



Notice to the Profession

The Principal Judge of the Common Law Division has authorised the issue of the following notice.

Practice Court (Common Law) - COVID-19

(Applicable until further notice)

Hearings - no appearances in person

- 1 In order to manage the risks associated with COVID-19, the court has taken steps to minimise the need for in-person appearances.
- 2 As previously announced in March all matters in the Practice Court (Common Law) will by default be dealt with by a judge in chambers, on the papers, that is by way of affidavits and submissions without any further hearing.
- 3 If the sitting judge considers that the matter before the Practice Court (Common Law) cannot appropriately be dealt with in chambers, on the papers, and requires a hearing, the hearing will be digital and remote, using audio-visual and/or audio links, in a [virtual courtroom](#).
- 4 A judge may in exceptional circumstances grant leave for an in-person hearing.

How do I secure a date and time for a hearing in the Practice Court?

- 5 To obtain a date and time for an application to be heard in the Practice Court (Common Law) parties and/or practitioners should continue to complete and email the following materials to the Practice Court Coordinator at practice.court@supcourt.vic.gov.au :

- (1) [The Application Information Form](#);

- (2) Originating Motion/Statement of Claim/Notice of Appeal (as applicable);
 - (3) Summons;
 - (4) Affidavit in Support; and,
 - (5) Outline of submissions.
- 6 All other enquiries should continue to be directed to the Practice Court Coordinator, by email to practice.court@supcourt.vic.gov.au or by telephone on (03) 8600 2036.
- 7 Please refer to [Notice to the Profession - Urgent Applications in the Commercial Court - COVID 19](#) for details on the management of urgent Commercial Court matters.

Filing of documents

- 8 After the Practice Court Coordinator advises a hearing date and time, parties and/or practitioners are required to file via [RedCrest](#), the Court's online filing portal their Originating document (if applicable), Summons or Notice of Appeal, together with a copy of the confirmation email received from the Practice Court Coordinator .
- 9 All parties, including respondents, are required to file via [RedCrest](#) short written submissions incorporating references to principal statutory sources and authorities relied on. Submissions must be filed with the application or within the timeframes advised by the Practice Court Coordinator.
- 10 Parties may refer to '[Guidance for Civil Proceedings affected by Coronavirus](#)' for advice with respect to personal service, affidavits, subpoenas and trial division court books.

Opposition to application being dealt with on the papers

- 11 If either party considers that the application is not suitable for determination on the papers and that a hearing is necessary, submissions must provide reasons including an explanation of the need for an appearance and the urgency of the hearing. Where this issue is addressed by additional submissions, they are to be provided by email to the Practice Court Coordinator at practice.court@supcourt.vic.gov.au.
- 12 The sitting judge will consider the materials and determine whether, when and how a virtual courtroom will be assembled and the parties will be notified. The parties may be required to respond at short notice.
- 13 In accordance with paragraphs 6.3 and 6.5 of Practice Note SC Gen 4 of 2017, all correspondence to the Court, including emails to the Practice Court Coordinator arranging for a matter to be brought before the Practice Court (Common Law), should be copied to all other parties or their legal practitioners, except in matters where it is appropriate to proceed without notice to other parties.

Determination no longer required

- 14 In the event that an application is resolved by consent or its determination is otherwise unnecessary, the applicant and/or their legal practitioners must notify the court immediately (during business hours) by contacting the Practice Court Coordinator on 8600 2036. Consent minutes should then be sent in both PDF and editable word format, to practice.court@supcourt.vic.gov.au as soon as possible.

Urgent after-hours applications

- 15 In the event of exceptional circumstances requiring an urgent application before the judge in the Practice Court (Common Law) before 9am or after 5pm on weekdays, or on a weekend, parties and/or practitioners should contact the associate to the judge in the Practice Court on 0412 251 757 or the Practice Court Coordinator on 0419 303 981, who will inform the applicant whether, when and how the application will be determined.

16 April 2020

The Honourable Justice John Dixon,
Principal Judge of the Common Law Division