



FAMILY COURT OF WESTERN AUSTRALIA

INFORMATION NOTE

ELECTRONIC FILING

The Family Court of Western Australia will offer electronic filing of “limited supplementary documents” through the Commonwealth Courts Portal (CCP) from 3 November 2008.

“Limited supplementary documents” means any document that does not attract a fee and does not require follow up action by court staff. The term ‘action’ for these purposes means checking a document, adding or altering details on Casetrack, or assigning a listing date. The following documents fall within the definition:

Affidavits
Financial Statements
Response to Divorce
Service documents
Notice Disputing Facts or the Authenticity of Documents
Notice to Admit Facts
Undertaking as to Disclosure
Papers for the Judicial Officer.

Law firms may register for access to the CCP by completing registration details online at www.comcourts.gov.au.

The CCP provides web-based services for lawyers to access information about cases before the Court. Lawyers can keep track of their cases, including documents filed and upcoming court events, as well as outcomes of court events and any orders made.

The CCP also offers the facility of electronic filing. This facility is initially only available to law firms.

In 2009 the service may be expanded to allow electronic filing by self represented litigants and electronic filing of initiating applications.

Registered law firms may file “limited supplementary documents” in doc, rtf or pdf formats. Documents cannot be electronically filed in Child Related Proceedings cases unless permission to file has previously been granted.

Rule 24.07 of the *Family Law Rules* 2004 applies to all documents filed electronically in the Family Court of Western Australia.

Where a document is filed electronically and does not comply with the Rules or this Information Note the document will be treated as a nullity.

The law firm filing a document electronically should print the transaction receipt and confirmation notice. Each morning registry staff will print a paper copy of the document for addition to the Court file. Judicial Officers will continue to rely on paper copies.

Registration information for the CCP and some questions and answers about electronic filing are attached to this Information Note. General enquiries in relation to this service can be directed to the Manager, Customer Service on 9224 8303 or Manager, Information Services on 9224 8233.

Case Management Guideline 12.6 is hereby revoked to the extent required by this Information Note.

**STEPHEN THACKRAY
CHIEF JUDGE
FAMILY COURT OF WESTERN AUSTRALIA
31 OCTOBER 2008**

REGISTRATION INFORMATION - Commonwealth Courts Portal (CCP)

What is the Commonwealth Courts Portal?

The Commonwealth Courts Portal www.comcourts.gov.au is an initiative of the Family Court of Australia, Family Court of Western Australia, Federal Court of Australia and Federal Magistrates Court of Australia. It provides web-based services for clients to access information about cases before the courts. Individuals and lawyers can keep track of their cases, including documents filed and upcoming court events, as well as outcomes of court events and any orders made.

Do I need to register?

In order to gain access to specific file information you will need to register.

Once you are registered, and if you are employed by a law firm or government agency, you can apply to the Portal Administrator in your organisation to link your Portal account to your files (see [How do I get access to My Files?](#) below).

How do I register?

This is done at the [Register](#) screen. Be sure to use a valid email address that only you have access to. This will allow the courts to communicate with you should any issues arise, and also to receive a temporary password should you forget yours. Also be sure to choose a password and a Secret Question/ Answer that only you could know (see [Privacy & Security?](#) below for more information on passwords and email security).

How do I register my organisation?

Once you have registered as an individual and [logged into the Portal](#), you can register your organisation on the Organisation Administration page.

By registering your organisation you will become the Portal [administrator](#) for that organisation.

What is the role of an Administrator?

All Portal Organisations must have an administrator at all times. When registering a Portal Organisation, the person creating it will automatically be created as the administrator (note that this person must first register as an individual - see [How do I register?](#) above). The administrator can give other registered individuals access to the organisation's files, or to a specific subset of those files. The administrator can also give other registered individuals administrator privileges.

The administrator(s) is responsible for the security of the data provided to the organisation via the Portal. This means that the administrator must give file permissions only to those who are entitled to see those files, and must maintain the organisation's account so that individuals who are no longer entitled to file access have their permissions revoked, and individuals who leave the organisation are removed from the organisation's account. This responsibility is a condition of use that the administrator must sign up to upon registering for the Portal (see ["Terms & Conditions of Use"](#)).

When an administrator leaves the organisation, they must first give another individual administrator privileges, and that new administrator can then remove the departing administrator from the organisation's account.

How do I get access to My Files?

For individuals (non-lawyers) - In the initial phase of the Portal, individuals not working for a law firm or government agency will not be able to access files via the Portal.

For employees of law firms & government agencies - You will need to register (see [How do I register?](#) above), and then contact your organisation administrator to provide them with your User Name. The administrator can then give you permissions to access all or some of the organisation's files as appropriate.

For organisation administrators - register your organisation here, then complete and submit the [Request for Portal Administrator Access Form](#). Upon notification from the Court that access has been granted, you will then be able to link employees to your organisation's files.

Privacy & security?

Users registering for the portal are required to agree to the ["Terms & Conditions of Use"](#), which outline the responsibilities of users with access to court data. This includes protecting the security of your own account by not giving anyone else access to your password, ensuring your nominated email account is secure, and that the answer to your secret question is only known by you. The courts will ensure that only registered individuals with a legitimate right to access the information on a file are given permission to do so (except in the case of an organisation, where the organisation administrator agrees to assume that responsibility).

Terms & Conditions of Use:

The Commonwealth Courts Portal is an information system providing information about cases in the Federal Court, the Family Court of Australia, the Family Court of Western Australia and the Federal Magistrates Court of Australia "the Courts". Registration for use of the Portal, acquiring information by using the Portal and the use of that information is subject to your agreeing to the following conditions:

1. The Portal is an evolving system. There is no warranty that the information provided is complete and up to date or fit or sufficient for any purpose - users must carefully evaluate its accuracy, relevance, completeness and suitability for their use or purpose.
2. The information provided through the Portal is not the formal record of the Court in which each case is pending or in which it has been determined. It is a selection of information derived from that record.
3. The User may use information provided through the Portal for the purposes of litigation in which the user is involved as a party or legal representative. There is no right to use, reproduce and adapt the information or develop derivative products from the information or to use it for other purposes. Use and distribution of the information is subject to applicable legal restrictions. Section 121 of the Family Law Act makes it an offence to provide to the public or a section of the public an account of proceedings or of part of proceedings.
4. To the extent permitted by law the Courts exclude any and all warranties in respect of use of the Portal and downloading or use of information or any file through the Portal. The Courts do not warrant that any particular use of information provided through the Portal will not infringe the intellectual property rights of any other person or that use of the Portal will be harmless. Users assume the risk of using the Portal. The Courts' liability for breach of any statutory warranty is limited to the cost of provision again of the information.
5. The Courts control the operation of the Portal. There is no warranty that the Portal will be available at all times or at any particular time. Operation of the Portal may be suspended or terminated and your ability or that of anyone deriving through you, to use it may be suspended or withheld without the Courts being under any obligation to assign a reason or give notice.
6. If you provide access rights to the Portal to any other person, this will be subject to these conditions and you indemnify the Court in respect of that access. Such access must only be given to a person who, for the time being, acts as a professional advisor in the litigation the records of which are subject to the access.
7. The Courts reserve the right to amend these terms and conditions from time to time by varying them on this WebSite.

QUESTIONS AND ANSWERS ABOUT EFILING

How do I eFile?

The eFiling link is at the Document level in files in the Commonwealth Courts Portal (CCP)

	Application	Filed	Status	Finalised
	FMC DIVORCE filed by MR PARK, SUNG MAN ; MS KWUN, JUNG HI(J) on 26-JUN-2007	26-Jun-2007	Open	
	+ Court Events and Orders			
	+ Documents Filed  Add Document			
	+ Parties			

Is electronic filing mandatory?

No. We will not mandate eFiling at this stage. It is an option for the convenience of family law clients and law firms.

Who can eFile supplementary documents?

At this stage, only law firms which are portal registrants.

What compliance checking do registries need to apply to documents filed through the portal?

Documents that require compliance checking or allocation of a listing may not be eFiled at present.

Do the Statutes and Rules allow for electronic filing?

The Family Law Rules do envisage electronic filing. For example Rule 24.07. Case Management Guideline 12.6 has now been revoked to the extent necessary to give effect to this initial roll-out of eFiling. Registries are required to print and mark documents filed via the Portal each day in order to ensure legal compliance.

How will the party filing the document know that it has been filed successfully?

The filing party will receive an electronic receipt of confirmation and will not receive a letter advising that the filing of the document was not accepted.

In an electronic environment, what time is the end time for the purposes of filing 'within time'.

As is the case now, to file in time, a party must file by 4.00 pm of the final date.

How will registries know that a document has been filed electronically?

Reports will be run daily or more frequently as required, to monitor electronic filings.

When will eFiling of initiating applications be allowed and when will eFiling be an option for self represented litigants?

Phase 2 of eFiling may commence in 2009 to include electronic filing of initiating applications and the option of portal registration for self represented clients.

November 2008