

### 3 INFORMATION THAT IS INCLUDED IN MOST DOCUMENTS

#### 3.1 Court details

Each approved form contains a section called **COURT DETAILS**. See UCPR 4.2 for more information.

In this section, you must include the following details:

- The name of the court in which you are bringing the proceedings.  
  
You should refer to the court by its full title ie 'Supreme Court of New South Wales' instead of 'Supreme Court'.  
  
You can get more information about the court in which you should bring your proceedings:
  - in the *Supreme Court Act 1970*, the *District Court Act 1973* or the *Local Courts Act 1982*
  - from any registry.
- If relevant, the name of the division in which the proceedings are to be heard.
  - See UCPR 1.16 to 1.21 and UCPR Schedule 8 for how proceedings are allocated to divisions in the Supreme Court.
  - The District Court does not allocate proceedings to divisions. Delete this line if the proceedings are in the District Court.
  - In Local Courts, proceedings are normally allocated to the Small Claims Division if you are claiming up to \$10,000. All other proceedings are allocated to the General Division.
- If relevant, the name of the list in which the proceedings are intended to be entered should be stated on the form.
  - See UCPR Part 45 for how proceedings are entered in specialist lists in the Supreme Court and District Court.
  - Local Courts do not enter proceedings in specialist lists. Delete this line if the proceedings are in a Local Court.
- The location of the registry.
  - If you are preparing a statement of claim or summons, you must include the location of the registry of the place where you want the proceedings to be heard.  
  
You can find out the location of your nearest court registry from the court's website.

- If you are preparing a document other than a statement of claim or summons:
  - copy the registry location from the statement of claim or summons, or
  - if relevant, include details of the registry location where the court has transferred the proceedings.

In the Supreme Court and Dust Diseases Tribunal, the registry will always be Sydney.

- The case number of the proceedings.
  - Leave this field blank if you are preparing a statement of claim or summons. The court will allocate a number and write it on the document.
  - If you are preparing a document other than a statement of claim or summons, copy this number from another document that has been filed in the proceedings.

### 3.2 Title of proceedings

Each approved form contains a section called **TITLE OF PROCEEDINGS**. See UCPR 4.2 for more information.

The court uses the **TITLE OF PROCEEDINGS** to describe the proceedings in its computer system, court lists, orders and other documents.

In this section, you must include details about:

- The full name of the plaintiff or, if there is more than one plaintiff, the first plaintiff. You must include this information in **bold** text.
- If the (first) plaintiff is a person, include the person's first name followed by their family name.
- If the (first) plaintiff is a company, include the full name of the company.
- The number of plaintiffs if there are more than two plaintiffs or the name of the second plaintiff in the proceedings if there are two plaintiffs. Delete this line if there is only one plaintiff.
- The full name of the defendant or, if there is more than one defendant, the first defendant. You must include this information in **bold** text.
- If the (first) defendant is a person, include the person's first name followed by their family name.
- If the (first) defendant is a company, include the full name of the company.
- The number of defendants if there are more than two defendants or the name of the second defendant in the proceedings if there are two defendants. Delete this line if there is only one or no defendant.
- Some proceedings that are commenced by summons will not have a defendant. You can delete the references to defendant in this section.

See UCPR 7.19 to 7.22 for more information where one of the parties is operating under a business name.

Do not include the names of any other parties in the title of proceedings.

Here are some examples:

(1) where there is one plaintiff and one defendant:

<b>TITLE OF PROCEEDINGS</b>	
Plaintiff	<b>Peter Plaintiff</b>
Defendant	<b>Diana Defendant</b>

(2) where there are two plaintiffs and three defendants (eg on an originating process document):

<b>TITLE OF PROCEEDINGS</b>	
First Plaintiff	<b>Peter Plaintiff</b>
Second plaintiff	P. Plaintiff Pty Limited
First defendant	<b>Diana Defendant</b>
Number of defendants	3 Refer to Party Details at rear for full list of parties

(3) where there is one plaintiff and two defendants:

<b>TITLE OF PROCEEDINGS</b>	
Plaintiff	<b>Peter Plaintiff</b>
First defendant	<b>Diana Defendant</b>
Second defendant	D. Defendant Pty Limited

(4) where there are two plaintiffs and two defendants:

<b>TITLE OF PROCEEDINGS</b>	
First plaintiff	<b>Peter Plaintiff</b>
Second plaintiff	P. Plaintiff Pty Limited
First defendant	<b>Diana Defendant</b>
Second defendant	D. Defendant Pty Limited

### 3.2.1 Additional information

You may need to include additional information in the title of proceedings if:

- Your proceedings are to be entered in the following lists:
  - Probate.
  - Adoption.
  - Protective.
- You are bringing your proceedings under a particular Act, for example, the *Confiscation of Proceeds of Crime Act 1989*.

You must include the following additional information if your proceedings are to be entered in the Probate List.

- Estate of [name of the deceased person]
- Date of death: [date of death of the deceased person]
- Gross value of estate
- Net value of estate
- Pages in will (if applicable)

### 3.3 **Filing, issuing or preparation details**

Most approved forms contain a section called **FILING DETAILS**. See UCPR 4.2 and 4.10 to 4.14 for more information.

In this section, you must include details about:

- The name and role of the party for whom the document is being filed. The role of the party means the role that a person takes in the main proceedings and in any cross-claim eg
  - **Angus Jones**, first defendant and cross-defendant to the first cross-claim.
  - **D & B Association Pty Limited**, second defendant and cross-claimant in the first cross-claim.
- If relevant, the legal representative of the party, ie the name of the solicitor on the record, and legal representative firm's name.
- If desired, the legal representative's reference number, ie any internal matter number or file reference number the legal representative uses.



### 3.4 Signature

Most approved forms contain a section called **SIGNATURE**. This section includes options for the various people who can sign a document for a party.

UCPR 4.4 lists who can sign a document for a party.

If a party is represented by a solicitor, the party must not sign the document. Instead, the document must be signed by:

- the party's solicitor
- another solicitor acting as agent for the party's solicitor
- another solicitor belonging to the same firm or organisation as the party's solicitor or the party's solicitor's agent

If a party does not have a solicitor, the document can be signed by:

- the party
- by a person who is authorised by UCPR 7.1 to commence proceedings on behalf of the party.

In proceedings in a Local Court, some documents can also be signed by:

- A commercial agent with respect to debt collection (within the meaning of the *Commercial Agents and Private Inquiry Agents Act 2004*). A commercial agent may sign a statement of claim or summons and also documents in relation to proceedings on an application for an instalment order, an examination order, a writ of execution, a garnishee order or a notice of motion for default judgment in matters in the Small Claims Division.
- A person holding a licence as a real estate agent, strata managing agent or on-site residential property manager (within the meaning of the *Property, Stock and Business Agents Act 2002*). These persons may sign a statement of claim or summons and also documents in relation to proceedings on an application for an instalment order, an examination order, a writ of execution, a garnishee order, the filing of a certificate under s. 51 *Consumer, Trader and Tenancy Tribunal Act 2001*.

You must include a date of signature on some documents.

A number of forms contain the following section. You must not sign in this section as it will be completed by the court.

<b>SEAL &amp; SIGNATURE</b>
Court seal
Signature
Capacity
Date

### 3.5 **Certificate under s. 347 *Legal Profession Act 2004***

Where proceedings include a claim for damages, a legal practitioner must certify that there are reasonable prospects of success as required by s. 347 *Legal Profession Act 2004*. A party who is not legally represented does NOT need to complete this certificate. A number of forms provide for a suitable certificate to be given or in the alternative a statement that the proceedings do not require a certificate of reasonable prospects of success. For example:

<b>#SIGNATURE OF LEGAL REPRESENTATIVE</b>	
#This statement of claim does not require a certificate under section 347 of the Legal Profession Act 2004.	
#I certify that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that the claim for damages in these proceedings has reasonable prospects of success.	
I have advised the plaintiff[s] that court fees may be payable during these proceedings. These fees may include a hearing allocation fee.	
Signature	
Capacity	[eg solicitor on record, contact solicitor]
Date of signature	

A legal practitioner must complete either the certificate or the statement as required (see UCPR 4.2(3A)).

The final paragraph of the certificate is included in forms as a reminder to legal practitioners to inform their client about hearing allocation and other court fees.

See the Civil Procedure Regulation 2005, in particular clauses 7 - 10, for information on court fees.

### 3.6 **Verification of pleadings**

You must read this section if you are filing pleadings (ie a statement of claim, a defence, a statement of cross-claim or a reply) in the Supreme Court or the District Court.

You must verify your pleadings unless your claim relates to:

- defamation
- malicious prosecution
- false imprisonment
- trespass to the person
- death
- personal injury.

See UCPR Part 14, Div 4 for more information.

You verify pleadings by affidavit which must be included in the document which contains your pleading. In the affidavit you will swear or affirm that:

- the allegations of fact in the pleading are true
- the allegations of fact in the pleading which you deny are untrue
- you do not know whether the allegations of fact in the pleading, which you do not admit, are true.

See UCPR 35.3 and paragraph 4.40.1 of this Guide as to who may make an affidavit including an affidavit verifying a pleading.

If you are verifying a pleading on behalf of a party, you must replace paragraph 1 in the affidavit with the following information:

1 I am [give details of the capacity of the person making the affidavit and the facts that qualify the person to make the affidavit].

For example, if the plaintiff is a corporation, insert the words:

'I am [an officer eg director] of [name of corporation] and am authorised to verify this statement of claim on its behalf.'

### 3.7 **Party details**

You must complete the **PARTY DETAILS** section when you are preparing a statement of claim, summons, statement of cross-claim and cross-summons in proceedings where there are more than two plaintiffs/cross-claimants and/or more than two defendants/cross-defendants.

The **PARTY DETAILS** section lists the parties in the proceedings.

See paragraph 4.2 of this Guide for more information about the List of parties form (form 2) that must also be filed.

### 3.8 **Further details about filing party**

In some forms you must complete further details about the parties. For example:

- You must complete the **FURTHER DETAILS ABOUT PLAINTIFF[S]** section when you are preparing a statement of claim (form 3A or 3B) or a summons (form 4A or 4B).
- You must complete the **FURTHER DETAILS ABOUT FILING PARTY** section when you are preparing an appearance (form 6) or a defence (form 7A or 7B) (unless already included in an appearance).
- You must complete the **FURTHER DETAILS ABOUT APPLICANT** section if you are preparing a notice of motion (form 20) and are not already a party to the proceedings.

The **FURTHER DETAILS** section provides additional information about:

- the filing party
  - if the filing party is a natural person, include the person's first name followed by their family name
  - if the filing party is a company, include the full name and ACN (ie the Australian Company Number) of the company.
- if relevant, the filing party's legal (or other) representative (see UCPR 4.4 and 7.1 for information about other representatives that are permitted in certain Local Court proceedings)
- if relevant, the filing party's authorised officer (see UCPR 7.1 and 7.2 - only provide these details if the filing party has no legal or other representative)

The forms provide for addresses to be set out in the following format.

Address	#[unit/level number]		#[building name]
	[street number]	[street name]	[street type]
	[suburb/city]	[state/territory]	[postcode]
	#[country (if not Australia)]		

In forms that are not being eFiled through JusticeLink, you may set out address information without separating each piece of information into fields. For example:

Firm	Law Firm & Co
Address	Legal Towers 21 Chambers Lane SYDNEY NSW 2000

If the filing party's representative has an agent, the section of the form headed **Legal representative for plaintiff[s]** or **Legal representative for filing party** should be repeated, and headed **Legal representative for plaintiff[s] agent** or **Legal representative for filing party's agent**.

You only have to provide the additional information about yourself in the first document you file in the proceedings. For example, if you provided the additional information in the statement of claim, you do not have to provide it again in the reply.

If any of the details relating to you change during the proceedings, you must file a notice advising the court of the change in details (forms 76 - 80).

### 3.8.1 Address for service

The detailed information includes your address for service. This is the address where other parties can serve you with documents in the proceedings. See UCPR 4.5 and 4.6 for more information about the address for service and changing your address for service.

If you are willing to be contacted by email, provide an 'Email address', which may be a personal address and is distinct from an 'Electronic service address'.

If you are willing for documents to be served on you by email, provide an 'Electronic service address'. See UCPR 3.8 and 10.5(2)(c).

If you wish to make it clear that you may be contacted by email (eg, for convenience), but do not wish to accept service by email (eg, you do not monitor your inbox sufficiently regularly), you may either delete the 'Electronic service address' row, or complete as follows:

Email	name@emailaddress.com.au
Electronic service address	Not applicable

### 3.9 **Details about other parties**

In some forms you must complete details about other parties. For example:

- You must complete the **DETAILS ABOUT DEFENDANT[S]** sections when you are preparing a statement of claim (form 3A or 3B) or a summons (form 4A or 4B) (unless there is no defendant).
- You must complete the **DETAILS ABOUT CROSS-DEFENDANTS THAT ARE NEW PARTIES** section when you are preparing a statement of cross-claim (form 9) or cross-summons (form 10) and are making a cross-claim against a person who is not already a party to the proceedings.
- You must complete the **FURTHER DETAILS ABOUT RESPONDENT[S]** section if you are preparing a notice of motion (form 20) and there are persons who will be affected by the motion that are not already a parties in the proceedings.

You must include the party's name and address:

- if the party is a natural person, include the person's first name followed by their family name
- if the party is a company, include the full name and ACN (ie the Australian Company Number) of the company.

The forms provide for addresses to be set out in the following format.

Address	#[unit/level number]		#[building name]
	[street number]	[street name]	[street type]
	[suburb/city]	[state/territory]	[postcode]
	#[country (if not Australia)]		

In forms that are not being eFiled through JusticeLink, you may set out address information without separating each piece of information into fields. For example:

Name	Diana Defendant
Address	12 Green Street, GREEN TOWN NSW 2999

### 3.10 **Frequent user identifier**

You must include your frequent user identifier if you are registered with the court as a frequent user. You may delete the provision for 'frequent user identifier' from the forms if this does not apply to you.