

Cyberlex

by Jason Schoolmeester

Australian Courts Embracing the Internet

To date, Australian courts have been not unlike most organisations (private and public) in their use of the Internet: a glorified brochure. While the "brochure" style of Internet presence has its place, Internet users are demanding more functionality from the Internet. Users want the ability to interact with organisations. To a large extent e-mail has filled this role and satisfied Internet users. However, it now time for the next step as organisations find that users again want more interaction. E-commerce is exploding with Internet banking, purchasing items of all descriptions, auctions to name but a few examples of 'greater' interaction between organisations and Internet users.

Australian courts have been providing daily court lists via the Internet for some time, but still there has been no interaction online (other than e-mail), until now. The Civil Division of the Magistrates Court of South Australia have developed a pre-lodgement system which can be accessed via the Internet.

As part of the Court Process Review, a Pre-Lodgement System was recommended for the Civil Division. This system allows for individuals or organisations to issue a "Final Notice of Claim" pursuant to Rule 20A of the Magistrates Court (Civil) Rules. By way of background, the system aims to encourage parties to resolve their disputes without the need for formal legal action. Failure to make use of this rule carries cost implications in respect of the filing fee for a claim lodged with the Court. Plaintiffs can purchase the Notice over the counter (the traditional way) or online at www.claims.courts.sa.gov.au, at a cost of \$10.00.

How does the online system work?

Anybody can visit the web site and make use of this facility, however, they will need to create a username and password to gain entry. This is a simple step which asks for details about you, name, organisation, address, e-mail etc. Nothing that any legitimate user should have a problem in provid-



ing. This username and password can then be used for subsequent visits.

Once you have a username you can choose to purchase a notice at which point you are asked for your credit card details. These details are then checked: for the correct amount of numbers and valid expiry date; and then an external check to ensure the card has not been reported stolen. If both checks are passed, the user is told that the transaction was successful, if not, then the transaction will not proceed.

Assuming you are successful, you are then given simple instructions on how to generate the form and the details required. Once the details are complete the form is able to be generated. It is simple a matter of pressing print and you have the necessary document.

While this is certainly a small beginning, it is an example of the type of applications courts can make use of to attempt to alleviate the ever increasing case loads.

While there exists the potential for debate as to the effectiveness of the Pre-Lodgement System itself, the application of Internet technologies is innovative and progressive. Use of the Internet has enabled the system to be available for users of the legal system 24 hours a day 7 days a week. What does this increased availability mean? For small business this means that access to justice (at least initially) is at their own convenience.

Where to from here? I am not privy to the Court's strategic plan, but I have a few ideas of my own. Under the present system (described above) the plaintiff is still responsible for serving the notice. A system could be developed that incorporates Bail-

iffs. The point being that a plaintiff could create the notice and then instruct a bailiff. The bailiff could then print the notice at his end eliminating the need for the bailiff to attend the clients office or for other more cumbersome methods to be employed (if you view the example provided at the web site, you will notice that there appears to be no place for the plaintiff to sign - therefore the plaintiff never has to actually physically handle the document). Further, the bailiff and the plaintiff could leave messages either on the site or via e-mail about progress or suggestions for locating the alleged debtor.

This example of technology in action just reinforces my opinion that now is a better time than ever to participate in the development of our legal system.

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GST START UP ASSISTANCE

Small and medium sized legal firms have been offered the opportunity to access GST start-up assistance to help get their business ready for the GST environment.

The GST Start-Up Assistance Office provides a business helpline run by the Australian Society of Certified Practising Accountants (ASCPA) with information on business skills, practices and processes.

The helpline number is 13 30 88 and is the cost of a local call. It will be open from 9am to 9pm and provides information on:

- whether to register for the GST;
- changes to accounting systems;
- record keeping systems appropriate for the GST;
- planning contracts to take into account GST implications;
- case flow management and the GST;
- timing of capital acquisitions and the GST; and
- creditor and debtor management and the GST.

You can get further information on the GST Start-Up Assistance Office web-site at www.gststartup.gov.au.