



Magistrates' Court of Victoria

Practice Direction

No. 5 of 2016

DIRECTIONS CONCERNING CONDUCT OF CIVIL LITIGATION ¹

Background

On 31 July 2009, the Chief Magistrate issued Practice Direction No. 4 of 2009. It dealt with three matters affecting the orderly conduct of civil litigation:

- a) The number and nature of certain documents filed with the Court and appearing on its files;
- b) The absence of a copy of the complaint on the Court's files where the complaint is lodged by electronic transfer and the Plaintiff wishes to take some step in the proceeding or the proceeding is defended; and
- c) The failure of parties to attend court events and claiming that they were not notified of the event.

The purpose of this Practice Direction is to revoke Practice Direction No. 4 of 2009 and re-issue its contents with minor changes regarding electronic transfer.

Directions

1. Practice Direction No. 4 of 2009 is revoked.
2. Except where provided for in the Magistrates' Court Civil Procedure Rules 2009 (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 or where not possible, destroyed. Where a facsimile is accepted, the original document need not be filed except by direction of the Court or registrar.
3. No affidavit or exhibit or annexure 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 of the Court. A party wishing to rely upon any exhibit to an affidavit may tender it 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 r4.02.4 of the Rules, a true copy of the complaint together with certificates pursuant to section 41 and section 42 of the Civil Procedure Act 2010 must be filed in the relevant registry of the Court
 - a. at the time of taking any further step in the proceeding; or

¹ This Practice Direction does not apply to proceedings under the Family Violence Protection Act 2008 and the Personal Safety Intervention Orders Act 2010.

- b. where a notice of defence is filed, within 21 days after the giving of the notice by the defendant.
5. Upon receipt of a "notice of hearing", whether for a hearing of a proceeding, arbitration, pre-hearing conference, mediation or interlocutory application or summons, a party must, as soon as practicable thereafter, notify each of the other parties to the proceeding of the time, date and place of hearing.
6. This Practice Direction operates from 1 July 2016.

Peter Lauritsen
Chief Magistrate

Date: 13 June 2016