

**Queensland**



**Subordinate Legislation 2003 No. 87**

*Supreme Court of Queensland Act 1991*

**UNIFORM CIVIL PROCEDURE AMENDMENT  
RULE (No. 1) 2003**

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## 1 Short title

This rule may be cited as the *Uniform Civil Procedure Amendment Rule (No. 1) 2003*.

## 2 Rule amended

This rule amends the *Uniform Civil Procedure Rules 1999*.

## 3 Insertion of new ch 22, pt 1, div 4

After rule 975—

*insert—*

### ***‘Division 4—Electronic court documents***

#### **‘975A Application of div 4**

‘This division applies only to Magistrates Courts.

#### **‘975B Definitions for div 4**

‘In this division—

**“approved entity”** means an entity that—

(a) is either—

(i) a solicitor or firm of solicitors; or

(ii) an entity approved by a practice direction to have documents electronically filed; and

(b) has an agreement with a service provider for the service provider to electronically file a document for the entity.

**“electronically file”** means file by electronic or computer based means.

**“electronic judgment”** means a judgment under rule 283 given as a result of a request for judgment that is electronically filed.

**“service provider”** means an entity, approved by a practice direction, to electronically file documents prepared by approved entities.

### **‘975C Electronic filing**

**‘(1)** A document may be electronically filed if—

- (a) the document is—
  - (i) prepared by an approved entity; and
  - (ii) formatted in a way that would result in the document complying with rule 961(1)(c), (d) and (e) if a paper copy were made of the document; and
  - (iii) sent by electronic or computer based means to a registry by a service provider for filing; and
- (b) a practice direction prescribes the document as a document that may be electronically filed; and
- (c) a practice direction prescribes the registry as a registry at which documents may be electronically filed.

**‘(2)** A document that may be electronically filed is taken to have been filed when the registry sends to the service provider—

- (a) for a document that is a claim—a court file number for the relevant proceeding; or
- (b) for any other document—a document number for the document.

**‘(3)** A registrar may refuse to electronically file a document if the document does not comply with these rules or may not otherwise be filed.<sup>1</sup>

**‘(4)** If a registrar refuses to electronically file a document, the registrar must advise the service provider that the registrar has refused to file the document.

**‘(5)** The following rules do not apply to a document that is electronically filed—

- (a) rule 19;
- (b) rule 20;
- (c) rule 961.

**‘(6)** Rule 963 applies to a document that is electronically filed as if the rule required the filing of a paper copy of the altered document.

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<sup>1</sup> See rule 436 (Irregularity).

**‘975D Responsibility for document electronically filed**

‘(1) The approved entity that prepared a document that is electronically filed remains responsible for the document.

‘(2) However, the service provider is responsible for payment of any fee prescribed for filing the document.

‘(3) Rule 971(1) does not apply for a document electronically filed.

**‘975E Retention and status of document electronically filed**

‘(1) A document electronically filed at the registry—

- (a) must be retained in electronic form by the registry; and
- (b) is taken for all purposes to be a document in a court file.

‘(2) If, under rule 981, a person asks to inspect a document that was electronically filed, the person may inspect the document in either electronic or paper form, at the discretion of the registrar.

**‘975F Approved entity must be sent a copy of document electronically filed**

‘(1) After a document prepared by an approved entity is electronically filed, the service provider must send the approved entity, by electronic or computer based means, a copy of the document.

‘(2) The copy of the document must include the following—

- (a) an image of the seal of the court;
- (b) for a document that is a claim—the court file number for the relevant proceedings;
- (c) for a document other than a claim—the document number.

‘(3) A paper copy of the document sent to the approved entity is taken for all purposes, including service, to be a copy of the document in the court file issued by the court and stamped with the court’s seal.

**‘975G If both electronic and paper documents filed**

‘(1) This rule applies if in a proceeding—

- (a) 1 or more documents are electronically filed; and

(b) at least 1 document is filed in paper form.

‘(2) The registrar must—

- (a) make a paper copy of any document electronically filed; and
- (b) maintain the court file as if all documents filed in the proceeding had been filed in paper form.

### ‘975H Request for electronic judgment under r 283

‘(1) This rule applies if—

- (a) a claim has been electronically filed; and
- (b) no document in the proceeding has been filed in paper form; and
- (c) a plaintiff intends to electronically file a request for judgment under rule 283.

‘(2) Rule 282 does not apply, unless the court, as constituted by a registrar, orders otherwise.

‘(3) At the time the request is electronically filed, the approved entity for the plaintiff must have—

- (a) an affidavit of service of the claim on the defendant; and
- (b) an affidavit of debt stating—
  - (i) the debt is still owing; or
  - (ii) if some payment has been made, when payment was made, the amount of the payment and how much of the debt is still owing.

‘(4) The request for judgment must—

- (a) be prepared in a way that would result in the request complying with the approved form if a paper copy were made of the request; and
- (b) unless rule 282 applies, include the following details obtained from the affidavit of service—
  - (i) the full name of the person who served the claim;
  - (ii) the time, day, date and place of service of the claim on the defendant;
  - (iii) the manner of service on the defendant;

- (iv) how the defendant was identified;
  - (v) the name of the person before whom the affidavit was sworn;
  - (vi) the date and place the affidavit was sworn; and
- (c) include the following details obtained from the affidavit of debt—
- (i) the full name of the person who made the affidavit;
  - (ii) whether the debt is still owing;
  - (iii) if some payment has been made, when payment was made, the amount of the payment and how much of the debt is still owing;
  - (iv) the name of the person before whom the affidavit was sworn;
  - (v) the date and place the affidavit was sworn.

### **‘975I Electronic judgment**

‘(1) Despite rule 660(1), an order that is an electronic judgment is made by the order being set out in an electronic document, with or without reasons, and sent by electronic or computer based means to the service provider who electronically filed the request for judgment.

‘(2) Despite rule 661(2), an order that is an electronic judgment is filed in the court if the electronic document is included in the court file.

‘(3) Without limiting the grounds on which a court may set aside or amend an electronic judgment, or any enforcement of it, the court must set aside an electronic judgment if rule 975H(3) is not complied with.’.

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#### ENDNOTES

1. Made by the Governor in Council on 15 May 2003.
2. Notified in the gazette on 16 May 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Justice and Attorney-General.

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