



Supreme Court of Victoria

Practice Note No. 1 of 2009

ELECTRONIC PRACTICE COURT DIARY

1. Purpose

- 1.1 This Practice Note revokes Practice Note 2 of 2008.
- 1.2 The purpose of this Practice Direction is to alert lawyers to the procedure for obtaining hearing dates in the Practice Court (except for Corporations matters). The procedure aims to increase the efficiency of the Practice Court and provide a better service to the profession by increasing the certainty of cases being heard and minimising the time in which lawyers are awaiting the hearing of an application.

2.1 The Practice Court Diary

- 2.1 An electronic diary has been created for the efficient allocation of applications in the Practice Court.
- 2.2 Lawyers desiring to have a matter set down for hearing in the Practice Court should consult the Practice Court Diary to view available hearing dates. The Practice Court Diary is available on the Supreme Court website (www.supremecourt.vic.gov.au) .

- 2.3 The Practice Court Diary specifies the number of hours available for the hearing of applications in the Practice Court on any given day. As applications are allocated to a particular hearing date, the number of hours available on that date will correspondingly diminish. The Diary will be updated twice a day, at 10am and 2pm to reflect this.
- 2.4 The Practice Court Diary is administered by the Practice Court Coordinator, who is located in the Supreme Court Registry. All enquiries should be directed to the Practice Court Coordinator, by email on practicecourt@supremecourt.vic.gov.au, by fax on (03) 9603 9400, or by telephone on (03) 9603 9280.
- 2.5 Lawyers should consult the Diary prior to making a request for a matter to be set down.
- 2.6 Normally applications will be listed before the Practice Court Judge at 10.30am.

3 Corporations Matters

- 3.1 All Corporations matters will continue to be dealt with in the Corporations List.
- 3.2 In the first instance, urgent applications concerning corporations matters should be made to the Corporations List judge.
- 3.3 For urgent applications, practitioners should contact the associate to the Corporations List judge.

4 Making and Lodging a Request for a Hearing

- 4.1 Lawyers who are uncertain whether their application should be made returnable before the Practice Court Judge or an Associate Judge should consult the Practice Court Coordinator.

4.2 In order to have a matter listed for hearing, lawyers should complete an Application Request Form. The Application Request Form is available for download from the Supreme Court website

(www.supremecourt.vic.gov.au).

4.3 When completing the Application Request Form, lawyers should provide the following information:

Representative Details (Person making request):

- Details of the requesting party;
 - Lawyer's Name;
 - Firm; and
 - Who the lawyer represents

File Details:

- Details of the proceeding;
- Court File Number;
- Parties Details

Application Details:

- The type of application;
- The estimated hearing time;
- If not ex parte, the other parties' estimated hearing time, if known; and
- The Rule under which the application is brought;
- The preferred hearing date or dates.

4.4 To assist the efficient allocation of business, preferably lawyers should nominate three suitable hearing dates and times, in order of preference.

4.5 Lawyers may nominate hearing dates which are listed as available in the Diary. Applications by lawyers to have a matter heard on a day which has been "Booked Out" normally will be refused. Similarly, an application may be refused if insufficient hours remain to accommodate the matter on the requested day.

4.6 Time estimates provided by lawyers should be greater than 10 minutes and less than 2 hours. If this differs according to parties all estimates should be given. Any application estimated to take longer than two hours should be brought to the attention of the Practice Court Coordinator. Urgent applications should be dealt with in accordance with para 6 below.

4.7 Lawyers should email or fax the completed Application Request Form to the Practice Court Coordinator who will book the application on a nominated day and notify the parties by return email or fax. The use of e-mail is encouraged for such contact.

4.8 Application Request Forms should be received by the Practice Court Coordinator before 4pm weekdays. Applications received after 4pm which are not urgent may not be considered until the next business day. (as to Urgent Applications, see para 6 below).

5 Revision of Time Estimates

In the event the time estimate provided by a lawyer is to be revised prior to the hearing, the lawyer should notify the Practice Court Coordinator as soon as possible.

6 Urgent Applications

6.1 The Practice Court will continue to be available to hear urgent applications at any time day or night. Urgent Corporations matters will be heard by the Corporations List judge and should be referred to the associate. Arrangements for urgent applications to be made in the Practice Court may be made as follows.

6.2 Where an appointment is sought for a hearing in Court hours (between 9.00am, and 5.00pm on Court sitting days) lawyers may contact the Practice Court Coordinator who will liaise with the associate to the Judge sitting in the Practice Court to arrange an appropriate hearing time.

6.3 Where an appointment is sought for a hearing out of Court hours lawyers should contact the associate to the Judge in the Practice Court on 0412 251 757 or 0419 303 981.

7 Registry Counter Policy

7.1 Applications will be accepted at the counter if lawyers have:

- (a) Obtained a date from the Practice Court Coordinator; or
- (b) Obtained the approval of the associate to the Practice Court judge for an urgent matter.

- 7.2 Subject to para 6, normally applications will not be listed to be heard:
- (a) on the day upon which the application is issued, or
 - (b) if issued after 2.00pm, for the next working day.

8 Adjournment of Practice Court Applications

In the event that parties appear before the judge in the Practice Court to seek an adjournment, lawyers should be able to provide the judge with all information set out under para 4.3, including an updated estimate of hearing time.

9 Referrals to the Practice Court by Associate Judges

Lawyers wishing to have a matter referred to the Practice Court by an Associate Judge normally should apply to the Practice Court Coordinator for a Practice Court hearing date before appearing before the Associate Judge.

10 Papers for the Practice Court

- 10.1 Lawyers should ensure that the summons and any other Court document to be used in the Practice Court is marked in the top left hand corner with the words "Practice Court".
- 10.2 Practitioners must deliver copies of all exhibits to affidavits for use in the Practice Court to the Practice Court Coordinator, by email on practicecourt@supremecourt.vic.gov.au, no later than two days before the hearing. If exhibits are not able to be sent by email, practitioners should contact the Practice Court Coordinator to arrange delivery.

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