



Common Law Division Supreme Court New South Wales

GUIDELINES FOR COMMON LAW DUTY LIST MATTERS

(Applicable from 25 March 2020 until further notice)

Generally hearings are to be electronic with no appearances in person

- 1 Except in cases of compelling urgency and with the leave of the Chief Justice, there shall be no appearances in person in any matters before the Common Law Duty Judge. This applies to unrepresented litigants as well as represented litigants.
- 2 Matters in which a hearing is required will be heard electronically, using audiovisual and/or audio links, in the virtual courtroom. Information concerning the operation of the virtual courtroom can be found in the [Virtual Court Room Practitioners' Fact Sheet](#) on the Supreme Court website.
- 3 Where urgency requires and a virtual courtroom is not available, matters may be heard by telephone conference.
- 4 Where matters before the Duty Judge can appropriately be dealt with in chambers without a hearing, they will be dealt with in that way.

Arranging for a matter to be brought before the Duty Judge

- 5 Urgent applications that are made in ordinary business hours, other than those under the *Proceeds of Crime Act 2002* (Cth), the *Criminal Assets Recovery Act 1990* (NSW) or similar applications, must be reviewed, by telephone or by email, by the Duty Registrar before they are filed and before arrangements are made to bring them before the Duty Judge.
- 6 Only if exceptional circumstances require the making of an urgent application outside ordinary business hours may an application be made directly to the

Duty Judge. Such an application must be made by contacting the Duty Judge's Associate through the Security Officer of the Supreme Court on the out of hours telephone number published on the Court's website.

- 7 After review by the Duty Registrar or contact made through the Security Officer and in order to arrange for a matter to be brought before the Duty Judge, a practitioner or unrepresented litigant should, whenever it is reasonably practicable to do so, communicate with the Duty Judge's Associate by email.
- 8 Apart from urgent out of hours applications, telephone calls to the Associate should be limited, where possible, to requests for information.
- 9 All emails to the Associate, including emails arranging for a matter to be brought before the Duty Judge and emails providing documents, should be copied to all other parties or their representatives, except in matters where it is appropriate to proceed without notice to other parties.
- 10 Practitioners may inform the Associate by email that their view is that written submissions will be sufficient or that oral submissions by the parties will be necessary or that the matter is suitable to be dealt with in chambers, if the Duty Judge decides that it is convenient to do so.

Provision of documents

- 11 Documents to be relied upon in a matter before the Duty Judge should be provided by email, except in the case of lengthy documents which should be provided in hard copy by arrangement with the Associate.
- 12 Requirements for particular types of documents are set out below:
 - (1) signed originating process, notices of motion, pleadings, applications, affidavits and undertakings should be provided in PDF format;

- (2) consent short minutes of order signed by or on behalf of all parties should be provided in PDF format plus a copy in Word format;
- (3) where there is no consent, draft short minutes of order should be provided in PDF format plus a copy in Word format; and
- (4) written submissions and exhibits, where brief, or extracts of important parts, should be provided in PDF format.

13 If a filing fee is payable on the filing of a document and has not been paid, the party required to pay the fee should include in the documents provided to the Associate an undertaking to the Court to pay any such filing fee.

Registry matters

14 Parties must pay any filing fees, file documents (otherwise than in court) and obtain orders issued by the Registry in accordance with the Registry's processes at the relevant time.

25 March 2020
