



Supreme Court of Victoria

Practice Note No. 3 of 2007

VICTORIAN TAXATION APPEALS

1. The Honourable Justice Mandie 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") are 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 his Honour. This includes a directions hearing. It also includes an application for leave to appeal from VCAT.
4. His Honour is available for interlocutory applications on the last Friday of each month commencing at 10am, or at such other times as may be appropriate. Please telephone his Honour's Associate on 9603 6235 to confirm his Honour's availability before issuing any summons.
5. In the ordinary course of events, at the first directions hearing his Honour will set down the appeal or application for hearing before himself, order outlines of submissions and make such other orders as appropriate.
6. In an application for leave to appeal from VCAT, in the ordinary course of events his 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].

Vivienne Macgillivray
Executive Associate to the Chief Justice

8 February 2007