

The Online Court system allows parties to communicate with the Judge or Registrar (about preliminary or procedural matters) without physically having to attend court. The Judge or Registrar can also make orders through this system.



A. WHICH MATTERS ARE ACTIVATED FOR ONLINE COURT?

Online Court currently applies to cases in the following courts:

- Local Court – General Division and Small Claims Lists;
- District Court – General List;
- Supreme Court – Corporations and Equity General Lists; and
- Some matters in the Land and Environment Court.

It is generally up to judge to decide whether it is appropriate for a matter to be activated for Online Court.

B. HOW DOES IT WORK?

Communications can be made between parties and to the Judge or Registrar via the messaging system on Online Court. These messages and dealings are viewable by all parties involved and are recorded in the Online Court Record.

Another feature of Online Court is that requests can be made directly to the Judge or Registrar, including orders sought, reasons and attachments if necessary. Examples of requests that can be made are:

- Adjourning a hearing;
- Proposing a timetable for the filing of documents;
- Asking for an extension to file documents; and other requests for procedural orders.

After submitting a request, the other party has the option to “Counter” or “Consent” to the request (if you haven’t already received their consent). The Registrar or Judge will subsequently make orders once the other party responds, or the deadline to “Counter” or “Consent” has passed.

The services provided by Online Court are primarily for case management. Trials and other important hearings would still need to take place in person at the relevant court.

C. BENEFITS OF ONLINE COURT

The main benefit of Online Court and the primary reason for its activation is to reduce the amount of time and money spent on

physically attending court (from travelling to court, waiting for your matter to be heard, etc). This is beneficial to clients, lawyers, judges and the public in encouraging the administration of justice in courts as procedural issues can be decided online to allow more time for substantial matters in court.

Online Court is also effective in providing an opportunity for parties to clearly convey their interests in proposing orders and for the opposing party to indicate their consent or propose alternative orders. This encourages more communication and debate between opposing parties.

Additionally, it is helpful to lawyers and judges to have a clear and easily accessible record of communications between parties and orders made.

D. POTENTIAL PROBLEMS

Despite the efficiency that Online Court brings, there are several risks associated with it.

Since it is completely an online system, there are obvious technical risks that may arise; for example, if the site crashes or there are technical errors.

Additionally, notification of activity in Online Court is made through email only to the lawyer on record. This is potentially problematic in circumstances where an important notification is unseen (for example, if the lawyer on record is away) and a deadline is missed. Since there are prescribed deadlines for making and responding to a request, this could result in unfavourable decisions.

Nonetheless, Online Court will generally have a positive effect on future case management once lawyers adapt to new procedures.

Comasters is registered with Online Court and can efficiently assist clients in court proceedings through this system.

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