



## **Magistrates' Court Victoria**

### **Practice Direction**

**No. 1 of 2020**

#### **COVID-19 MAGISTRATES' COURT OF VICTORIA CIVIL JURISDICTION**

The Magistrates Court of Victoria is committed to serving our community as we face COVID-19. **All our Courts across the State remain open.** After hearing from health experts, it is however necessary that we reduce the number of people in our court buildings and this requires us to change some aspects of our practice to ensure the health and safety of our judiciary, staff and all court users. We see these as temporary measures while we ensure we have sustainable solutions for the months ahead. This practice direction applies from 9AM 24 March 2020.

#### **Previous COVID-19 Directions**

- This Practice Direction replaces all previous COVID-19 Practice Directions as it relates to the Civil Jurisdiction of this Court.

#### **Attendance at Court**

- Unless directed otherwise no practitioners or parties are to attend court.

#### **Initiation of proceedings**

- All arrangements for the initiation of Complaints by EDI remain unchanged.
- All other Complaints initiated to be scanned and emailed to [civilcoordinator@courts.vic.gov.au](mailto:civilcoordinator@courts.vic.gov.au) or mailed to Civil coordinator 233 William St Melbourne 3000
- The Court will not accept Complaints issued over the counter until further notice.
- All court documents require in addition to the address for service an email address and telephone and or mobile number.

- Proper Venue of the Court remains unaltered, but all filing of documents shall be as per the above email and postal address.

### **Service of Proceedings**

- In addition to the rules concerning personal service, personal service may be affected by registered post. An affidavit of service exhibiting an Australia Post received receipt shall be sufficient proof.
- In addition to the rules of ordinary service, ordinary service maybe affected by email.

### **Applications**

- All parties are encouraged to resolve matters by consent consistent with the Courts overarching obligations and to file consent orders with the court by email or post.
- Any unresolved matters may be heard upon Application and parties shall file and serve any application in the usual way. All non-urgent Applications will be heard on the papers with not more than 2- A4 pages of submissions and filed and exchanged by 2 pm on the day prior to the application return date.
- For urgent Applications, the Application and Affidavits in support shall me emailed to the court. A Magistrate will consider the Urgency and give directions to the party /parties. Only Urgent applications are to be marked Urgent for the attention of the registrar
- Any decisions shall be delivered in writing, telephone conference or audio-visual link.

### **Direction hearing and Applications**

- All direction hearings and applications will be adjourned to a date to be fixed and directions will be given on the papers if appropriate.

### **Prehearing Conferences**

- All proceedings will be referred to Prehearing Conference
- All Prehearing Conferences will be conducted by telephone conference with a Prehearing Conference Registrars until further notice.
- All documents to be relied upon by the parties including medical reports and expert reports shall be exchanged 14 days prior to the Prehearing Conference date.
- In addition to any directions by the Prehearing Conference Registrar any proceeding not resolved by Prehearing Conference shall be referred to an Early Neutral Evaluation prior to any contest date being fixed.
- 7 days prior to the Prehearing Conference parties are to exchange; any Offers of Compromise, Calderbank offers, Notices to admit, Costs disclosure statements disclosing what each party has incurred to the date of the (a) Prehearing Conference; and (b) the anticipated costs incurred to the date of the hearing; and (c) the daily costs of the hearing; including solicitors fees, Counsel fees and witness

expenses and other disbursements incurred on a Normal Costs basis (Party / Party basis) on the applicable scale for hearing or Arbitration.

### **Early Neutral Evaluations**

- Upon the proceeding not being resolved at Prehearing conference and prior to any matter being listed for a contested hearing all matters will be referred to Early Neutral Evaluation (ENE) in accordance with existing Practice Directions.
- Parties by consent may request the matter be listed for ENE at any stage in the proceedings.
- 7 days prior to the ENE parties are to exchange any further; Offers of Compromise, Calderbank offers, Notices to admit, and an updated costs disclosure statements disclosing what each party has incurred to the date of the (a) ENE and (b) the anticipated costs incurred to the date of the hearing and (c) the daily costs of the hearing; including solicitors fees, Counsel fees and witness expenses and other disbursements and filed by each party with the court on the following Email address and or mailed accordingly.
- 7 Days prior to the ENE experts are required confer and file with the court a statement of agreed facts and disputed facts signed by both experts.
- The ENE shall be conducted by telephone conference or Audio-Visual Link as directed by the Court.
- Should the proceeding not resolve at the ENE the Court will give further directions for the conduct of the proceedings.
- All ENEs shall be conducted before a Magistrate who will not hear the contested hearing.

### **Contested Hearings**

- All contested hearings will be adjourned to a date to be fixed and directions be given to the conduct of the hearing.
- All contested matters adjourned will be listed for an ENE before any matter is relisted for contested hearing.

### **Post Judgment procedures**

- All post judgement applications such as Attachment of Orders, Garnishee Applications Instalment Order Applications Summons for Oral examinations will be conducted by a Court Registrar by phone conference or as the court directs.

### **WorkCover Proceedings**

- All Consent Orders, Court documents and Pleadings (apart from Complaints as set out above) should be filed by email to the WorkCover Registrar at [mmcworkcoverindustrialcourts@justice.vic.gov.au](mailto:mmcworkcoverindustrialcourts@justice.vic.gov.au)
- All Contested Hearings, Directions Hearings, Mentions and Applications already listed will be considered by the Court on the allocated date.

- Unless draft Consent Orders are received by email or otherwise at Melbourne Magistrates Court by 1.00pm on the allocated date, the proceedings will be adjourned to a date to be fixed.
- If a party in any WorkCover proceeding applies for an Early Neutral Evaluation, a Magistrate will hear same in accordance with the procedures as set out above.
- All WorkCover Regional Circuits will be suspended, and proceedings dealt with at Melbourne Magistrates Court as set out above.
- Parties may seek consent orders at any time by emailing same to WorkCover Registrar as set out above.

A handwritten signature in black ink, appearing to read 'Lisa Hannan', written over a horizontal line.

**Judge Lisa Hannan**  
**Chief Magistrate**

Date: 23 March 2020