

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMON LAW DIVISION
JUDICIAL REVIEW AND APPEALS LIST

S ECI 202XX 00000

BETWEEN:

[XXX]

Appellant

- and -

[XXX]

Respondent

ORDER

JUDICIAL OFFICER: Judicial Registrar

DATE MADE:

ORIGINATING PROCESS: Notice of Appeal pursuant to s 109 of the *Magistrates' Court Act 1989* filed on *Click to insert date*.

HOW OBTAINED: Application by summons for directions [and for leave to appeal out of time] pursuant to r 58.10(1) of the *Supreme Court (General Civil Procedure) Rules 2015* ("the Rules") filed on *Click to insert date*.

ATTENDANCE: There was no attendance by a party or practitioner.

OTHER MATTERS:

- A. The purpose of paragraph 9 of this order is to provide the Court with a single combined list and folder of authorities in electronic form. In accordance with Practice Note SC Gen 3, authorities are to be from authorised reports where available and in RTF or searchable PDF format. Subject to any contrary direction by the trial judge, authorities themselves are not to be filed or served in hard copy.
- B. On *Click to insert date*, the appellant filed an affidavit under r 58.09 of the Rules together with the exhibits to that affidavit.
- C. Orders 9 to 14 have been made on the Court's own motion, to facilitate remote hearings and the use of electronic resources during Court hearings.
- D. *[Where made by consent:]* The order is made "on the papers" pursuant to r 59.07 of the Rules. 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.

- E. This order is signed by the Judicial Registrar pursuant to r 60.02(1)(b) of the Rules.

THE COURT ORDERS [BY CONSENT] THAT:

Hearing

1. The appellant file and serve a Notice of Trial in Form 48B on or before *Click to insert date 42 days prior to hearing date*. The [appellant's application for leave to appeal and, if leave is granted, the] appeal be listed for hearing on *Click to insert date* with an estimate of half to one day.

Affidavits

2. The appellant file and serve any further affidavits, including, where applicable, an affidavit exhibiting the transcript of any relevant hearing, upon which he/she/it/they intends to rely on or before *Click to insert date*.
3. *[If applicable]* The requirements of r 58.10(4) of the Rules be dispensed with.
4. The respondent file and serve any [further] affidavits upon which he/she/it/they intends to rely on or before *Click to insert date*.
5. Original exhibits to all affidavits filed are to be made available to the Court at the hearing.

Submissions and lists of authorities

6. The appellant:
 - (a) file and serve a written outline of submissions; and
 - (b) serve a list of authorities,on or before *Click to insert date*.
7. The respondent:
 - (a) file and serve a written outline of submissions in response; and
 - (b) serve a list of all authorities not also relied upon by the appellant together with electronic copies of any such authorities,on or before *Click to insert date*.
8. The appellant:
 - (a) file and serve a written outline of submissions in reply; and

(b) serve any additions to the list of authorities,
on or before *Click to insert date*.

9. The appellant file and serve a combined list of authorities in RTF or searchable PDF form on or before *Click to insert date*. Each citation in the combined list is to be hyperlinked to an individual file containing the text of the authority. The combined list of authorities is to be filed by email containing a link to the authorities, to judicialreview@supcourt.vic.gov.au.

Court book

10. The parties must confer and seek to agree upon an e-court book index.
11. By *Click to insert date*, the appellant serve on the respondent a draft e-court book index identifying all documents, in chronological order, on which he/she/it/they intends to rely.
12. By *Click to insert date*, the respondent serve on the appellant a supplementary draft e-court book index identifying any additional documents, in chronological order, on which he/she/it/they intends to rely.
13. By *Click to insert date*, the appellant file and serve the e-court book with the index as settled by the parties. The e-court book is to be filed by email containing a link to the e-court book, to judicialreview@supcourt.vic.gov.au.
14. The e-court book should:
- (a) be a single fully text-searchable PDF document;
 - (b) commence with an index identifying the date, description and starting page number of each individual document, including where possible hyperlinks;
 - (c) include stamped page numbers that correspond with the display page numbers of the PDF, which, in the case of supplementary e-books, commence by immediately following on after the ending number of the previous pdf; and
 - (d) be bookmarked with the short-form name of each individual document.

Directions

15. The proceeding be listed for further directions on *Click to insert date*.

Costs and liberty to apply

16. Costs be reserved.
17. The parties have liberty to apply.

DATE AUTHENTICATED:

JUDICIAL REGISTRAR