

Guidelines for District Court Practitioners

during period of Epidemic Notice

Unsworn affidavits

If parties are not able to sign affidavits or swear them in front of an independent lawyer or registrar, they will be accepted for filing by the Court and referred to a Judge for directions.

If a lawyer is acting, and it is a without notice application, the court will be assisted by the lawyer acting including in the requisite memorandum certification to the following effect:

"The affidavit was prepared in accordance with the deponent's specific instructions. It was read to them or an electronic version provided to them. The deponent confirmed that they fully understood the affidavit, and that the contents of it were true and correct."

This can also be used for on notice applications when time is of the essence, if affidavits cannot be sworn, with the certification replacing the deponent's signature and jurat.

Alternatively, a memorandum of counsel should be filed -

- (i) confirming that the document contains the same evidentiary matter as the affidavit that the intending deponent would have sworn to or affirmed had an emergency not existed; and
- (ii) undertaking that an affidavit containing the same evidentiary matter as that presented for filing will be filed as soon as circumstances reasonably permit.

Electronic filing/Remote hearings

All applications and related documents will be accepted for filing electronically during Level 3 and 4 Alert periods. The time they are deemed to be filed will be between court hours, namely 9am — 5pm Monday to Friday,

No hard copies are to be posted or delivered to the Court at this time.

For telephone hearings, any other document that would usually be handed up in Court during a hearing, including any minute of proposed consent orders, must be emailed to the Registrar before the hearing.

If parties are attending a face-to-face hearing, the handing up of hard copy documents will not be allowed in any circumstances as the virus can last on surfaces for up to 72 hours.

Electronic service

The term "personal service" is expanded to include "electronic service".