

1991—No. 257

DISTRICT COURT ACT 1973—RULE

NEW SOUTH WALES



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1. This rule is made by the Rule Committee on 28 May 1991 and has effect on and from 7 June 1991.
2. The District Court Rules 1973 are amended by inserting after Part 12 the following Part—

PART 12A
INDIVIDUAL LIST PROJECT

Application of rules

1. (1) This Part applies to an action which is included in the Individual List Project.
- (2) The rules, other than this Part apply to an action to which this Part applies subject to this Part and to any direction referred to in rule 3.

Inclusion of actions in Project

2. (1) An action is included in the Individual List Project when the registrar sends notice to the parties that it is so included.
- (2) An action included in the Individual List Project remains so included until judgment is given or entered up in the action, or the action is discontinued, or removed from the Project by order of the Court, or struck out of the list of actions awaiting trial without an order of the Court that it be retained in the Project.

Directions

3. (1) A direction referred to in this rule shall be interpreted as having been given under section 68A of the Act.

(2) The Chief Judge may give directions in respect of all of the actions, or of any group or class of the actions, to which this Part applies.

(3) The Court may give directions in respect of any action, or any group of the actions, to which this Part applies.

(4) A direction referred to in this rule may apply to an action, or a group or class of actions, included in the Individual List Project after the direction is given.

(5) Without affecting the generality of this rule, the directions referred to in this rule include directions which—

(a) require a party or parties to an action to—

(i) attend a call-over, a pre-trial conference or a dispositions hearing;

(ii) prepare and file a status sheet;

(iii) prepare and file a memorandum of issues;

(iv) prepare and file a certificate as to attempted settlement, which may include notice to the Court as to whether or not an offer of compromise has been made;

(v) complete any step within a time specified in the direction, whether or not that time is prescribed in the rules; or

(vi) do any thing specified in the direction to ensure that settlement is expeditiously and fully considered or the action is expeditiously prepared for hearing, in respect of the action;

(b) order that an action be referred for arbitration under the Arbitration (Civil Actions) Act 1983;

(c) award costs, or impose other sanctions, against a party or the party's solicitor if a direction is not complied with;

(d) strike an action out of the list of actions awaiting trial; or

(e) where an action is struck out, make orders as to the terms and conditions on which it may be restored to the list.

EXPLANATORY NOTE

The purpose of the amendment is to establish a listing system under which certain civil actions will be case-managed by Judges, and to ensure that directions given by those Judges prevail over any conflicting Rules, as authorised by section 68A of the District Court Act 1973.

E. J. O'Grady
Secretary to the Rule Committee
