

PRACTICE NOTE ISSUED BY THE CHIEF DISTRICT COURT JUDGE

Effective 1 December 2007

RELATING TO PRE-HEARING MATTERS FOR APPEALS UNDER THE INJURY PREVENTION, REHABILITATION, AND COMPENSATION ACT 2001

1. This Practice Note addresses pre-trial procedures in the appeal jurisdiction of the District Court concerning Accident Compensation appeals, and is effective from 1 December 2007.
2. This Practice Note is supplementary to the Practice Note made on the 1st day of December 2004.
3. The purpose of this Practice Note is to:
 - Improve judicial management of appeals;
 - Achieve greater certainty and efficiencies in the disposal of appeals;
 - Minimise late settlements and adjournments of appeals;
 - More effectively police and monitor directions' orders, and in particular timetabling orders;
 - Provide for and ensure pro-active judicial involvement in the course of the appeal;
 - More effectively utilise judicial time.
4. An appellant is required to file and serve written submissions or interim submissions and a bundle of the relevant documents relied upon with the Registry and the other party within 182 days (26 weeks) from the date that the appeal is received by the Registry.
5. The respondent is required to file and serve written submissions or interim submissions and a bundle of the relevant documents relied upon with the Registry within 28 days (4 weeks) from the date that it is served with the written submissions and the bundle of documents provided by the appellant in (4) above.

6. These specified times must be strictly complied with, and if an extension of time is sought then that extension will be referred to a Judge. Any such application for an extension must be made in writing to the Registry and served upon the opposite party and provide sufficient details for the reason for that extension. Upon receiving an application for extension, the Judge will hold a teleconference with the parties and timetable any extension granted. It should be noted that interim submissions will be required in the event of unavoidable delays occasioned by the receipt of medical reports. When all the medical reports have been obtained the parties must immediately advise the Registry of this fact. Supplementary submissions and documents should then be filed and served by the appellant within 21 days (3 weeks) and the respondent 21 days (3 weeks) after service of the appellant's supplementary submissions.
7. When the submissions and the bundle of documents of all parties have been received by the Registry, a date of hearing will be set by the Registry after a teleconference with the parties. It is expected that all settlement attempts will have been made before this date and that the appeal is ready to proceed.
8. A final teleconference will be convened by a Judge and be held between the Judge and the parties 28 days (4 weeks) before the date of hearing. At that teleconference the parties will reconfirm their position as to the fixture. Late applications for adjournments will not lightly be given.
9. If the time objectives in this Practice Note or any directions orders, including time-tabling orders, are not met then the party in default may have the appeal or the response to the appeal struck out for want of prosecution. Breaches of time compliance will be reported to a Judge for directions. The parties in default of time obligations must be prepared to provide to the Registry or a Judge precise details of what steps have been taken to progress the appeal.
10. As this is an appeal, the evidence, including medical reports, should have been produced at the Review Hearing. Any application to call further evidence or to commission further medical reports should be promptly made to a Judge. The application should be in writing and set out adequate grounds and reasons for such a request. A Judge will monitor and set out a timetable concerning any request granted. It should be noted that if the medical evidence appears deadlocked then the Judge may call for independent specialist reports.

11. Any appeal placed upon the reserve list must be ready to go ahead on the basis that a firm fixture had been allocated to it.
12. The parties are required to notify the Registry where they may be contacted at all times, along with telephone numbers. If the parties change their address and telephone numbers the change must be immediately notified to the Registry. Failure to comply with this requirement may be a ground for striking out the appeal for want of prosecution.
13. The Registry or a Judge will review all appeals 26 weeks (182) days from the date of filing of the appeal as to progress.
14. When an appeal is filed the Registry will forward to the appellant a letter, including this Practice Note, setting out the urgency of progressing the appeal.

ADDENDUM

The intent of this practice note is that either interim or final submissions will be filed and served upon the Registry or respondent by the appellant within 6 months (182 days).

The respondent will reply on either a final or interim basis within 28 days of receipt of the appellant's interim or final submissions.

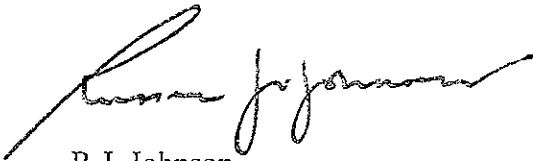
Interim submissions required by the appellant should show:

- I. The issues in this appeal
- II. A brief narrative of facts
- III. Relevant facts contended for in this appeal
- IV. Any relevant principles of law
- V. Why it is believed the review decision is incorrect
- VI. Reasons why final submissions have not been made detailing the steps taken to progress this appeal and an estimate of time as to when final submissions can be expected.

The objective is that all appeals should be ready for hearing unless a Judge grants an extension, within a period of 9 months (39 weeks).

The other innovation in this Practice Note is a telephone conference in the nature of a call-over 28 days before the actual hearing. It is to be expected that any late applications for adjournment, and that appeals that have been settled or withdrawn should be addressed at the very latest at this particular call over. This will enable the Registry to ensure that a session will be fully utilised as to Judge hearing time.

The time limits set out in this Practice Note will be strictly observed. If appeals are not reasonably progressed they will be struck out for want of prosecution.

A handwritten signature in black ink, appearing to read 'R.J. Johnson', written in a cursive style.

R.J. Johnson
Chief District Court Judge