



**MAGISTRATES COURT
OF THE
AUSTRALIAN CAPITAL TERRITORY**

Practice Direction 2/2026

Practice Direction - Standard Directions in Civil Matters

Application

1. This practice direction applies to civil proceedings before the Magistrates Court from 30 June 2026.
2. Practice Direction 3 of 2025 is revoked.

Background

3. The Court has defined standard directions that apply in civil proceedings. The Court may direct compliance with these standard directions in a matter with or without variation.

Standard directions

4. Standard directions when listing a civil hearing, other than personal injury proceedings means the directions contained in Annexure A.
5. Standard directions when listing a hearing in personal injury proceedings means the directions contained in Annexure B.
6. Standard directions for mediation means the directions contained in Annexure C.
7. Standard directions for consolidated electronic chronology means the directions contained in Annexure D.
8. The terms 'plaintiff' and 'defendant' within those directions are replaced with the terms 'applicant' and 'respondent' where appropriate.

By direction of the Chief Magistrate and Magistrates.

Helen Banks
Registrar
ACT Magistrates Court

29 June 2026

Standard Directions when Listing a Civil Hearing, other than Personal Injury Proceedings

Evidence, witness statements and evidence by telephone

1. Evidence at the hearing, other than the evidence-in-chief of an expert, is to be given orally.¹
2. Each of the parties are to serve on all other parties (not file) a statement² by each of their witnesses setting out the evidence to be given orally by the witness in accordance with the timetable made by the Court.
3. Any party wishing to make an application for leave to serve additional statements in response to statements received from another party is to do so no later than 14 days after receiving those statements.
4. If a witness refers to a document in their statement, then a legible copy of that document is to be either annexed to the statement or provided in a chronological and paginated bundle of documents served with the statement and appropriately identified.
5. A party intending to call a witness by telephone or AVL is to notify the other parties of that intention forthwith after forming that intention. Any other party who does not consent to that course, is to advise the party calling the witness no later than 7 days after receiving the notice, or if the hearing is listed within 7 days, then as soon as practicable.

Legal costs information to clients – 28 days after these directions

6. No later than 28 days after these directions, the solicitors on the record for each party are to provide to their clients a summary of:
 - a. the total legal costs, including all disbursements, incurred to date;
 - b. a realistic estimate of future costs;
 - c. an estimate of what proportion of those costs, if any, may be recoverable from another party if the client is successful; and
 - d. the amount already paid by their client towards such costs.

¹ This is the ordinary arrangement for proceedings commenced by originating claim. See *Court Procedures Rules 2006*, r 6700 and Part 2.12.

² These statements are not affidavits and provide opposing parties with notice about who the witnesses will be and what they are expected to say orally during the hearing. Those statements, or parts thereof, may be admitted into evidence by consent.

Court Book – 7 days before the hearing

7. No later than 7 days before the hearing, the plaintiff is to file and serve a court book as required by r 1312 of the *Court Procedures Rules 2006*.

Case outline and tender bundle – 7, 2 and 1 day/s before the hearing

8. No later than 7 days before the hearing, the parties are to file and serve on all other parties a Case Outline that is prepared by whomever is to appear at the hearing. That document is to set out:
 - a. the relief sought;
 - b. a summary of the issues in dispute;
 - c. a list of witnesses intended to be called, including an indication if the party proposes to call a witness by telephone; and
 - d. in the case of a represented party, a statement confirming compliance with the above requirement for the solicitor on the record to provide to their client advice about legal costs.
9. No later than 2 days before the hearing, the plaintiff is to serve on the other parties a tender bundle of documents that they propose to tender at the hearing.
10. No later than 1 day before the hearing, the defendant is to serve on the other parties a tender bundle of documents that they propose to tender at the hearing, excluding any document included in the tender bundle served by the plaintiff.³
11. Those bundles should be bound, paginated, indexed and, as appropriate, arranged in chronological order.

Chronology at opening

12. Prior to the commencement of the plaintiff's opening, the plaintiff is to provide to the Court a detailed chronology that includes appropriate references to relevant page numbers of the tender bundles.

Final submissions and list of legal authorities

13. The parties are to be in a position to commence final submissions immediately following the conclusion of the evidence.
14. Prior to final submissions, the parties are to provide to the Court a list of legal authorities upon which they intend to rely.

³ These documents should be disclosed to the other parties well before this step.

Documents generally

15. The covering page of all documents prepared for Court should identify the name of the proceedings and the party filing or providing the document.

Non-compliance

16. A failure by one party to comply with these directions will not be considered an adequate excuse for any failure by another party to comply. Non-compliance with these directions may result in adverse costs orders.
17. Each party has liberty to relist the matter at short notice before the Magistrate allocated to hear the final hearing or, if the Magistrate is not known, the Registrar, for the purpose of bringing to the Court's attention any failure to comply with these directions.⁴

Statement of agreed facts

18. The parties are encouraged to agree on and file by consent a statement of agreed facts.

Agreed tender bundle

19. The parties are encouraged to agree on and file by consent two (one being a working copy) identical, bound, indexed, paginated and chronological tender bundles that contain the documents that the parties intend to rely upon.

Legal authority bundle

20. The parties are encouraged to agree on and provide to the Court at closing submissions one bound, indexed and paginated copy of a legal authority bundle that contains copies of the legal authorities to which the parties intend to refer.

⁴ This is in addition to the procedure available at r 1452.

Standard Directions when Listing a Hearing in Personal Injury Proceedings

Evidence by telephone – advice forthwith and response after 7 days

1. A party intending to call a witness by telephone or AVL is to notify the other parties of that intention forthwith after forming that intention. Any other party who does not consent to that course, is to advise the party calling the witness no later than 7 days after receiving the notice, or if the hearing is listed within 7 days, then as soon as practicable.

Court Book – 7 days before the hearing

2. No later than 7 days before the hearing, the plaintiff is to file and serve a court book as required by r 1312 of the *Court Procedures Rules 2006*.

Objections to expert reports – 7 days before the hearing

3. No later than 7 days before the hearing, each party is to serve on all other parties a list of objections to any expert reports that have been served by a party. Those lists are to identify with precision the part of the report objected to and the reason why, with sufficient particularity to permit the other parties to understand the legal and factual basis for any objection.

Witness lists – 3 and 2 days before the hearing

4. No later than 3 days before the hearing, the plaintiff is to serve on all other parties a list of witnesses that it proposes to call to give evidence.
5. No later than 2 days before the hearing, the defendants are to serve on all other parties a list of witnesses that it proposes to call to give evidence.

Financial and medical documents – 3 and 2 days before the hearing

6. No later than 3 days before the hearing, the plaintiff is to serve on all other parties; and no later than 2 days before the hearing, the defendants are to serve on all other parties, the following documents that they proposes to tender at the hearing:
 - a. a bundle of tax or other documents relating to economic loss;
 - b. a bundle of documents relating to past or future out of pocket expenses; and
 - c. a bundle of medical records.
7. The defendants are not to include in the above bundle, documents already contained in the plaintiff's bundle.
8. Those bundles should be bound, paginated and, where appropriate, arranged in chronological order. They should also contain summaries that identify:
 - a. for the documents relating to economic loss, the relevant figures for each relevant year; and
 - b. for the documents relating to out-of-pocket expenses, the amounts said to be proved by the documents.

9. Those bundles need not be served if the facts or evidence are agreed. In the former case, the agreement is to be part of an agreed statement of facts. In the latter case an agreed tender bundle is to be filed and is to include either an agreed summary, or each party is to file separate summaries as required above.

Chronology at opening

10. Prior to the commencement of the plaintiff's opening, the plaintiff is to provide to the Court a detailed chronology that includes appropriate references to relevant page numbers of the tender bundles.

Final submissions, list of legal authorities and schedule

11. The parties are to be in a position to commence final submissions immediately following the conclusion of the evidence.
12. Prior to final submissions, the parties are to provide to the Court a list of legal authorities upon which they intend to rely.
13. During their final submissions, each party is to provide to the Court a schedule of the damages that it contends should be awarded by the Court if liability is established. It should set out:
 - a. Each head of damages for which damages is sought, including:
 - i. the method by which the amount is calculated,
 - ii. any assumptions or findings upon which the calculations are dependent;
 - iii. any relevant multiplier; and
 - iv. in the case of any head of damages for the past, any interest claimed and how the party submits such interest should be calculated;
 - b. The plaintiff's age at the date of the hearing;
 - c. The plaintiff's life expectancy at the date of the hearing; and
 - d. The number of years until retirement.
14. The Court will treat any head of damages or interest not included within the above schedule as having been abandoned.

Documents generally

15. The covering page of all documents prepared for Court should identify the name of the proceedings and the party filing or providing the document.

Non-compliance

16. A failure by one party to comply with the Court's directions will not be considered an adequate excuse for any failure by another party to comply. Non-compliance with these directions may result in adverse costs orders.
17. Each party has liberty to relist the matter at short notice before the Magistrate allocated to hear the final hearing or, if the Magistrate is not known, the Registrar for the purpose of bringing to the Court's attention any failure to comply with these directions.⁵

⁵ This is in addition to the procedure available at r 1452 of the *Court Procedures Rules 2006*.

Standard Directions for Mediation

Mediation date and time

1. The mediation is listed at [*time and date of mediation*].

Preparation for the mediation

2. On or before [*4 weeks prior to the mediation*], each separately represented party is to:
 - (a) file a signed copy of the Magistrates Court mediation agreement;
 - (b) provide their position paper of no more than 3 pages in length by email to the mediator appointed by the Court. Hard copies of position papers will not be accepted by the mediator;
 - (c)
 - i) pay its share of the mediator's fees directly to the mediator; or
 - ii) if the mediator is a barrister, give a written undertaking to both the mediator and the Court to pay the mediator's fees within one week of receiving the mediator's invoice; and
 - (d) advise the Court of compliance with Orders 2(a), 2(b) and 2(c) by email to Mediation@courts.act.gov.au.
3. If the proceedings settle after the date for compliance with Order 2, the mediator's fees remain due and payable.
4. In personal injury matters: no later than 14 days before the mediation, the plaintiff is to file and serve on the other parties a statement of particulars in accordance with rule 1304 of the *Court Procedures Rules 2006* if one has not already been filed;
5. No later than 7 days before the mediation, the solicitors on the record are to provide their clients with a summary of:
 - (a) the total legal costs incurred to date including all disbursements;
 - (b) a realistic estimate of future costs;
 - (c) an estimate of what proportion of those costs, if any, may be recoverable from another party if the client is successful; and
 - (d) the amount already paid by their client towards such costs.

Compliance listing

6. The matter is listed on Tuesday [*three weeks prior to the mediation*] at 2.15pm for the Court to confirm that the parties have complied with these orders.
7. If parties have complied with Order 2, the party/parties may seek orders to be excused from or vacate the listing in Order 6.

8. Non-compliance with these orders may result in an adverse costs order or an order dismissing the proceedings. Parties may be required to file affidavits of non-compliance.

Conduct of the mediation

9. Each separately represented party must attend the mediation:
 - (a) to its completion; and
 - (b) in person.
10. Each separately represented party is to have a person present in-person at the mediation who has the authority to give final agreement to a settlement proposal within any range that can be reasonably anticipated. This includes where an insurance company is involved on behalf of a party.

Costs of the mediation

11. The costs of the mediation are costs in the cause.

Standard Directions for Consolidated Electronic Chronology

1. **No later than 14 days prior to the start of the hearing**, the plaintiff is to provide to the other parties and the Magistrate's Associate a chronology in electronic form (RFT, Word or other agreed format). The chronology is to be cross-referenced with the evidence on which it is based and is to be in a tabulated form including the columns: Date, Event, Source and Response by Defendant.
2. **No later than 7 days prior to the start of the hearing**, the defendant is to provide to the other parties and the Magistrate's Associate an electronic copy of a revised version of the chronology. That version should identify any changes by the use of either the final column or track changes. The Court will rely upon that revised chronology to distinguish what facts are and are not in issue.