



Local Court of New South Wales

Practice Note 3 of 2007

Issued pursuant to section 15 of the *Civil Procedure Act 2005 (CPA)*

Re-issued pursuant to section 27 Local Court Act 2007

1. This Practice Note commences on 1st March 2007.
2. This Practice Note applies to proceedings in the General Division of the Local Court and, unless the Court otherwise orders, it applies to any such proceedings (irrespective of when the proceedings were commenced) in which the first Defence is filed after the commencement of this Practice Note.
3. **Objectives and Purpose**
 - 3.1 The objective of this Practice Note is to ensure, by directions pursuant to section 62 of the CPA, that the court's practice and procedure is applied with a view to determining proceedings justly and in a timely manner.
 - 3.2 The purpose of this Practice Note is to advise that this objective may, in an appropriate case, result in the Court limiting the time that may be taken in the examination, cross examination or re-examination of witnesses.
4. **Directions as to conduct of the hearing**
 - 4.1 At the Call Over, the Court upon fixing the matter for hearing shall in addition to any other case management direction make a direction that the parties shall hand to the Magistrate conducting the Review (paragraph 7.5 of Practice Notice 1 of 2005) a document (Civil Listing Advice) in the form attached to this Practice Direction providing a List of witnesses and a reliable estimate of time required for the examination in chief, cross examination or re-examination of each witness.
 - 4.2 At the Review, the Court, upon being satisfied that the estimate time is reasonable having regard to the objectives set out in section 56(1) CPA and to those matters set out in sections 62(4) and 62(5) CPA, will confirm the hearing date.

- 4.3 The Court, if it is not satisfied that the estimated time is reasonable, will make such directions in accordance with section 62(3) of the CPA as may be necessary having regard to the overriding objectives set out in section 56(1) CPA and to those matters set out in sections 62(4) and 62(5) CPA.
- 4.4 If a party unduly exceeds the estimate of time for examination in chief or cross examination of a witness, the court may, of its own motion or upon the application of any other party, consider limiting further questioning of the witness.
- 4.5 In determining whether or not as to what, if any, extent to limit further questioning, the court will have regard to the principles set out in Part 6 of the Civil Procedure Act.

G L Henson
Chief Magistrate

**LOCAL COURT
CIVIL LISTING ADVICE**

(IMPORTANT – Where the parties are represented by a barrister or solicitor a completed and signed copy of this document must be given to each party's representative on the review date)

Parties:			
-v-			
Case Number(s):			
REVIEW DATE:			
HEARING DATE:			
	Estimated Time for Examination In Chief	Estimated Time for Cross Examination	Total Time Witness Required
Plaintiff - <u>WITNESSES</u>			
1.			
2.			
3.			
4.			
5.			
6.			
TOTAL:			
Defendant - <u>WITNESSES</u>			
1.			
2.			
3.			
4.			
5.			
6.			
TOTAL:			
ESTIMATE OF LENGTH OF HEARING			
IS AN INTERPRETER REQUIRED:		Yes/No (please circle one)	
WHAT LANGUAGE:			
PLAINTIFF'S	NAME:	_____	
SOLICITOR/COUNSEL:	CONTACT NO:	_____	
	SIGNATURE:	_____	
DEFENDANT'S	NAME:	_____	

SOLICITOR/COUNSEL:

CONTACT NO:

SIGNATURE:
