

1 INTRODUCTION

1.1 When should you use this Guide¹?

This Guide gives you information that you should use when preparing documents for use in most civil proceedings in:

- The Supreme Court.
- The District Court.
- A Local Court.
- The Dust Diseases Tribunal.

The Guide does not give you advice about your legal rights. It is not a substitute for referring to the *Civil Procedure Act 2005* or Uniform Civil Procedure Rules 2005.

1.2 Terms used in this Guide

This Guide refers to:

- The *Civil Procedure Act 2005* (CPA).
- 'Person' - this includes a natural person and a corporation unless the context indicates otherwise (see s. 21 of the *Interpretation Act 1987*).
- 'Proceedings' - this means your case in court.
- The Uniform Civil Procedure Rules 2005 (UCPR).

You can get copies of NSW Acts, regulations and rules of court at <http://www.legislation.nsw.gov.au>.

1.3 Where can I get copies of the approved forms?

You can get a copy of the approved forms from any court registry or on the Lawlink website at <http://www.lawlink.nsw.gov.au/ucpr>.

A quick and simple reference guide to completing approved forms directly from the website is also available.

1.4 What form must I use?

The Uniform Rules Committee has approved the forms to be used in civil proceedings. From time to time, it amends existing forms and approves new forms.

An approved form has a version number in the top left hand corner. The most up to date version of a form is published on the Lawlink website.

You must use the form that relates to the step you are taking in the proceedings. For example, you must use form 9 when you are preparing a statement of cross-claim.

¹ There are a number of hyperlinks to other websites and web pages included in this Guide. If you view this Guide online at <http://www.lawlink.nsw.gov.au/ucpr> you will be able to access the further information this Guide mentions via those hyperlinks.

If there is no approved form for the step that you are taking in the proceedings, you can use form 1 and modify this form to suit the nature of the document you wish to file.

Any court registry can give you information about which form to use in your proceedings. You can find out the location of your nearest court registry from the court's website:

Supreme Court: <http://www.lawlink.nsw.gov.au/sc>

District Court: <http://www.lawlink.nsw.gov.au/dc>

Local Court http://www.lawlink.nsw.gov.au/lawlink/local_courts/ll_localcourts.nsf/pages/lc_index

Dust Diseases Tribunal: <http://www.lawlink.nsw.gov.au/ddt>

1.5 Can I change an approved form?

You can change an approved form provided your document substantially complies with the approved form. (See s. 80 of the *Interpretation Act 1987*.)

For example, if you are using a word processing program you can use an alternative style or layout that has the same effect (eg a heading could be boxed or bolded rather than shaded). For example, this heading is not shaded but is boxed for emphasis:

| TITLE OF PROCEEDINGS | |
|--|-----------------|
| [First] plaintiff | [name] |
| #Second plaintiff | [#name #number] |
| #Number of plaintiffs (if more than two) | |
| [First] defendant | [name] |
| #Second defendant | [#name #number] |
| #Number of defendants (if more than two) | |

The approved forms contain instructions in square brackets [], which are designed to help you to complete the form. The square brackets and text in '[9 point font]' are not intended to appear in the final document and may be deleted. For example, you should delete the instructional text appearing in square brackets and the square brackets before typing in the type of claim as this section in the form contemplates:

| TYPE OF CLAIM |
|---|
| [Select type of claim from the list provided in section 6 of the Guide to preparing documents, available on the UCPR website at www.lawlink.nsw.gov.au/ucpr or at any NSW court registry.] |

The approved forms contain optional information that may not be relevant to your proceedings. Optional information is marked with a hash (#). You should delete, or not include the words following the hash (#) if they are not relevant to your document.

1.6 Where can I send feedback about an approved form?

A committee of representatives from the courts, the legal profession and the Attorney General's Department is monitoring feedback about the forms.

You can email comments to uniformcivilprocedures@agd.nsw.gov.au.

1.7 **Where can I get more information?**

LawAccess NSW provides legal information, advice and referrals for people who have a legal problem in NSW. You can contact LawAccess NSW:

- on 1300 888 529 (free call)
- at <http://www.lawaccess.nsw.gov.au/>.

You can get legal advice about your proceedings from a legal practitioner. For the name of a private legal practitioner in your area contact the Law Society of NSW:

- on 9926 0300
- at <http://www.lawsociety.com.au/>.