

# CourtSA to go live in Probate on 26 November

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After first being announced in 2015, CourtSA is going live in Probate on Monday 26 November 2018.

The introduction of CourtSA will result in significant changes to the *Supreme Court of South Australia Probate Rules 2015* and the associated processes of conducting business with the Probate Registry.

Wholesale rule changes will be implemented in 2019. In the interim, on 3 October 2018, proposed amendment Number 1 to the *Supreme Court of South Australia Probate Rules 2015* was sent to the

Attorney General, the Honourable Vickie Chapman, to be gazetted.

The amendment proposes, among other things:

- “Compliance with the [Rules] as determined by the Registrar shall unless the Court or the Registrar otherwise orders be deemed to be compliance with these Rules.”
- “The Court or the Registrar may give directions in a matter about the implementation and operation of the [Rules] and the transition from the manual filing system to [CourtSA].”

The proposed amendment also provides for amendment to the supplementary rules to prescribe a handful of new forms for CourtSA.

Additionally, a series of Practice Notes to be published in November 2018 will address specific Rule changes.

At a two part CPD session on Wednesday 17 and Thursday 18 October 2018, Registrar Roder discussed these Rule changes.

The following table highlights the key Rules changes.

RULE	EFFECT OF PRACTICE NOTE	COMMENT
Rule 8(1) – Disclosure of Assets and Liabilities	Varied	You will <b>not</b> provide an affidavit of Assets and Liabilities or provide Registrar’s Certificates. You will input the details of the assets and liabilities into the CourtSA Grant Application form. CourtSA will automatically generate a Statement of Assets and Liabilities and any Registrar’s Certificates you have requested.
Rule 9(2) – Grant	Suspended	You will <b>not</b> provide a draft grant form. CourtSA will automatically generate a Grant form at the time of issue.
Rule 11 – Oath in Support of Grant	Suspended	You will <b>not</b> provide an Executor’s Oath. For the time being there will continue to be an Administrator’s Oath for Letters of Administration (with and without a Will).
Rule 13 – Description of Executor in Oath	Suspended	This Rule does <b>not</b> apply as Executor’s Oaths are not provided. However, Rule 14 Description of Administrator will continue to apply as long as there is an Administrator’s Oath.
Rule 15 – Marking of Wills	Varied	You will still mark the Will (even though there is no Executor’s Oath). It is suggested you mark the Will when you take instructions.
Rule 28(1) – Evidence as to death and/or date of death	Varied	You do <b>not</b> certify the copy of the Death Certificate. It only needs to be scanned and uploaded.
Rule 29(1)(j), 29(3) and 29(5) – Documents	Suspended	Documents do <b>not</b> need backsheets.
Rule 50(2) – Oath for re-seal	Suspended	Re-Seals will be done on CourtSA. You will <b>not</b> need an oath, an affidavit of assets and liabilities or Registrar’s Certificates. You will still need to lodge the original Grant (or exemplification).
Rule 61(1) – Subpoenas	Varied	Amendments or Revocations of Grants, Caveats, Citations and Subpoenas will be done on CourtSA. You will not have to come to the Registry and wait while someone checks your documents. You will not have to submit draft citations for settling.
Rule 77 – Title of Summonses	Suspended	Summons applications will be done on CourtSA. This will involve filling out existing forms and uploading scanned copies. An updated process will be introduced at a later date.
Rule 80(2)		An additional practice note dealing with the proviso to Rule 80(2) (judicial advice book) will be issued.

For more information about Rule and process changes please consult the Probate section of the CAA website at [www.courts.sa.gov.au](http://www.courts.sa.gov.au).