

PRACTICE NOTE NO. 1 OF 2007

The Chief Justice has authorised the issue of the following Practice Note,

Guidelines for the Use of Technology in any Civil Litigation Matter

1. INTRODUCTION

- 1.1. This Practice Note provides guidance to parties and lawyers in the use of technology for the preparation and management of civil litigation in the Court and a court approved framework and default standard for managing both hard copy and electronic documents in a technology environment.
- 1.2. The Supreme Court website is at www.supremecourt.vic.gov.au. Information relevant to this Practice Note will be found there under the Litigation Technology tab.
- 1.3. The Chief Justice will from time to time appoint a Master of the Court to be the e-Master responsible for the implementation of this Practice Note. Master Daly has been appointed to that position. Contact details for the associate of the e-Master can be found on the Supreme Court web-site.
- 1.4. Lawyers requiring information or assistance in the appropriate use of technology in litigation in the Court are encouraged to contact the e-Litigation Co-ordinator. The Chief Justice has appointed to be the e-Litigation Co-ordinator the Principal Registrar of the Court, Mr Peter Washington, whose contact details can be found on the Supreme Court website.
- 1.5. Further information also to be found on the Supreme Court website includes guidance with respect to the collection and management of [electronic material](#) in litigation.
- 1.6. The Chief Justice may authorise the issue of further Practice Notes about such matters as electronic filing, electronic service of [court documents](#) and the use of technology at trial. Lawyers are

encouraged to refer to the Court web-site for up to date information on those matters.

1.7. This Practice Note replaces Practice Note 1 of 2002 *Guidelines for the Use of Technology in Litigation in any Civil Matter* (2002) 5 VR 107.

1.8. Definitions

1.8.1. Technical terms used in this Practice Note are defined in [Annexure 4](#). A term which is so defined is indicated by the use of bold type.

1.8.2. The attention of lawyers is particularly drawn to the extensive definition of [document](#) which includes [electronic material](#).

1.8.3. In this Practice Note a reference to an Order or a Rule is a reference to that order or rule in the Supreme Court (General Civil Procedure) Rules 2005.

1.9. Annexures

Attached to and forming part of this Practice Note are a number of Annexures:–

[Annexure 1](#) Checklist of optional formats which lawyers may use to guide them when agreeing to a protocol (which is different from the Default Standard Protocol) and some items which lawyers need to consider which may arise at various stages of the litigation process.

[Annexure 2](#) A list of Guidelines suggesting possible [fields](#) for the description of [discoverable documents](#) in a litigation [database](#).

[Annexure 3](#) An exemplar demonstration identifying the fields for the description of [documents](#) in accordance with the default standard.

[Annexure 4](#) Glossary of terms.

2. APPLICATION OF THE PRACTICE NOTE

- 2.1. This Practice Note applies to any civil proceeding which the parties agree to be conducted in accordance with the provisions of this Practice Note, or some of them, or which is ordered to be so conducted.
- 2.2. Any party to a proceeding may apply for an order that the proceeding be conducted in accordance with the provisions of this Practice Note, or some of them.
- 2.3. The Court recommends that parties and their lawyers consider the use of technology prior to the commencement of any proceeding where it might lead to the more efficient conduct of litigation.
- 2.4. The Court takes the view that parties and their lawyers have the primary responsibility to agree upon the matters the subject of this Practice Note.
- 2.5. Lawyers should give consideration to the ways in which the use of technology might lead to the more efficient conduct of the litigation and, in particular to its application in the following matters –
 - 2.5.1. for delivering [court documents](#) to another party;
 - 2.5.2. for communicating with another party;
 - 2.5.3. for providing copy [documents](#) to another party
 - 2.5.4. for making discovery; and
 - 2.5.5. for preparing an electronic court book.

- 2.6. Where the parties have agreed that a proceeding is to be conducted in accordance with the provisions of this Practice Note the plaintiff must inform the e-Master of that fact and of the terms of the agreement.
- 2.7. Where any party has formed the view that any provision of this Practice Note should apply to the proceeding that party should apply promptly to the Court for directions regarding matters the subject of this Practice Note.
- 2.8. Without derogating from the generality of the power of the Court to give directions regarding matters the subject of this Practice Note, the Court may make one or more of the following orders:
 - 2.8.1. that the proceeding or certain steps in the proceeding be conducted using technology;
 - 2.8.2. that parties or their lawyers meet to discuss how best to use technology in the management of [discoverable documents](#) and at trial and in the proceeding generally;
 - 2.8.3. that a party take steps to provide hardware, software or other supporting resources required to enable access to [electronic material](#) provided by that party;
 - 2.8.4. resolving disputes between the parties or their lawyers as to matters the subject of this Practice Note;
 - 2.8.5. that the parties retain an IT consultant to assist them in co-ordinating their implementation of the requirements of this Practice Note;
 - 2.8.6. that there be an electronic trial of the proceeding; or
 - 2.8.7. varying or revoking an order previously made under this Practice Note including an order made under subparagraph 2.1.

- 2.9. An order for the electronic trial of the proceeding may include any or all of the following orders:
- 2.9.1. that [court documents](#) including witness statements, outlines of expert evidence, chronologies, outlines of argument and other documents be delivered to other parties in electronic form;
 - 2.9.2. that discovery be made electronically;
 - 2.9.3. that [court documents](#) be filed in electronic form;
 - 2.9.4. that there be an electronic court book; and
 - 2.9.5. that there be a restriction upon the use of hard copy documents at trial.
- 2.10. An application for an order for an electronic trial may be refused where it is not made promptly. Generally this application should be made prior to the close of pleadings.
- 2.11. An application for an order under this Practice Note may be by summons returnable before a Master.

3. COSTS ASSOCIATED WITH THE APPLICATION OF THIS PRACTICE NOTE

The reasonable costs incurred in complying with this Practice Note, including the expenses of retaining necessary external service providers, will be readily treated as being “necessary and proper for the attainment of justice or for enforcing or defending the rights of a party” within the meaning of Rule 63.69.

4. DEFAULT STANDARD and AGREED PROTOCOL

- 4.1. In the absence of a court order or an agreed [protocol](#), the parties and their lawyers may act in accordance with the default standard. By way of example, and for the purpose of providing assistance to

lawyers seeking to agree a protocol in conformity with this Practice Note, a [draft agreed protocol](#), has been posted on the Supreme Court website.

4.2. The default standard¹ is as follows:

4.2.1. for the filing of ***court documents*** -

There is at present no provision in the Rules for the filing of ***court documents*** electronically. When the electronic facility is available documents may be filed in accordance with its procedures and the Rules.

4.2.2. for the delivery of ***court documents***, to another party -

Document	Format
<i>court documents</i> Other than those listed below	Microsoft Word (Read only)
Lists or schedules of <i>discoverable documents</i>	Microsoft Excel Spreadsheet (Read only)
Court book index	Microsoft Excel Spreadsheet (Read only)
Exhibit lists	Microsoft Excel Spreadsheet (Read only)

¹ See [Annexure 2](#) for other options for an agreed protocol

4.2.3. for the fields for lists or schedules of **discoverable documents**² –

Field	Data Type	Length of Field
Document ID	Text	AAA.BBBB.FFFF.PPP
Date	Date	DD-MMM-YYYY
Document Type	Text	254 Characters
Author	Text	254 Characters
Author Organisation	Text	254 Characters
Addressee	Text	254 Characters
Addressee Organisation	Text	254 Characters
Title	Text	254 Characters
Host Document ID	Text	254 Characters
Document Group	Text	3 Characters

4.2.4. for the imaging of [discovered documents](#)

Single page [TIFF](#)

4.2.5. for making discovery of [electronic material](#)

Single page [TIFF](#)

4.2.6. where a document is attached to another document the host and attachment relationship should be preserved.

See [Annexure 2 \(default fields 9 and 10\)](#) and [Annexure 3](#).

² See [Annexures 2](#) and [3](#)

4.2.7. for communications with the Court

Where leave is granted³ to file a document in electronic format with the Court, the document must be filed in accordance with the provisions of the leave or, if no such provision is made, in accordance with the format in subparagraph 4.2.1 above for the delivery of [court documents](#).

- 4.3. If a party wishes or needs to depart from the default standard, that party should seek to reach agreement with all other parties upon an agreed [protocol](#). In an agreed [protocol](#), the parties are free to modify any [field](#) or format provided that the [data](#) so produced meets the minimum standards required by the Court. Any of the formats set out in annexure 1 are acceptable. Further information may be obtained from the e-Litigation C-ordinator.
- 4.4. In agreeing the protocol the parties should give consideration to:
- 4.4.1. the issues concerning the collection and discovery of [electronic material](#) mentioned on the Supreme Court website ([Refer to FAQ](#)); and
- 4.4.2. the use which might be made of the [data](#) -
- 4.4.2.1. in the preparation of the index to the court book;
- 4.4.2.2. in the preparation of an electronic court book;
- 4.4.2.3. in the preparation of an electronic exhibit list; and
- 4.4.2.4. generally, at trial.
- 4.5. If the parties agree a protocol which differs from the default standard, the lawyers must sign a copy of this agreed protocol and file it with the Court.
- 4.6. If a party seeking to depart from the default standard is unable to secure the agreement of all other parties to an agreed [protocol](#),

³ See sub paragraph 5 below.

any party may apply to the Court for an order as to the [protocol](#) to be applied. Such application should be made at the earliest opportunity.

- 4.7. Where particular hardware, software or other supporting resources are required to access [electronic material](#) provided by another party, the parties and their lawyers should work together to ensure that access is available.
- 4.8. Subject to any order of the Court, work which might reasonably have been undertaken in accordance with the default standard or an existing agreed [protocol](#) or a Court ordered [protocol](#), but which is undertaken otherwise than in accordance with the default standard or an agreed or Court ordered protocol, as the case may be, will generally not be treated as being "reasonably necessary and proper for the attainment of justice or for enforcing or defending the rights of a party" within the meaning of Rule 63.69.

5. COURT DOCUMENTS

- 5.1. Communications with the Court may be by telephone, facsimile or email directed to
 - 5.1.1. the Prothonotary;
 - 5.1.2. to the associate of a Master; or
 - 5.1.3. where a judge has been appointed to manage or try the proceeding, to the associate of that judge.
- 5.2. a copy of all communications between a party or its lawyer and the Court must be given to all other parties
- 5.3. There is at present no provision in the Rules for the filing of [court documents](#) electronically. Nevertheless, lawyers may approach the associate of the managing or trial judge or Master for leave to file [court documents](#) in electronic format in addition to filing them in [hard copy](#) with the Prothonotary. When the electronic facility is

available documents may be filed in accordance with its procedures and the Rules.

- 5.4. Order 6 makes no provision for the service of [court documents](#) electronically, otherwise than by facsimile. Nevertheless, lawyers are encouraged to agree to deliver and accept [court documents](#) and other documents and communications electronically.
- 5.5. Notwithstanding that the parties have not reached agreement as provided in the preceding sub-paragraph, a party must, unless the Court otherwise orders, upon request deliver to any other party an additional copy in electronic format in accordance with the default standard of any [court document](#) which is required to be delivered in [hard copy](#).
- 5.6. Where a [court document](#) is provided in electronic format, it must contain the same text as the [hard copy](#).
- 5.7. Where a [court document](#) to be delivered in electronic format contains an annexure, the annexure may be delivered in [hard copy](#) version where an electronic version is not reasonably available.
- 5.8. Where discovered documents are referred to in a [court document](#) the party is required identify that document by its [Document ID](#) reference in square brackets, for example [AAA.BBBB.FFFF.PPP] and where possible to insert a hyperlink to the reference to that document.
- 5.9. While the sender of [electronic material](#) should make every effort to provide [virus](#) free [data](#), it is the obligation of the recipient to test for viruses.

6. DISCOVERY

- 6.1. Lawyers should at an early stage enquire of their own client and of the lawyer for each other party whether the parties hold any [electronic material](#) which is potentially discoverable.

- 6.2. The Supreme Court website contains information regarding the type of [potentially discoverable material](#) in electronic form which may be in the possession of a party and as to matters which the parties and their lawyers should take into account in the collection, retention and protection of [electronic material](#) ([Refer to FAQ](#)).
- 6.3. Subject to any order of the Court, discovery may be made electronically.
- 6.4. Subject to any order of the Court, a party making discovery electronically must, as far as possible, comply with the provisions of Order 29.
- 6.5. For the purposes of Rule 29.04 a [discoverable document](#) is sufficiently described if it is described in terms of the [fields](#) prescribed in the default standard, the agreed [protocol](#) or the Court ordered [protocol](#), as the case may be.
- 6.6. Where discovery is made electronically, the discovering party must deliver to each other party an electronic copy of the schedules to the Affidavit or the list of [discovered documents](#), as the case may be.
- 6.7. At any directions hearing at which a question as to the use of technology for the purpose of discovery has been raised, the Court expects lawyers:
 - 6.7.1. to have ascertained the probable or anticipated number and categories of [discoverable documents](#) and the volume likely to be discovered by that party, taking into account any limits on discovery that may be agreed between the parties or the subject of a direction of the Court;
 - 6.7.2. to have conferred with the other parties regarding any issues about the preservation and production of [discoverable documents](#) including [electronic material](#), and to have sought to agree on the scope of each party's rights and responsibilities with respect to these matters, including agreeing any changes to the default standard;

- 6.7.3. to have given to the lawyer for each other party notice of any problems reasonably expected to arise in connection with the discovery of electronic material and to have conferred with those lawyers about these problems, including:
- 6.7.3.1. the desirability of limiting search efforts for any category of discoverable documents where these efforts are considered to be unduly burdensome, oppressive or expensive having regard to the importance or likely importance of this category of discoverable documents to the proceeding;
 - 6.7.3.2. to have considered whether application will be made for an order that the party or parties demanding such discovery, pending an order on the final disposition of the matter, bear the costs (in whole or in part) of searching for and discovering such discoverable documents; and
 - 6.7.3.3. the identification of potentially relevant data that is likely to be destroyed or altered in the course of its collection and retention or in the normal course of the operations of the person in possession or control of the discoverable documents containing such data or pursuant to any document retention or document disposal policy of that person.
- 6.8. Notwithstanding that a discovered document has been provided for inspection in electronic format a party retains the right to inspect any discovered document (held in hard copy) in hard copy.
- 6.9. Where particular hardware or software or other supporting resources are required to access discovered electronic material,

the parties and their lawyers should work together to ensure that access is available.

7. TRIAL

- 7.1. At or prior to the proceeding being set down for trial the parties will be required to make submissions to the Court in a pre-trial directions hearing regarding how best to use technology at the trial. They should be prepared to address all aspects of the technology which might be used at trial by the parties and the Court. The Court will make orders dealing, inter alia with the following issues:
- 7.1.1. which of the parties is to prepare the electronic court book for delivery to the Court prior to commencement of trial. This will normally be the Plaintiff or as ordered by the Court;
- 7.1.2. whether and, if so, when and by which party a hard copy core bundle is to be prepared containing those documents which are likely to be repeatedly referred to at the trial or for which a hard copy is otherwise considered desirable⁴. Lawyers should refer to the Supreme Court website for suggestions of how to prepare the hard copy core bundle of documents ([Refer to hard copy bundle document](#)).
- 7.1.3. how any hard copy core bundle is to be paginated;
- 7.1.4. whether any witness statement or other [court document](#) is to include [Document ID](#) reference hyperlinks or court book page hyperlinks to the electronic documents referred to in it and whether such electronic documents are to be filed and served together with the witness statement or [court document](#);

⁴

A subset of the discovered documents will commonly form the basis of a hardcopy core bundle. Such a core bundle generally should be prepared in a chronological order, subject to the necessity to deal with host documents and attachments in a logical rather than chronological order.

7.2. Not less than 30 days before the date appointed for the delivery of the court book the parties should meet with the e-Litigation Co-Ordinator of the Court to:

7.2.1. specify the equipment and services (including appropriate hardware, software and additional infrastructure) which they, the Court and any third party service providers will require;

7.2.2. ensure that the format of the electronic court book is compatible with the system available in the Court; and

7.2.3. confirm the compliance of the parties with the requirements of any electronic trial order.

7.2.4. make arrangements for the provision of the required equipment.

7.3. Unless the Court otherwise orders, an electronic court book must contain only those [documents](#) which would have been included had it been a hard copy court book.

- 7.4. An electronic court book may contain the following documents in electronic form –
- 7.4.1. Current Pleadings and Particulars
 - 7.4.2. Notices to Admit and Responses or a summary of admissions
 - 7.4.3. [Data](#) and [images](#) of all [documents](#) reasonably expected to be tendered or used at trial
 - 7.4.4. Witness Statements
 - 7.4.5. Expert witness statements or outlines
 - 7.4.6. Chronologies
 - 7.4.7. Outlines or summaries
 - 7.4.8. Transcript as the trial proceeds
 - 7.4.9. Exhibit list as the trial proceeds
 - 7.4.10. Any other [court document](#) required for the trial
- 7.5. Each party should have available for production at trial within a reasonable time, if required, the original [hard copy](#) or [native file](#), as the case may be, of each of the [documents](#) in its possession which were included in the electronic court book.
- 7.6. At or prior to the time of tender of any witness statement a [document](#) must be provided to the court in electronic format setting out in a table the [Document ID](#) reference and court book page number (if any) of each [document](#) sought to be tendered through that witness.

ANNEXURE 1

TECHNOLOGY CHECKLIST

This annexure contains a checklist of optional formats which lawyers may use to guide them when agreeing to a protocol (which differs from the Default Standard) and some items which lawyers need to consider which may arise at various stages of the litigation process.

By way of example, and for the purpose of providing assistance to lawyers seeking to agree a protocol in conformity with this Practice Note, there has been posted on the Supreme Court website a draft agreed protocol.

Filing and Delivery of Court Documents (** - Default Standard)⁵

The Rules contain no provision for filing court documents electronically. Nevertheless, a copy document for the Judge or Master may be delivered in this format if so ordered.

Documents may be delivered to another party in any of the following formats if the parties can agree or in the default standard. The default standard is in ***bold and italic*** and has (**) below:

Court documents - Document delivery

- ***Hard copy and electronic copy (**)***
- Electronic copy only
- Hard copy only

Electronic Document Format for *court documents*

- ***Microsoft Word (**)*** (note the version of software must be agreed)
- Word Perfect (note the version of software must be agreed)
- **ASCII** text file
- **XML**
- **RTF**
- **HTML**
- Other

Document Exchange Via

- ***CD Rom (**)***
- email
- DVD
- Internet (eg. ftp site)

⁵

The requirement of the Rules is that all ***court documents*** must be filed and delivered to another party in hard copy. Accordingly, the Default Standard provides for both hard copy and electronic copy. Parties can agree, however, to exchange an electronic copy only.

TECHNOLOGY CHECK LIST

Discovery (- Default Standard)**

In accordance with the Order 29 you must file and deliver to another party an Affidavit of documents in hard copy and allow the other party to inspect the discovered documents.

Under this Practice Note the default standard for the delivery of such an Affidavit is by hard copy and an electronic copy, but you may agree with the other parties to exchange an electronic copy only.

Discoverable Documents - Exchange

- ***Hard copy and electronic copy (**)***
- Electronic copy only
- Hard copy only

Electronic Document List Format

(Schedule to the Affidavit of Documents or List of Documents)

- ***Excel Spreadsheet (**)***
- Word processing format
- Delimited [ASCII](#) text file
- [XML](#)
- Other

Document Exchange Via

- ***CD Rom (**)***
- Email
- DVD
- Internet (eg ftp site)

In addition to the list format the parties may wish to exchange the data in an agreed format such as:

Example Database Formats (if applicable)

- ***Excel Spreadsheet (**)***
- Ringtail Casebook (aka Ringtail Legal 2005)
- Microsoft MDB (aka Access)
- Summation Briefcase
- Other

TECHNOLOGY CHECK LIST

Documents Provided to a Party for Inspection (** - Default Standard)

Document Inspection Format

- **Native file or image copy of document (**)**
- Hard copy only
- Hard copy and native file/image copy
- Non-paper record for example, video/audio tape, database, microfiche, etc.
- Other medium

Exchange of Image Formats / Document Formats

- **TIFF (single page) (**)**
- [TIFF](#) - Multi
- [PDF](#) (note decision as to whether PDFs are searchable or non searchable will need to be made)
- Native file
- [GIF](#)
- Other

Document Exchange Via

- **CD Rom (**)**
- Email
- DVD
- Internet (e.g. ftp site)
- Hard drive

TECHNOLOGY CHECK LIST

Trial (- Default Standard)**

Exchange of Agreed Bundle/Court Book Indexes

- ***Electronic copy only (**)***
- Hard copy and electronic/image copy
- Hard copy only
- Other Medium

Electronic Document Index Format

- ***Excel Spreadsheet (**)***
- Word Processing Format
- Delimited [ASCII](#) text file
- Other

Document Exchange Via

- ***CD Rom (**)***
- Email
- DVD
- Internet (e.g. ftp site)

Court Book Format

- ***Electronic image copy of all discoverable documents in the index (**)***
- Hard copy and electronic/image copy
- Hard copy only
- Non-paper record for example, video/audio tape, database, microfiche, etc.
- Other Medium

Trial (** - Default Standard) Continued

Electronic Image Formats

- [TIFF](#) - *Single* (**)
- [TIFF](#) – Multi page
- [PDF](#) (note decision as to whether PDFs are searchable or non searchable will need to be made)
- [GIF](#)
- Other

Document Exchange Via

- *CD Rom* (**)
- email
- DVD
- Internet (e.g. ftp site)

Special Considerations

Redacting/Masking

Image Resolution

Unique image name

(referenced by [Doc ID](#))

ANNEXURE 2

GUIDELINES – FIELDS FOR DATABASE

Summary Default Fields:

1. [Document ID](#)
2. [Date](#)
3. [Document Type](#)
4. [Author](#)
5. [Author Organisation](#)
6. [Addressee](#)
7. [Addressee Organisation](#)
8. [Title](#)
9. [Host ID](#)
10. [Document Group](#)

See **Annexure 3** for an exemplar demonstrating the fields for the description of **documents** in accordance with the default standard

Default Fields are shaded and are to be completed if known

Field	Data type and length of field	Notes
Document ID Default Field 1	Text and Numbers (if appropriate) 17 Length - depending on field structure	Each document should be uniquely identified. The field will comprise a four part number in the following format AAA.BBBB.FFFF.PPP where “AAA” represents an alphabetic shorthand for the party name. The other three sets of numbers could be used to suit the convenience of the party processing the information. Unless processing electronic information in its native format, each page of a document should be individually numbered. If processing native files the file name of the native file should be changed from the original name to the document ID.
Date Default Field 2	Date, 10	Date can be inserted as: DD-MMM-YYYY for example 05-AUG-1996 DD = Day MMM = Month YYYY = Year Undated = If there is no way of ascertaining the date of the document Discoverable documents with no discernible date will be coded as “Undated”. Discoverable documents with only the month and year


Field	Data type and length of field	Notes
		<p>(i.e. August 1997) can be coded 01-AUG-1997 (if parties agree to add the “estimate date” field to the fields being captured and exchanged otherwise it will be coded as undated) and an entry made in the next field - “Estimated Date”.</p> <p>Discoverable documents with the day and month but no year are considered undated. For example a document dated 04/04 will be coded as “undated” as the year cannot be identified.</p>
Estimated Date	Text, 3	<p>Blank = If the exact full date is on the document (for example 04-MAR-1963).</p> <p>Yes = Where we cannot be certain of the actual date. For example if there is a partial date (e.g. August 1979), the date is stamped on, the date has been amended by hand or the only visible date is on the fax track.</p> <p>If an agreement has an original date as well as a subsequent later date as a result of alterations being made to the document, then the later date is taken as the document date and estimated date is left blank.</p> <p>If a newspaper clipping has the date/reference handwritten on to the document, then the document is dated according to the handwritten notation and is an “estimated date yes”.</p>
<u>Document type</u> Default Field 3	Text, 254	<p>This field can be completed using commonly received document types for example letter, memo, deed.</p> <p>If the document has been faxed, this field can include “facsimile”.</p> <p>If a group of discoverable documents is being discovered as a bundle, this field may be completed as “Bundle of <i>document type</i>”.</p>
Status	Text, 10	“Copy” or “Original”.
<u>Author</u> Default Field 4	Text, 254 or as appropriate	<p>Person or persons who authored the document. Last name First initial only for example “Smith B”.</p> <p>Comma must separate multiple entries.</p> <p>Other ways of addressing multiple entries can be agreed between the parties.</p>
<u>Author Organisation</u> Default Field 5	Text, 254 or as appropriate	<p>Organisation from which the document emanated.</p> <p>Comma must separate multiple entries.</p> <p>Other ways of addressing multiple entries can be agreed between the parties.</p>
<u>Addressee</u> Default Field 6	Text, 254 or as appropriate	<p>Person or persons to whom the document was addressed. Last name First initial only for example “Smith B”.</p> <p>Comma must separate multiple entries.</p>

Field	Data type and length of field	Notes
		Other ways of addressing multiple entries can be agreed between the parties.
Addressee Organisation Default Field 7	Text, 254 or as appropriate	Organisation receiving the document. Comma must separate multiple entries. Other ways of addressing multiple entries can be agreed between the parties.
Title Default Field 8	Text 254 or as appropriate	Title of a document such as "Report on Technology" etc. In a discovery of native files this is to be the original electronic file name
Host ID Default Field 9	Text and Number, 17 Length depending on the document id. structure	Where a document is attached to another ("host") document in this field insert the Doc ID. There will never be multiple entries in this field, as each attachment should only ever have one host document. Attachments to discoverable documents will be separately listed and numbered. Attachments can be numbered sequentially following the host document. For example, a host document may be numbered XXX.0001.0001.001 and its attachments could be numbered as XXX.0001.0001.002, XXX.0001.0001.007 and XXX.0001.0001.008.
Document Group Default Field 10	Text, 3	HWA - Host with Attachment UNA – Unattached ATT – Attachment If a document is Document Group ATT then you must complete the Host ID field
Parties	Text, 254 or as appropriate	Identifies parties to an agreement or other legal document
Source	Text, 20 or as appropriate	Parties may find this field useful to identify discoverable documents that have been obtained from someone other than the party giving discovery; for example, discoverable documents obtained on subpoena or through some other compulsory process of obtaining access to discoverable documents. This field would identify the party from whom such discoverable documents were obtained.
Non-paper record	Text, 3	This field can be used to identify information recorded using a medium other than paper, where the relevant information has not been printed out and discovered in hard copy form; for example, video and audio tapes, floppy disks and magnetic computer tapes (these could contain emails, non standard software applications, electronic discoverable documents, electronically stored documents or image files etc.). Permissible entries are "YES" and "NO".

Field	Data type and length of field	Notes
Privilege	Text, 6	This identifies whether a claim of privilege is made over the document. The permissible entries in this field are "Yes", "No" and "Part". If this field is completed with "Yes" or "Part", the "Basis of privilege" field must also be completed.
Basis of Privilege	Text, 254	Identifies basis of privilege claim. Parties can agree how they will identify privilege claims. One possibility is to set out here the type of privilege claimed or the section or sections of any statute on which a party relies to make out its claim that the document is privileged. If a document is redacted mark yes and reason
Confidentiality	Text, 6	This identifies whether a claim for confidentiality is made over the document. The permissible entries in this field are "Yes", "No" and "Part".
Redacted	Text, 3	The permissible entry is "Yes"
Basis of Redaction	Text, 254	The permissible entries are "Irrelevant", "Privilege" or "Confidential"

ANNEXURE 3

An exemplar demonstrating sample [document](#) identifying the fields for the description of [documents](#) in accordance with the default standard referred to in Annexure 2


S0001

❖ DALMICKON PTY LTD ❖
 Level 40, 935 Flint Street
 Melbourne VIC 3000

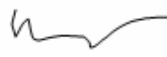
Mr Glenn Short 1-Sep-2005
 12 Noonan Rd
 Clapham VIC 3444


Dear Mr Short


Please find attached our annual report for 2005. I think you will find the financial results for the last 12 months very satisfying.

I will contact you at the end of the week to discuss the October shareholder briefing session. We have booked the Dargin Hotel in Cothelle Street for the 31st.

Yours faithfully


 Bruce Ritzenhoff
 Managing Director





A0001



❖ DALMICKON PTY LTD ❖

ANNUAL REPORT

2005


ABC.0001.0001.002

ABC.0001.0001.003

ABC.0001.0001.004

Example List or Schedule of Documents

Document ID	Date	Doc Type	Author	Author Organisation	Addressee	Addressee Org	Title	Host ID	Group Doc
ABC.0001.0001.001	1-Sep-2005	Letter	Ritzenhoff B	Dalmickon Pty Ltd	Short G				HWA
ABC.0001.0001.002	undated	report		Dalmickon Pty Ltd			Dalmickon Pty Ltd Annual Report 2005	ABC.0001.0001.001	ATT

ANNEXURE 4

GLOSSARY

ASCII (American Standard Code for Information Interchange)

ASCII is the most common format for text files in computers and on the Internet. In an ASCII file, each alphabetic, numeric, or special character is represented with a 7-bit binary number.

Court documents

Court documents are those [documents](#) that are filed in Court or which are delivered to another party pursuant to an order of the Court or a Rule or practice of the Court.

Data

Data is electronic information that has been translated into a form that is more convenient to move or process (in the format of a database for example)

Database

A database is a collection of data that is organised so that its contents can easily be accessed, managed and updated.

Discoverable Documents

Documents that are required to be disclosed to a party in accordance with the Rules and practice of the Court

Document

Document includes, in addition to a document in writing:-

- a. any book, map, plan, graph or drawing
- b. any photograph
- c. any label, marking or other writing which identifies or describes anything of which it forms part, or to which it is attached by any means whatsoever
- d. any disc, tape sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom:
- e. any film (including microfilm), negative, tape or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and
- f. anything whatsoever on which is marked any words, figures, letters or symbols which are capable of carrying a definite meaning to persons conversant with them.⁶

Document ID

The Document ID is the method that each document is uniquely identified.⁷

⁶ See Interpretation of Legislation Act 1985 s.38

⁷ See [default field 1](#) in Annexure 2 and, for an example, Annexure 3.

Electronic Material

This term refers to any email messages or computer generated files identified in their native format, for example the computer file in Microsoft Word as opposed to the printed version of a letter.

Field

A Field represents a column of data within a database or a spreadsheet.

GIF (Graphics Interchange Format)

A GIF is one of the two most common file formats for graphical images on the World Wide Web. The other is the JPEG.

Hard Copy

Hard copy or paper copy is the term used to refer to a document in non-electronic form

HTML (Hypertext Markup Language)

HTML is the set of "mark up" symbols or codes inserted in a file intended for display on a World Wide Web browser.

Image

An image is a picture that has been created or copied and stored in electronic form, an electronic photocopy. The format of the image is given by the file name for example BMP; GIF; JPG or [TIF](#).

Native File

The term native refers to a file in its original electronic format, for example if a document is discovered as an image or in hard copy format the original electronic files is referred to as the Native format.

PDF (Portable Document Format)

PDF is a file format that has captured all the elements of a printed document. PDF is also an abbreviation for the Netware Printer Definition File but is not used in this document in this way.

Potentially Discoverable Material

Documents that are included in the initial collection of information at a time when decisions are being made to determine which of them are [discoverable documents](#).

Protocol

In information technology, a protocol is a special set of rules. Protocols are often described in terms of an industry or international standard.

Redaction

Redaction is the process by which information or text is electronically covered or masked in such a way that it can not be read by other people. Discoverable documents that contain a combination of discoverable and non-discoverable or privileged information are discovered with that text redacted.

RTF (Rich Text Format)

RTF is a file format that allows exchange of text files between different word processors in different operating systems.

TIF or TIFF (Tag Imaged File Format)

TIFF is a common format for scanning images.

Virus

A virus is programming code inserted into another program or file to cause some unexpected and, for the victim, usually undesirable event. Viruses can be transmitted by downloading programs or files from an infected site (including internet sites) or they may be present on a data received from an infected system.

XML (Extensible Markup Language)

XML (Extensible Markup Language) is a flexible way to create common information formats and share both the format and the data on the World Wide Web, intranets and elsewhere.