



Magistrates' Court  
of Victoria

## Practice Direction No. 8 of 2013

### Directions concerning Conduct of Civil Litigation

#### Background

Practice Direction No. 4 of 2009, in part, referred to the Magistrates' Court Civil Procedure Rules 2009 S.R. No. 49 of 2009 ("the former Rules"). The former Rules were revoked on 1 January 2011 by R. 1.04 of Magistrates' Court General Civil Procedure Rules 2010 S. R No. 140 of 2010 ("the Rules").

The Court remains concerned as to three matters affecting the orderly conduct of civil litigation:

- (a) the quantity and nature of certain documents filed with the Court remaining in its files;
- (b) the absence of a copy of the Complaint from the Court's file when it has been lodged by electronic transfer;
- (c) the assertion by a party of the non-receipt from the Court of a Notice of hearing as being the reason for non-attendance at a proceeding.

Although there have been some improvements, these problems continue to exist and consequently, it is necessary to republish that Practice Direction with some modifications.

#### Directions

1. Practice Direction 4 of 2009 is revoked.
2. Except where provided for in the Rules or otherwise directed, no facsimile or other copy of a document shall be sent to or received in any Civil Registry of the Court. Any document which offends against this Direction will be rejected, and, wherever possible, returned. If not possible for any reason to return the document in question, it may be destroyed without notice to the sender. Where a facsimile is accepted, the original document need not be filed except on direction to do so by the Court or a Registrar.

3. No affidavit or exhibit referred to in an affidavit shall be lodged in the Court for filing unless required to be filed by the Rules or by an order or direction of the Court. A party wishing to rely upon an affidavit and any exhibits to a affidavit may tender them to the Court in the course of the hearing of the proceeding.
4. Where a complaint is filed by lodging an electronic message in accordance with the rule 4.04 (2) (b) of the Rules, a true copy of the complaint must be filed in the relevant Registry of the Court prior to the plaintiff taking any further step in the proceeding.
5. Upon receipt of a “notice of Hearing”, the party who has received it must, as soon as practicable thereafter, notify each of the other parties to the proceeding of the time, date and place of the hearing.
6. This practice direction operates from 4 November 2013.

Peter Lauritsen  
Chief Magistrate

Date: 23 October 2013