

Land and Environment eCourt
User's Manual

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1 Before you start – eCourt functions

1.1 Classes 1, 2, 3 and 4 use eCourt

You can use eCourt for matters in **Classes 1, 2, 3 and 4** to:

- lodge an appeal online;
- conduct eCallovers;
- communicate with the Court about administrative aspects of a matter;
- lodge specified documents online;
- check online the latest activity generated in the matter.

1.2 No eCourt facilities for Classes 5, 6 or 7

While further electronic services are planned, at this stage eCourt cannot be used for Classes 5, 6 or 7 matters. These must be filed in person or by post at the Land and Environment Court.

1.3 Purpose of this Manual

The manual is intended to help eCourt users. It recognises that electronic Court services are new and aims to provide users basic guidance on how to:

- electronically lodge an Application in Land and Environment eCourt for matters in Classes 1, 2, 3 or 4, and
- electronically manage Classes 1, 2, 3 or 4 matters in eCourt.

1.4 Manual is not legal advice

While this Manual provides information about general Court procedures, it does not provide legal advice. Nor is it a substitute for consulting the Court's Act and Rules.

If, after referring to this Manual, you still have questions about your Application or are uncertain about what to do:

- check that you are in the right jurisdiction - consult relevant legislation governing the jurisdiction of the Court (www.lawlink.nsw.gov.au/lec);
- consult relevant legislation and rules governing practice and procedure of the Court, including Part 19, *Land and Environment Court Rules 1996* (www.lawlink.nsw.gov.au/lec); and/or
- obtain professional legal advice (www.lawlink.nsw.gov.au/lec).

1.5 Software requirements

If you are using Internet Explorer to access eCourt, you will need version 5.5 with 128 bit encryption.

If you are using Netscape Navigator, you will need version 4.7 or greater. Version 6 is recommended.

1.6 Terminology

Applicant – Applicant if self-represented, or Applicant’s representative if any

Court - Land and Environment Court of NSW

Court Application – completed Court Application Form, with relevant supporting documentation if any

eCourt - electronic Court

Representative – legal practitioner or agent (a signed authority is required for an agent to act for an Applicant)

2 Using eCourt

General access to eCourt functionalities will depend on the level of the access granted by a user with an authenticated account. See *Security and Authentication Policy* (Section 10).

For the different kinds of accounts and the levels of access they provide, see *Accounts - Security and Authentication Policy* (Section 10.2).

2.1 To eLodge a Court Application Form

You will need a valid credit card in order to lodge a Court Application Form in eCourt. Have your credit card details ready when initiating a matter.

When you initiate your first matter and pay online with a valid credit card, this automatically establishes your authenticated account with eCourt. To ensure secure access you will be provided with a Password and UserID uniquely identifying your account. If you are a legal practitioner your authenticated account will provide you access to all your Land and Environment matters in eCourt.

If you do not have a credit card, you cannot initiate a matter electronically. You will need to file the application in person or by post with the Court.

Please note that you are expected to serve any supporting documentation in the usual way on the Respondent(s) within 24 hours of submitting the Court Application Form online.

For more details see *eLodging a Matter* (Section 3).

2.2 To view or generate activity in eCourt Matter(s) in your Account

Ensure you have your password and UserID available.

3 eLodging a Matter

The Application to the Court comprises a

- 1 completed Court Application Form; and
- 2 supporting documentation.

The completed Court Application Form may be lodged online following payment, using a valid credit card.

Note that eCourt does not provide for electronic lodgement of supporting documentation such as copies of plans. These will need to be lodged in person at the Court, and served on the respondents.

3.1 The Court Application Form

The Court Application Form can be completed online. Clicking on “**Initiate a Matter**” starts the lodgement process, which will guide you through a series of steps prompting you for information. It is important that you have the following information available prior to commencing online lodgement:

- The full name, address and telephone number of the Applicant, together with same particulars of any representative;
- The full name and street address of the Respondent(s);
- The *Class of a Matter* (Section 3.4);
- The Act of Parliament under which proceedings are brought before the Court (Section 3.4);
- Address of property under consideration, if relevant. For example, for a Class 1 Application relating to a development application, this refers to the property the subject of the development application;
- Basis of your appeal or objection; and
- The amount of money involved - see *Dollar Value* (Section 3.6).

3.2 Applicant(s)

3.2.1 Number of Applicant(s)

eCourt will accept a maximum of two Applicants in a matter. If your dispute involves more than two Applicants, the matter must be filed in the usual way – in person or by post with the Land and Environment Court.

3.2.2 Applicant details you must provide

For the matter to be registered with the Court, you must provide:

- the name of the Applicant(s) – if Applicant is an organisation, the name of that organisation,
- the Applicant’s address,
- daytime contact number, and
- email address.

3.2.3 Applicant’s service details – information you must provide

To ensure documents are served on Applicant(s), provide contact details under section heading “**Representative Address**”.

3.2.3.1 If service is at same address as the Applicant’s address

If the papers are to be served to the Applicant’s address as provided in Applicant details section, click on the option “**As for Applicant**”.

3.2.3.2 If service is at a different address and

1 the Applicant is not represented

If the papers are to be served on the Applicant at an address **different** to the one provided for Applicant details, click on “**Different from Applicant**” before providing details. You must provide that:

- address,
- daytime telephone number and
- **Applicant name** – even if it is the same as the that provided in **Applicant details** section.

OR

2 the Applicant is represented

The representative is usually the legal practitioner, agent or town planner acting for the Applicant(s) on the record. The representative identifies to whom and where the papers shall be served. Click on the option “**Different from Applicant**” before providing representative details.

For the matter to be registered with the Court, you must provide:

- the name of the representative,
- the representative’s address,
- daytime contact number, and
- email address.

3.3 Respondent(s)

3.3.1 Number of Respondents

There is a maximum of 5 Respondents allowed for each matter. If there are more than 5 Respondents the matter must be filed in person or by post with the Land and Environment Court.

3.3.2 Respondent details you must provide

For the matter to be registered with the Court, you must provide:

- the name of the Respondent, or organisation who is the Respondent,
- the Respondent’s address, and
- a daytime contact number.

3.3.3 Public Users

Public Users are common Respondents in LEC matters – such as local councils and state agencies, who have elected to be electronically served with Court Application Forms.

If the Respondent is a Public User you will not have to serve the Court Application Form in person – the Form will be automatically served by eCourt once the Court Application Form is submitted online.

Note that service is only complete when you have also served any supporting documentation, if any, on the Respondent(s). You are expected to serve

supporting documentation within 24 hours of online lodgment of the Court Application Form. See *Service* – Section 4.

3.3.3.1 Public User Application Form

eCourt will not recognise common respondents as Public Users unless a completed application form has been approved by the Court. To become a Public User, the common respondent will need:

- 1 to complete a **Public User Application Form** – this can be obtained from Court Registry, or on Court's website (www.lawlink.nsw.gov.au/lec click e-Court Information)

and

- 2 a valid email address for eCourt documents to be electronically served.

3.3.4 Other Respondent(s)

For all other situations the Applicant must serve the Court Application Form and supporting documentation in the usual way - in person, unless the respondent consents to electronic service (see Part 19, *Land and Environment Court Rules* 1996).

3.4 The Class of a Matter and Act of Parliament

The class of a matter depends on the issues in dispute and on the particular Act of Parliament that applies to the circumstances.

Generally:

Class 1 – if you are appealing council's decision about a development application, or council's order – usually under *Environmental Planning and Assessment Act* 1979

Class 2 – if you are appealing council's decision relating to an application for a building approval – usually under the *Local Government Act* 1993

Class 3 – if you are appealing a land valuation, compensation, boundary determination, encroachment, or making a land claim

Class 4 – if you are seeking a remedy, restraining a breach of environmental legislation (civil enforcement of an environmental offence), or a judicial review of an administrative decision by a public authority

For further information refer to the Court's website (www.lawlink.nsw.gov.au/lec).

If you are uncertain about which Act to nominate, or you believe an Act should be available but is not, go to the LEC website (www.lawlink.nsw.gov.au/lec), or consult your representative.

3.4.1 Classes 1, 2 and 3 generally – merits review

Appeals falling within classes 1, 2 and 3 are merit appeals and administrative in nature.

3.4.2 Class 1 – environmental planning and protection appeals

Generally merit appeals under a range of environmental legislation, and are often:

- appeals against decision by council to refuse, or council’s deemed refusal of, a development application under the *Environmental Planning and Assessment Act 1979*;
- appeals against orders made by council;
- appeals by third parties or objectors relating to the restricted number of developments classified as “designated development” under the *Environmental Planning and Assessment Act 1979*.

3.4.3 Class 2 – local government and miscellaneous appeals and applications

Generally merit appeals arising under the *Local Government Act 1993*, and are usually:

- appeals against decision by council to approve a building or development;
- appeals against conditions imposed by council on building approvals.

3.4.4 Class 3 – land tenure, valuation, rating and compensation matters

These are generally appeals relating to:

- valuation of land;
- compensation for land compulsorily acquired by the State;
- determination of property boundaries;
- encroachment.

3.4.5 Class 4 – environmental planning and protection and development contract - civil enforcement

These are generally:

- civil enforcement of environmental planning matters, usually brought under s123 of the *Environmental Planning and Assessment Act 1979* to remedy or restrain a breach of an environmental planning instrument;
- civil enforcement of environmental offences under a range of environmental legislation, enabled under s253 of the *Protection of the Environment Operations Act 1997*. Such proceedings usually seek a remedy – whether by declaration and / or an order to restrain a breach of legislation that is causing or likely to cause harm to the environment;
- judicial review of an administrative decision to question the validity of a decision made by council or another administrative authority.

3.5 Address of Property Under Consideration

3.5.1 Classes 1, 2 and 3

Provide the following:

- street address,
- suburb and
- postcode.

Where street name or number is not available, you must provide Lot and DP number of property.

3.5.2 Class 4

Where applicable, information about the location or place at which a breach is claimed to have occurred or will occur should be provided. The information provided should be all that is necessary for the Respondent(s) to understand the case it faces.

Where Address of Property does not apply, type in “NA” for each address field. This usually occurs in Class 4 proceedings, for example, seeking judicial review of the validity of an environmental plan.

3.6 Dollar Value – Class 1, 2 and 3 Matters

You are required to indicate the relevant dollar value if your dispute involves a:

- development application, or
- valuation of land, or
- compensation for land.

3.6.1 Class 1

If the appeal involves a development application under the *Environmental Planning and Assessment Act 1979*, the dollar value is the estimated cost of development.

Dollar value is “Not Applicable” if the development in dispute is:

- a change of use, or
- a subdivision, or
- an existing use.

In appeals against an order by council, the Dollar Value is also “Not Applicable”.

3.6.2 Class 2

If the appeal relates to a development or building approval under the *Local Government Act 1993*, the dollar value is the estimated cost of the development or activity requiring approval.

Dollar value is “Other” if the approval sought is for:

- Development or building value is \$50,000 or more, or
- a change of use, or
- a subdivision, or
- an existing use.

3.6.3 Class 3 – valuation of land and compensation

In Class 3 the Dollar Value depends on the subject of the appeal. See table below for value of this field:

Subject of the Appeal	Dollar Value
Valuation of land	Value of land as determined by the valuing authority
Compensation for land or use of land	Amount offered by the resuming authority

Dollar value is “Not Applicable” if the appeal relates to:

- property boundary, or
- encroachment.

3.7 Payment - Application Fee

Applications through eCourt are not processed unless the applicable Court fee is paid using a valid credit card – please ensure payment details are accurate. Fees are based on Schedule 1 of the *Land and Environment Court Regulation 2005*.

Where circumstances of the Application warrant, the Registrar may exercise discretion and make alternative fee arrangements – whether by waiving the fee, accepting partial payment, or postponing payment (see cl 6 *Land and Environment Court Regulation 2005*). eCourt does not accept alternative fee arrangements – to make these arrangements contact the Court.

3.7.1 Credit Card Information

Credit card information is not stored in eCourt. It cannot be accessed by Court staff or by other eCourt users. For information on security of storage, see *Security and Authentication Policy* (Section 10).

3.8 Supporting Documentation

Supporting documentation with the Court Application cannot be served in eCourt. Note that the Court Application is incomplete without supporting documentation being lodged with Court Registry.

3.8.1 Classes 1, 2 and 3

Supporting documentation for matters in these Classes are particulars identifying the decision and the date of the decision. For example:

- in relation to a development application, this includes a copy of the development application, council's notification of determination if applicable, and plans;
- in relation to an appeal against a council order, this includes a copy of council order;
- in relation to a land valuation, this is the Valuation Notice or Notice of Assessment.

3.8.2 Class 4

Supporting documentation consists of a statement of the relief or remedy sought. Since this has already been specified in the Class 4 Court Application Form, no supporting documentation separate from the Court Application Form requires service in Class 4 Applications.

3.8.3 Lodgement and service

While eCourt provides some facilities for lodging supporting documents in electronic format, the Applicant is responsible for ensuring the following:

- 1 supporting documentation must be served on the Respondent(s) as prescribed by relevant rules and regulations;

AND

- 2 supporting documentation must be filed in Court as soon as possible once the Court Application Form has been electronically lodged.

Note that service of the Application on the Respondent has only been effected if **BOTH** the Court Application Form and supporting documents have been served. See *Service* (Section 4) below for service requirements for matters lodged in eCourt.

Upon completion of the Court Application Form and payment of the required Court fee, the Court Application Form can be submitted online. Once submitted, the Court Application Form is registered in eCourt and a unique identifying Court file number is generated for the matter.

Online submission of the Court Application Form in eCourt does NOT mean Respondent(s) have been electronically served with the Court Application Form. Please see *Service* (Section 4) below to check whether Respondent(s) accept electronic service.

4 Service

The Applicant is required to serve a copy of the Court Application on each Respondent.

Lodging your Application in eCourt does **NOT** change requirements of

- time standards for service to take place, as stipulated in the Rules - see *Service* (Section 4.2), nor
- service of a copy of the **supporting documentation**, if any, on the Respondent(s) in person - see *Supporting Documentation* (Section 3.8).

4.1 Mode of service

If the Respondent is a Public User or the Respondent has consented to be served electronically and has provided an email address at which service will be accepted, lodging the Court Application Form online means you have already served the Court Application Form on the Respondent(s). Note that even if Respondents have accepted service in this way, Applicant(s) will still need to serve any supporting documentation in person.

For other Respondents, Applicants will need to serve the Court Application (Court Application Form and any supporting documentation) in the usual way – in person.

4.2 Time for service

Time standards for service are no different for matters lodged online. In Class 1 development appeals, time standards vary depending on whether or not the Application relates to a development application which council is deemed to have refused:

- 1 An Application for a Class 1 matter in which council is deemed to have refused the development application – **must be served at least 28 calendar days prior to the callover date.**
- 2 An Application for other matters, including Class 1 matters in which council has refused the development application – **must be served at least 14 calendar days prior to the callover date.**

eCourt uses the online submission date of the Court Application Form and the relevant time standards, to automatically generate a callover date for the matter. This callover date assumes you are **ready to serve within 24 hours of submitting the Court Application Form online.**

If you cannot meet this deadline, consider telephone callover or alternatively lodging the Court Application in person.

5 Callover options

Callovers can be done in three ways. You can choose to have callovers:

- **in person** – these are held at the Court daily from Tuesday to Friday starting 9 am;
- **by telephone** – these are held every Monday (times allocated by the Registry); or
- **by eCallover** – once a callover date has been obtained both parties can consent to use of eCallover.

5.1 eCallover

eCallovers are no longer stand alone and now should be made in eCourt - click on “**eCallover Request**” to the left of the Matter Summary page. They can be used for ALL eCourt matters, usually just prior to an allocated callover date.

The subject of the request can be about the next Court listing such as:

- Adjourn telephone/actual callover;
- Adjourn to other court appearance date
- Fix for court / s34 conference hearing
- Fix for other court appearance
- Notice to produce / return of subpoena
- Notice of motion orders

This can be done by both parties making separate eCallover applications, or by one party making an eCallover application for both parties.

5.1.1 eCallover protocol

- An eCallover request can be made for ALL matters – on a consent or non-consent basis
- If an eCallover application to stand over a callover has been received by the Court, you do not need to appear for that callover
- Parties may mention appearances of other parties
- Parties may submit their eCallover applications prior to callover, ideally the day before the scheduled callover
- Matters must proceed to a future date (either callover, hearing or mediation/issues conference) as the Court does not stand matters over generally
- The Registrar may require attendance at an actual or telephone callover at any time
- Parties should conduct themselves in eCallover in a manner equivalent to that of an actual courtroom.

5.1.2 Attaching a document to a request for eCallover

If you need to attach a document to your eCallover request, you will need to:

- 1 eLodge the document (click on “**Upload Document**” – see Section 7 – *eLodgment of other Documents*); then
- 2 Refer to the elodged document in the text of your **eCallover** request.

Any documentation filed electronically that requires an original signature should also be filed and served in the usual way.

5.1.3 eCallover for Matters other than callovers

Scenario 1

"Registrar,
Mention - I act for the Respondent and Applicant's solicitor. The parties have a hearing date of 7.7.02. By consent the parties seek the following directions: the names and expertise of witnesses in this matter to be exchanged by 1.6.02."

Scenario 2

"Registrar
I act for the Applicant and mention this matter for the Respondent’s solicitor. By consent, I seek an adjournment. The parties are discussing this matter and we hope these discussions may settle the matter."

5.2 Callover Preference Date

Callover dates are related to:

- Service requirements, and
- If the matter involved a development application, whether council is deemed to have refused the application.

Class of Matter	Minimum time between service of Court Application* on Respondent(s) and callover
Class 1 – deemed refusal of development application by council	Service at least 28 calendar days before the callover date
Class 1 – refusal of development application by council	Service at least 14 calendar days before the callover date
Class 1 – other	Service at least 14 calendar days before the callover date
Classes 2, 3 and 4	Service at least 14 calendar days before the callover date

* Note Court Application includes completed Court Application Form and supporting documentation.

5.3 Type

Choose the type of callover preferred – in person or via telephone.

5.3.1 Date and Time

- For appeals about a deemed refusal by council in relation to a development application, callover will be 28 days from the current date
- For other appeals, callover will be 14 days from the current date

The date and time cannot be changed by the Applicant. If the dates provided are not suitable, please lodge the Application in person or by post – **do not eLodge the Court Application Form.**

6 Amending the Court Application Form in your Application

Once a Court Application Form has been submitted online, parties will need leave of the Court before it can be formally amended. To initiate the request for leave to amend, click on “**Amend Application**” to the left of the relevant Matter Summary. This will take you to the online Court Application Form again and ask you to provide the details.

When amendments are submitted, the Matter Administrator will allocate a callover date. During callover the Registrar will consider the request and may grant leave to amend the Application.

6.1 Amending Respondent’s representative details

Any amendments to details relating to the Respondent’s representative will not be reflected in eCourt. To find out the amended identity of the respondent’s representative go to:

- Record of Activity in the matter and check in any appearance document; or alternatively
- Matter Parties in the matter.

7 eLodgement of other documents

Most documents can also be lodged online (by clicking on “**Upload Document**” to the left of Matter Summary page), including

- Notice / order
- Points of claim
- Notice of appearance
- Notice of change of solicitor
- Notice of intention to cease to act
- Notice of ceasing to act
- Hearing information form
- Correspondence
- Notice to produce
- Notice of motion
- Expert report
- Expert statement – agreed
- Statement of facts
- Agreed statement of facts
- Bundle of documents
- Statement of effect
- Written submissions
- List of authorities
- Draft orders
- Notice of discontinuance
- Directions / orders

Documents not specified above can only be lodged at the Court’s Registry, accompanied by the appropriate filing fee where applicable.

For Notices of Motion and Affidavits see Part 19, cll 5 and 6, *Land and Environment Court Rules 1996*.

8 Searching in eCourt

8.1 How do I search for a Matter?

The quickest way to find a matter is using the Court matter number.

Searches using the party's name will find all matters in which the party was involved in, whether as an Applicant or Respondent.

8.2 Search Results

Search results will provide a list of all matters containing the number or party you have entered. Finds are organised by

- Matter number,
- date the matter was formally initiated at the Court,
- parties involved in the matter, and
- property address where available.

Clicking on the matter number takes you to the Matter Summary of that matter.

8.3 What if I cannot find the Matter?

A matter may not be found because:

- It is a Class 5, 6 or 7 matter; or
- it was filed in the Court prior to April 2002; or
- it was filed in person after April 2002 but has yet to be entered into the system by Court staff

If you cannot find a matter which was:

- filed after April 2002 and
- it was a Class 1, 2, 3 or 4 matter,

please contact the System Administrator.

A matter filed before April 2002 will not be in eCourt. Contact the Court for information about the matter.

9 Court Communication

The "**Court Communication**" facility must ONLY be for the purpose of ancillary administrative dealings with the Court. Examples of administrative dealings are:

- special Court requirements such as videoconferencing, disability requirements
- transcript enquiries
- judgment enquiries.

Communication about other issues in the Matter should be made through formal Court procedures such as callover (eCallower, telephone or actual callover). Examples of communication appropriate for callovers are those which:

- seek adjournments
- obtain directions
- make formal applications

If in doubt about what channels of communication should be used, contact the Registry using “**Court Communication**”, or telephone the Court.

10 Security and Authentication Policy

10.1 Security Philosophy

eCourt’s security has been designed to balance ease of use and accessibility with appropriate levels of privacy and data security. The privacy policy is outlined in the section below.

eCourt uses high level, encryption technology to protect the security of all data in transit. Information stored on the system is protected by several layers of security, reflecting current best practice. Security provisions are regularly reviewed.

The system has two levels of access security for external users:

- 1 Access to the system via an account (login and password)
- 2 Access to individual matters before the Court

You must be a party or be given access by a party to view any eCourt matter.

10.2 Accounts

Establishing an eCourt account only needs to be done once. This account will allow you to be attached to any relevant matters or to initiate matters with the Court.

10.2.1 User ID

When applying for an account with eCourt, you will be asked to nominate a User ID. This is a string of letters, numbers, or a combination of both, which the user wants to use in eCourt. It is not the user’s email address.

For example, user John Smith may choose to provide the following User ID:

- JohnS;
- John.Smith;
- John11111; or
- JohnSmith00007.

There are two types of accounts – basic account and authenticated account.

10.2.2 Basic Account

A basic account holder can see history of activity in a matter, but not read any of the documents electronically lodged by parties in the matter. Any activity within a matter, other than a simple view of the matter summary, is tracked and logged by the system. For this reason, and for privacy considerations, a user name and password is required to lodge or access documents in a matter.

10.2.2.1 Obtaining a Basic login and password

A basic account can be obtained through the system’s online account creation facility. The only requirement for a basic account is a valid email address. Once an application has been approved, an email containing a ‘key’ is sent to the email address specified in the application. This key will enable the applicant to access a secure area of the system and establish a password. The key can only be used once.

Application forms to establish a basic account with eCourt can be found on the Court’s website – *e-Court Information* (www.lawlink.nsw.gov.au/lec).

10.2.2.2 Basic Account Application Form

A user must have an email address for a basic account. The account can be established in 2 ways:

- 1 **Online creation of a basic account in eCourt ; or**
- 2 **Completing and lodging a Basic Account Application Form with the Court.**

Application forms for a basic account with eCourt can be obtained from the Court Registry, or found on the Court’s website – *e-Court Information* (www.lawlink.nsw.gov.au/lec).

Account Applicants must provide on the Form:

- their email address
- details in fields marked with asterisk (*) on the Form; and
- their signature, with the current date.

10.2.3 Authenticated Account

An authenticated account is required before read access to documents within a matter can be utilised. The Court requires verification of identity before granting authenticated access rights to the system.

10.2.3.1 Obtaining an authenticated account

A user can obtain an authenticated account in 2 ways:

- 1 **When using a valid credit card to eLodge an Application** – the user is automatically assigned authenticated account access rights. This occurs irrespective of whether the user is a new user or a user with an existing basic account; **or**
- 2 **When a completed Authenticated Account Application Form, accompanied by photo identification such as drivers licence or passport, have been provided to Court Registry in person. This authentication can also be signed by a legal practitioner or a Justice of the Peace.**

If you wish a Court staff member to authenticate your application form, the photo identification documentation can be produced at the Registry Counter, Level 4, Windeyer Chambers, Macquarie St, Sydney. However, if this is difficult, please contact the court to make alternative arrangements. Contact details are:

Telephone: 02 9228 8388
 Email: lecourt@agd.nsw.gov.au

10.2.3.2 Authenticated Account Application Form

Application forms for an authenticated account with eCourt can be obtained from the Court Registry, or found on the Court’s website – *e-Court Information* (www.lawlink.nsw.gov.au/lec).

Account Applicants may present appropriate documentation as indicated above, along with the Form. They must provide on the Form:

- details in fields marked with asterisk (*); and
- their signature and current date.

10.3 Summary of Account Types

Access Type	Access Rights
Basic Account	<ul style="list-style-type: none"> • Read Matter Summary • Initiate a Matter • Lodge documents in matters where privileges have been established
Authenticated Account	<ul style="list-style-type: none"> • Read Matter Summary • Initiate a Matter • Lodge documents in matters where privileges have been established • Read documents in matters where privileges have been established • Assign matter privileges to a registered user

10.4 Access to matters before the Court

There are several kinds of access “privileges” or rights to individual matters before the court. The applicant in a matter automatically has all privileges and the ability to give them to others involved in the matter. The respondent is automatically granted full rights to a matter, however, the respondent must have an account to use them.

The applicant and respondent, as matter administrators, are able to grant other people access privileges to a matter. If a person is no longer involved in a matter, the party administrator is responsible for removing their access.

Matter privilege levels are summarized in the table below

Privilege Type	Privilege Rights
Read Only	<ul style="list-style-type: none"> • Read Matter Summary information • Read documents lodged against a matter <i>provided you have an authenticated account</i>
Lodge	<ul style="list-style-type: none"> • Read Matter • Read documents lodged against a matter <i>provided you have an authenticated account</i> • Lodge new documents and forms associated with the matter
Administrator	<ul style="list-style-type: none"> • Read Matter Summary • Read documents lodged against a matter <i>provided you have an authenticated account</i> • Lodge new documents and forms associated with the matter • Grant, revoke or change matter privileges for their side of the matter. For example, an applicant can grant another person the right to read documents but not to lodge.

10.5 Activity Tracking

Activities such as reading and lodging documents are logged within the system.

10.6 Data Storage

Information and documents stored on the system will be used for nothing other than normal court purposes.

Information related to active matters is regularly backed up and information and documents related to non-active active matters will be archived and stored.

All data is erased from the NSW Attorney General’s Department computer hardware prior to disposal.

10.7 Encryption of credit card details

When Court Form Applications are lodged on line, details are entered into an encrypted electronic form. Information is transmitted to the court's merchant facility provider (ANZ Bank) in encrypted format.

The court does not store or have access to customer credit card details at any point in this process.

11 Privacy Policy

Many people are concerned about how personal information provided online will be used. This Privacy Policy Statement provides a clear and concise framework of how and when the Land and Environment eCourt collects, stores, uses and discloses the information that you provide when accessing eCourt facilities.

The eCourt site is part of Lawlink which is operated and managed by the NSW Attorney General's Department. When visiting this site, a record of your visit is logged. The Privacy Statement applying to your entry to eCourt is the LawLink privacy statement, which can be found on [<http://www.lawlink.nsw.gov.au/disclaimer.nsf/pages/disclaimer>].

This statement is specific to Land and Environment eCourt, and wholly relates to the personal information that you provide when using eCourt, and when accessing eCourt facilities.

11.1 Privacy and Personal Information Protection Act 1998

The NSW *Privacy and Personal Information Protection Act 1998* sets the privacy standards regulating the manner in which public sector agencies deal with personal information. The standards outlined in the Act only apply to personal information. This is defined as any information about an individual whose identity is apparent or can reasonably be ascertained from that information.

The Act does not affect the manner in which the Court exercises its judicial functions (s. 6 of the Act).

11.2 What personal information will be collected

eCourt collects two categories of information:

- Information for manual and electronic transactions in accordance with longstanding practices and policies; and
- Information collected only for electronic transactions.

eCourt collects personal information that the Court has always collected about matters appearing before it. These are:

- Name and address of Applicant, including contact details;
- Name and address of Applicant's representative, if any, including contact details;
- Name and address of Respondent, including contact details;
- Name and address of Respondent's representative, if any, including contact details;
- Address of property under consideration, if any;
- Contents of specified documents which can be uploaded in eCourt, including personal information contained within.

eCourt also collects personal information specific to the use of eCourt including navigation patterns and number of pages viewed.

Information specific to eCourt usage is used only for purposes of normal court administration and monitoring site usage.

11.3 What personal information will not be collected in eCourt

The Court or its technology service provider does not store customer credit card details at any time during the lodgement process. eCourt retains no credit card information.

11.4 What we do with the information collected

The personal information collected by eCourt is information reasonably necessary for, and for the lawful purpose of, processing Appeals and carrying out the Court's statutory functions, which includes but is not limited to:

- Establishing the Applicant's claim so that the matter can be adjudicated and any amendments to the Application approved and recorded;
- Determining court fees payable and to enable auditing of fees paid;
- Facilitating case management;
- Enabling an accurate record of Court decisions to be maintained, as they affect the rights and obligations of individuals and organisations, including Government organisations and individual organisations;
- Monitoring and evaluating Court performance;
- Taking risk management measures to detect and prevent fraud;
- Analysing and improving eCourt website facilities.

11.5 Email management

eCourt will only record your email address if you send a message by email, if you have provided us with your email address, or you have consented to a third party to provide us with your email address. It will only be used for the purpose for which you have provided it. We will not use your personal email address for any other purpose, and will not disclose it without your consent.

The Internet is an insecure medium however, and users should be aware that there are inherent risks in transmitting information across the Internet. Unencrypted information submitted via email may be at risk of being intercepted, read or modified. Therefore use of eCourt is entirely optional and the full range of in person Court services will continue to be provided by the Land and Environment Court.

11.6 Navigational information

When you login to eCourt, we will log the date and time you entered the area. For statistical purposes we collect information on website activity (such as the number of users visiting eCourt, the date and time of visits, the number of and type of pages viewed, and navigation patterns). This information on its own does not identify an individual but it does provide us with statistics for the purposes of network analysis, usage analysis, and research into usage patterns for the purpose of improving eCourt services. Access to and use of this information is restricted to LawLink management and staff, and to researchers working on LawLink projects and subject to an agreement to adhere to this Privacy Policy.

The NSW Attorney General’s Department reserves the right to gather more extensive information than that stated above in the event of any attempted access to eCourt which raise security issues and, where necessary, to make disclosures to relevant authorities.

11.7 Data storage

These are outlined in *Security and Authentication Policy* (Section 10.6).

11.8 Public access to information provided in eCourt

Access to information collected in eCourt depends on the level of security you are allocated – see *Security and Authentication Policy* (Section 10).

A member of the general public will not have access to eCourt, unless given by a party to the matter.

Access to a matter, when given by a party to the matter, allows an individual to see the following information:

- name of the parties in the matter;
- unique Court file number allocated to the matter, and the date on which the matter began in the Court;
- name of organisation representing the parties, if any;
- reasons for appeal, objection, or remedy sought.

That individual will also be able to identify the type of activity generated in the matter, the date on which it was generated, and the name of the individual generating the activity.

Unless the individual’s level of access has been upgraded from a basic to authenticated account holder, that individual **cannot**:

- access the contents of document(s) generating the activity and/or
- access the content of the documents uploaded.

eCourt users should note that there are legal limitations on the use, publication and dissemination of some personal information contained in eCourt databases.

The Land and Environment Court and LawLink reserve the right to exclude access to its databases by users or sites in apparent breach of any such legal requirements.

11.9 Updating this policy

The developing nature of information technology and the laws regulating the way public bodies are using it to deliver services means that this policy may be modified or expanded in light of new developments.

12 Disclaimer

eCourt contains information, data, documents, pages and images prepared by the Land and Environment Court of NSW (the Court), and parties with secure access to eCourt. The information is prepared for and on behalf of the Crown and / or parties to litigation, in right of the State of NSW and /or parties to litigation before the Court.

eCourt and its contents are provided to facilitate the adjudication or resolution of matters before the Court. Information provided in eCourt is made available on the understanding that neither the NSW Attorney General's Department nor the Court are rendering professional advice.

Before relying on the material in eCourt, users should carefully evaluate its accuracy, currency, and completeness. While the NSW Attorney General's Department and the Court believe that all information provided by eCourt is accurate and reliable, we give no guarantees, undertakings or warranties concerning the accuracy, completeness or currency of the information provided.

eCourt is made available on the understanding that the State of NSW and its employees and agents shall have no liability (including but not limited to liability by reason of negligence) to eCourt users for any loss, damage, cost or expense whether direct, indirect consequential or special, incurred by, or arising by reason of, any person using or relying on eCourt and whether caused by reason of any error, omission or misrepresentation in eCourt or otherwise. eCourt users will be responsible for making their own assessment of the information and should verify all relevant representations, statements and information within. Users should note that the use of eCourt is entirely optional and that the full range of in person Court services remain available.

Furthermore, whilst the information in eCourt is considered to be true and correct at date of login, changes in circumstances after the time of login may impact upon the accuracy of the information. The information may change without notice and the State of NSW is not in any way liable for the accuracy of any information printed and stored by an eCourt user. Changes are periodically added to the information in eCourt, by eCourt users accessing its facilities. The Court may update, improve and/or change the information in eCourt at any time.

The State of NSW will not be liable for damage or loss resulting from any delay in operation or transmission, virus, communications failure, email interception or corruption, Internet access difficulties or malfunction in equipment or software.