and used in electronic form.</p> <p>Use in proceedings under the <i>Crimes (Domestic and Personal Violence) Act 2007</i>, but only so as—</p> <p>(a) to enable applications for an apprehended violence order to be filed, issued and used in electronic form, and</p> <p>(b) to enable applications to vary, revoke or annul an apprehended violence order to be filed, issued and used in electronic form, and</p> <p>(c) to enable applications for substituted service of an apprehended violence order to be filed, issued, and used in electronic form, and</p> <p>(d) to enable arrest warrant documents to be created, issued and used in electronic form.</p> <p>Use in proceedings under the <i>Bail Act 2013</i>, but only so as to enable detention applications and variation applications to be created, filed, issued and used in electronic form.</p> <p>The registration/filing of care plans, contract breach notices and parent responsibility contracts (within the meaning of the <i>Children and Young Persons (Care and Protection) Act 1998</i>) with the Children’s Court, but only so as to enable those documents to be created, filed, issued and used in electronic form.</p> <p>Use in proceedings under Chapters 4 and 5 of the <i>Children and Young Persons (Care and Protection) Act 1998</i>, but only so as to enable documents to be created, filed, issued and used in electronic form.</p> <p>Use in proceedings in the Civil and Administrative Tribunal, but only so as—</p> <p>(a) to enable documents to be filed, issued, used and served in electronic form, and</p> <p>(b) to enable parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the Civil and Administrative Tribunal, and</p> <p>(c) to enable information concerning the progress of the proceedings to be provided in electronic form to parties to the proceedings and to members of the public generally.</p>
Children’s Court	
Civil and Administrative Tribunal	

## Schedule 2 Authority to use Comcase

(Clause 5)

Column 1	Column 2
Court	Purpose



Personal Injury Commission	Use in proceedings, but only so as— (a) to enable documents to be created, filed, issued, used and served in electronic form, and  (b) to enable parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the Commission, and  (c) to enable information concerning the progress of the proceedings to be provided in electronic form to parties to the proceedings and to members of the public generally.
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### Schedule 3 Authority to use e-Court

(Clause 6)

<b>Column 1</b>	<b>Column 2</b>
<b>Court</b>	<b>Purpose</b>
Land and Environment Court	Use in proceedings in all classes of the Court's jurisdiction, but only so as— (a) to enable documents to be filed, issued, used and served in electronic form, and  (b) to enable parties to the proceedings to communicate in electronic form with the Court in connection with any business of the Court that is being conducted in the absence of the public.

### Schedule 4 Authority to use NCAT Online

(Clause 7)

<b>Column 1</b>	<b>Column 2</b>
<b>Court</b>	<b>Purpose</b>
Civil and Administrative Tribunal	Use in proceedings in the Civil and Administrative Tribunal, but only so as— (a) to enable documents to be filed, issued, used and served in electronic form, and  (b) to enable parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the Civil and Administrative Tribunal, and  (c) to enable information concerning the progress of the proceedings to be provided in electronic form to parties to the proceedings and to members of the public generally.

## Schedule 5 Authority to use Online Registry

(Clause 8)

<b>Column 1</b>	<b>Column 2</b>
<b>Court</b>	<b>Purpose</b>
Supreme Court	<p>Use in civil proceedings, but only so as—</p> <ul style="list-style-type: none"><li>(a) to enable documents to be created, filed, issued, used and served in electronic form, and</li><li>(b) to enable parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the Supreme Court, and</li><li>(c) to enable information concerning the progress of the proceedings to be provided in electronic form to parties to the proceedings and to members of the public generally.</li></ul>
Land and Environment Court	<p>Use in proceedings in all classes of the Land and Environment Court's jurisdiction, but only so as—</p> <ul style="list-style-type: none"><li>(a) to enable documents to be filed, issued, used and served in electronic form, and</li><li>(b) to enable parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the Court, and</li><li>(c) to enable information concerning the progress of the proceedings to be provided in electronic form to parties to the proceedings and to members of the public generally.</li></ul>
Industrial Relations Commission	<p>Use in proceedings in the Industrial Relations Commission, but only so as—</p> <ul style="list-style-type: none"><li>(a) to enable documents to be filed, issued, used and served in electronic form, and</li><li>(b) to enable parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the Commission, and</li><li>(c) to enable information concerning the progress of the proceedings to be provided in electronic form to parties to the proceedings and to members of the public generally.</li></ul>

District Court	<p>Use in civil proceedings, but only so as—</p> <p>(a) to enable documents to be created, filed, issued, used and served in electronic form, and</p> <p>(b) to enable parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the District Court, and</p> <p>(c) to enable information concerning the progress of the proceedings to be provided in electronic form to parties to the proceedings and to members of the public generally.</p>
Local Court	<p>Use in civil proceedings, but only so as—</p> <p>(a) to enable documents to be created, filed, issued, used and served in electronic form, and</p> <p>(b) to enable parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the Local Court, and</p> <p>(c) to enable information concerning the progress of the proceedings to be provided in electronic form to parties to the proceedings and to members of the public generally.</p>
Children’s Court	<p>Use in criminal proceedings, but only so as to enable documents to be created, filed, issued, used and served in electronic form.</p> <p>Use in proceedings, but only so as to enable information concerning the progress of the proceedings to be provided in electronic form to legal practitioners representing parties to the proceedings.</p>
Civil and Administrative Tribunal	<p>Use in proceedings in the Civil and Administrative Tribunal, but only so as—</p> <p>(a) to enable documents to be created, filed, issued, used and served in electronic form, and</p> <p>(b) to enable parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the Civil and Administrative Tribunal, and</p> <p>(c) to enable information concerning the progress of the proceedings to be provided in electronic form to parties to the proceedings and to members of the public generally.</p>

## Schedule 6 Authority to use SDMS

clause 9

<b>Column 1</b>	<b>Column 2</b>
<b>Court</b>	<b>Purpose</b>

Personal Injury Commission	Use in proceedings, but only so as— (a) to enable documents to be created, filed, issued, used and served in electronic form, and  (b) to enable parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the Commission, and  (c) to enable information concerning the progress of the proceedings to be provided in electronic form to parties to the proceedings and to members of the public generally.
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## Schedule 7 Authority to use Online Criminal Registry

clause 10

Column 1	Column 2
Court	Purpose
District Court	Use in proceedings under the <i>Criminal Procedure Act 1986</i> , but only so as— (a) to enable documents to be created, filed, issued, used and served in electronic form, and  (b) to enable parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the District Court in connection with any business of the Court that is being conducted in the absence of the public.
Local Court	Use in proceedings under the <i>Criminal Procedure Act 1986</i> , but only so as— (a) to enable documents to be created, filed, issued, used and served in electronic form, and  (b) to enable parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the Local Court in connection with any business of the Court that is being conducted in the absence of the public.