



Supreme Court of Victoria

Common Law Division

Practice Note No. 1 of 2015

Civil Circuit List

1. INTRODUCTION

- 1.1 This Practice Note replaces *Practice Note No. 3 of 2010* and *Notice to the Profession 2012 – Civil Circuits*, and provides updated guidance on the operation of the Civil Circuit List (*List*), a specialist case management list within the Common Law Division of the Supreme Court of Victoria (*Court*). The procedures set out in this Practice Note will apply from 1 January 2015 to relevant proceedings commenced in the Trial Division of the Court.
- 1.2 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.
- 1.3 The Judge in Charge of the List is Justice J Forrest. His Honour is assisted by Associate Justice Daly.
- 1.4 References in this Practice Note to *Associate Judge* are to be read as references to the Associate Judge assisting in the management of the List.

2. PROCEEDINGS SUITABLE FOR INCLUSION IN THE LIST

- 2.1 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.
- 2.2 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 2.1 to be heard in Melbourne, rather than in the relevant regional location.
- 2.3 For the avoidance of doubt, where a proceeding of the nature set out in paragraph 2.1 involves a cause of action that falls within the operation of another list (e.g. the Major Torts List), the proceeding should be initiated in the **Civil Circuit List**.

3. PROCEDURE FOR ENTRY INTO THE LIST

- 3.1 Proceedings of the nature set out in paragraph 2.1 should be initiated in the List by endorsing the heading of the originating process with the name of the relevant circuit registry (e.g. “Supreme Court of Victoria at Bendigo”). The heading of all subsequent documents filed in the proceeding should also be endorsed with the name of the relevant circuit registry.
- 3.2 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.
- 3.3 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.
- 3.4 No additional fees will be payable for the inclusion of a proceeding in the List.

4. FIRST DIRECTIONS HEARING

- 4.1 The Associate Judge will give directions for the management of a proceeding in the List at a first directions hearing, which will usually be conducted by teleconference on the first Friday of any month during the Court sitting period. 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.
- 4.2 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. The parties should email minutes of consent in both Word and signed PDF format to civil.circuits@supremecourt.vic.gov.au, copying orders@supremecourt.vic.gov.au, by 4.00pm on the day prior to the first directions hearing. Parties are required to appear at the first directions hearing unless otherwise advised by the Court.
- 4.3 At the first directions hearing, the Associate Judge 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 for the current and following calendar year are published on the Court website). Alternatively, parties may seek a special fixture of the case outside the scheduled sitting periods.

5. INTERLOCUTORY APPLICATIONS

- 5.1 All interlocutory applications are to be made by summons, returnable before the Associate Judge at 10.30am on any Thursday during the Court sitting period in the Associate Judges' Court 4.

6. CALLOVER

- 6.1 Approximately two weeks prior to the commencement of a circuit sitting, a callover of all cases listed for that circuit will be heard by the trial judge. The callover will take place in Melbourne, however parties may appear by video link at the relevant regional court.
- 6.2 Practitioners with conduct of cases in the list will be advised of the details of the callover by email. Parties are reminded that pursuant to rule 27.03(11)(b) of the *Supreme Court (General Civil Procedure) Rules 2005*, all court documents must include the name and email address of an individual to whom reference can be made in respect of the proceeding.
- 6.3 The solicitor with conduct of the proceeding (or counsel, if briefed) should appear at the callover.
- 6.4 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.
- 6.5 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.

7. COMMUNICATIONS WITH THE COURT

- 7.1 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. Circuit contact details are on the Court website.

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