



Supreme Court of Victoria

Practice Note SC Gen 1

Practice Notes and Notice to the Profession

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 explain the Court's processes with respect to the issue of Practice Notes and Notices to the Profession.

2. COMMENCEMENT

- 2.1 This Practice Note was issued on 30 January 2017 and commences on 30 January 2017.

3. DEFINITIONS

- 3.1 In this Practice Note:
Former Practice Notes and Practice Directions means the all Practice Notes and Practice Directions issued prior to 30 January 2017.

4. PRACTICE NOTES

- 4.1 The power to issue Practice Notes derives from the inherent power of the Court to control its own practice and procedure.
- 4.2 Practice Notes of the Supreme Court are issued by the Chief Justice, and are approved by the Council of Judges.
- 4.3 Practice Notes provide information about the Court's practice and procedure. They also set out the Court's expectations of parties coming before the Court. While they do not have the force of law, lawyers with the conduct of proceedings are expected to be familiar with their content and follow their requirements where applicable. The Court may take a failure to comply with a Practice Note into account in the exercise of its case management and costs powers.
- 4.4 The Court may depart from the practice set out in a Practice Note, or adapt its requirements according to the particular circumstances or requirements of individual cases. To the extent that the Court makes orders or gives directions which are inconsistent with a Practice Note, those orders or directions prevail.

5. NUMBERING OF PRACTICE NOTES

- 5.1 All Practice Notes in the Supreme Court begin with the letters “SC” followed by one of the following abbreviations denoting the Division of the Court to which it applies:
- CA Court of Appeal
 - CC Commercial Court
 - CL Common Law Division
 - CR Criminal Division
- 5.2 Practice Notes with the Abbreviation “SC Gen” apply generally across the Court or to a specific topic not necessarily falling within a particular Division.
- 5.3 Within each category, Practice Notes are numbered sequentially without reference to the year they were made.
- 5.4 Practice Notes are to be cited as follows in accordance with the following format “Practice Note SC Gen 1” or “PN SC CL 2”.
- 5.5 Practice Notes are amended from time to time. They retain their designated number, however the history of amendment of each Practice Note is recorded at the end of the document.

6. REPEAL OF FORMER PRACTICE NOTES

- 6.1 All former Practice Notes and Practice Directions are revoked from 30 January 2017.
- 6.2 Anything done under a provision of the former Practice Notes for which there is a corresponding provision in a current Practice Note is taken to have been done under the corresponding provision of the current Practice Note.

7. NOTICES TO THE PROFESSION

- 7.1 Notices to the Profession are issued by the Court where there is a need to convey information, rather than as a means for the Court to set out its practice in a particular area.
- 7.2 Examples of when a Notice to the Profession may be issued include
- (a) advising which judges are responsible for which specialist Lists for the year;
 - (b) informing the profession of temporary arrangements or circumstances;
 - (c) reminders to the profession about certain rules and practices if it appears there is confusion or non-compliance; and
 - (d) notices from the Prothonotary or a Registrar about registry practice.
- 7.3 Notices to the Profession will generally not be issued for
- (a) establishing a new List;
 - (b) setting out the procedures of a specialist List or in a particular class of cases;
 - (c) fixing requirements to be complied with by the profession;
 - (d) describing substantial new practices where there is a need for an ongoing reference document.

AMENDMENT HISTORY

30 January 2017: This Practice Note was issued on 30 January 2017.

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Executive Associate to the Chief Justice
30 January 2017