



## **DUST DISEASES TRIBUNAL OF NSW**

### **ADVICE TO PRACTITIONERS (No.1 of 2019)**

*This advice commences in operation on 12 March 2019*

#### **URGENT APPLICATIONS FOR A BEDSIDE HEARING**

1. The purpose of this Advice To Practitioners is to provide for a procedure for practitioners to make an urgent approach to a judge to obtain an appointment for the Tribunal to consider whether or not to make an Order to take the plaintiff's evidence at a bedside hearing.
2. The roster of Tribunal duty judges will be published on the Tribunal website.
3. If the plaintiff's solicitor has the consent of all parties to do so, he or she may contact the Associate to the duty judge for the purpose of listing the matter on an urgent basis, to consider an application to remove the matter from the Claims Resolution Process and to take the plaintiff's evidence. In those circumstances it is not necessary to file an application to abridge time for service of the Notice of Motion.
4. If the duty judge appoints a time and place for hearing of the urgent application, the plaintiff's solicitor is to notify all other parties of those matters.
5. The plaintiff's solicitor should attend such directions hearing with a formal Motion and with the evidence in support. The plaintiff's solicitor will be required to file the Motion after the directions hearing and pay the prescribed fee.
6. Where the plaintiff's solicitor does not have the consent of the solicitors for the defendant(s) to approach the duty judge, it will be necessary to obtain leave to abridge time for service of a Notice of Motion in accordance with the Rules.

Daniel Watson  
Registrar  
8 March 2019