



Magistrates' Court  
of Victoria

**Practice Direction  
No. 4 of 2009**

**DIRECTIONS CONCERNING CONDUCT OF CIVIL LITIGATION <sup>1</sup>**

**Background**

The Court is concerned 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 proceeding is defended; and
- (c) The failure of parties to attend court events and claiming that they were not notified of the event.

**Directions**

1. 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. Where a facsimile is accepted, the original document need not be filed except by direction of the Court or registrar.
2. 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 an affidavit exhibit may tender it to the Court in the course of the hearing of the proceeding.
3. Where a complaint is filed by lodging an electronic message in accordance with r 4.02.4 of the Rules and where a notice of defence is filed, a true copy of the complaint must be filed in the relevant registry of the Court within 21 days after the giving of the notice by the defendant.
4. 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.
5. This Practice Direction operates from **1 September 2009**.

**IAN L GRAY**  
Chief Magistrate  
31 July 2009

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<sup>1</sup> This Practice Direction does not apply to proceedings under the Family Violence Protection Act 2008 and the Stalking Intervention Order Act 2008