



NSW ONLINE REGISTRY AND ONLINE COURT: COMMON QUESTIONS

This document sets out information on a number of common questions and concerns about using the NSW Online Registry and Online Court. This document has been prepared with the assistance of the NSW Department of Justice.

Using the Online Court

How long should it take to register to use the Online Court?

Online services which provide access to confidential legal matters require security measures to be in place. Registration requirements have been introduced to provide authentication of the registered person and minimise the risk of online fraud. However, even with these measures the Department of Justice has advised that currently the registration process is relatively quick, taking approximately:

- 3 minutes for a Delegate (managing or accessing cases on behalf of a solicitor or barrister)
- 7 to 10 minutes for a Solicitor on the Record (including waiting for a verification email).

A Solicitor on the Record is required to provide two forms of identification to the register. One of these is their Practising Certificate Number to verify that they are a legal practitioner. The other can be a driver licence, Medicare card, electoral enrolment details or passport details.

A Delegate is able to validate their registration by clicking a link in their email message. There is no identification verification required as the person who the Delegate works for will substantiate this by allowing them access to their cases.

There is currently no ability to transition from a Delegate to a Solicitor. A new account must be set up if a Delegate is to commence acting as Solicitor.

What are the notification arrangements?

Solicitors have expressed concern that emails are being sent only to the Solicitor on the Record and not to the Contact Solicitor (who will usually be someone registered in the Online Court as “managing or accessing cases on behalf of a solicitor or barrister”).

Email notifications for the Online Court are being sent to Solicitors on the Record and Contact Solicitors. Notifications sent are based on the contact details provided in the original court documents. If you are experiencing problems with receiving notifications you can contact the Online Court support (onlineregistry_support@justice.nsw.gov.au).

Once logged into the Online Court, users are provided with a dashboard designed to assist them in managing each of their cases. The Department has advised that users do not need to solely rely on emails to receive updates. Users can check their dashboards daily, especially if they are awaiting responses from the opposing parties and/or the hearing date is approaching.

How do I view all my available cases in the Online Court?

All the cases which a user has access to are visible in the *Search Cases* tab on the landing page when a user is logged in. Due to the potential number of cases managed by a legal representative, which can cause performance issues, a search capacity was introduced. Depending upon the search criteria entered a range of cases will be returned.

The courts' case management system is designed to cater for, amongst other things, cross claims and motions, which are created as separate proceedings. Legal representatives should be aware of which proceedings they wish their document to be filed in. The NSW online filing system is fully automated and relies on legal practitioners selecting the correct proceeding number.



However, in the event that a mistake is made the document will be visible on the documents tab in the case management system and is manually placed with the case file, which contains all documents regardless of proceeding numbers.

What do I do if the site crashes or I experience delays?

The contact details for support with the site are listed at the foot of the Online Registry Website. This includes a phone number and an email address.

If you are experiencing problems with the site crashing you can email screen shots of the problem to onlineregistry_support@justice.nsw.gov.au to help the Department to troubleshoot any problems with the system.

Filing and responding to particular documents

What do I do if I am acting in a matter and want to file a notice of motion without filing a notice of appearance (for example, in cases where the defendant does not want to submit to the jurisdiction)?

Solicitors have expressed concern that the Online Registry requires parties to file a Notice of Appearance before they get access to the file in the Online Registry. This means the Notice of Motion needs to be filed over the counter to avoid submitting to the jurisdiction, resulting in additional time and cost to the client.

There are two types of Notice of Appearance, with one type specific to when the legal representative is submitting to the jurisdiction. By selecting a Notice of Appearance the legal representative is choosing whether or not they wish to submit to the jurisdiction.

If the legal representative is already registered and recorded against the case, a Notice of Appearance is not required. If the legal representative is not registered and recorded against the case, the case management system requires the details of the legal representative who is filing the form. Currently this is obtained by the filing of a Notice of Appearance.

What if I need to file a Statement of Claim in a matter commenced by summons?

Solicitors have advised that the Online Registry will not allow parties to file a Statement of Claim in a matter commenced by Summons because the system is designed so that a Statement of Claim is only recognised as an originating process.

There is a Statement of Claim (no fee) which is used in instances where proceedings are commenced by summons. Due to perceived low volumes and associated costs with developing each new online form, a decision was made to not make this form available online. However, this may change in the future.

The Court Seal does not appear on every page of the originating process or court order

Solicitors have reported that when an originating process or order is generated, not every page has the court's seal applied. This can be problematic with freezing orders, especially when the "Penal Order" is an attachment to the principal order document bearing the court's seal. Originating processes and orders should have the seal applied to all pages. While *Uniform Civil Procedure Rules 2005* (NSW) r 6.2(3A) and 31.12(2) only require a seal on the first page, at times entities outside NSW question why every page is not sealed.

The Online Registry Website has been developed and based on the *Uniform Civil Procedure Rules 2005* (NSW) which only require a seal on the first page. Any instances where entities outside NSW have failed to accept the document should be brought to attention of the Supreme Court for failure to recognise the NSW *Uniform Civil Procedure Rules 2005* (NSW).

What if I cannot find the notice of listing after filing a document?

Solicitors have reported that a Notice of Listing for the filing of certain forms cannot be accessed through the platform immediately after filing a document. Since this notice is required for the service of certain documents, it can be inconvenient waiting for the notice to be provided. On some occasions practitioners have had to contact the registry and ask them to provide the notice.



A limited number of forms require the eRegistry to list the matter before the court. The eRegistry processes these matters and provides a Notice of Listing within a 24 to 48 hour time frame. Practitioners who are concerned about the delay can email onlineregistry_support@justice.nsw.gov.au.

eSubpoenas

Solicitors have reported that when filing an application for a subpoena, the user is required to complete a form that essentially details what is already written in the subpoena. Practitioners have reported that this is time-consuming and appears to be unnecessary as this information is only used to populate the cover page for the filed document.

The Department of Justice has advised that the data required to file an application for a subpoena is not just used to populate the coversheet, it is also the minimum data set required to lodge and process the document in the Court's case management system JusticeLink.

The list of access orders for subpoenas currently available online are the most commonly used. The Department has indicated that it will review whether there should be additional orders added to the online list.

Why aren't my documents lodged via the Online Court available at the hearing?

Generally, Registry staff will print out documents for a hearing. However in some instances legal representatives will file documents online shortly before the commencement of the hearing leaving little time for Registry staff to update the physical file. It is advised that the legal representative take a copy of the affidavit with them to court so that they can hand it up to the judge.

Documents that are not filed online are not available through the Online Registry

Online filing is encouraged. The Department strongly encourages law firms who are still filing manually to start filing online. The Department's team is able to provide a face to face demonstration of the website. Anyone who is interested may email the NSW Online Registry (eregistry@justice.nsw.gov.au).

eOrganisations

How do they work, how practical is this model for large firms and can this compromise confidentiality barriers?

The Department of Justice has included information on eOrganisations (sharing and managing your workload with a legal team) on the Legal Professionals page on the Online Registry Website. This content provides links to an instructional YouTube video.

The Department has also developed FAQs for additional information on eOrganisations.

You can access this information at <https://onlineregistry.lawlink.nsw.gov.au/content/legal-professionals>.