

PN 2 TIPSHEET FOR PARTIES – Consequences for Failure to Comply

Applications will be struck/cost consequences will be awarded for failure to comply with PN2 filing deadlines for Applications/Cross-Applications and Concise Letters.

Fiats for PN 2 requirements will only be granted in exceptional circumstances.

The following consequences may arise for failure to comply with PN 2:

- Paragraph 9: The Justice hearing an application always has the discretion to adjourn one or more issues to a separate hearing date and order costs of the adjournment.
- Paragraph 20: If the Cross-Applicant failed to bring an application to increase the amount of time for a hearing and there is insufficient time to hear both the application and the cross-application, only the Applicant's application will proceed on the hearing date.
- Paragraph 32: The Court may award costs against a party who includes non-relevant and extraneous documents as exhibits.
- Paragraphs 34, 37, 56.f and 58: The Court will not consider evidence that is not contained in an affidavit or statement, although oral evidence may be heard in Regular Family Chambers in exceptional circumstances and with leave of the Court in Special Family Chambers.
- Paragraph 35: The Court will not consider evidence contained in additional affidavits or statements that are not permitted by this Practice Note, unless the party has obtained leave of the Court.
- Paragraph 36: The Court may or may not consider hearsay evidence contained in letters or unsworn statements authored by third parties that are appended as affidavits.
- Paragraph 53: The Court may impose costs consequences for missed deadlines.
- Paragraph 64: Justices may refuse to hear the application and/or award costs against the non-complying party for any failure to comply with the Practice Note.

Please also note:

- Paragraph 16: An order adjourning a matter from Regular Family Chambers to Special Family Chambers must identify the issues to be determined in Special Family Chambers and indicate whether a cross-application will be filed. **The Special Family Chambers booking must still be confirmed with the Court Coordinator.**