

Practice Note DC (Civil) No. 9

Summonses and Motions

1. Notices of motion will be given a hearing date in the general motions list on a Friday at the time of filing unless they are endorsed “Long Motion”.
2. Motions must be served at least 3 clear days before the date allocated for hearing with the affidavit(s) in support.
3. An Assistant Registrar will be available in court between 9.00 a.m. and 9.30 a.m. to deal with any consent orders and applications for adjournments of motions. At 9.30 a.m. the Assistant Registrar will call through the list and refer the notices of motion ready for hearing to the Judicial Registrar.
4. Notices of motion which are anticipated to require more than 2 hours for hearing should be described as a Long Motion in the heading of the document. Long motions will receive a call-over date for the purpose of allocating a hearing date. Long motions must be served in sufficient time to enable all parties to be represented at the call-over with instructions as to the likely hearing time for the application and with instructions to complete a timetable.
5. Long motions will usually not be adjourned. If a party seeks to have such a motion adjourned they should file a normal notice of motion with an affidavit in support prior to the allocated hearing date.
6. Affidavits, statements and other documents should not be filed with the notice of motion or summons unless an application for an adjournment is sought or the court has ordered the filing of such documents.

7. All summonses not in a specialised list will receive a call-over date for the purpose of case management and allocation of a hearing date.
8. Judges and Registrars should order that the supporting affidavits be handed back to the parties at the conclusion of the hearing of the notice of motion.
9. Counsel are not required to robe for the hearing of notices of motion or summonses.

The Hon. Justice R.O. Blanch A.M.
Chief Judge
9 August 2005