

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMON LAW DIVISION
VALUATION, COMPENSATION AND PLANNING LIST

S ECI [YEAR 00000]

IN THE MATTER of *[insert legislative provision giving rise to claim]*

- and -

IN THE MATTER of section 80 of the *Land Acquisition and Compensation Act 1986* (Vic) whereby *[insert applicant name]* refers a disputed claim for determination by the Supreme Court of Victoria.

BETWEEN:

[XXX] Applicant

- and -

[XXX] Respondent

ORDER

JUDICIAL OFFICER: *Court use only*

DATE MADE: *Court use only*

ORIGINATING PROCESS: Notice of Referral of a Disputed Claim filed on *Click to insert date*.

HOW OBTAINED: Application by summons for directions pursuant to r 8.16 of the *Supreme Court (Miscellaneous Civil Proceedings) Rules 2018* (“the Rules”) filed on *Click to insert date*.

ATTENDANCE: *Court use only*

OTHER MATTERS: A. *[Where made by consent without the need for attendance:]* The order is made “on the papers” pursuant to r 59.07 of the *Supreme Court (General Civil Procedure) Rules 2015*. The Court was satisfied that the parties who are to be bound consent to the terms of this order and all relevant correspondence has been placed on the Court file.

THE COURT ORDERS [BY CONSENT] THAT:

Interlocutory steps

1. By *Click to insert date*, the claimant file and serve particulars of claim showing how each of the disputed heads of claim is calculated and specifying each statutory provision under which each claim is made.
2. By *Click to insert date*, the acquiring authority file and serve on the claimant its Particulars of Offer, showing how each head of offer is calculated.
3. *[If applicable – see para 6.2 of Practice Note SC CL 8]* By *Click to insert date*, the claimant file and serve a list of documents in its possession, custody or power which are relevant to the issues in dispute in these proceedings.
4. *[If applicable – see para 6.2 of Practice Note SC CL 8]* By *Click to insert date*, the acquiring authority file and serve a list of documents in its possession, custody or power which are relevant to the issues in dispute in these proceedings.
5. By *Click to insert date*, the parties file and serve a joint statement of agreed facts and/or issues in the proceeding.
6. By *Click to insert date*, the claimant file and serve any lay witness statements upon which it intends to rely at the trial of this proceeding.
7. By *Click to insert date*, the acquiring authority file and serve any lay witness statements in reply upon which it intends to rely at the trial of this proceeding.

Expert evidence *[At the first available opportunity, the parties should inform the Court that a party intends to or may adduce expert evidence at trial, the issues on which the expert evidence is relevant, and the relevant discipline(s) of the proposed expert witnesses.]*

8. By *Click to insert date*, the parties are to agree on common questions to be answered by the expert witnesses retained by each party. If the parties are unable to agree on common questions they are to seek directions from the Court as to the formulation of the questions to be asked.
9. By *Click to insert date*, the parties file and serve any expert witness statements or expert evidence upon which that party proposes to rely.

10. By *Click to insert date*, the parties cause the opposing expert witnesses to hold a joint conference of experts and prepare and provide to each party a Joint Statement of Experts which identifies matters on which:
 - (a) they have agreed; and
 - (b) they have not agreed, and the reasons for their disagreement.
11. The experts (not the parties or their legal representatives) are to determine the venue and procedure to be adopted at the conference. In the event that agreement cannot be reached about any matter relevant to the conference or joint report to the Court, further directions may be sought from the Court.
12. The parties and their legal representatives must not seek to restrict the freedom of the experts at the conference in identifying the matters on which they agree.
13. Each expert attending a conference is to be provided with a copy of this order and the reports of the experts with whom they will confer.
14. Each expert must sign the Joint Statement of Experts, which must be provided to the Court and the parties by *Click to insert date*.
15. Subject to any further order, the parties shall bear their own costs in respect of the joint conference of experts.

Alternative dispute resolution

16. The proceeding be referred to a mediator to be agreed between the parties or in default of an agreement to be appointed by the Court with such mediation to take place not before *Click to insert date*.
17. Subject to the terms of this order, the solicitor for the claimant shall, after consultation with all parties, deliver to the mediator a copy of all relevant documents together with a copy of this order, and take all steps necessary to ensure that the mediation commences as soon as possible.
18. The mediation shall be attended by those persons who have the ultimate responsibility for deciding whether to settle the dispute and the terms of any settlement, and the lawyers who have ultimate responsibility to advise the parties in relation to the dispute and its settlement.

19. The Mediator shall report back to the Court no later than *Click to insert date*.
20. Subject to any further order, the cost of the mediator and the venue shall be paid by the parties in equal shares. All remaining costs associated with mediation shall lie where they fall.
21. The parties must immediately notify the Registry Lawyer in the event of the proceeding being resolved.

Other matters

22. The proceeding is adjourned to *Click to insert date being the first available directions list day following the date by which mediation is to have occurred* for directions.
23. Costs are reserved.
24. There is liberty to apply.