

PRACTICE DIRECTION NUMBER 21 OF 2016

SUPREME COURT OF QUEENSLAND

COMMERCIAL LIST

1. Purpose

The purpose of this Practice Direction is to establish a process for electronic document filing and management of proceedings on the Commercial List.

The registry will place all filed documents onto the Queensland Courts' website (www.courts.qld.gov.au), allowing the Court, parties, and the public to access them online, and the Court to electronically manage the file and any hearings.

2. Scope

This Practice Direction:

- a complementary to Practice Direction No 3 of 2002 "Commercial List" (as amended by Practice Directions 2 of 2008 and 17 of 2015); and
- applies to existing and future proceedings on the Commercial List; and
- is to be read with Practice Direction 10 of 2011 "Use of technology for the efficient management of documents in litigation".

Nothing in this Practice Direction is to be taken as removing or limiting the discretion of the Court.

3. Existing Commercial List matters at commencement of this Practice Direction

The registry will convert the documents already filed before the commencement of this Practice Direction to an electronic format and upload them onto the Queensland Courts' website. Before the documents are uploaded the Court will provide the parties with an opportunity to make an application in accordance with section 6 below.

All documents filed after commencement of this Practice Direction must comply with it.

4. When a proceeding is placed on the Commercial List

When a proceeding is placed on the Commercial List after the commencement of this Practice Direction, each of the parties is to provide the registry with electronic copies of all documents already filed by it in the proceeding to date within 2 business days of the relevant order being made. The form by which the electronic copies are provided must comply with the electronic document filing protocol below.

5. Electronic document filing protocol

All documents filed after a proceeding is placed on the commercial list must comply with the electronic document filing protocol below:

- All documents to be filed are to be provided in both hard copy and electronic format at the time of filing, including when a document is filed by leave in court.
- The electronic version of the document is to be provided on a USB drive in PDF, text-searchable format with a maximum resolution of 300 DPI, and the document is to be named in compliance with the electronic document naming conventions set out in annexure 1.
- USB drives are to be provided in an envelope that clearly identifies the court file number, name of the matter and the party providing the USB drive.
- Every document lodged electronically must include mandatory metadata as set out in the alternative schedule in UCPR Form 19. See generally paras 4.4 and 4.5 of Practice Direction 10 of 2011 “Use of technology for the efficient management of documents in litigation”.

6. Documents Ordered Not to Be Accessible Online

Subject to the next paragraph, all filed documents, once uploaded to the Queensland Courts’ website, will be viewable by the general public online.

If a party considers that a document should not be accessible online on the Queensland Courts’ website, an application must be made to the Court prior to, or at the time of, filing the document for an order that the document not be accessible online. Parties should note that registry staff have no discretion in this regard. The court will make such an order if there is good reason. If such an order is made the court will be able to access the document electronically but neither the parties nor the public will be able to do so.

Notwithstanding an order that a document should not be accessible online, an electronic version of the document should still be provided at the time of filing to enable the file to be managed electronically within the Court, unless otherwise ordered by the court.

7. Interface with Practice Direction 10 of 2011 “Use of technology for the efficient management of documents in litigation”

Unless the court orders otherwise, a document management plan (per Practice Direction 10 of 2011) should be filed within 2 weeks of the order placing the proceeding on the Commercial List.

Annexure 1: Electronic document naming conventions

The general rules are:

- The first part of every document name of each document filed electronically must be the court file number. For example, for court file BS1234 of 2016 the first part of every document name would be “BS1234.16”
- Thereafter, the name of each document filed electronically should use an abbreviated document name descriptive of the document followed by the date of the document in “dd.mm.yy” format.
- Multiple documents of the same type filed on the same date should differentiate in a consistent way so that each document has a unique name e.g. “subpoena to Bill Jones 01.12.16”; “subpoena to Mary Smith 01.12.16”; “affidavit of Mary Smith 01.12.16”; “second affidavit of Mary Smith 01.12.16”.
- Where there are multiple parties on the one side of the record and only one of them is the filing party, then the document name should differentiate by identifying the filing party.
- Where pleadings are amended, the amended versions are differentiated as “first amended”, “second amended” etc rather than “amended” and “further amended”.

The following table contains illustrations of the general rules by reference to documents commonly used in Commercial List matters.

| Document Type | Document names |
|---|--|
| Pleadings | <p>Name of document followed by date signed e.g. “BS1234.16 statement of claim 01.12.16.pdf”; “BS1234.16 defence 01.12.16.pdf”; “BS1234.16 reply 01.12.16.pdf”; “BS1234.16 defence and counterclaim 01.12.16.pdf”; “BS1234.16 reply and answer 01.12.16.pdf”.</p> <p>Multiple parties differentiated by identifying the filing party e.g. “BS1234.16 statement of claim of the second plaintiff 01.12.16.pdf”; “BS1234.16 defence of the third defendant 01.12.16.pdf”.</p> <p>Amended versions differentiated numerically in the name e.g. “BS1234.16 first amended statement of claim 01.12.16.pdf”; “BS1234.16 third amended defence 01.12.16.pdf”.</p> |
| Claims; Originating applications; applications | As per pleadings, although applications will always have to be differentiated by identifying the filing party. |
| Third party notices (similarly for fourth, fifth party notices) | Use the name of the notice and identify the filing party and date notice signed e.g. “BS1234.16 third party notice by second |

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|-------------|--|
| | defendant 01.12.16.pdf”. Amended versions of notices of any pleadings within third party proceeding named as per pleadings. |
| Affidavits | <p>Affidavit of the named deponent followed by date sworn or affirmed e.g. “BS1234.16 affidavit of Mary Smith 01.12.16.pdf”.</p> <p>Where more than one affidavit by the same deponent is sworn or affirmed on the same date, differentiate so that each document has a unique name e.g. “BS1234.16 second affidavit of Mary Smith 01.12.16.pdf” and “BS1234.16 third affidavit of Mary Smith 01.12.16.pdf”.</p> |
| Submissions | <p>Submissions will always have to be differentiated by identifying the filing party e.g. “BS1234.16 submissions of first defendant 01.12.16.pdf”. Otherwise identify type of submissions by name e.g. “BS1234.16 submissions in reply of first defendant 03.12.16.pdf”; “BS1234.16 [opening/closing] submissions of plaintiff 01.12.16.pdf”.</p> |

Catherine Holmes
Chief Justice
30 November 2016