

SUPREME COURT OF TASMANIA

PRACTICE DIRECTION

No. 11 of 2005

1 February 2005

The following Practice Direction is published by direction of the Chief Justice, the Honourable Mr Justice Underwood AO.

This Practice Direction replaces 8/2000.

CASE MANAGEMENT

Pursuant to r414(a), the following classes of proceeding are specified as being classes of proceeding to which *Supreme Court Rules* 2000, Division 1 of Part 14 apply:

- All proceedings commenced by originating application intended to be served.
- All proceedings commenced by writ excepting actions where damages are claimed by the plaintiff in respect of personal injury.

All proceedings commenced by originating application intended to be served are to be made returnable at first instance before the Master for directions.

The following procedure applies to proceedings commenced by writ:

- At the time of filing the defence, or within seven days thereafter, the defendant's solicitor must file and serve a list of all the orders which the defendant seeks at the first directions hearing.
- Within fourteen days of receipt of that list, the plaintiff's solicitor is to file and serve a list of the orders which the plaintiff seeks at such hearing.
- If an order is sought:
 - striking out a pleading;
 - limiting discovery or interrogation;
 - providing for the early discovery of particular facts or documents; or
 - otherwise relating to a substantive matter likely to be in controversy;

a brief statement of the grounds upon which the order is sought is to be included in the list.

- Prior to the directions hearing, the solicitors are to confer and endeavour to reach agreement on as many of the orders sought as possible. Where there is agreement, the parties should file a consent memorandum.
- Where directions include a timetable, a party, unable to comply with the time limit, is to apply by letter to the court for an amendment to the timetable **prior to the expiration of the time provided.**
- The party requesting an alteration to the timetable is to invite the other party to consent to the alteration prior to the listing of the application. Upon certification that a party has declined or failed to consent, the application will be listed for hearing.

