

## PRACTICE NOTE SC Gen 1

### Supreme Court – Application of Practice Notes

#### Commencement

1. This Practice Note commences 17 August 2005.

#### Application

2. This Practice Note applies to the Court of Appeal, the Court of Criminal Appeal, and to the Common Law Division and the Equity Division of the Supreme Court.

#### Definitions

3. In this, and any other Practice Note, unless the contrary is indicated:

**Act** means the *Supreme Court Act 1970*

**CPA** means the *Civil Procedure Act 2005*

**Former Practice Notes** means the Practice Notes issued by the Court prior to 17 August 2005

**SCR** means the *Supreme Court Rules 1970*

**UCPR** means the *Uniform Civil Procedure Rules 2005*

**PN** means Practice Note

#### Introduction

4. The purpose of this Practice Note is to:

- update Former Practice Notes to reflect current procedures in the Supreme Court, and
- update the Practice Notes with references to the CPA and UCPR.

#### Numbering of Practice Notes

5. All Practice Notes in the Supreme Court will begin with the letters “SC”.
6. Practice Notes that relate specifically to a Court, a Division or a Divisional List will generally be numbered from the numeral 1 with an abbreviation for the Court or Division (i.e. “CA” for the Court of Appeal, “CCA” for the Court of Criminal Appeal, “CL” for the Common Law Division and “Eq” for the Equity Division). As a result, the first Practice Note for the Court of Appeal will be numbered SC CA 1.
7. This Practice Note operates as a Table of Contents, with status information as to the currency and history of all revised Practice Notes.
8. Practice Notes that relate to a general issue of the Court with application across one or more of the Courts or Divisions (e.g. mediation, access to Court files) will be numbered from the numeral 1 with the abbreviation “Gen”. This Practice Note is therefore numbered SC Gen 1.
9. In future, where an amendment is made to a Practice Note, rather than issuing a fresh number to that Practice Note, a new version of the existing Practice Note will be issued.
10. The history of all new Practice Notes will be documented below in the “Related information” section of this Practice Note.

#### Repeal of Former Practice Notes.

11. Former Practice Notes numbered 1 to 130 are repealed.

#### General

12. Practice Notes numbered SC CA 1, SC CCA 1, SC CL 1 to SC CL 7, SC Eq 1 to SC Eq 4 and SC Gen 1 to SC Gen 11 replace the Former Practice Notes effective 17 August 2005.

#### Pending proceedings

13. Subject to paragraph 14, a Practice Note applies to proceedings commenced before the commencement of the Practice Note in the same way as they apply to proceedings commenced after the commencement of the Practice Note.

14. A court before which proceedings have been commenced before the commencement of a Practice Note may make such orders dispensing with the requirements of the Practice Note in relation to the proceedings, and such consequential orders (including orders as to costs), as are appropriate in the circumstances.

**Transitional arrangements**

15. Subject to the Act, the SCR, the CPA, and the UCPR, anything done under a provision of the Former Practice Notes for which there is a corresponding provision in a current Practice Note is taken to have been done under the corresponding provision of the current Practice Note.

J J Spigelman  
Chief Justice of New South Wales  
17 August 2005

**Related information**

The following Practice Notes apply from 15 August 2005:

<b>PN#</b>	<b>Title</b>	<b>Date Commenced</b>	<b>Date Repealed or replaced (if applicable)</b>	<b>Comments</b>
SC CA 1	Court of Appeal - General	17 Aug 2005		Repeals Former PNs 22, 42, 65, 74 & 77
SC CCA 1	Court of Criminal Appeal - General	17 Aug 2005		Repeals Former PN 123
SC CL 1	Common Law Division – General	17 Aug 2005		
SC CL 2	Common Law Division - Criminal List	17 Aug 2005		Repeals Former PNs 57, 98 & 112
SC CL 3	Common Law Division – Administrative Law List	17 Aug 2005		Repeals Former PN 119
SC CL 4	Common Law Division – Defamation List	17 Aug 2005		Repeals Former PNs 85 & 114
SC CL 5	Common Law Division – General Case Management List	17 Aug 2005		Repeals Former PNs 120, 70 & 128
SC CL 6	Common Law Division – Possession List	17 Aug 2005		Repeals Former PN 106
SC CL 7	Common Law Division – Professional Negligence List	17 Aug 2005		Repeals Former PN 104
SC Eq 1	Equity Division –Case Management	17 Aug 2005		
SC Eq 2	Equity Division – Admiralty List	17 Aug 2005		Repeals Former PN 84
SC Eq 3	Equity Division – Commercial List and Technology and Construction List	17 Aug 2005		Repeals Former PN 100
SC Eq 4	Equity Division – Corporation List	17 Aug 2005		Repeals Former PNs 117, 111 & 126
SC Gen 1	Supreme Court – Application of Practice Notes	17 Aug 2005		
SC Gen 2	Supreme Court – Access to Court files	17 Aug 2005	replaced 1 Mar 2006	Repeals Former PN 97; SC Gen 2 was amended on 1 Mar 2006
SC Gen 3	Supreme Court - Photocopy access to documents produced under subpoena or admitted as exhibits	17 Aug 2005		Repeals Former PN 107
SC Gen 4	Supreme Court - Affidavits	17 Aug 2005		
SC Gen 5	Supreme Court - Costs orders against practitioners	17 Aug 2005		Repeals Former PN 108
SC Gen 6	Supreme Court – Mediation	17 Aug 2005		Repeals Former PN 125
SC Gen 7	Supreme Court - Use of technology	17 Aug 2005		Repeals Former PN 127

SC Gen 8	Supreme Court - Admission and enrolment under Mutual Recognition Act	17 Aug 2005		Repeals Former PN 82
SC Gen 9	Supreme Court - Appointment of examiners outside of NSW: procedures for practitioners	17 Aug 2005		
SC Gen 10	Supreme Court – Single Expert Witnesses	17 Aug 2005		
SC Gen 11	Supreme Court – Joint Conferences of Expert Witnesses	17 Aug 2005		Repeals Former PN 121
SC Gen 12	Supreme Court - ecmCourt Protocol	22 Mar 2006		
SC Gen 13	Supreme Court – Search Orders (also known as 'Anton Piller Orders')	14 Jun 2006		
SC Gen 14	Supreme Court – Freezing Orders (also known as 'Mareva orders' or 'asset preservation orders')	14 Jun 2006		