

**Local Court of New South Wales
GENERAL DIVISION**

STANDARD DIRECTIONS
(Pursuant to Practice Note Civ 1)

<u>COURT APPEARANCES</u>	<u>DATE</u>	<u>TIME</u>
CALL OVER DATE (Attendance of behalf of all parties is required if a Notice of Listing is received) (Review and Trial date will be allocated at call-over)		

If the parties fail to comply with the court's directions it can be expected that the statement of claim will be dismissed or the defence struck out and orders will be made that the non complying party pays the costs of the other party.

STANDARD DIRECTIONS
(applicable only to matters to be heard by the court)

Unless the interests of justice otherwise dictate, the evidence in chief of any witness shall be given by affidavit or written statement. The parties should note that UCPR 35.2 allows affidavit evidence in chief of a witness to be relied upon, unless reasonable notice of the requirement of the deponent to attend for cross examination is given.

1. The court will allocate a trial date and a review date at the call-over.
2. The plaintiff/cross defendant is to serve all evidence to be relied upon in their case as follows:-
 - i. Affidavits or written statements of witnesses on all relevant matters of fact, together with a chronological and paginated bundle of all relevant documents* , by..... *[4 weeks before review date]*
 - ii. Any expert report(s) (in accordance with Pt 31 Div 2 UCPR) by *[4 weeks before review date]*
3. The defendant/cross claimant is to serve all evidence to be relied upon in their case as follows:
 - i. Affidavits or written statements of witnesses on all relevant matters of fact, together with a chronological and paginated bundle of all relevant documents* , by *[4 weeks before review date]*
 - ii. Any expert report(s) (in accordance with Pt 31 Div 2 UCPR) by *[4 weeks before review date]*
4. Each party must prepare sufficient copies of all of their evidence to enable the court and every party (including that party) to have a copy of the evidence.
5. **Other than provided for in paragraph 6, parties must not file their evidence prior to the trial unless the court otherwise orders.**

6. **A single expert's report or a joint report prepared after a conclave between a number of experts is to be filed with the court prior to the trial.**
7. Each party or their legal representative must attend the review and file a written summary of the case, including a reference to any relevant case law or statute.
8. The parties must discuss whether they agree about any facts and the issues that are in dispute. If the parties:
 - i. **Agree** about any facts and issues - then the plaintiff must file a statement of agreed facts and issues at least 7 days before the trial.
 - ii. **Do not agree** about the facts and issues - then each party must file a statement of facts and issues at least 7 days before the trial.
9. Where a party does not serve evidence in accordance with these or any other directions made by the court then that defaulting party may not be allowed to rely on that evidence at the trial the court is satisfied that it is the interests of justice to allow the defaulting party to do so.
10. Failure to comply with the Court's directions may result in the statement of claim or cross claim being dismissed, or the defence being struck out, with costs.
11. All cases should be ready to proceed on the trial date.

* 'Document' has the same meaning as in the Dictionary to the *Evidence Act 1995*. It may include (but is not limited to) the following: correspondence, electronic correspondence such as emails and SMS messages, agreements in writing, letters, notes, invoices, receipts, records of payments, bank statements, photographs and videos.