



Supreme Court of Victoria

Practice Note SC CL 1

Civil Circuit List

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 describe the procedures to be followed in the Civil Circuit List. The List is a case management list within the Common Law Division of the Court.
- 1.3 To provide parties residing in regional Victoria with greater access to the Court, civil trials may be heard in Ballarat, Bendigo, Geelong, Hamilton, Horsham, Mildura, Morwell, Sale, Shepparton, Wangaratta, Warrnambool and Wodonga. The purpose of the List is to co-ordinate the hearing of civil trials in these locations.

2 DEFINITIONS

- 2.1 In this Practice Note:
List means the Civil Circuit List.

3 COMMENCEMENT

- 3.1 This Practice Note was issued and commences on 30 January 2017 and applies to all proceedings in the List whenever commenced.

4 PROCEEDINGS SUITABLE FOR INCLUSION IN THE LIST

- 4.1 A proceeding should be initiated in the List where the cause of action arose in regional Victoria, or where the majority of parties or witnesses reside in regional Victoria.
- 4.2 The fact that medico-legal witnesses are based in Melbourne is not a sufficient reason for a proceeding of the nature set out in paragraph 4.1 to be heard in Melbourne, rather than in the relevant regional location.
- 4.3 Notwithstanding paragraph 4.1, all proceedings in which a Plaintiff alleges that he or she is suffering from a dust disease (as defined in paragraph 4.2 of Practice Note SC CL 2 "Dust Diseases List") should be initiated in the Dust Diseases List. Such proceedings will nevertheless normally be fixed for trial in an

appropriate circuit sitting and managed in accordance with paragraph 13 of Practice Note SC CL 2.

- 4.4 Subject to paragraph 4.3, where a proceeding of the nature set out in paragraph 4.1 involves a cause of action that falls within the operation of another list, the proceeding should generally be initiated in the Civil Circuit List.

5 PROCEDURE FOR ENTRY INTO THE LIST

- 5.1 Proceedings of the nature set out in paragraph 4.1 should be initiated in the List by endorsing the heading of the originating process with the name of the relevant circuit (e.g. "Supreme Court of Victoria at Bendigo") and "Civil Circuit List". The heading of all subsequent documents filed in the proceeding should also be endorsed with the name of the relevant circuit and "Civil Circuit List". Originating process and other documents in a proceeding in the List may be filed either in the Principal Registry at Melbourne or in a regional Registry of the Court.
- 5.2 If at any time after the initiation of a proceeding it appears to the Court that it is appropriate to have the trial heard in a regional location, the proceeding may be transferred into the List on the Court's own motion.
- 5.3 Conversely, a proceeding initiated in the List may be transferred out of the List on the Court's own motion if it appears to the Court that it is appropriate to have the trial heard in Melbourne.
- 5.4 No additional fees will be payable for the inclusion of a proceeding in the List.

6 FIRST DIRECTIONS HEARING

- 6.1 The Court will give directions for the management of a proceeding in the List at a first directions hearing, which will usually be conducted by teleconference/videoconference during the first week of any month during the court sitting period. However, where all parties are represented by solicitors based in Melbourne, the first directions hearing will be listed in the Supreme Court at Melbourne.
- 6.2 The Court will generally notify the parties of the date and time of the first directions hearing within seven days of the filing of the first defence.
- 6.3 The Plaintiff's solicitors are encouraged to deliver proposed consent orders to all other parties in advance of the first directions hearing, with a view to obtaining orders by consent without the need for an appearance.
- 6.4 Standard forms of order for proceedings involving claims for damages for personal injury can be found on the List webpage on the Court's website. While parties may dispense with unnecessary directions or add additional directions they are requested not to alter the wording of standard clauses without good reason.
- 6.5 The parties should email minutes of consent in both Word and signed PDF format to:
civil.circuits@supremecourt.vic.gov.au (cc. orders@supremecourt.vic.gov.au) by 4.00pm two days prior to the first directions hearing. Parties are required to appear at the first directions hearing unless otherwise advised by the Court.

- 6.6 At the first directions hearing, the Court will fix a trial date for the proceeding. The trial date will usually be the first day of a scheduled sitting period for the Court in the relevant regional location (circuit sitting periods are published on the List webpage of the Court website). Alternatively, parties may seek a special fixture of the case outside the scheduled sitting periods subject to judicial officer and courtroom availability and in some cases may be listed in Melbourne.

7 INTERLOCUTORY APPLICATIONS

- 7.1 Interlocutory applications should be made on summons and will generally be heard in Melbourne by an Associate Judge or Judicial Registrar on Fridays in the court sitting terms.
- 7.2 Where a proposed application is expected to exceed two hours, the application may be listed as a special fixture or for directions.
- 7.3 In order to obtain a return date, a party intending to file a summons should complete the “Interlocutory Applications Information Form – Civil Circuit List” available on the List webpage of the Court’s website and forward to civil.circuits@supremecourt.vic.gov.au.
- 7.4 The Court will confirm the return date for the proposed summons via email. In order to maintain the return date the applicant should file the proposed summons and supporting affidavit within 48 hours of receipt of the Court’s confirmation. The Court’s confirmation should be provided to Principal Registry upon filing and served on all parties together with the summons and supporting material.
- 7.5 Exhibits should be filed with the affidavit but should not be stapled to it.
- 7.6 Any party to an application may provide a written outline of submissions, which should be filed no later than the day before the application is to be heard. An outline of submissions is not to exceed five pages in length. Outlines of submissions should be filed with the Principal Registry. If filed on the day before the hearing a copy should also be sent by email to civil.circuits@supremecourt.vic.gov.au.

8 INTERROGATORIES

- 8.1 Without the leave of the Court, the number of interrogatories served in proceedings in the List should be limited to thirty (including sub-parts).
- 8.2 In motor vehicle and industrial accident cases, interrogatories should be confined to questions of liability and contributory negligence.

9 POST-MEDIATION DIRECTIONS

- 9.1 Interlocutory orders will include an order that the parties attend a directions hearing approximately 2-3 weeks after the date by which they have been ordered to attend mediation.
- 9.2 Post-mediation directions hearings will be listed to occur either by teleconference/videoconference or in the Supreme Court at Melbourne depending on the location of participants.

- 9.3 Attendance at the post-mediation directions hearing is compulsory and the parties will be required to advise the Court:
- a) whether the Court ordered timetable has been complied with;
 - b) what issues remain in dispute;
 - c) what, if any, interlocutory applications are contemplated, particularly to amend pleadings or join further parties;
 - d) whether the initial estimate of the length of the trial requires adjustment; and
 - e) whether the trial date can be maintained.

10 CALLOVER

- 10.1 Approximately two weeks prior to the commencement of a circuit sitting, a callover of all cases listed for that circuit will be conducted by the Trial Judge. While the callover will take place in Melbourne, parties may appear by video link at the relevant regional court.
- 10.2 Practitioners with conduct of cases in the List will be advised of the details of the callover by email.
- 10.3 The solicitor with conduct of the proceeding (or counsel, if briefed) should appear at the callover.
- 10.4 At the callover, parties will be expected to:
- a) confirm the proceeding is ready for trial;
 - b) confirm the estimated number of sitting days;
 - c) confirm whether the proceeding is to be heard by judge alone, or by jury;
 - d) provide a written list of proposed expert and lay witnesses to be called at trial; and
 - e) identify any outstanding interlocutory issues or proposed amendments to pleadings.
- 10.5 As part of final directions at the callover, parties will usually be ordered to file a joint memorandum identifying the factual and legal issues in dispute and to prepare a folder of key documents for the assistance of the Trial Judge. Court Books are not required.
- 10.6 At the callover, parties will have the opportunity to raise issues including the order of cases for the circuit and the giving of evidence by video link.

11 COMPLIANCE WITH ORDERS & ADJOURNMENTS OF TRIAL

- 11.1 If at any time the parties are unable to comply with time limits in Court orders, they must notify civil.circuits@supremecourt.vic.gov.au and request an extension of time.
- 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 callover. Such applications should be made on summons supported by affidavit material in accordance with section 7 of this Practice Note.

12 USE OF TECHNOLOGY

- 12.1 The provisions of Practice Note SC Gen 5 “Guidelines for the Use of Technology” apply to proceedings in the List.
- 12.2 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.

13 COMMUNICATIONS WITH THE COURT

- 13.1 At all stages of the proceeding, communications with the Court should be by email with a copy to all other parties, and should be confined to uncontroversial matters.
- 13.2 Communications should be directed to civil.circuits@supremecourt.vic.gov.au prior to the callover and to the associate to the Trial Judge between the callover and trial. Contact details for all associates are on the Court website.
- 13.3 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.

14 FURTHER INFORMATION

- 14.1 The Court’s website (www.supremecourt.vic.gov.au) includes a [page dedicated to the List](#) with up to date information about the operation of the List including:
 - a) judicial officers managing the List;
 - b) links to this Practice Note in Word and PDF formats;
 - c) the “Interlocutory Applications Information Form – Civil Circuit List” referred to in paragraph 7.3; and
 - d) calendar of civil circuit sitting dates.

AMENDMENT HISTORY

30 January 2017: This Practice Note was issued on 30 January 2017 and replaced Practice Note No 1 of 2015, Notice to the Profession “Interrogatories in proceedings in the Civil Circuit List” issued on 20 February 2015, and Notice to the Profession “Post-mediation Directions Hearings in the Civil Circuit List” issued on 9 June 2016.

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30 January 2017