

# Annexure A

## Local Court of NSW

### General Division - Standard Directions

Practice Note Civ 1  
(applicable only to matters to be heard by the Court)

1. In order to advance the dictates of justice, the evidence-in-chief of any witness shall be given by affidavit or written statement. The parties should note that [r 35.2 of the Uniform Civil Procedure Rules 2005 \(NSW\) \(UCPR\)](#) 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.
2. The Court will allocate a hearing date and a review date at the call-over.
3. The Plaintiff / Cross-Defendant is to serve any evidence on which it will seek to rely on or before the following dates: -
  - (a) Affidavits or written statements of witnesses, together with a chronological and paginated bundle of all relevant documents\* by \_\_\_\_\_  
[6 weeks before the review date]
  - (b) Any expert report(s), in accordance with [Pt 31 Div 2 UCPR](#), in respect of which leave has been granted by the Court, by \_\_\_\_\_  
[6 weeks before the review date]
4. The Defendant / Cross-Claimant is to serve any evidence on which it will seek to rely on or before the following dates: -
  - (a) Affidavits or written statements of witnesses, together with a chronological and paginated bundle of all relevant documents\* by \_\_\_\_\_  
[6 weeks before the review date]
  - (b) Any expert report(s), in accordance with [Pt 31 Div 2 UCPR](#), in respect of which leave has been granted by the Court, by \_\_\_\_\_  
[6 weeks before the review date]
5. 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.
6. Other than provided for in paragraph 7 below, parties must not file their evidence prior to the hearing unless the Court otherwise orders.
7. A parties' single expert report or a joint report prepared after a conclave (whether held either in person or remotely) between a number of experts is to be filed with the Court prior to the hearing.
8. Each party or their legal representative must appear at the review and file a written summary of the case, including a reference to any relevant case law or statute.

9. The parties are to engage in meaningful discussions with respect to any objections to each other party's affidavits or written statements (including any expert's statements) as soon as practicable.
10. In the event that a party continues to object, after discussions with the other parties, to the content of another party's affidavits or written statements (including any expert's statements), the objecting party must serve a list of objections on the other party no later than 14 days before the hearing date, and which is to contain the following information: -

<b>Name of Deponent Date of Affidavit / Statement</b>	<b>Paragraph Number</b>	<b>Basis of Objection</b>	<b>Ruling (for court use only)</b>

11. The parties must discuss whether they agree about any facts and issues that are in dispute, following which if the parties: -
  - (a) Agree about any facts and issues, then the Plaintiff must file a Joint Statement of Agreed Facts and Issues at least 7 days before the hearing; or
  - (b) Do not agree about the facts and issues, then each party must file a Statement of Agreed Facts and Issues at least 7 days before the hearing.
12. 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 hearing unless the Court is satisfied that the dictates of justice are advanced by allowing the defaulting party to do so.
13. 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.
14. All cases should be ready to proceed on the hearing date.

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