



Supreme Court of Victoria

Practice Note SC CL 3

Personal Injuries Litigation

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 procedures to be followed in the Personal Injuries List, Institutional Liability List and Dust Diseases List within the Common Law Division of the Court.
- 1.3 In this Practice Note:

List means the Personal Injuries List, Institutional Liability List or Dust Diseases List, as appropriate.

List Email Address means personal.injuries@supcourt.vic.gov.au for the Personal Injuries List, institutional.liability@supcourt.vic.gov.au for the Institutional Liability List, or dust.diseases@supcourt.vic.gov.au for the Dust Diseases List, as appropriate.

Expedited Case means a proceeding within a List for which an order has been made granting an expedited trial.

Regional Proceedings means proceedings where the cause of action arose in regional Victoria, or where the majority of parties or witnesses reside in regional Victoria.

- 1.4 This Practice Note commenced on 1 July 2026 and will apply to all proceedings in a List commenced after this date.

2 PROCEEDINGS SUITABLE FOR INCLUSION IN A LIST

- 2.1 Proceedings that should be initiated in the Personal Injuries List include claims in respect of:
 - workplace and industrial accidents;

- motor vehicle accidents;
- public, product and occupiers' liability;
- school injuries, save for those suitable for inclusion in the Institutional Liability List;
- medical negligence;
- sexual abuse not involving a minor or an organisation suitable for inclusion in the Institutional Liability List;
- personal accident or disability insurance policies;
- a 'police tort claim' within the meaning of section 73 of the *Victoria Police Act 2013* (Vic), where the claim involves allegations of physical or mental harm;
- recovery of payments pursuant to section 104 of the *Transport Accident Act 1986* (Vic); and
- recovery of compensation pursuant to section 138 of the *Accident Compensation Act 1985* (Vic) or section 369 of the *Workplace Injury Rehabilitation and Compensation Act 2013* (Vic).

2.2 Proceedings that should be initiated in the Institutional Liability List include:

- claims against an organisation founded on the death or personal injury of a person as a result of alleged physical or sexual abuse of a minor;
- claims for breach of the duty of care imposed by section 91, or in respect of vicarious liability arising from section 93C, of the *Wrongs Act 1958* (Vic);
- applications to set aside a previous judgment or settlement agreement pursuant to sections 27QB or 27QD of the *Limitation of Actions Act 1958* (Vic) prior to the commencement of a proceeding on an action referred to in section 27QA of that Act; and
- claims against an educational organisation arising out of the death or personal injury of a student of that organisation as a result of physical, sexual or psychological abuse by a fellow student or individual employed or associated with that organisation.

2.3 Proceedings that should be initiated in the Dust Diseases List include claims in respect of any pathological condition of the lungs, pleura, peritoneum or sinus that is attributable to dust, including but not limited to:

- Aluminosis;
- Asbestosis;
- Asbestos induced carcinoma;
- Asbestos related pleural disease;
- Bagassosis;

- Berylliosis;
 - Coal dust pneumoconiosis;
 - Farmer’s lung;
 - Hard metal pneumoconiosis;
 - Mesothelioma;
 - Silicosis;
 - Silico-tuberculosis; and
 - Talcosis.
- 2.4 Dependency claims arising from proceedings or circumstances of the nature set out in paragraph 2.1, 2.2 or 2.3 should also be initiated in the List relevant to that paragraph.
- 2.5 Regional Proceedings should be initiated in the List relevant to the subject matter of the proceeding. After the date on which this Practice Note commenced, new Regional Proceedings will not be accepted for entry into the Civil Circuit List. Instead, proceedings will be managed within the List relevant to their subject matter and allocated a trial date in an appropriate circuit sitting in the course of case management processes within that List.

3 STEPS PRIOR TO SERVICE OF A PROCEEDING

- 3.1 Other than in Expedited Cases, the Court expects that by the time a writ issued in a List is served, practitioners acting for plaintiffs will have completed the investigations and obtained the primary evidence they consider necessary to conduct the litigation expeditiously. Practitioners should not serve writs expecting that substantial time will be available for them to obtain further records once an interlocutory timetable has been put in place. Such work should be primarily conducted prior to service of a writ on a defendant.
- 3.2 In general, at the time they serve a writ in a List, practitioners acting for plaintiffs should be in a position to serve a statement of claim in the time provided by the *Supreme Court (General Civil Procedure) Rules 2025 (Vic)*, to serve critical documents (including relevant medical and economic loss records) at the same time as serving a statement of claim and, where appropriate, to serve any certificate of assessment obtained in accordance with the *Wrongs Act 1958 (Vic)*.
- 3.3 If a plaintiff requires more time to complete the above steps before service of a writ, an application should be made to extend the period of validity of the writ for service pursuant to rule 5.12 of the *Supreme Court (General Civil Procedure) Rules 2025 (Vic)*. The degree to which a plaintiff has acted promptly to progress the preparation of a claim, and whether defendants are on notice of the proceeding, are likely to be relevant factors in the determination of such an application.

- 3.4 Consistent with the Overarching Purpose and Obligations under the *Civil Procedure Act 2010* (Vic), it is the expectation of the Court that the parties in all claims for damages for injury or death resulting from a transport accident or arising out of the use of a motor vehicle to which sections 93, 94 or 96 of the *Transport Accident Act 1986* (Vic) or Part III of the *Wrongs Act 1958* (Vic) are applicable will have endeavoured to facilitate the resolution of the claim via the voluntary alternative dispute resolution processes set out in the applicable Transport Accident Act Common Law Protocols.

4 PROCEDURE FOR ENTRY INTO A LIST

- 4.1 Proceedings should be initiated in a List by endorsing the heading of the originating process “Personal Injuries List”, “Institutional Liability List” or “Dust Diseases List”, as appropriate. The heading of all subsequent documents filed in the proceeding should also be endorsed with the name of the relevant List.
- 4.2 If at any time after the initiation of a proceeding it appears to the Court that it is appropriate to have the proceeding managed in a List, the Court may transfer the proceeding into that List.
- 4.3 Conversely, a proceeding initiated in a List may be transferred out of the List if it appears to the Court that it is appropriate to have the proceeding managed in a different list.
- 4.4 The Court may initiate a transfer of a proceeding in accordance with the *Courts (Case Transfer) Act 1991* (Vic) if it appears that it may be more appropriate for the proceeding to be heard and determined by another court.

5 COURT APPEARANCES

- 5.1 Non-admitted persons may appear at directions hearings but must seek leave of the Court on appearing and notify their intent to seek leave prior to the directions hearing.
- 5.2 All persons appearing at directions hearings must be fully briefed on all relevant aspects of the matter so as to be in a position to assist the Court.
- 5.3 Parties are required to appear at directions hearings unless otherwise advised by the Court, including proceedings in which minutes of proposed consent orders have been submitted. Requests from practitioners to the registry close in time to a scheduled hearing for advice as to whether appearances are required will generally not be responded to.
- 5.4 The Court may conduct certain directions hearings and applications wholly online or in a hybrid manner, facilitating both in-person and remote appearances, at the discretion of the judicial officer presiding. Counsel are not required to robe when appearing remotely. Solicitors and counsel appearing remotely are expected to do so in appropriate business attire, however, and to

conduct the hearing with the same level of formality that would apply to a wholly in-person hearing.

6 DIRECTIONS FOR CASE MANAGEMENT

A. PRIOR TO MEDIATION

- 6.1 The Court does not routinely hold a first directions hearing for proceedings in a List. Instead, upon the filing of a notice of appearance, the Court will, on its own motion, make standardised timetabling orders. Those orders will include a trial date, which (other than for Expedited Cases) is expected to be within 12-14 months from the date notices of appearance are filed, and a date by which the parties are to have concluded a mediation, approximately 2-3 months prior to the trial date. A trial management directions hearing will be listed shortly after the time the mediation is expected to have been conducted. Standard timetabling orders and details of the Court's case management processes are available on the relevant List webpage of the Court's website.
- 6.2 Subpoenas for the production of documents to the Prothonotary are not to be issued in a proceeding in a List prior to the first date on which a defence is filed, without leave of the Court. A party seeking to issue a subpoena before a defence has been filed should apply for leave on summons in accordance with the procedure described in section 7 below.
- 6.3 Once pleadings have closed, parties should correspond about any areas or categories of discovery they believe should be provided by another party in the proceeding. Similarly, parties should identify at an early opportunity any steps that they believe may be required to redact or de-identify particular information in documents to be discovered, and the basis for any such steps. Parties are required to confer about any areas of disagreement and should seek determinations from the Court by way of interlocutory applications prior to substantial work being performed to produce discovery in a proceeding, in the interests of minimising delay and wasted costs.
- 6.4 Where an expedited trial is sought, an application should be made on summons accompanied by affidavit material in support of the application, as soon as possible.
- 6.5 Subject to paragraph 6.6, variation of the timetable can be agreed by the parties prior to the trial management directions hearing without obtaining further orders, pursuant to rule 3.02(3) of the *Supreme Court (General Civil Procedure) Rules 2025* (Vic). Applications for variations of the standard orders that are not agreed can be made at any time.
- 6.6 Any application for variation of the timetable, where the application is not by agreement or where it concerns dates on or after the date of the trial management directions hearing, must be made on summons or with leave of the Court at a directions hearing.

B. EXPERT EVIDENCE

- 6.7 Consistent with Part 4.6 and section 65G of the *Civil Procedure Act 2010* (Vic), the standard timetabling orders that will be set by the Court in a List provide for a structured process for the identification, preparation and exchange of expert evidence in a proceeding. The timetabling orders issued by the Court will provide that after the date for service of discovered documents, plaintiffs are required to serve a notice identifying the expert evidence intended to be adduced at trial, including the field of expertise of each expert involved. Defendants are required to serve a responsive notice, setting out their own intended areas of expert evidence, within 21 days of receipt of a plaintiff's notice.
- 6.8 Parties are expected to exchange notices that reflect the expert evidence that they genuinely and reasonably expect will be adduced at trial. Parties are also expected to conduct their preparations for trial on the basis that any notices served on them by other parties represent those parties' genuine and reasonable expectations as to the scope of their expert evidence. Notices should not be prepared on an overly broad basis or representing a 'holding position' to provide opportunities to adduce categories of expert evidence subsequently that have not yet been considered. Where a party serves a notice that is overly broad and subsequently does not rely upon the expert evidence identified in the notice, and this causes an opposing party to incur unnecessary costs in preparing for trial, this may be relevant to orders that the Court will make concerning costs.
- 6.9 Parties will require leave of the Court to rely on expert evidence at trial that has not been the subject of notice in accordance with the timetabling orders. Any application in this regard should be made as soon as a need for additional expert evidence has been identified. Considerations relevant to the question of whether leave will be granted include:
- Whether the proceeding is an Expedited Case;
 - The extent to which the party has complied with the notice requirements in the timetable previously;
 - The explanation for the need for further expert evidence after prior deadlines had passed, and the explanation for any delay in identifying this;
 - Whether notice of the intention to adduce the additional expert evidence was given as soon as practicable;
 - The timing of the application relative to the mediation date and the trial date; and
 - Any prejudice that would be caused to another party and any risk to the trial date that would be occasioned by the use of the further expert evidence.
- 6.10 If more than one party in a proceeding gives notice of an intention to adduce expert forensic accounting evidence, the parties will be expected to jointly engage a single expert for this purpose, in the absence of orders to the contrary.

Parties will not be permitted to adduce their own forensic accounting expert evidence at trial without leave of the Court.

- 6.11 Where a joint forensic accounting expert is required to be engaged, parties are to confer within 14 days of identifying a need to engage a joint expert, in order to agree upon the identity of an expert to be briefed and to settle the instructions and briefing materials to be sent to the expert.
- 6.12 Each party will be entitled to ask the joint expert to consider any specific scenarios or assumptions they wish to obtain evidence about and to respond to any questions the party seeks to put to them. All communications with the joint expert are to be sent by agreement between the parties, and copied to all parties.
- 6.13 If, upon receipt of the joint forensic accounting expert's report, any party considers that a supplementary report is required to address further matters or clarify matters set out in the report, the parties should promptly confer and repeat the above process to finalise any further instructions, questions or documents to be sent to the expert.
- 6.14 If after conferring the parties are unable to reach agreement about the identity of an expert to be briefed, the material to be put to the expert, or any other communication to be sent to the expert, they should approach the Court promptly via the List Email Address to obtain further directions.
- 6.15 Practitioners are expected to consider any other areas of expert evidence identified in the proceeding that may be appropriate for the use of a single joint expert, pursuant to section 65L of the *Civil Procedure Act 2010* (Vic), and should approach the Court via the List Email Address for appropriate directions in this regard at the earliest opportunity.
- 6.16 Timeframes for compliance with steps concerning expert evidence within this section, and/or the application of this section of the Practice Note as a whole, will be modified for Expedited Cases as the circumstances of particular cases require.

C. AFTER MEDIATION

- 6.17 Parties are expected to have mediated or attended another appropriate dispute resolution (ADR) process prior to the trial management directions hearing, wherever possible.
- 6.18 Adjournments of directions hearing dates will not routinely be allowed more than once, and will not be granted for periods of more than one month in the absence of an application. Trial management directions hearings will not be adjourned to any later than two months before the trial date, regardless of whether a mediation has yet been held.
- 6.19 There is only limited scope for parties to seek leave to serve new expert evidence after a mediation or other ADR process has occurred. Applications to rely on new expert material after the conclusion of the mediation or other ADR process should generally be confined to areas or topics that relate to new developments outside a party's control or which could not have been

anticipated in advance. A desire to save costs by not commencing the preparation of expert material until after a mediation is not an acceptable reason to allow the use of new expert material.

- 6.20 Parties seeking to adjourn or vacate a directions hearing listed in a Friday directions list are required to submit signed consent minutes by no later than 10am on the Thursday of the week of the hearing. Minutes submitted after this time will not be responded to prior to the hearing, and appearances will be required at the hearing.
- 6.21 Parties should not assume that the provision of signed consent minutes will necessarily result in the orders sought being made by the Court, or avoid the need for appearances. Parties are expected to be ready to attend a directions hearing unless they are advised by the Court that the orders sought will be made on the papers and the hearing will be vacated.

D. GENERAL

- 6.22 Orders made in the course of a directions hearing or application in a List will generally not be emailed individually to parties by the Court, but can be accessed by practitioners via RedCrest. In general, other than for urgent matters, orders will be available for download within 72 hours of the conclusion of the hearing in which the orders were made, unless parties are otherwise advised. If parties are unable to access orders more than 7 days after a hearing, or if a matter is urgent, they should contact the Registry by emailing the List Email Address for assistance.
- 6.23 Firms and practitioners with conduct of proceedings are responsible for accessing and downloading orders from RedCrest. To do this, practitioners and firms will need to have RedCrest accounts with enhanced case access enabled for the relevant proceeding. Further information about enhanced case access is available on the Court's website.
- 6.24 The Registry will communicate with practitioners concerning proceedings using their email addresses for service as defined in rule 6.06.2 of the *Supreme Court (General Civil Procedure) Rules 2025 (Vic)*, subject to any notices of change of an email address filed pursuant to rule 6.06.3. Requests for communications to be sent to other email addresses for parties or practitioners will generally not be responded to. It is the responsibility of firms and practitioners to ensure that current email addresses for service are notified to the Court, and to make appropriate internal arrangements for the distribution of correspondence to practitioners concerning proceedings where required.

E. ORAL EXAMINATION

- 6.25 Parties wishing to arrange an examiner pursuant to Order 41 of the *Supreme Court (General Civil Procedure) Rules 2025 (Vic)* should contact debeneesse@supcourt.vic.gov.au.

7 INTERLOCUTORY APPLICATIONS

A. GENERAL

- 7.1 Interlocutory applications (including those for nunc pro tunc orders under section 357 of the *Workplace Injury Rehabilitation and Compensation Act 2013* (Vic)) are required to be made on summons and will generally be heard on Fridays during the Court sitting terms by a Judicial Registrar, Associate Judge or Judge as appropriate. This includes applications to set aside deeds or settlement agreements, applications for further and better discovery or interrogatories, subpoena objections, applications to amend pleadings and section 32C *Evidence (Miscellaneous Provisions) Act 1958* (Vic) applications.
- 7.2 The Court requires practitioners, including counsel briefed on an application, to confer before the hearing of any application to resolve or narrow the issues in dispute. An application will not be heard until genuine conferral has occurred. If affidavit material is required in the application, it should include any relevant correspondence as to the conferral and the basis for the dispute remaining.
- 7.3 In conferring about any pending application, the parties should specifically consider the amount of time expected to be required for the hearing of the application, and whether the application is capable of being determined on the basis of written materials to be filed, without an oral hearing.

B. FILING A SUMMONS

- 7.4 Parties are not required to obtain a return date from the Registry in advance of filing a summons for any proceeding in a List. For any interlocutory application made on summons in a List, subject to any specific orders to the contrary, parties may file any summons without leave that is made returnable *for directions* in the first instance.
- 7.5 Any summons filed in this manner may be made returnable for directions on any Friday that is more than 7 days in the future (and which is not a public holiday or in a non-sitting period identified in the List's web page). The filing party must endorse the time, date and hearing location on the summons. These details are available on the List's web page. Any summons sought to be filed with a return date that does not comply with this requirement will not be accepted for filing by the Registry without leave or a specific direction from a judicial officer. Requests for such leave in urgent cases may be made by emailing the List Email Address.
- 7.6 Any summons accepted for filing by the Registry is to be served on all relevant parties forthwith, accompanied by any affidavit material in support.
- 7.7 The parties to any such application are expected to confer prior to the listed directions hearing date in relation to any timetable required for the application to be prepared, and where possible should submit consent minutes detailing

the relevant steps that have been agreed as well as a 'not-before' date for the hearing of the application and an estimate of its likely duration.

- 7.8 Parties should specifically consider as part of their conferral whether the application is capable of determination 'on the papers', and if they agree this is the case, indicate this in their consent minutes rather than seeking a hearing date.
- 7.9 Consent minutes submitted to the Court before 10am on the Thursday of the week of the directions hearing will have orders made on the papers where possible. Where consent minutes are submitted after this time, or where agreement cannot be reached concerning the timetable for the application, appearances will generally be required at the directions hearing and orders timetabling and listing the application for hearing will be made by a Judicial Registrar.
- 7.10 Where an application is made *ex parte* and all relevant material is available at the time of issuing the summons (for example, some applications to extend the period of validity for service of a writ), or where parties to an application agree that the application will be ready for hearing on the date chosen for the directions hearing, parties may contact the Registry prior to 4pm on the Wednesday of the week containing the directions hearing to request that the directions hearing time be used instead for the substantive hearing of the application. Such requests will be granted where possible, subject to the volume of matters that are listed in that week.

C. PREPARATION AND CONDUCT OF APPLICATIONS

- 7.11 Parties are expected to confer and cooperate in the preparation of applications for hearings, and should endeavour to reduce the volume of materials required to be exchanged and provided to the Court where possible. By way of example:
- In general each party is expected to set out their position on all of the issues raised in an application in a single piece of correspondence that is sent in the course of their conferrals and preparations. For shorter or simpler applications, the relevant letter or email from each party may be capable of taking the place of written submissions, and in such cases the Court encourages the filing of a single affidavit by the applying party exhibiting the correspondence, rather than individual documents filed by each party separately.
 - In applications for discovery orders, parties will generally be asked not to file written submissions but will instead be directed to jointly complete a table that will set out each party's position briefly in relation to each category of documents being sought. A template copy of the table is available on the Court's website for each List.
- 7.12 Where an application requires written outlines of submissions, in the absence of specific orders to the contrary, these should be no more than 5 pages in length and should be filed no later than 4.00pm on the day before the application is to be heard.

- 7.13 Affidavits are expected to be focused on the specific issues raised in any application, and should ordinarily be confined to no longer than 10 pages in length, with no more than 30 pages of exhibits. Parties wishing to rely on longer affidavits should seek a direction from the Court to this effect by email to the List Email Address, or at an initial directions hearing for applications requiring their own timetables. The provision of unnecessarily lengthy affidavits may be relevant to the costs orders made concerning an application.
- 7.14 For the avoidance of doubt, it is generally not necessary for parties to include in, or exhibit to, affidavits:
- Copies of orders or court documents that have been filed in the proceeding;
 - Multiple copies of emails within a larger email chain (where the final email in the chain will show all of the prior emails that are sought to be referred to);
 - Irrelevant attachments or annexures to emails and reports; and
 - Complete copies of medical records or briefing materials, where only a small subset of that material is sought to be referred to and the surrounding material is not required in order to understand or interpret that subset.
- 7.15 An application to correct an error in a party's name may be made by submitting signed minutes of consent to the List Email Address. An affidavit in support is not required. The correspondence should confirm that the parties seek the correction of a party's name rather than the substitution of a party. Where a substitution of party is sought by consent, an application must still be supported by affidavit.
- 7.16 Applications concerning pleadings, discovery, interrogatories or subpoenas are expected to be made in sufficient time to enable them to be determined before the mediation. If a party considers that such an application is required, it should not be left until after the mediation unless there are exceptional circumstances beyond a party's control or which could not have been foreseen in advance. The timing of a late application that does not fall within these categories may be highly relevant to its disposition.
- 7.17 Larger applications requiring their own timetable, for example applications to set aside prior judgments/deeds, should be filed as soon as possible after the close of pleadings.
- 7.18 To facilitate the Court's preparation, hearing and determination of applications, parties are required to email:
- a single electronic PDF, with each document bookmarked, containing copies of documents relating to the application including the summons, affidavits and exhibit bundles, and submissions; and
 - a hyperlinked list of authorities upon which it is intended to rely including pinpoint references;

to the List Email Address. The documents should be sent to the Court in accordance with any specific timetabling directions or by no later than 4.00pm two days prior to the hearing of the application.

8 INTERROGATORIES

- 8.1 The number of interrogatories served in proceedings in a List should be limited to 30 (including sub-parts).
- 8.2 In motor vehicle and industrial accident cases, unless the Court directs otherwise, interrogatories should be confined to questions of liability and contributory negligence.

9 TRIAL MANAGEMENT DIRECTIONS

- 9.1 Interlocutory timetables will usually include an order that the parties attend a trial management directions hearing approximately 1-2 weeks after the date by which they have been ordered to attend mediation. Trial management directions hearings will generally be held before a Judicial Registrar, and are used to identify and address any issues that may affect the proceeding's readiness for trial or which otherwise need to be resolved ahead of the trial date.
- 9.2 Participation in the trial management directions process is compulsory. The hearing will proceed regardless of whether a mediation has yet occurred. At this time, the parties are expected to provide the Court with a provisional list of witnesses in advance of the hearing date, and are expected to advise:
- whether the Court-ordered timetable has been complied with;
 - what issues remain in dispute;
 - whether it is proposed to seek leave to amend any pleading or make any other interlocutory applications, and if so be in a position to timetable those steps; and
 - whether the initial estimate of the length of the trial requires adjustment.
- 9.3 In general it will not be necessary for parties to prepare affidavit material in connection with a trial management directions hearing. If a party seeks to file an affidavit for use at such a hearing, they should observe the requirements set out above in section 7.C, and the affidavit should be filed no later than 4:00pm two days prior to the hearing.
- 9.4 If a proceeding involves a deregistered company and a party expects that an application to reinstate that entity will be required prior to the trial of the proceeding, parties are required to inform the Court of this as part of the trial management directions process. Where this is identified, other than in Expedited Cases, an order will be made by the Court setting a date by which any such application is to be made, which will ordinarily be no less than 6 weeks prior to the trial date. Any such application is to be made in accordance

with the applicable Commercial Court Practice Notes and Notices to the Profession.

- 9.5 Where all parties to a proceeding consider that the timetable has been complied with and there are no outstanding interlocutory steps that need to be raised with the Court, they may seek to have the trial management directions hearing conducted on the papers, by completing the “Trial Management Directions Hearing Form” available on the Court’s website. The form is to be signed by the practitioner with conduct of the proceeding for each party, and will be treated as having an equivalent status to each practitioner verbally confirming to the Court in a hearing that the timetable has been complied with and there are no interlocutory issues to be raised.
- 9.6 Parties seeking to have a trial management directions hearing conducted on the papers are required to file a completed Trial Management Directions Hearing Form on RedCrest, and email the Form to the List Email Address by 4:00pm on the Wednesday of the week of the hearing. The Court will advise parties as soon as practicable thereafter as to whether a judicial officer is content to conduct the trial management directions hearing on the papers, in which case appearances will not be required.
- 9.7 Forms submitted after 4:00pm on the Wednesday of the week of the hearing will not be responded to prior to the hearing, and appearances will be required. Due to the volume of pending proceedings before the Court, this deadline will be applied strictly, and requests for exceptions will not be responded to.

10 FINAL DIRECTIONS

- 10.1 Proceedings, other than Regional Proceedings, will be listed for a final directions hearing at which an appearance is compulsory by a person adequately briefed to address questions from the Court as to the readiness of the proceeding for trial. Final directions hearings will generally be conducted in person.
- 10.2 At the final directions hearing, parties will be expected to:
- identify the main issues in dispute;
 - identify any outstanding interlocutory issues;
 - confirm that the proceeding is ready for trial;
 - confirm the estimated number of sitting days;
 - confirm whether the proceeding is to be heard by judge alone, or by judge and jury;
 - confirm the name and contact details of the practitioner with conduct of the proceeding and advise whether counsel has been briefed for trial;
 - confirm payment of the trial fee and jury fee (if the trial is to be heard before a jury);

- confirm that transcript has been arranged for the trial;
- provide a list of proposed expert and lay witnesses to be called at trial;
- advise whether any witnesses will need to give evidence via an interpreter or via video-link;
- advise whether a view is likely to be required during the trial; and
- advise whether any witnesses have special needs, including special needs while giving evidence or accessing a witness box.

10.3 At the final directions hearing, the Court will usually order that the parties file, prior to trial, a callover and hearing form, a joint memorandum signed by counsel and/or the solicitor of each party who has the primary conduct of the matter, and deliver a key documents file to the trial judge's associate. Both the memorandum and the key documents file are to be prepared jointly by the parties.

Callover and hearing form

10.4 Parties are to file on RedCrest a callover and hearing form in the form available on the Court's website, by no later than the Tuesday of the week prior to the trial date.

Joint memorandum

10.5 The purpose of the joint memorandum is to provide the trial judge with an overview of the case to be presented at trial by each party. It should not simply recite the pleadings, nor is it a substitute for proper pleadings. Rather, it should concisely set out:

- an overview of the claim and defences;
- any relevant procedural history, including settlements reached with other parties;
- the basic facts of the case, noting significant points of agreement and disagreement;
- the major issues that remain in dispute;
- any factual or legal issues to be dealt with as preliminary matters prior to opening addresses; and
- a short outline of the evidence each party intends to call. The outline should include the issues to be addressed by the witnesses.

10.6 As a guide, the joint memorandum should be no more than three to four A4 pages (with at least 1.5 line spacing), have numbered paragraphs and contain subject matter headings.

Key documents file

- 10.7 The key documents file should contain only documents that are likely to be of assistance to the trial judge prior to the commencement of the trial. It should not resemble a traditional voluminous Court Book.
- 10.8 As a guide, the file might include copies of:
- the current pleadings only;
 - the joint memorandum;
 - relevant submissions;
 - significant orders or rulings that have a direct bearing on the trial; and
 - critical documents that a party anticipates tendering.
- 10.9 Any interrogatories and answers contained in the key documents file, whether sworn or affirmed, should be in a format complying with rule 30.06(3) of the *Supreme Court (General Civil Procedure) Rules 2025 (Vic)*.
- 10.10 The key documents file should not, as a matter of course, include overarching obligations certificates, prior versions of pleadings, affidavits of service, medical records, or tax documents.
- 10.11 The inclusion of a document in the key documents file does not mean that the document must be tendered. Similarly, non-inclusion does not prevent a document from being tendered. If a document is to be tendered, this will need to be done in the usual way and subject to the rules of evidence.
- 10.12 The plaintiff should prepare the key documents file as agreed between the parties and deliver one electronic copy to the trial judge's associate and one copy to all other parties within the time ordered.
- 10.13 The copy provided to the trial judge should be in electronic form unless the parties are advised to the contrary by the trial judge.
- 10.14 The electronic key documents file is to be a single, fully text-searchable PDF file, bookmarked for each document, with any displayed page numbers applied to correspond with the display page number of the PDF viewer. Subject to what is discussed at the final directions hearing, where the file size of the key documents file exceeds the maximum for a single PDF document, the key documents file is to be split across two volumes, the first volume containing pleadings and other court documents and the second volume containing critical documents that parties anticipate tendering.
- 10.15 For documents that are not appropriate to be included in the key documents file, but that the parties intend to show to a witness, each party is to prepare a witness document bundle to be provided to the trial judge's associate prior to the commencement of the witness' evidence.

11 COMPLIANCE WITH ORDERS AND ADJOURNMENTS OF TRIAL

- 11.1 If at any time the parties are unable to comply with time limits in Court orders, they must notify the List Email Address and request an extension of time. This

does not apply if the parties have consented to a variation as to applicable dates prior to the trial management directions hearing.

- 11.2 Applications to adjourn trial dates should be made as soon as it is known that a matter is not ready to proceed as listed and should not be left until the final directions hearing. Such applications should be made on summons supported by affidavit material in accordance with section 7 of this Practice Note.

12 FINALISATION OF PROCEEDINGS

- 12.1 Parties are expected to notify the Court promptly when a proceeding resolves ahead of trial.
- 12.2 Upon receipt of such notice, the Court will list a mention several weeks later, which will generally be scheduled each week on a Friday afternoon. Parties will be expected to have submitted consent minutes to dismiss the proceeding by 10am on the day prior to the mention date.
- 12.3 The Court will generally make orders in terms that the proceeding is dismissed with liberty to apply in relation to that order and the terms of the agreement reached to resolve the proceeding.
- 12.4 Should a party wish to bring the proceeding back before the Court after such a dismissal order has been made pursuant to the liberty to apply, it must do so by way of summons noting the liberty to apply, which is to be sent to the List Email Address. This is not considered the commencement of an interlocutory application attracting the requirement for fees to be paid.

13 REGIONAL PROCEEDINGS

- 13.1 Regional Proceedings are managed in the same way as other proceedings in any List subject to the following exceptions:
- Parties may request leave to appear by audio-visual link for directions hearings (other than hybrid hearings) where they are held in person in Melbourne. Such requests should be made via email to the List Email Address.
 - The trial will be listed in the relevant Supreme Court civil trial circuit unless a more urgent listing is required due to a party's state of health.
 - Instead of a final directions hearing, the proceeding will be included in the callover for the relevant circuit. Callovers will be conducted in the same manner as a final directions hearing, in accordance with section 10 above. The parties will have an opportunity at the callover to address the Court on issues relevant to determining the order in which cases will proceed during the circuit.

14 APPLICATIONS FOR COSTS FROM A WORKER

- 14.1 Practitioners who require the leave of the Court to recover costs pursuant to section 134AB(30)-(31) of the *Accident Compensation Act 1985* (Vic) or sections 344(6)-(7) of the *Workplace Injury Rehabilitation and Compensation Act 2013* (Vic) should ensure that they reserve liberty to make such an application at the time of any orders finalising the plaintiff's claim against the defendant(s).
- 14.2 Such applications should be made by filing the following material on RedCrest and sending an email to the List Email Address advising of such filing:
- a covering letter;
 - an affidavit by the plaintiff's solicitor; and
 - an affidavit by the plaintiff.
- 14.3 The affidavit by the plaintiff's solicitor should:
- set out the amount of the judgment/settlement;
 - set out details of costs and disbursements assessed on an indemnity basis (formerly solicitor/client basis);
 - set out details of costs and disbursements assessed on a standard basis (formerly party/party basis);
 - set out the net amount sought to be recovered by the plaintiff's solicitors from the plaintiff;
 - state whether all costs disclosure obligations of Division 3 of Part 3.4 of the *Legal Profession Act 2004* (Vic) (**LPA**) or Division 3 of Part 4.3 of the *Legal Profession Uniform Law* found within Schedule 1 of the *Legal Profession Uniform Law Application Act 2014* (Vic) (**the Uniform Law**) (whichever is applicable), have been complied with;
 - state whether any part of the costs and disbursements are claimed pursuant to a costs agreement as referred to in Division 3 of Part 3.4 of the LPA or Division 3 of Part 4.3 of the Uniform Law (whichever is applicable);
 - exhibit a copy of all Costs Agreements and Costs Disclosures that the solicitor relies upon;
 - state whether an 'uplift fee', being additional legal costs payable under a costs agreement on the successful outcome of a proceeding, is claimed;
 - set out any amount estimated or recovered as costs and disbursements from the defendant or pursuant to the relevant WorkCover Legal Costs Orders.
 - include a brief summary of the work undertaken, for example the stage at which the proceeding was resolved or whether the matter proceeded to judgment;
 - confirm that an account for costs and disbursements was provided to the plaintiff;

- confirm that the work described in the account given to the plaintiff was duly and properly undertaken;
- confirm that each disbursement was properly incurred; and
- confirm that the solicitor has explained the plaintiff's rights to the plaintiff and that the plaintiff:
 - has indicated that they do not wish to challenge the affidavit;
 - has been advised of their right to obtain independent legal advice and has obtained such advice or does not wish to obtain such advice; and
 - consents to the making of the award.

14.4 The plaintiff's affidavit should:

- confirm receipt of the account for costs and disbursements; and
- confirm that the plaintiff:
 - has not requested an itemised bill;
 - does not wish to have the account for costs and disbursements reviewed pursuant to Division 7 of Part 4.3 of the Uniform Law;
 - understands their rights;
 - has been advised of the right to seek independent legal advice and has obtained such advice or does not wish to obtain such advice; and
 - consents to the making of the award in the sum referred to.

14.5 On receipt of the above material, a judicial officer will consider whether the material supports the making of the orders 'on the papers' and the plaintiff's solicitor will be advised accordingly.

15 TRANSCRIPT

15.1 Practice Note SC Gen 7 is applicable to the requirements for transcript in relation to proceedings in a List.

15.2 For the purposes of Practice Note SC Gen 7 Transcript in Civil Proceedings, unless in a particular case parties are advised otherwise:

- 'Real-Time' transcript is not required for any proceeding in a List;
- 'Running' transcript (as distinct from 'Real-Time' transcript and from 'Deferred' transcript) is required for all trials in a List; and
- transcript is not required for directions hearings or interlocutory applications.

16 USE OF TECHNOLOGY

- 16.1 The provisions of Practice Note SC Gen 5 Technology in Civil Litigation apply to proceedings in a List.
- 16.2 For the purposes of paragraph 9.11 of that Practice Note, documentary evidence in excess of 1500 pages is to be considered a large amount of documentary evidence.
- 16.3 Unless the trial judge otherwise orders, the key documents file is to be provided electronically, and witnesses will be shown electronic versions of documents.

17 COMMUNICATIONS WITH THE COURT

- 17.1 Practitioners should consult Practice Note SC Gen 4 Custom and Protocol and Communications with the Court which sets out the general protocol for communications with the Court.
- 17.2 Where necessary outside of filings and hearings, email is the preferred form of communication in relation to proceedings in a List and the following protocols should be observed:
- Prior to a proceeding being allocated to the trial judge, emails are to be sent to the List Email Address. Once parties have been informed of the name of the trial judge or the judicial officer hearing an application, communications should be directed to that judicial officer's associate(s). Contact details for all associates are on the Court website.
 - Emails should maintain the same level of formality expected of all communications with the Court.
 - Unless the communication concerns an application to be made without notice, all parties must be copied in.
 - Emails, like any other correspondence with the Court, are not the appropriate forum for raising contentious issues, unless the Court has invited written submissions via email.
- 17.3 Practitioners are expected to respond to emails sent by the Court promptly, and ordinarily within no more than two business days for non-urgent matters, unless a different deadline is specified.

18 FURTHER INFORMATION

- 18.1 The Court's website includes a page dedicated to each List with up-to-date information about its operation including:
- a) judicial officers managing the Lists;
 - b) links to this Practice Note;
 - c) Trial Management Directions Hearing Form;
 - d) standard orders; and

e) Case Management and Listing Updates.

AMENDMENT HISTORY

This Practice Note was reissued on 24 June 2026 and amends the version issued on 1 October 2018, and replaces Practice Note SC CL 1 Civil Circuit List, Practice Note SC CL 2 Dust Diseases List, and *Notice to the Profession – Institutional Liability List*.

1 October 2018: This Practice Note was reissued on 1 October 2018 and amends the version issued on 22 March 2018.

22 March 2018: This Practice Note was reissued on 22 March 2018 with effect from 1 March 2018 and replaced former Practice Note SC CL 3 which was issued on 30 January 2017.

30 January 2017: This Practice Note was first issued on 30 January 2017 and replaced Practice Note No 9 of 2016 and *Notice to the Profession – Interlocutory Applications in the Personal Injuries and Dust Diseases Lists*.

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1 July 2026