Supreme Court of NSW launches an Online Court

Date : December 22, 2016

By Hayley Hitch, a Solicitor of Matthews Folbigg, in our Insolvency, Restructuring and Debt Recovery Group.

The Federal Courts, for some time now, have provided an online court system known as the e-Court portal through the Commonwealth Courts Portal system. The e-Court portal is used to allow parties in proceedings to correspond with the Court and the parties of the relevant proceedings to communicate without attendance at Court required. It is a system that started as an initiative to reduce costs and unnecessary time incurred for both the Court and parties/legal representatives to deal with administrative matters outside of the Courtroom.

The Supreme Court of New South Wales has been somewhat delayed in introducing a similar system. However, as of 13 December 2016, an Online Court has been introduced for all matters in the Corporations List in the Equity Division of the Supreme Court of NSW. The Online Court portal may be found through Justicelink and appears as a new tab on the site.

The new Online Court will be vital for proceedings such as wind up proceedings going forward. It is to be used as a case management facility in order to liaise with the Court (and the opposing party) regarding consent orders being sought by the parties and eliminate the need for an appearance to be made at Court where orders can be made in chambers. However, the portal is not to be used to solely communicate with the other parties in the proceedings.

However, there are circumstances where the Online Court portal may not be used, such as:

1. First return date in a winding up application;
2. First return date in a reinstatement application; and
3. Proceedings that are self-represented or are not represented by a legal practitioner with access to Justicelink.

The Online Court portal is only available to legal practitioners who are registered users of Justicelink. The portal is to be used in a formal manner, as solicitors will still be communicating with the Court and must adhere to the etiquette one would expect when appearing before the Court. As well as etiquette, the standard rules apply to use of the Online Court that would when appearing in Court.

The commencement of an e-Court process by both the Federal and Supreme Courts displays the progress in the legal industry of the -movement into an electronic structure, progressing with the technological advances of our time.

A Protocol has been published by the Supreme Court of NSW outlining relevant information regarding the Online Court system, which can be found here.

Read the Protocol here

If you would like more information or advice in relation to insolvency, restructuring or debt recovery law, contact Hayley Hitch at hayleyh@matthewsfolbigg.com.au, or a Principal of the Matthews Folbigg Insolvency, Restructuring & Debt Recovery Group.