



Supreme Court of Victoria

Practice Note SC CL 10

Practice Court (Common Law)

1 INTRODUCTION

- 1.1 The Chief Justice has authorised the issue of the following Practice Note.
- 1.2 The purpose of this Practice Note is to provide guidance on the operation of the Practice Court (Common Law).
- 1.3 The Practice Court (Common Law) hears certain applications in proceedings in, or which would be appropriate to be brought in, the Common Law Division. Practice Note SC Gen 2 “Structure of the Trial Division” as well as Practice Notes regarding specialist Lists in the Common Law Division provide guidance on the scope of the Common Law Division’s jurisdiction.
- 1.4 Urgent business in relation to proceedings brought in or otherwise appropriate for the Commercial Court is not heard in the Practice Court (Common Law). In relation to urgent business regarding such proceedings, practitioners should refer to Practice Note SC CC 1.

2 COMMENCEMENT

- 2.1 This Practice Note was issued and commences on 30 January 2017.

3 APPLICATIONS SUITABLE FOR HEARING IN THE PRACTICE COURT

- 3.1 Subject to paragraph 1.3, the judge sitting in the Practice Court (Common Law) hears urgent applications only. Urgent applications are defined as applications which must be determined within two business days. Such applications may include:
 - (a) injunction and freezing order applications;
 - (b) caveat removal applications;
 - (c) initial applications under the *Confiscation Act 1997* (Vic) and the *Proceeds of Crime Act 2002* (Cth); and
 - (d) referrals from an Associate Judge.
- 3.2 Urgent applications will be directly listed for hearing in the Practice Court (Common Law). Other applications will be allocated to the appropriate specialist List for hearing. Practitioners should refer to the current Practice

Notes and Notices to the Profession for each of the Common Law Division specialist Lists for further details.

- 3.3 In addition to urgent applications, various formal matters, such as the swearing in of interstate legal practitioners, bench clerks, court reporters, transcribers and interpreters, will be dealt with on Monday mornings or as otherwise advised.
- 3.4 A maximum period of two hours will be allocated to any application heard in the Practice Court (Common Law).

4 PROCEDURE FOR MAKING APPLICATION IN THE PRACTICE COURT

- 4.1 A proposed applicant should complete the "[Practice Court \(Common Law\) Application Information Form](#)" available on the Supreme Court website. The completed form is to be forwarded to practice.court@supcourt.vic.gov.au. The Practice Court Coordinator will revert to the proposed applicant via email with confirmation of a hearing date and time. Upon receipt of email confirmation of hearing date and time, the applicant should proceed to file the appropriate documents in the usual way. The email confirmation should be presented upon filing.
- 4.2 In cases of particular urgency or for assistance with procedural enquiries the Practice Court Coordinator may be contacted on 03 9603 9288.
- 4.3 Where an urgent hearing is required outside of business hours or on weekends, the associate to the Judge sitting in the Practice Court (Common Law) or the Practice Court Coordinator may be contacted on the after-hours mobile telephone numbers provided on the [Court's website](#).
- 4.4 In all cases where an urgent hearing is requested, the applicant should be prepared to provide the following information when making contact with the Court:
 - Parties names
 - Reason for urgency and nature of application
 - Preferred date(s)
 - Hearing time estimate
 - Whether to be made on notice or ex parte
 - Name of counsel
 - Estimated timeframe for filing of material.

5 COMMUNICATIONS WITH THE COURT

- 5.1 During business hours the Practice Court Coordinator may be contacted via practice.court@supcourt.vic.gov.au or on 03 9603 9288.
- 5.2 Contact details for urgent after-hours applications are available on the Court's website.
- 5.3 Parties are reminded that pursuant to rule 27.03(11)(b) of the *Supreme Court (General Civil Procedure) Rules 2015*, all court documents must include the name and email address of an individual to whom reference can be made in respect of the proceeding.

6 FURTHER INFORMATION

- 6.1 The Court's website (www.supremecourt.vic.gov.au) includes a [page dedicated to the Practice Court \(Common Law\)](#) with up to date information about the operation of the Practice Court and links to:
- a) This Practice Note in Word and PDF formats;
 - b) Practice Court (Common Law) Application Information Form referred to in paragraph 4.1.

AMENDMENT HISTORY

30 January 2017: This Practice Note was issued on 30 January 2017 and replaced Practice Note No 1 of 2009 and Notice to the Profession – Updated Practice Court Procedures (Common Law Division) dated 17 February 2016.

Vivienne Macgillivray
Executive Associate to the Chief Justice
30 January 2017