

# Supreme Court of Victoria

## Notice to Practitioners 1 of 2004

### VICTORIAN TAXATION APPEALS

1. The Honourable Justice Nettle has been appointed by the Chief Justice as the judge in charge of the Taxation List. These are cases covered by Chapter II Order 7 of the Rules of the Supreme Court.

#### Division

2. By Practice Note No. 4 of 1999, Victorian taxation appeals cases (referred to in the Note as the "Taxation List") have been allocated to the Commercial and Equity Division. Hence all Order 7 proceedings, which include appeals and applications for leave to appeal from the Victorian Civil and Administrative Tribunal ("VCAT"), should be commenced in the Commercial and Equity Division and marked: "Victorian Taxation Appeals List".

#### Interlocutory applications

3. An interlocutory application in an Order 7 proceeding is to be brought before his Honour. This includes a directions hearing. It also includes an application for leave to appeal from VCAT.
4. His Honour is available for interlocutory applications on the last Friday of each month commencing at 9.30 am, or at such other times as may be appropriate. Please telephone his Honour's Associate on 9603 6155 to confirm his Honour's availability before issuing any summons.
5. In the ordinary course of events, at the first directions hearing his Honour will set down the appeal or application for hearing before himself, order outlines of submissions and make such other directions as appropriate.
6. In an application for leave to appeal from VCAT, in the ordinary course of events his Honour will set down the application to be heard with the appeal. However, it should not be assumed that this will happen and the applicant should be prepared to state in summary form at the initial hearing why the application should proceed. See *Department of Premier and Cabinet v Hulls* [1999] 3 VR 331 at [8-17].

Associate to Justice Nettle

2 February 2004