



NEW SOUTH WALES

DOWNING CENTRE CIVIL LISTING ARRANGEMENTS DURING THE COVID-19 PANDEMIC

It has become increasingly apparent that the capacity for Local Courts to continue to operate effectively across the breadth of their jurisdiction is being systematically compromised by progressive restrictions announced by governments. A review of the position in the civil jurisdiction at the Downing Centre leads me to conclude that **all listed hearings between 30 March and 30 September 2020 are abandoned.**

The Court understands that taking this action may disappoint parties to proceedings, however it believes there is little alternate choice in the current environment. Fortunately the delays in hearing matters in the Local Court are relatively short compared with other jurisdictions. In addition steps have been taken in forward planning to allow for an intensive resumption of civil hearings should the current pandemic dissipate to the point where normal activities can be resumed.

As a consequence of the decision to abandon listed hearings as indicated above the following arrangements will be made:

1. All matters currently listed for hearing will be returned to the online court forthwith for case management
2. Any future listings in Court 7B of the John Maddison Tower (whether for mention/review/further direction) in relation to these hearings is hereby vacated
3. Subject to a return to normal activity the month of October 2020 will be allocated to review and re allocation of hearing dates.
4. Should it not be possible to re allocate hearing dates the matters will remain in the online court.

In due course Parties will be contacted online or via telephone as to any new listing date.

5. Any matter currently listed for review or directions in Court 7B is hereby vacated. Those matters will be returned to the online court for case management
6. Parties should contact the Sydney Civil Registry as to future listing of part heard matters or matters reserved for decision only as to future listings of such matters.

7. Where **absolutely necessary** hearings of notices of motion will be by teleconference before a magistrate. Any evidentiary material to be relied on should be filed by electronic means not less than 48 hours prior to the hearing. Submissions via teleconference will be restricted to 10 minutes per party.

New Claims

8. Filing/Service of Statements of Claim and defences to proceed according to normal time-lines if possible. They will be entirely managed by the Sydney Civil Registry on-line.
9. Any applications for leave to amend pleadings/extensions of time will be dealt with on line and will be determined by a Magistrate if necessary, in chambers, with orders made available to parties on-line.
10. Once pleadings are closed, at on-line call-over, parties will be directed to exchange evidence in 8 weeks' time. They will be given a further on-line call-over date 4 weeks after that exchange date.
11. These on-line procedures will replace the review and directions lists in Court 7B for **new** matters.

CONTACT DETAILS

Sydney Civil Registry: sydneycivilregistry@justice.nsw.gov.au

Phone: 1300 679 272

PARTIES SHOULD CONFIRM THEIR OWN EMAIL AND PHONE DETAILS ARE WITH THE SYDNEY REGISTRY AND PROVIDE/UPDATE AS NECESSARY.

The Court encourages all parties to proceedings to engage in constructive discussion with a view to reaching an out of court settlement. Parties will be excused from attending any future in person or on-line listings where Terms of Settlement finalising the proceedings are filed prior to the relevant listing date.


Judge Graeme Henson AM
Chief Magistrate



