

PROCEDURE FOR URGENT RELIEF

IN THE CIVIL JURISDICTION OF THE DISTRICT COURT NSW

FROM 1 JANUARY 2020

1. Applications for urgent relief must be made before the Civil List Judge between the hours of 9:30 AM and 4 PM on any Court sitting day.
2. To have a matter listed, the party making the application should first contact the Civil List Clerk on 9377 5743.
3. In exceptional circumstances, the court will entertain urgent applications outside of those hours (after-hours applications) but only between 4 PM and 6 PM, Monday to Friday.
4. After-hours applications will be heard by the Civil List Judge. That can be arranged by contacting the Judge's Associate on 0427 194 575. Please note that this number should only be called for URGENT matters. The phone will be switched on during the times referred to in paragraph 3 and messages ought not to be left at any other times.
5. The name of the Civil List Judge and the Associate's contact number will also be published on the Daily Court List.
6. Over the Fixed Vacation Period (December-January), the Duty Judge of the Dust Diseases Tribunal (DDT) will deal with any urgent applications in the civil jurisdiction. The DDT Duty Judge can be contacted on the same number (0427 194 575) during that period. Again, only urgent applications will be entertained.
7. The following procedures must be followed in making urgent applications to this Court:
 - (a) the application must be made by way of Summons or Notice of Motion accompanied by affidavit(s) setting out the evidence relied upon in support of the application;

(b) the application should specify with clarity the orders sought. For freezing orders, applicants are required to adopt the format in the example attached to SC Practice Note (General) 14:

http://www.practicenotes.justice.nsw.gov.au/practice_notes/nswsc_pc.nsf/a15f50afb1aa22a9ca2570ed000a2b08/175446eff0f5cfa1ca2572ed000cec9f?OpenDocument

(c) other than in special circumstances, the applicant is to serve those documents on any person(s) affected by the application;

(d) if the application is to be made ex parte, then the applicant ought to be in a position to inform the court of either:

(i) why person(s) affected by the application have not been notified; or

(ii) if they have been notified, what their position is in relation to the orders sought. That is, whether they consent to or oppose the relief sought. If they oppose the application, then the application ought not to be made ex parte.

8. Ordinarily, any after-hours applications will, to the extent necessary, be dealt with and, thereafter, listed at 9:30 AM on the next court sitting day before the Civil List Judge or such later date as the circumstances require.

9. All applications and supporting documents should be filed in the Registry or, after 4 PM, via the Online Registry. Copies of any filed documents should then be emailed to the Associate to the List Judge.
