EMPLOYMENT COURT OF NEW ZEALAND
TE KŌTI TAKE MAHI O AOTEAROA

PRACTICE DIRECTIONS
MAHI ARONGA

1. Front sheets

1) Every document filed and served should begin with a page showing, immediately below the heading, a description of the document disclosing its precise nature. If the party is represented then, in addition to the requirements in the Employment Court Regulations 2000, at the bottom of the first page there should be a notation showing:

   a. the name of the lawyer or advocate or agent (including any firm or company name) who has presented the document for filing;
   b. the name and telephone number of the representative actually dealing with the proceeding;
   c. the address (postal box, document exchange, email address and facsimile number) to which communications may be sent by the Registry or other parties.

   If the party is acting for themselves, the note at the bottom of the first page should set out the party's name, telephone number, postal address, and email address.

2) No other text should appear on the front sheet of the document or, where the heading, description, and notation occupy more than one page, on any subsequent heading pages.

3) If the document being filed is an amended pleading, this should be included in the description (for example, second amended statement of claim). Other documents should show the particular matter in support of or in opposition to which the document has been filed and is intended to be read (for example, affidavit of Rawiri Wihongi in support of application for extension of time to file a challenge, or affidavit of Meilani Iona in support of defendant's objection to stay of execution).

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2. Applications to and communications with the Court

1) If a party or a party's representative applies to the Court for an interlocutory order or other direction, an application in proper form, accompanied by a memorandum and/or supporting affidavit, should be made unless there are extraordinary circumstances (such as extreme urgency) which preclude compliance with this direction. In such cases the Court will accept a less formal communication (for example by email).

2) If a party or a party's representative communicates with the Court about a proceeding and it is intended or necessary that this communication be referred to a Judge, it should be in the form of a memorandum.

3) The front page of a memorandum (as with any formal document in a proceeding) should include a brief description of the communication; for example, "Memorandum of counsel for plaintiff consenting to stay of execution of Employment Relations Authority's costs' determination".

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3. Provision of copies of authorities

1) Where a previous decision of the Employment Court, or of the Court of Appeal or the Supreme Court on appeal from this Court, is being referred to in support of a well-established proposition, there is no need to provide a copy of it. However, it is often helpful to provide a full copy of a judgment (or an electronic link to the judgment) which is said to support the party's interpretation and/or application of a less well-established proposition, or where there are conflicting authorities on the point.

2) Where a party provides photocopies of the authorities (or textbook extracts and academic articles) relied on:

   a. a list of those authorities and photocopies of relevant extracts are to be handed up at the hearing, or, where summaries of argument are directed to be filed, included with these summaries so that they can be used by the Court when preparing for the hearing;
   b. parties must ensure that there is no duplication of authorities;
   c. in the case of textbooks and articles, the photocopy provided need only include the title page and the pages containing the particular passages relied on;
   d. the documents are to be printed double-sided.

3) Copies of judgments provided to the Court are to be in PDF format.

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4. Final submissions at hearing

1) Except in exceptional circumstances, for which the leave of the Court will be required, parties' final submissions in all cases will be given to the Court immediately following the conclusion of evidence or otherwise at the closure of the parties' cases.

2) The Court encourages oral argument by junior counsel. The Court does not require adherence to a previous practice that each counsel is heard only once on the principal argument; junior counsel may take an intermediate point in that argument.

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5. Electronic filing

The Court's Registries accept documents filed using the Ministry of Justice's File and Pay system. They also will continue to accept for filing documents transmitted by facsimile or email. Such documents shall be deemed to have been received at the time of actual receipt or, if that occurs during days or hours when the Court office is closed, then as soon as it reopens and, if priority of receipt is in issue, in the order of actual receipt while the Court office was closed.

1) If a document filed electronically is a substantive application which requires signing and sealing by the Registrar, the original and two copies of the application will need to be posted or otherwise delivered to the Registrar before service on other parties. Upon receipt of paper copies, the Registrar will return a signed and sealed copy for service.
2) If a document filed electronically is an interlocutory application, the Registrar may provide a signed and sealed copy for service. The original copy of the application will need to be posted or otherwise delivered to the Registrar as soon as is practicable after the electronic filing.
3) Where a document other than an affidavit or statutory declaration requires a signature, that requirement is met by an electronic signature if it adequately identifies the signatory's approval of the contents and is as reliable as is appropriate in the circumstances including any subsequent confirmation by means of paper-based copies. Where signatures are required to be affixed to affidavits or statutory declarations, electronic versions of such documents (other than facsimile copies) may either contain an electronic signature (as qualified above) or may be filed electronically without such a signature if an original paper version of that affidavit or statutory declaration containing original signatures is filed with the Registry and served as instructed by the Registrar as soon as is practicable after the electronic filing of the document.
4) Any required payment will need to be made either before or at the time of transmission of the document to the Registrar.

EXPLANATORY NOTE

The following is a note explaining the Electronic Filing Practice Direction. Although the Employment Court is exempted expressly from the list of courts excluded from the application of the Contract and Commercial Law Act 2017, there is still some doubt about whether the Employment Court Regulations 2000 requiring pleadings and other documents to be filed in paper form will permit the filing only of electronic versions of these. In due course, it is expected that there will be express statutory provision for the electronic filing of documents. Until then, many parties will continue to file electronically, even if they must follow this up with paper copies.

In these circumstances, the Court wishes to provide for a consistent and orderly process for doing so which ensures that documents filed electronically are received and dealt with by the Registries and are placed on court files in a timely manner. This practice direction is intended to ensure that these objectives are met in all cases.

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6. Applications for rehearing

If an application for rehearing is not made within the 28 days allowed for doing so under clause 5 of Schedule 3 to the Employment Relations Act 2000, a Judge may either allow the extension of time question to be heard and determined at the hearing of the application for rehearing, or may direct that the extension of time question be determined as a preliminary question to whether a rehearing is to be ordered.

Form 13: Application for rehearing

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7. Applications to extend time to file documents

Where an application to extend time is required, the proper procedure is to file the application, together with the proposed draft statement of claim or statement of defence or other intended pleading, and an affidavit explaining the reasons for the delay and any mitigating factors or other relevant information bearing upon the grant or refusal of leave. A memorandum from the applicant or their representative addressing other relevant matters will generally be helpful. Please note that Form 2A in Schedule 1 of the Employment Court Regulations 2000 prescribing the format for an application for leave requires the parties to be described in the intituling and body of the document as "Applicant" and "Respondent" rather than as "Plaintiff" and "Defendant".

Form 2A: Application to extend time

DOCUMENTS FILED DURING CHRISTMAS BREAK

Recent judgments of the Court consider that reg 74B of the Employment Court Regulations 2000 applies to the filing of documents during the Christmas period so that the time period between 25 December in one year and ending with the close of 5 January in the next year are not counted when working out the filing deadline.[1] The Court Registry will accept documents for filing on that basis. A party who considers a document has been filed late, however, can take steps to apply for an order. A due date can be extended by a Judge, if necessary.

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[1] See for example *Grigorovich v Precise Ltd* [2020] NZEmpC 71; *New Zealand Air Line Pilots' Assoc v Airways Corp of New Zealand Ltd* [2014] NZEmpC 90, [2014] ERNZ 654; *Performance Cleaners All Property Services Wellington Ltd v Chinan* [2018] NZEmpC 6. Contrast *Vice-Chancellor of Lincoln University v Stewart* [2008] ERNZ 132 (EmpC).

8. Search and freezing orders

1) The Employment Court may make search and freezing (and ancillary) orders under s 190(3) of the Employment Relations Act 2000 and Parts 32 and 33 of the High Court Rules.[1]

2) There must be a proceeding within the jurisdiction of the Court or the Authority to which the application for search or freezing orders relates. If substantive proceedings to which the order can relate have not been able to be issued because of urgency generally, such proceedings will be required to be filed as soon as possible after the order is made and before it is sealed.

3) Those justiciable substantive proceedings will have to be brought in the Employment Relations Authority (more usually) or in the Employment Court.

4) Where such substantive claim must be brought in the Authority at first instance, an application to the Court for a search or freezing order usually needs to be accompanied by either a draft statement of problem, an actual statement of problem filed in the Authority or, in appropriate circumstances of urgency, the Court may make the grant of a search or freezing order conditional upon the immediate filing of substantive proceedings in the Authority. Where the substantive claim must be brought in the Employment Court at first instance, a draft or actual statement of claim is usually required. These requirements may be modified or waived by a Judge in exceptional circumstances, such as extreme urgency.

5) An applicant for a search or freezing order must give a written and signed undertaking as to damages and must give evidence of the applicant's financial ability to meet an order for damages pursuant to the undertaking.

6) An applicant for a search or freezing order must file a form of draft order that includes reference to the undertaking as to damages.

7) In all other respects the Court will expect applicants to comply with Parts 32 and 33 of the High Court Rules.

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[1] The Employment Relations Authority does not, however, have the power to make search or freezing orders.

9. Amended pleadings generally

Amended statements of claim and amended statements of defence must indicate in some clear way the text that has been omitted or changed and the new text that has been added since the last pleading. Omissions can be indicated between bold typeface square brackets or some brief explanatory text such as "Original second cause of action in tort abandoned and now omitted". New text can be indicated in some distinctive way such as bold lettering or italics or underlining. Both marked-up and clear copies should be filed and served. Any subsequent amended pleading should include in its title the correct number, eg "Second amended statement of claim".

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10. Statements of defence to amended statements of claim

1) Following the practice of the High Court under High Court r 7.77, the following time limits apply to the filing of a statement of defence to an amended statement of claim.

2) Subject to specific direction otherwise by the Court, where the amended statement of claim introduces a fresh cause of action, a statement of defence to it must be filed within 10 working days of service of that amended statement of claim upon the relevant party. In any other case, the relevant period to file a statement of defence will be five working days. Such statements of defence to amended statements of claim must be served on other relevant parties as soon as is practicable after having been filed.

3) Any statement of defence to amended statement of claim should be titled "Statement of defence to amended (or second amended, third amended etc as appropriate) statement of claim".

4) If the statement of defence includes a positive defence, a reply from the plaintiff is to be filed and served within 10 working days of service of the statement of defence.

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11. Challenges to costs determinations

1) Where a substantive determination of the Authority has been challenged, and a costs determination has subsequently been issued by the Authority, it may be necessary for a party to consider whether to institute a costs challenge.

2) In the case of a plaintiff, a costs challenge will generally be unnecessary. This is because, if they are successful in their challenge, costs in the Authority will need to be revisited, reflecting that costs generally follow the event, so that a successful plaintiff can expect to be awarded costs in respect of the Authority investigation.

3) Where the plaintiff intends to challenge the correctness of a costs determination, regardless of the challenge to the substantive determination, the position will be different. In that case a challenge to the costs order will need to be identified. That outcome may be achieved by incorporating a pleading in the statement of claim challenging the substantive determination or it may be necessary to file a separate challenge. Which course is required will depend on when the Authority's costs determination was issued; and compliance with s 179(2) of the Employment Relations Act 2000 will be necessary.

4) For the avoidance of doubt, where a plaintiff seeks a stay of an Authority costs determination it is not necessary to amend the substantive challenge or to file a further (costs) challenge.

5) If a defendant wishes to challenge a costs determination, they will need to institute a fresh challenge and usual timeframes will apply.

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12. Full Courts

1) Pursuant to s 209 of the Employment Relations Act 2000 the Chief Judge may direct that a full Court of three or more Judges shall hear and decide any particular case.

2) Instances where a full Court may be constituted include:

   a. where the interpretation and application of a new legislative provision may affect a broader range of parties (employers, unions and employees) than those to the litigation;

   b. where it is intended by a party to submit that a previous judgment of a full Court is erroneous or should otherwise no longer apply;

   c. where there are conflicting judgments of individual Judges on important points of principle affecting employment law.

3) There may be other instances in which a full Court will be appointed but these examples are the most common.

4) Representatives of parties who become aware that one of these situations may apply to their case should alert the presiding Judge at the first directions conference, or the Registrar, to the possibility of the Chief Judge considering whether to constitute a full Court.

5) For clarification of longstanding practice about the status of full Court judgments, single Judges of the Employment Court are not bound by convention to apply the law stated by full Courts but will be influenced by judgments of a full Court on the same or analogous matters of law. Full Courts are not bound by the judgments of individual Judges or of previous full Courts.

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13. Presence of observers at telephone or video conference hearings

1) Where a hearing is being conducted in open court, there is generally no restriction on who may be present, including where the hearing is conducted by the Court using telephone or audio-visual link (AVL). Leave is not required to be sought for the presence of any person who is not a party or a party's representative.[1]

2) Before or at least at the very beginning of any such hearing, representatives, or parties themselves (if they are representing themselves) must disclose to the Registry Officer responsible for the hearing, the identities of all other persons who will be able to hear and/or see the hearing and this information must be passed on to any other party or representative of any other party participating in the hearing.

3) If there is any dispute about the presence of any particular person during a hearing by telephone or AVL, this will need to be identified to, and resolved by, the presiding Judge at the outset of the hearing.

4) All people attending hearings must comply with any applicable orders made by the Court.[2] Observers attending hearings by telephone or by AVL are to have their video cameras and microphones turned off at all times.

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1 The position is different for directions conferences and chambers hearings where the general public is not admitted, except with the leave of the Judge.

2 They also will need to follow the Guideline for appearing by audio-visual link including in Virtual Hearings, the Summary of Guidelines for a Witness giving evidence by audio-visual link including in Virtual Hearings and the Guideline for Remote Viewing of Hearings.

14. Prosecutions for offences under Employment Relations Act 2000

1) Where, pursuant to reg 71(4) of the Employment Court Regulations 2000, persons (principally but not exclusively labour inspectors) commence prosecutions by filing a charging document and the Court issues a summons, the following procedures will apply.

2) A summons issued by the Court will fulfil the requirement that the person summonsed must attend before the Employment Court at a specified location, at a specified time and on a specified date.

3) If there is a risk that the defendant will not answer a summons, the prosecutor must be in a position to prove to the Court's satisfaction, by affidavit of service or viva voce evidence, that the summons was served on the defendant including such evidence that the Court will consider satisfactory to establish that the person served is the defendant named in the summons.

4) In cases in which it appears to the Court that the defendant resides within a reasonable travel time and distance from one of the Court's permanent locations in Auckland and Wellington (and, from the opening of the new courthouse in 2017, in Christchurch), the summons will require the defendant to appear at one of those locations.

5) Where the defendant's residence is beyond a reasonable distance or travel time from those permanent Employment Court locations, the Registrar may direct the defendant to appear at a specified time and on a specified date at a Ministry of Justice courthouse equipped with an audio-visual link. Such an initial appearance by video link (which may include by counsel for a defendant) will be deemed to be an appearance before the Employment Court for the purposes of entering a plea to the charge(s). A prosecutor and a defendant may agree in writing, sent to the Registrar of the Court, to an appearance at another location with audio-visual links, or at one of the Court's resident courthouses, in the circumstances covered by this paragraph.

6) Where a defendant participates remotely by audio-visual link, the prosecutor may also do so from the same location or may be present at the courthouse where the Judge is sitting.

7) The Court may allow pleas to be entered to charges by counsel in the absence of the defendant, but this will not be permitted to be done by representatives other than practising lawyers. Where a defendant is present in person or by audio-visual link, they may be otherwise represented by a representative of choice pursuant to s 236 of the Act.

8) If a not guilty plea is entered, the Court will attempt to arrange for the defended hearing of the prosecution to take place at a courthouse nearest to where the alleged offence was committed and/or the defendant resides. Nevertheless, the Court reserves to itself the power to direct that a substantive defended hearing take place

either in one of the Court's permanent locations (Auckland, Wellington or Christchurch) or by audio-visual link. In arranging hearings other than the first hearing after the service of a summons, the Court will have regard to the relevant criteria affecting this issue in the Courts (Remote Participation) Act 2010 and the High Court Rules. Although the Evidence Act 2006 does not govern the procedure of the Employment Court, ss 103 and 105 may also be taken into account.

9) If a guilty plea is entered in person or by audio-visual link as described above, the Court may proceed to convict and impose a fine on a defendant (after hearing and considering penalty submissions from both parties) during the same audio-visual link so that the case may be concluded on a defendant's first appearance as would be the case if the defendant appeared physically in the courtroom. In appropriate cases, however, an adjournment may be granted to enable the prosecutor and/or the defendant to prepare and present submissions on sentence. Where such an adjournment is granted, the Court may nevertheless enter a conviction unless it is indicated that the defendant intends to apply for a discharge without conviction.

10) Except in cases of pleas of guilty by letter (see below), in all cases when a guilty plea might be entered, the prosecutor will be expected to be ready to present to the Court a summary of the relevant facts and submissions on sentence. In such cases a defendant should also be ready to make any submissions as to conviction and penalty to enable the case to be disposed of efficiently and justly.

11) The attention of parties and their representatives is drawn to the statutory entitlement of a party to enter a guilty plea by letter to the Registrar, in which case the Court will issue directions about the manner in which the case will proceed subsequently.

12) Following a defended hearing of a prosecution, the parties (prosecutor and defendant) should be ready on the day to make submissions on conviction and penalty if the Judge delivers an oral judgment finding the defendant guilty.

13) This Practice Direction is issued in reliance on the Court's express powers under the Employment Relations Act 2000, its inherent powers as a court of record and on the provisions of the Courts (Remote Participation) Act 2010. The Practice Direction will be reviewed from time to time and may be amended accordingly.

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15. Sealed judgments and certificates of judgment for appeals and other purposes

A party proposing to seek leave to appeal to the Court of Appeal against a judgment of the Employment Court pursuant to s 214 of the Employment Relations Act 2000 must file with the Registrar of the Employment Court a draft form of sealed judgment. If this has not already occurred between the parties, the Registrar is to consult with the other party or parties as to the correctness of this draft. If necessary, the form of draft sealed judgment may also be referred to the Judge who, or who presided over a full Court which, decided the proceeding. When the Registrar is satisfied that the draft form of sealed judgment is correct, that will be sealed by the Registrar and returned to the applicant for leave to appeal to be filed with the application for leave, if this is required by the Court of Appeal.

EXPLANATORY NOTES

1) After consultation with the President of the Court of Appeal the foregoing Practice Direction is issued affecting any case which a party intends to seek leave to appeal to the Court of Appeal against a judgment of the Employment Court.

2) This process will also apply when a sealed order is required for any other purpose.

3) Where, following a judgment in which the costs award simply specifies the guideline scale category and a certified judgment or sealed order is required for enforcement purposes and costs are to be included, the following procedure will apply:

    a. If the parties are in agreement as to the quantum of costs and disbursements, the successful party will, in seeking a certificate of judgment or sealed order from the Registrar, file the terms of the draft certificate or order reflecting that agreed position.
    b. If the parties cannot agree, the matter will be referred to a Judge to resolve. The Judge dealing with the matter may require written submissions from the parties.
    c. Once the Judge has resolved the disagreement, or where an agreed position has been reached, the Registrar will issue the certified judgment or sealed order.
    d. The parties should consult with the Registrar as to the format required for such certified judgment or sealed order.

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16. Non-publication orders

1) In general, cases are heard openly, and the evidence is public. Proceedings and judgments can be reported in the media.

2) Under Schedule 3, Clause 12 of the Employment Relations Act 2000, however, the Employment Court can order that all or any evidence or pleadings, or the name of any person connected to the case (such as a party or a witness) not be published.

3) Anyone wanting a non-publication order should file a notice of application setting out the reasons it is sought. It is helpful in such cases to file material in support, such as an affidavit setting out why publication may be detrimental.

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17. Te Reo Māori and Karakia

Right to speak Te Reo Māori in legal proceedings

1) Te Reo Māori is an official language of New Zealand. It is also a taonga of iwi and Māori.

2) Te Ture mō Te Reo Māori 2016/Māori Language Act 2016 provides a right to speak te reo Māori in legal proceedings. Section 7 of Te Ture mō Te Reo Māori sets out the general principles around the use of te reo Māori in court proceedings, which are defined to include proceedings in the Employment Court: s 7(7) and Part A of Schedule 2 of Te Ture mō Te Reo Māori.

3) For the relevant procedural rules generally around the use of te reo Māori in court, see Part 1, sub-pt 3 of the High Court Rules 2016 ("Use of Māori language, translations and sign language"), which is applied via reg 6 of the Employment Court Regulations 2000.

4) Notwithstanding those rules, representatives, parties, and witnesses are welcome to introduce themselves in te reo Māori, and to give a mihi or pepeha, without having to file and serve a notice of their intention to do so. The NZLS has helpful guidance here NZLS | Te Reo Māori resources (lawsociety.org.nz).

Court documents

5) Regulation 32 provides that where, under the Employment Court Regulations, a document is served on any person who is Māori within the meaning of the Te Ture Whenua Māori Act 1993, the provisions of rr 1.16 to 1.19 of the District Court Rules 2014 apply with all necessary modifications.

6) While s 7 of Te Ture mō Te Reo Māori does not confer any express right to allow written documents in Māori, the Court has a broad discretion to admit such evidence and information as in equity and good conscious it thinks fit: Employment Relations Act 2000, s 189(2).

Karakia

7) If a party or parties wish to commence or conclude proceedings with a karakia, they are welcome to do so but should advise the Court registrar in advance.

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18. Costs – Guideline scale

1) The Judges have adopted a scale of costs that will guide them in making costs orders pursuant to cl 19 of sch 3 to the Employment Relations Act 2000. This followed a consultative process involving employment law practitioners and various organisations.

2) A Judge will determine the appropriate categorisation of the proceeding, which will apply to all subsequent determinations of costs in the proceeding unless there are special reasons to the contrary. In practice a Judge is likely to assign an appropriate categorisation at the preliminary directions conference although this may be reviewed at a later stage of the proceeding.

3) Under the guideline scale, costs may be assessed by applying the daily recovery rate (referred to in sch 2 of the guideline scale) to the time considered reasonable for each step reasonably required in relation to the proceeding or interlocutory application. Reasonable time for a step will generally be the time specified for it in sch 3 and sch 4 of the guideline scale. A determination of what is reasonable time for each step will be made by reference to:

   a. Band A, if a comparatively small amount of time is considered reasonable; or
   b. Band B, if a normal amount of time is considered reasonable; or
   c. Band C, if a comparatively large amount of time for a particular step is considered reasonable.

4) Principles applying to awards of increased and indemnity costs; the refusal of, or reduction in, costs; and the effect of the making of a written offer without prejudice except as to costs (a "Calderbank offer") will continue to be applied by the Judges in appropriate cases. The guideline scale is intended to support, as far as possible, the policy objective that the determination of costs be predictable, expeditious and consistent. The guideline scale is not intended to replace the Court's ultimate discretion under the statute as to whether to make an award of costs and, if so, against whom and how much. The guideline scale will be a factor in the exercise of that discretion. A party may, for example, wish to ask that their financial circumstances be taken into consideration when the Court comes to determine costs. It is helpful in such cases to file material in support, such as an affidavit setting out the party's financial position and how it is said that an order of costs might impose undue hardship on them.

5) It is intended that the guideline scale will assist the parties to calculate and settle costs themselves, by reference to the schedules.

6) Under the guideline scale the following approach will generally apply. The proceeding will be assigned a category (Schedule 1). Costs will generally be assessed by applying the appropriate daily recovery rate (Schedule 2) to the time considered reasonable (Schedule 3) for each step reasonably required in relation to the proceeding or interlocutory application (Schedule 4).

Schedule 1
Categorisation of proceedings

For the purposes of applying the time allocations set out in Schedule 4, proceedings will be classified as falling within one of the following categories:

Category 1 proceedings	Proceedings of a straightforward nature able to be conducted by a representative considered junior by the Employment Court.
Category 2 proceedings	Proceedings of average complexity requiring a representative of skill and experience considered average in the Employment Court.
Category 3 proceedings	Proceedings that, because of their complexity or significance, require a representative to have special skill or experience in the Employment Court.

Schedule 2
Appropriate daily recovery rates

The appropriate daily recovery rates for the categories of proceedings set out in Schedule 1 are as provided for in Schedule 2 of the High Court Rules, as amended from time to time.

Schedule 3
Determination of reasonable time

1. Reasonable time for a step is-

   (a) The time specified for it in Schedule 4; or

   (b) A time determined by analogy with that schedule, if Schedule 4 does not apply; or

   (c) The time assessed as likely to be required for the particular step, if no analogy can usefully be made.

2. A determination of what is a reasonable time for a step will be made by reference-

   (a) To band A, if a comparatively small amount of time is considered reasonable; or

   (b) To band B, if a normal amount of time is considered reasonable; or

   (c) To band C, if a comparatively large amount of time for the particular step is considered reasonable.

Schedule 4
Time allocations

		Allocated days or part days		
		Band A	**Band B**	**Band C**
	Commencement			
1	Commencement of proceeding by way of challenge by plaintiff	1.5	2	4
2	Commencement of defence to challenge by defendant	0.5	1.5	3
3	Commencement of other proceeding by plaintiff	1.6	3	8
4	Commencement of defence to other proceeding by defendant	1	2	4
	Other pleadings and notices			
5	Application for special leave to remove matter	1	1.5	3
6	Filing opposition to application for special leave to remove matter	0.5	1	2
7	Application for rehearing	0.5	1	2
8	Filing opposition to application for rehearing	0.5	1	2
9	Notice of objection to jurisdiction	0.3	0.6	1
10	Pleading in response to amended pleading (payable regardless of outcome except when formal or consented to)	0.6	0.6	1
	Case management			
11	Preparation for first directions conference	0.2	0.4	0.5
12	Filing Memorandum for first or subsequent directions conference	0.2	0.4	0.5
13	Appearance at first or subsequent directions conference	0.2	0.2	0.4
14	Preparation for case management meeting	0.2	0.4	0.5
15	Filing Memorandum for case management meeting	0.2	0.4	0.5
16	Appearance at case management meeting for sole or principal representative	The time occupied by the meeting measured in quarter days		
17	Second or subsequent representative if allowed by court	50% of allowance for appearance of principal representative		

		Allocated days or part days		
		Band A	**Band B**	**Band C**
	Disclosure, inspection and interrogatories			
18	Notice to answer interrogatories	0.4	1	2
19	Answer to interrogatories	0.4	1	2
20	Notice to admit facts	0.4	0.8	1
21	Admissions to facts	0.4	0.8	1
22	Notice requiring disclosure	0.4	0.8	1
23	List of documents on disclosure	0.5	2	4
24	Notice of objection to disclosure	0.2	0.2	0.5
25	Notice of challenge to objection to disclosure	0.2	0.2	0.5
26	Application for verification order	0.2	0.2	0.5
27	Inspection of documents	0.5	1	2
	Interlocutory applications (including applications for stay, security for costs)			
28	Filing interlocutory application	0.3	0.6	1
29	Filing opposition to interlocutory application	0.3	0.6	1
30	Preparation of written submissions	0.5	1	1.5
31	Preparation of bundle for hearing	0.4	0.6	0.8
32	Appearance at hearing of defended application for sole or principal representative	The time occupied by the hearing measured in quarter days		
33	Second and subsequent representative if allowed by court	50% of allowance for appearance for principal representative		
34	Obtaining certificate of judgment	0.2	0.2	0.2
	Trial preparation and appearance for challenge			
35	Plaintiff's or defendant's preparation of briefs or affidavits	1	2	4
36	Plaintiff's preparation of list of issues, agreed facts, authorities and common bundle	1	2	4
37	Defendant's preparation of list of issues, agreed facts, authorities and common bundle	0.5	1	2
38	Preparation for hearing	1.5	2	4

		Allocated days or part days		
		Band A	**Band B**	**Band C**
39	Appearance at hearing for sole or principal representative	The time occupied by the hearing measured in quarter days		
40	Second and subsequent representative if allowed by court	50% of allowance for appearance for principal representative		
41	Other steps in proceeding not specifically mentioned	As allowed by the court		
	Trial preparation and appearance for other proceedings			
42	Plaintiff's or defendant's preparation of briefs or affidavits	1.5	2.5	5
43	Plaintiff's preparation of list of issues, agreed facts, authorities and common bundle	1	2	4
44	Defendant's preparation of list of issues, agreed facts, authorities and common bundle	0.5	1	2
45	Preparation for hearing	1.5	2	4
46	Appearance at hearing for sole or principal representative	The time occupied by the hearing measured in quarter days		
47	Second and subsequent representative if allowed by court	50% of allowance for appearance for principal representative		
48	Other steps in proceeding not specifically mentioned	As allowed by the court		
	Originating applications (including applications for freezing and search orders, interim injunction)			
49	Filing application and supporting affidavits	1	2	3
50	Filing notice of opposition and supporting affidavits	1	2	3
51	Case management (as for ordinary proceeding, refer items 11-17 above)			
52	Preparation of written submissions	0.5	1	1.5
53	Preparation of bundle for hearing	0.4	0.6	0.8
54	Appearance at hearing for sole or principal representative	The time occupied by the hearing measured in quarter days		
55	Second and subsequent representative if allowed by court	50% of allowance for appearance for principal representative		

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