

# Supreme Court of Victoria

## Practice Note No. 2 of 2004

### Victorian Taxation Appeals

1. The Honourable Justice Hollingworth has been appointed by the Chief Justice as the judge in charge of the Taxation List. These cases are covered by Chapter II Order 7 of the Rules of the Supreme Court.

### Division

2. By Practice Note No. 4 of 1999, Victorian taxation appeals cases (referred to in the Note as the "Taxation List") have been allocated to the Commercial and Equity Division. Hence all Order 7 proceedings, which include appeals and applications for leave to appeal from the Victorian Civil and Administrative Tribunal ("VCAT"), should be commenced in the Commercial and Equity Division and marked "Victorian Taxation Appeals List".

### Interlocutory Applications

3. An interlocutory application in an Order 7 proceeding is to be brought before her Honour. This includes a directions hearing. It also includes an application for leave to appeal from VCAT.
4. Her Honour is available for interlocutory applications on the last Friday of every month, or at such other times as may be appropriate. Please telephone her Honour's Associate on 9603 6905 to confirm her Honour's availability before issuing any summons.
5. In the ordinary course of events, at the first directions hearing her Honour will set down the appeal or application for hearing before herself, order outlines of submissions and make such other directions as appropriate.
6. In an application for leave to appeal from VCAT, in the ordinary course of events her Honour will set down the application to be heard with the appeal. However, it should not be assumed that this will happen and the applicant should be prepared to state in summary form at the initial hearing why the application should proceed. See *Department of Premier and Cabinet v. Hulls* [1999] 3 VR 331 at [8-17].

DATED: this 5th day of August, 2004.

Signed: Robert Craig, Associate to Justice Hollingworth.