

Electronic Transactions (ECM Courts) Order 2005

[2005-710]



New South Wales

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Provisions in force

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

Authorisation

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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 the Act, Schedule 1, clause 2.

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

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

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

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

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

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

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

Pathway means the electronic case management system named Pathway established under the Act, Schedule 1, clause 2.

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

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—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.

12 Authority to use Pathway—the Act, Sch 1, cl 3

Under the Act, Schedule 1, clause 3, Pathway is authorised to be used by a court specified in Schedule 9, Column 1 for a purpose specified in Schedule 9, Column 2.

Schedule 1 Authority to use JusticeLink

(Clause 4)

Column 1	Column 2
Court	Purpose
Court of Criminal Appeal	<p>Use in proceedings under the Criminal Appeal Act 1912, but only so as—</p> <ul style="list-style-type: none">(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 of Criminal Appeal in connection with any business of the Court that is being conducted in the absence of the public. <p>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>

Supreme Court	<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 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> <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>
Land and Environment Court	<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> <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>
Industrial Relations Commission, including the Industrial Court	<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

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.

Use in criminal proceedings, but only so as—

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

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.

Local Court

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](#).

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> <ul style="list-style-type: none">(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.
Children’s Court	<p>Use in proceedings under the <i>Crimes (Domestic and Personal Violence) Act 2007</i>, but only so as—</p> <ul style="list-style-type: none">(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. <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>
Civil and Administrative Tribunal	<p>Use in proceedings in the Civil and Administrative Tribunal, but only so as—</p> <ul style="list-style-type: none">(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.
Dust Diseases Tribunal	<p>Use in proceedings, but only to enable parties to the proceedings to communicate in electronic form with the Tribunal in connection with any business of the Tribunal that is being conducted in the absence of the public.</p>

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.
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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.

Schedule 3 Authority to use e-Court

(Clause 6)

Column 1	Column 2
Court	Purpose
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)

Column 1	Column 2
Court	Purpose
Civil and Administrative Tribunal	<p>Use in proceedings in the Civil and Administrative Tribunal, but only so as—</p> <ul style="list-style-type: none">(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)

Column 1	Column 2
Court	Purpose
Supreme Court	<p>Use in civil proceedings, but only so as—</p> <ul style="list-style-type: none">(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 Supreme Court, 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.
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">(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 Court, 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.

Industrial Relations Commission, including the Industrial Court	<p>Use in proceedings in the Industrial Relations Commission, but only so as—</p> <ul style="list-style-type: none">(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 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.
District Court	<p>Use in civil proceedings, but only so as—</p> <ul style="list-style-type: none">(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, 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.
Local Court	<p>Use in civil proceedings, but only so as—</p> <ul style="list-style-type: none">(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, 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.
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> <ul style="list-style-type: none">(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 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.
Dust Diseases Tribunal	<p>Use in proceedings, but only to enable—</p> <ul style="list-style-type: none">(a) documents to be created, filed, issued, used and served 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.
Coronial officers	<p>Use in coronial proceedings, but only to enable—</p> <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.

Schedule 6 Authority to use SDMS

clause 9

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 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.

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, including the Industrial 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 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.
- 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	<p>Use in proceedings, but only to enable—</p> <p>(a) documents to be created, filed and used in electronic form, and</p> <p>(b) parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the Court, and</p> <p>(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.</p>
Civil and Administrative Tribunal	<p>Use in proceedings, but only to enable—</p> <p>(a) documents to be created, filed and used in electronic form, and</p> <p>(b) parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the Tribunal, and</p> <p>(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.</p>
Dust Diseases Tribunal	<p>Use in proceedings, but only to enable—</p> <p>(a) documents to be created, filed and used in electronic form, and</p> <p>(b) parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the Tribunal, and</p> <p>(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.</p>
Coronial officers	<p>Use in coronial proceedings, but only to enable—</p> <p>(a) documents to be created, filed and used in electronic form, and</p> <p>(b) parties to the proceedings to communicate in electronic form with other parties to the proceedings and with coronial officers, and</p> <p>(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.</p>

Schedule 9 Authority to use Pathway

clause 12

Column 1	Column 2
Court	Purpose

Personal Injury Commission

Use in proceedings, but only—

- (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.