



## SUPREME COURT PRACTICE NOTE SC EQ 14

### SUPREME COURT EQUITY DIVISION – ONLINE COURT PROTOCOL

#### Commencement

1. This Protocol commences on 5 September 2018.

#### Application

2. This Protocol applies to all cases in the Equity Division General List that are case managed by the Registrar in Equity and should be read in conjunction with Supreme Court Practice Note SC Eq 1.

#### Definitions

3. In this Protocol:

**Judicial Officer** means a Judge of the Equity Division or a Registrar.

**Online Court** has the same meaning as “e-Court” in Part 3 of the *Civil Procedure Act 2005 (NSW)*.

**Online Registry** has the same meaning as in Part 3 of the *Civil Procedure Act 2005 (NSW)*.

**PDF** means Portable Document Format.

**Registered User** means a person who has registered as a user of the Online Registry and the Online Court.

**Request** means a request using the Online Court for case management orders (including, but not limited to, timetables for the preparation of the matter for trial, referral to mediation, adjournment, referral to the List Judge, and scheduling a listing date).

**UCPR** means the *Uniform Civil Procedure Rules 2005 (NSW)*.

#### Availability of Online Court

4. The Online Court is available to all persons who are Registered Users.
5. Legal practitioners or self-represented litigants appearing in matters entered in the Equity General List must be Registered Users. Registration and access to the Online Court is at <https://onlineregistry.lawlink.nsw.gov.au/>.

### **User Identification Code and Password**

6. Each Registered User has a unique User Name and Password which must be kept secure.
7. When an Online Registry account is used to send a message or document using the Online Court, the person to whom that account was allocated is deemed to be the person who sent the message or document and is responsible for the contents.

### **Procedure**

8. All matters in the Equity General Registrar's List are automatically entered into the Online Court and will be managed in the Online Court unless the Court otherwise orders.
9. Registered Users must submit Requests to the Registrar by no later than 11:00 AM on the second day preceding the Online Court sitting. Counter requests and a consent to pending orders must be submitted by no later than 2:30 PM on the second day preceding the Online Court sitting.
10. Failing to submit requests or consent orders in the Online Court in accordance with the timeframes described in this Practice Note will be treated as a non-appearance in the proceedings. The registrar will issue a notice pursuant to rule 13.6 of the UCPR that any further non-appearance may result in the proceedings being dismissed

### **Conduct in an Online Court**

11. The Online Court is a virtual courtroom and must only be used for issues requiring consideration and determination by a Judicial Officer.
12. The Online Court must not be used for communications solely between the parties or their legal representatives.
13. It is expected that there will be adherence to professional etiquette and courtesy in the Online Court.
14. Undertakings given and orders made in an Online Court are binding as if given or made in open court.
15. All rules including those relating to contempt apply to proceedings conducted in the Online Court.

### **Terminating an Online Court**

16. Any party may, by 11:00 AM on the second day preceding the Online Court sitting, submit a Request to the Registrar for the matter to be dealt with in open court on the basis that the matter is not suitable to be dealt with using the Online Court.
17. A Judicial Officer may at any time order that any or all further hearings be conducted in open court or that matters in open court be conducted in the Online Courts.

## Messages

18. Messages posted in an Online Court must be:
  - relevant to the topic under discussion;
  - concise; and
  - posted in a timely manner.
19. A Judicial Officer may, from time to time, give instructions as to:
  - the acceptable length of messages in an Online Court; and
  - the time and date by which messages must be received.

## Documents

20. Documents may be attached to messages sent using the Online Court.
21. Documents cannot be filed using the Online Court. Documents must be filed in accordance with Parts 3 and 4 of the UCPR and should be filed using the Online Registry at <https://onlineregistry.lawlink.nsw.gov.au/>.
22. If an Online Court message refers to a document that has been filed, the document should be attached to the message. The message must indicate the date on which the document was filed and when a notice of acceptance of the document was given.
23. Documents sent using the Online Court must be in PDF and must not be locked.
24. If, for any reason, a matter is heard in open court, each party must bring to the court appearance all documents filed in the matter.

## Transcripts

25. A free official transcript of an Online Court can be requested by emailing the Online Registry.
26. Requests by non-parties for a transcript will be referred to the Judicial Officer presiding over the Online Court for consideration.



**T F BATHURST AC**

Chief Justice of New South Wales

31 August 2018