

Changes to Probate System in South Australia: What is CourtSA?

On Monday 26 November 2018, the Courts launched a new Electronic Court Management System called CourtSA. CourtSA is an electronic system designed to collect, store and process all court matters.

The Probate Registry is the first jurisdiction that will have access to CourtSA. South Australia is the pioneer State to fully adopt an electronic Probate filing system. The Electronic Court Management System will subsequently roll out to other State jurisdictions such as the Supreme Court, District Court, Environment Resources and Development Court, Magistrates Court and Youth Court.

The new Court rules will be released in 2019 but below are some of the key changes to the system.

CourtSA rules you will need to know:

1. All applications for a Grant of Probate and Grant of Letters of Administration will, as of 26 November 2018, need to be lodged electronically. Paper lodgments are no longer accepted.
2. All members of the public will be able to search for a case in which a Grant is issued and get a copy of that Grant and Will without a charge. Presently, where probate has been granted, wills are already publicly available. However, the enquirer will have to fill in a form and pay a fee of $21.20. This whole process will no longer be required once CourtSA goes live.
3. Anyone can search to see if there is currently a case, and can be given access to the list of documents that have been submitted. However, if they wish to access a particular document, they will need to submit an application to the Registry. This means that clients can check on CourtSA which documents have been submitted and when those documents are submitted. Once the Grant is made available, you will also have access to the Grant readily available on the CourtSA site on the same day.
4. There will no longer be an original physical sealed Grant of Probate. The original Grant is available on CourtSA. Any version which is printed is considered a copy.
5. Executors of the Will are no longer required to provide a sworn oath when making an Application for Grant of Probate.

If you have recently lost a loved one, although you cannot apply for a Grant of Probate yet, please get in touch with one of our solicitors to get your application for a Grant ready once the launch of CourtSA is here.

CourtSA is an electronic system designed to collect, store and process all court matters.

The information in this article is general in nature and was accurate at the time of publication. Laws and circumstances can change. For advice specific to your situation, please seek professional legal advice.