



Notice to the Profession

Management of matters in the Judicial Review and Appeals List

1. Enhanced case management

The Supreme Court is introducing new case management procedures for matters in the Judicial Review and Appeals List ('JRAL'). This new approach will expedite the hearing and determination of applications for leave and appeals. As from 26 September 2016, the procedures outlined in Practice Note No 9 of 2015 should be read subject to this Notice. A revised Practice Note will be issued in early 2017.

The Court has established a team of registry lawyers to provide enhanced case management support for JRAL proceedings. While principally providing assistance to judicial officers, the team will also be a convenient point of contact for practitioners and litigants in the JRAL. All enquiries with regard to the JRAL should be directed to the team at judicialreview@supcourt.vic.gov.au.

2. First hearing

The first hearing in a JRAL proceeding will generally be for **directions only** and no substantive applications will be entertained.

Proceedings in which all parties are represented and which do not require leave will normally be listed for pre-trial directions before the Associate Judge in charge of listings on any Tuesday in the Court sitting period at 10:00am. At that hearing, the Associate Judge will usually fix the matter for trial.

All other new proceedings will be listed for directions before one of the Judges in Charge of the List, Justice Ginnane, on a JRAL directions day (9:30am on the 2nd and 4th Wednesdays of each month in the Court sitting period, commencing 28 September 2016). At the directions hearing:

- The Judge will fix a timetable for interlocutory steps and trial date in most matters and make orders in relation to the hearing of any application for leave or of any other foreshadowed interlocutory applications;

- Where appropriate, the Judge may direct that applications for leave to appeal be heard with the appeal, should leave be granted;
- In so far as necessary or appropriate, the Judge may dispense with any inconsistent requirements of the Rules of Court.

3. Consent minutes

Whether a proceeding is listed for first hearing before the Associate Judge or the Judge, parties are encouraged to submit minutes of consent in accordance with Schedule 1 to Practice Note No 9 of 2015. Consent minutes should include an agreed timetable and “not before” date for trial to enable orders to be made on the papers without the need for an appearance. Parties are nevertheless required to appear unless advised to the contrary.

Consent minutes should be sent via email in both editable and PDF formats no later than 4:00pm on the Monday preceding the directions day:

- a. in relation to hearings before the Associate Judge in charge of listings, to daly.associate@supcourt.vic.gov.au (cc. orders@supremecourt.vic.gov.au);
- b. in relation to hearings before the Judge in Charge, to judicialreview@supcourt.vic.gov.au (cc. orders@supremecourt.vic.gov.au).

4. Filing of documents

Any document which requires the allocation of a first hearing date (eg Order 56 originating motion, summons, etc) should be filed either:

- 1) By efilng via Citec: Pre-approval of a hearing date is **required** in order to file via Citec. In order to obtain a hearing date, the applicant should forward a completed “Judicial Review and Appeals List Hearing Date Information Form” (attached) together with a draft of the proposed document requiring a first hearing date via email to judicialreview@supcourt.vic.gov.au. The applicant will be advised by email of the return date. The document should be filed within 48 hours of this advice or the return date may not be guaranteed. A copy of the advice should be provided when filing.
or:
- 2) In person at the Principal Registry: A party may obtain pre-approval of a hearing date by following the steps in (1) above. Alternatively, a document requiring allocation of a first hearing date may also be accepted for filing without pre-approval. Where pre-approval has not been sought, the initiating party will be required to complete the “Judicial Review and Appeals List Hearing Date Information Form” at the time of filing. A date for the first hearing will be allocated after review of the initiating party’s documents by a registry lawyer. If the documents are in order, copies of sealed documents for service will be ready to be returned to the initiating party on the following business day.

5. Interlocutory applications

Prior to filing a summons, a party seeking to arrange the hearing of an interlocutory application must obtain a return date by forwarding a completed “Judicial Review and Appeals List Hearing Date Information Form” (attached) together with a draft of the proposed summons via email to judicialreview@supcourt.vic.gov.au. The applicant will be advised by email of the return date. The summons should be filed, in person or via efilings, within 48 hours of this advice or the return date may not be guaranteed. A copy of this advice should be provided to Principal Registry when filing the summons.

6. Further information

The Court will be providing information to the profession and other interested groups in the near future. The Court will also seek feedback with a view to making appropriate amendments to the Rules of Court and Practice Notes. If you require additional information, please email your query to judicialreview@supcourt.vic.gov.au.

Benjamin Russo
Senior Associate to the Honourable Justice Ginnane
20 September 2016

Judicial Review and Appeals List Hearing Date Information Form



Once completed, please send this form together with the proposed document requiring a hearing date to judicialreview@supcourt.vic.gov.au

Hearing Return Date and Judicial Officer (Court Use Only)	
Proceeding number (if an existing proceeding):	
Summary of proceeding or proposed proceeding: Provide a short summary of the nature of the proceeding or proposed proceeding.	
Who is bringing the proposed proceeding or relevant application in the proceeding? Party type and name of party.	
Nature of hearing: Specify whether initial directions hearing or hearing of summons for interlocutory relief.	
Affidavits relied upon:	
Rule or legislative provision under which hearing/application is brought:	
Estimate of hearing time required (hours):¹	
Other requirements as to hearing date: Include reasons for any urgency and/or any dates <i>unsuitable</i> for the applicant.	
Whether directions sought or interlocutory application is Opposed / Unopposed / Ex-Parte / by consent:	
Firm name:	
Practitioner with conduct:	
Direct telephone number:	
Email address:	
Defendant/respondent contact details (email/phone if known):	
Date and signature:	

¹ The applicant must notify the court immediately upon becoming aware that the hearing is no longer required, has become a consent matter, is no longer opposed or if the hearing estimate has been revised in any way, by contacting judicialreview@supcourt.vic.gov.au.

