



## FEDERAL MAGISTRATES COURT OF AUSTRALIA

### NOTICE TO PRACTITIONERS AND LITIGANTS

#### **FILING OF DOCUMENTS BY ELECTRONIC COMMUNICATION** pursuant to Rules 2.07A and 2.07B *Federal Magistrates Court Rules 2001*

The notice *Supplementary Documents filed electronically via the Commonwealth Courts Portal* issued on 16 August 2008 is revoked and is replaced with the following.

#### **Introduction**

The Federal Magistrates Court of Australia (the Court), pursuant to the *Federal Magistrates Court Amendment Rules 2008 (No 2)* (the Amendment Rules), has introduced new rules to facilitate filing by electronic communication, specifically, Rules 2.07A and 2.07B of the amended *Federal Magistrates Court Rules 2001* (the Rules).

These rules have been put in place in anticipation of a comprehensive electronic filing system for both family law and general federal law proceedings in the Court. However, systems are not immediately in place to facilitate full electronic filing of all Court documents. The purpose of this notice is to inform litigants and practitioners of the current capabilities of the Court's e-filing/e-lodgement systems.

#### **Family law proceedings**

On 16 August 2008, the Federal Magistrates Court of Australia (the Court), in conjunction with the Family Court of Australia, commenced a trial of electronic filing of supplementary documents in family law matters (being those non- initiating documents not requiring a fee to be paid).

To facilitate the trial the Court issued a notice, *Supplementary Documents filed electronically via the Commonwealth Courts Portal*, authorising, in certain circumstances, the filing of supplementary documents in family law matters electronically via the Commonwealth Courts Portal (the Portal) at: <https://www.comcourts.gov.au>.

The trial that was commenced on 16 August 2008 in relation to filing of supplementary family law documents via the Portal is on-going and is the first of several incremental steps towards implementation of full electronic filing of documents in the court.

The new rules in relation to e-filing (Rules 2.07A and 2.07B) currently apply to family law proceedings subject to the restrictions outlined below.

## **Restrictions on who may file documents via the Portal**

Only legal practitioners who are registered with the Portal are able to lodge documents via the Portal, and only if they are associated with the proceedings to which the documents relate.

## **Restrictions on the type of documents that may be filed via the Portal**

Currently the Portal is only capable of receiving supplementary documents in family law matters that do not require a filing fee to be paid. The following are examples of supplementary documents (which do not require payment of a filing fee or are non-initiating documents) and may be sent for filing via the Portal:

- Response to Divorce
- Affidavit of Service (of any description)
- Financial Statement
- Affidavit
- Superannuation Information Form
- Outline of case document, howsoever described, if directed to be filed

However, all such documents must comply with the requirements of Rule 2.07A. If the requirements of Rule 2.07A are not met then a document sent via the Portal will not be accepted for filing.


For the purposes of Subrule 2.07A(1) the acceptable electronic file formats for documents sent for filing via the Portal are:

- ADOBE Portable Document Format (PDF) 20 Mb
- Microsoft Word (DOC) 20 Mb
- Rich Text Format (RTF) 10 Mb

Documents must not exceed the size limits shown next to each document format set out above. A document may not be sent for filing via the Portal if the electronic file for that document exceeds the size limit. Any such document will not be filed.

## **General federal law proceedings**

At present there is no facility for electronically filing documents in general federal law proceedings in the Federal Magistrates Court. The Federal Court's Electronic Filing System (EFS) can not be used to lodge documents in relation to proceedings in the Federal Magistrates Court. Litigants and practitioners will be advised in due course when facilities for the electronic lodgement of documents relating to general federal law proceedings in the Federal Magistrates Court are available.



**Adele Byrne**

***Registrar authorised for the purposes of Federal Magistrates Court Rule 2.07A.***

**Federal Magistrates Court of Australia**

**Date: October 2008**