

# MENTAL HEALTH COURT

## PRACTICE NOTE No 6 of 2002

### Documents filed in the Mental Health Court

- [1] Documents filed in the Mental Health Court are to be presented in a way that will facilitate the court's efficient and expeditious reference to them.
- [2] The following should appear on the first page or on a separate coversheet:
  - (i) Mental Health Court proceeding number and title (or short title, as appropriate);
  - (ii) a brief description of the document or documents;
  - (iii) the name, address, telephone number, facsimile number and email address of the person filing the document (if unrepresented) or of that person's lawyer (if represented).
- [3] When a group of documents (such as a police brief or medical records) is to be filed, then as far as practicable –
  - (a) the documents should be bound in one or more paginated or tabbed books;
  - (b) a coversheet should be bound at the front of each book; and
  - (c) an index to each book should be set out on the coversheet or bound immediately after the coversheet.
- [4] Affidavits should be prepared and sworn in conformity with the *Uniform Civil Procedure Rules* rr 430 – 441. Attention is drawn especially to r 435 in relation to exhibits -

#### **"435 Exhibits**

- (1) A document to be used with and mentioned in an affidavit is an exhibit.
- (2) Another thing to be used with and mentioned in an affidavit may be an exhibit, if practicable.
- (3) A group of different documents may form 1 exhibit.
- (4) If it is impracticable to exhibit the document to be used with and mentioned in an affidavit, a copy of the document may be an exhibit to the affidavit.
- (5) An exhibit to an affidavit must have —
  - (a) a letter, number or other identifying mark on it; and
  - (b) a certificate in the approved form on it or bound with it.
- (6) The certificate must be signed by the person who made the affidavit and the person who took the affidavit.
- (7) However, if an affidavit is taken under rule 433<sup>1</sup> only the person who took the affidavit must sign the certificate.

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<sup>1</sup>

Rule 433 (Certificate of reading or signature for person making affidavit)

- (8) An exhibit to an affidavit must be filed at the same time as the affidavit.
- (9) Subrules (10) and (11) apply if —
- (a) an exhibit to an affidavit is comprised of a group of documents; or
  - (b) there is more than one documentary exhibit to an affidavit.
- (10) The documents are to be presented in a way that will facilitate the court's efficient and expeditious reference to them.
- (11) As far as practicable —
- (a) the documents are to be bound in 1 or more paginated books; and
  - (b) a certificate is to be bound —
    - (i) if there is 1 book—at the front of the book; or
    - (ii) if there is more than 1 book—at the front of each book dealing with the exhibits in the book; and
  - (c) an index to each book is to be bound immediately after the certificate.
- (12) If a document or other thing has been filed in a proceeding, whether or not as an exhibit to an affidavit, in a subsequent affidavit filed in the proceeding —
- (a) the document or thing must not be made an exhibit to the affidavit; and
  - (b) the document or thing may be referred to in the affidavit in a way sufficient to enable the document or thing to be identified.

[5] A person filing a document of which multiple copies will be required for the Court's use is responsible for the production and filing of those multiple copies.

  
JUSTICE MARGARET WILSON

Date: 15 April 2002