



## UPDATE ON INTERIM PROTOCOL FOR CIVIL JURISDICTION OF SYDNEY DISTRICT COURT AS AT 21 APRIL 2020

1. The Court is continuing to manage the Civil List and dispose of matters listed for hearing.
2. Parties should act on the basis that matters will proceed on the date allocated.
3. Any party wishing to vacate a hearing must continue to do so by Notice of Motion with an Affidavit in support. Dates will only be vacated where there are very good reasons.
4. The Standard Orders for Hearing continue to apply:

[http://www.districtcourt.justice.nsw.gov.au/Documents/Practice%20Notes/Practice%20Note%201%20Civil%20Amended%206%20April%202020%20\(2\).pdf](http://www.districtcourt.justice.nsw.gov.au/Documents/Practice%20Notes/Practice%20Note%201%20Civil%20Amended%206%20April%202020%20(2).pdf)

(See Schedule 1).

5. Matters will be dealt with according to the nature of the listing:
  - (a) matters before the **JUDICIAL REGISTRAR** will continue to be managed in the Online Court or, where not eligible for that service, by telephone directions. To appear by telephone, parties must dial in at or prior to the appointed time for listing:

DIAL: 1800 062 923

PIN: 7762 8770 9768;

- (b) matters before the **CIVIL LIST JUDGE** will be conducted by telephone. At or prior to the appointed time, parties are to dial in using the following number and pin:

DIAL: 1800 672 949

PIN: 7271 2353 2532

As there will be multiple matters listed at the same time, those dialling in must remain mute until the matter in which they appear is called;

- (c) NOTICES OF MOTION listed on Friday will be triaged by the Judicial Registrar via the Online Court or telephone on the Thursday immediately prior to the date set for the Notice of Motion. To facilitate this parties are reminded to comply with Civil Practice Note 1B (<http://www.districtcourt.justice.nsw.gov.au/Documents/Practice%20Notes/Practice%20Note%20Civil%20No%201B%20Online%20Courts.pdf>), including:
- (i) initiating an Online Court request by 2pm and completing it by 6pm on the Wednesday before the Friday listing;
  - (ii) the parties are to request any case management orders in respect of the Motion;
  - (iii) the parties are to inform whether the Motion is ready to proceed on the Friday listing and provide an accurate estimate. The parties must indicate the evidence to be relied upon and confirm that the evidence has been filed;
  - (iv) if the Motion is ready to proceed on the date allocated, the parties must prepare a Joint Court Book containing any documents to be referred to on the Motion, including the Motion, all Affidavits and any written submissions. A copy of that book must be delivered to the Court no later than 4pm on the Thursday before the hearing of the Motion. A soft copy of the Joint Court Book must also be available to be emailed to the Associate of the Judge hearing the matter, if requested;
  - (v) if, by reason of length, the Motion requires a special fixture then that must be requested in the Online Court.
- (d) Matters before **ASSISTANT REGISTRARS** will be dealt with by email;
- (e) Mediations before **ASSISTANT REGISTRARS** will be conducted by telephone or in some cases by videolink. The details for each mediation will be provided to practitioners prior to the mediation;
- (f) Proceedings listed for **HEARING** will be allocated to a Judge by 3pm on the day before the hearing. Although it is a matter for the discretion of the Judge, matters will proceed by Virtual Courtroom. The Associate to the Judge will email the parties before 5pm on the

day prior to the hearing providing information as to how the hearing will proceed and information as to how to access the Virtual Courtroom.

For hearings, the parties must agree upon a Joint Court Book containing:

- (i) the current pleadings;
- (ii) any documentary evidence which will be sought to be tendered;
- (iii) a list of any objections to the documentary evidence relied upon by the other party or parties. Objections will be dealt with by the Judge in the course of the hearing;
- (iv) any documents which it is anticipated may be shown to a witness;
- (v) the Joint Court Book must be paginated and delivered to the Court no later than 4pm on the day before the hearing;
- (vi) the parties must also have a soft copy of the Joint Court Book to be emailed to the Associate of the Judge hearing the matter, if requested;
- (vii) the Joint Court Book must be available to any witness intended to be called by any party if it is intended to show a document to that witness;
- (viii) parties are referred to the Virtual Courtroom Practitioner's Fact Sheet and requested to familiarise themselves with those instructions:

<http://www.districtcourt.justice.nsw.gov.au/Documents/Virtual%20Court%20User%20Guide%20-%20FOR%20PRACTITIONERS.pdf>

- (g) **URGENT APPLICATIONS** will be dealt with as usual in accordance with the protocol dated 1 January 2020:

<http://www.districtcourt.justice.nsw.gov.au/Documents/Practice%20Notes/Procedure%20for%20Urgent%20Relief%20-%20List%20Judge%20and%20Duty%20Judge%20in%20Civil%20Jurisdiction.pdf>

Justice D Price AM

Chief Judge

20 April 2020