



ONLINE COURT PROTOCOL (CORPORATIONS LIST)

Commencement

1. This Protocol commences on 13 December 2016.

Application

2. This Protocol applies to matters in the Corporations List in the Equity Division.

Definitions

3. In this Protocol:

Corporations Act means the *Corporations Act 2001 (Cth)*.

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 legal practitioner 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 legal practitioners who are Registered Users.
5. Legal practitioners with carriage of matters entered in the Corporations List must be Registered Users. Registration and access to the Online Court is at: <https://onlineregistry.lawlink.nsw.gov.au/>.

Procedure

6. All matters in the Corporations Registrar’s List are automatically entered into the Online Court.

7. All eligible matters will be managed in the Online Court with the exception of:
 - the first return date in an application for winding up under Part 5.4 or 5.4A of the Corporations Act; and
 - the first return date in an application for reinstatement under s 601AH of the Corporations Act; and
 - matters in which litigants or applicants are not legally represented by a legal practitioner.
8. Registered Users must submit a Request to the Registrar at any time prior to 12:00pm on the day before the first return date.
9. Any party may, prior to 12:00pm on the day before any return date, 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.

Conduct in an Online Court

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

Terminating an Online Court

15. A Judicial Officer may at any time order that any or all further hearings be conducted in open court.

User Identification Code and Password

16. Each Registered User has a unique User Name and Password which must be kept secure.
17. 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.

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 may 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 where possible be attached to the message. The message must indicate the date on which the document was filed. If the document was filed using the Online Registry, the message must indicate whether the Online Registry has given a notice of acceptance of the document.
23. Documents sent using the Online Court must be in PDF and must not be locked.
24. If the document contains draft consent orders, the message to which the document is attached must contain a certification that all the parties have seen and agreed to the terms.

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

13 December 2016