



## **DUST DISEASES TRIBUNAL OF NSW**

### **ADVICE TO PRACTITIONERS (No. 3 of 2023)**

#### **COMMUNICATION WITH CHAMBERS**

1. This Advice To Practitioners takes effect from 5 September 2023. It applies to:
  - (a) Communication with a judge in chambers in connection with any proceedings before that judge.
  - (b) Communication with a registrar in chambers concerning an issues and listings conference or the return of subpoena list.
2. This practice direction describes when and how legal practitioners and self-represented parties may communicate with the chambers of a judge or registrar. It articulates the well-established position set out in *Ken Tugrul v Tarrants Financial Consultants Pty Limited (in liquidation) (No 2)* [2013] NSWSC 1971 at [21-22].
3. There should be no communication (written or oral) with chambers without the prior knowledge and consent of all active parties to those proceedings. The precise terms of any proposed communication with chambers should be provided to the other parties for their consent.
4. There are four exceptions:
  - (a) trivial matters of practice, procedure or administration (e.g. the start time or location of a matter);
  - (b) ex parte matters;
  - (c) where the communication responds to one from chambers or is authorised by an existing order or direction (e.g. for the filing of

material physically or electronically with a judge's associate or a registrar); and

- (d) exceptional circumstances.
5. Any communication with chambers which falls into any of the categories set out in (4)(b), (c) or (d) above should expressly state the reason for the communication being sent without another party's knowledge or consent.
  6. Where consent has been obtained, that fact should be stated explicitly in the communication.
  7. All written communications with chambers in relation to any matter listed in (1) above should be copied to the other parties.
  8. Nothing in this practice direction is intended to detract from the obligations of legal practitioners under the applicable conduct rules.

Daniel Watson  
Registrar  
5 September 2023