



# **Magistrates' Court of Victoria**

## **Practice Direction**

**No. 2 of 2025**

### **CIVIL JURISDICTION PRACTICE DIRECTION**

**All venues of the Magistrates' Court of Victoria**

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## **GENERAL**

### **Overview and purpose**

1. This Practice Direction is the principal Practice Direction providing directions and guidance to practitioners and parties in the conduct of proceedings commenced across all venues of the Magistrates' Court of Victoria in the Civil Jurisdiction including the WorkCover Division, Industrial Division and Federal Jurisdiction matters. This Practice Direction does not apply to matters arising under the *Family Violence Protection Act 2008*, matters arising under the *Personal Safety Intervention Orders Act 2010* or to Industrial Division criminal proceedings.
2. The aim of this Civil Jurisdiction Practice Direction is to support the just, efficient, timely and cost-effective resolution of disputes, consistent with the interests of justice and with the requirements of the *Civil Procedure Act 2010* (Vic) (**the CPA**).<sup>1</sup>
3. Please refer to APPENDIX A for a list of Practice Directions revoked by this Practice Direction.

### **Definitions**

4. In this Practice Direction, the following definitions apply.
  - **'Audio visual link'** means technology that complies with the requirements under s 42R of the *Evidence (Miscellaneous Provisions) Act 1958*.
  - **'Court book'** means an accessible bundle of documents for use at the hearing by the Court and the parties.
  - **'Early neutral evaluation'** or **'ENE'** means a process where a Magistrate considers parties' submissions and provides a non-binding evaluation on the likely outcome at a hearing. Parties may be given the opportunity to further negotiate a resolution.
  - **'Hearing Readiness Certificate'** means a form which provides the Court with information about the readiness of a proceeding to proceed to final hearing.
  - **'In person'** means physical attendance at a court venue.
  - **'Mediation'** means a process where a neutral third party called a mediator assists parties to negotiate a mutually acceptable outcome.
  - **'Online'** means to appear before the Court remotely via an audio visual link.
  - **'Practitioner'** means an Australian legal practitioner within the meaning of the *Legal Profession Uniform Law* (Victoria).
  - **'Pre-hearing conference'** or **'PHC'** means a process where a Registrar or a Judicial Registrar assists the parties to identify the issues in dispute, gives parties the opportunity to be heard, and facilitates settlement of the proceeding.
  - **'Relevant court venue'** and **'relevant court registry'** mean the court venue at

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<sup>1</sup> The *Civil Procedure Act 2010* (Vic) does not apply to Federal Jurisdiction matters: section 4.

which the matter is listed.

- **‘Self-represented litigant’** means a person who represents themselves in a proceeding.
- **‘The Act’** means the *Magistrates’ Court Act 1989*.
- **‘The Court’** means the Magistrates’ Court of Victoria as constituted by Registrars and Judicial Officers exercising the powers conferred under the *Magistrates’ Court Act 1989*.
- **‘The Miscellaneous Rules’** means the *Magistrates’ Court (Miscellaneous Civil Proceedings) Rules 2020*.
- **‘The Rules’** means the *Magistrates’ Court General Civil Procedure Rules 2020*.

## **Jurisdiction**

### General

5. Section 100 of the Act establishes the Civil Jurisdiction of the Court.
6. In a civil proceeding, the Court may hear and determine any cause of action for damages or a debt or a liquidated demand, or any claim for equitable relief up to an amount of \$100,000.
7. The Court also has jurisdiction to hear and determine any other cause of action if the Court is given jurisdiction to do so by or under any other Act.
8. Under the Act, the Court’s jurisdictional limit is expressly excluded in a matter arising out of:
  - 8.1 Part IV of the *Accident Compensation Act 1985* (WorkCover);
  - 8.2 the *Workplace Injury Rehabilitation and Compensation Act 2013* (WorkCover); and
  - 8.3 Part 3A of the *Victorian Civil and Administrative Tribunal Act 1998* (Vic) (**the VCAT Act**) (Federal Jurisdiction).

### WorkCover Division

9. The following statutes confer jurisdiction for matters to be heard in the WorkCover Division:
  - 9.1 *Workers Compensation Act 1958* (Vic) (**the WC Act**);
  - 9.2 *Accident Compensation Act 1985* (Vic) (**the AC Act**); and
  - 9.3 *Workplace Injury Rehabilitation and Compensation Act 2013* (Vic) (**the WIRC Act**).

## Industrial Division

10. The following statutes confer jurisdiction for civil matters to be heard in the Industrial Division:

10.1 *WIRC Act s 578*;

10.2 *Occupational Health and Safety Act 2004*;

10.3 *Outworkers (Improved Protection) Act 2003*; and

10.4 *Long Service Leave Act 2018*.

11. In addition, civil proceedings initiated in the Court arising under the following legislation are assigned to the Industrial Division by this Practice Direction:

11.1 *Fair Work Act 2009* (Cth) (**the Fair Work Act**);

11.2 *Public Holidays Act 1993*;

11.3 *Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015*;

11.4 *Labour Hire Licensing Act 2018*, Part 6; and

11.5 *Construction Industry Long Service Leave Act 1997*.

12. Other civil proceedings that have a significant connection with an employment or labour relationship will be heard in the Industrial Division unless otherwise ordered. A proceeding may be transferred into or out of the Industrial Division on application of the parties or on the Court's own motion.

## Federal Jurisdiction

13. The VCAT Act, Part 3A, confers jurisdiction for Federal Jurisdiction matters.

### **Self-represented litigants**

14. A self-represented litigant is responsible for completing the necessary tasks in a proceeding that a practitioner would normally undertake.

15. Information on self-representation and preparing for Court can be found at: [Representing yourself | Magistrates' Court of Venue](#).

### **Issuing proceedings, filing documents and corresponding with the Court**

#### For practitioners

16. Wherever possible, practitioners must use the Case Management System (**CMS portal**) to issue proceedings, file and manage any documents with the Court, and lodge payment for filing fees.

17. Following the issuing of proceedings, practitioners must use the CMS portal to send correspondence to the Court, wherever possible.

- 17.1 Where the CMS portal does not allow for the intended type of correspondence to be sent or action to be taken, practitioners may send correspondence to the Court via email to the [relevant court registry](#).

18. Registration to use the CMS portal may be effected by contacting [cms.support@courts.vic.gov.au](mailto:cms.support@courts.vic.gov.au).

For self-represented litigants and practitioners not registered to use the CMS portal

19. Self-represented and practitioners not registered to use the CMS portal litigants must issue proceedings, file and manage any documents with the Court via email to the [relevant court registry](#). If this cannot be done electronically, the registry will accept documents by mail or in person.
20. Self-represented litigants and practitioners not registered to use the CMS portal, must send correspondence to the Court via email to the [relevant court registry](#).

For all parties

21. All documents filed and correspondence with the Court must:
- 21.1 include an email address and/or telephone number of the person responsible for carriage of the matter;
  - 21.2 be in a formal and professional manner; and
  - 21.3 where sent via email, copy in all parties to the proceeding, unless the communication concerns an application to be made without notice.

Filing fees

22. Before a document can be accepted, any prescribed filing fee must be paid. A list of civil and general fees can be found at: [Court fees and costs ready reckoner | Magistrates' Court of Victoria](#).
23. Where a fee is required to be paid:
- 23.1 Practitioners registered to use the CMS portal can make payment via the CMS portal.
  - 23.2 For self-represented litigants and practitioners not registered to use the CMS portal, the registry will contact the party filing the document by telephone to make arrangements for payment.
24. Parties may apply for the prescribed filing fee to be waived on the basis of financial hardship. See further: [Application for civil fee waiver and affidavit of financial circumstances | Magistrates' Court of Victoria](#).
25. Upon payment of the prescribed fee or confirmation of fee waiver the document may be accepted as filed, then issued and returned.

**Attending the Court**

26. Unless otherwise directed by the Court, all hearings (including applications, directions

hearings, special mentions and final contested hearings) will be conducted online, except for ENEs and WorkCover contested hearings which will be conducted in person.

27. Where a party seeks to have a matter heard in person, they must, on receipt of the Notice of Hearing or as soon as practicable thereafter, make a request to attend in person providing a brief written outline of the reasons for the request.

27.1 Other parties to the proceedings may file and serve a brief response to the request for in person attendance.

27.2 Requests are to be made no later than 48 hours before commencement of the hearing.

27.3 Upon receipt of the request and the response of other parties, the Court will determine the request on the papers and notify parties of the outcome.

#### Appearing in proceedings online

28. Practitioners appearing online must:

28.1 ensure they have access to the relevant audio visual link;

28.2 ensure they appear with compliant audio visual link technology from a suitable location; and

28.3 announce their appearance in the chat function prior to the commencement of the proceeding.

29. Practitioners are responsible for ensuring that their clients and any witnesses to be called in a proceeding online:

29.1 have access to the relevant audio visual link; and

29.2 are able to appear with compliant audio visual link technology from a suitable location.

30. Practitioners are required to manage the number of matters they appear in on any given day to ensure they are available when matters are called, and do not interfere with the proper running of the court list.

31. An interpreter may appear online or, with leave of the Court, by telephone.

32. For further information on appearing online, please see: [Guidelines for attending an online hearing | Magistrates' Court of Victoria](#).

#### Conduct of online hearings including witnesses

33. The Magistrate or Judicial Registrar will enter the online hearing at the allocated time. Once the Magistrate or Judicial Registrar has entered the hearing, the Court will call the matter, following which the parties are to enter their appearances.

34. Parties and participants appearing online must:

34.1 join the audio visual link with their camera on and microphone off, unless

otherwise directed by the Court;

34.2 turn on their microphone only when their matter is called on; and

34.3 display their correct first name and surname in the 'name field' of the audio visual link.

35. Parties are to remain seated when the Magistrate or Judicial Registrar enters and exits the Court and when addressing the Court.

36. Participants must not record the online hearing.

37. Practitioners must ensure that witnesses, including expert witnesses, give evidence from a room free from other occupants and with mobile phones switched off.

38. Witnesses must give evidence from a room without any other occupants and must notify the Court if anyone enters the room during the course of giving their evidence.

### **Consent orders**

39. Minutes of proposed consent orders seeking an adjournment of a listed hearing (including mentions, directions hearings, appropriate dispute resolution events and contested hearings) must state within the minutes the grounds for the proposed adjournment for the Court's consideration.

40. Parties applying for an adjournment must still appear at the listed hearing unless specifically excused.

41. Parties seeking to vacate a hearing because a matter has resolved, may file minutes of proposed consent orders seeking final orders without the need for any party to appear, unless directed to do so by the Court.

41.1 All such minutes of consent orders are to be filed with the Court no later than 9:15AM on the day the matter is listed.

### **Appropriate Dispute Resolution**

42. Appropriate dispute resolution (**ADR**) are processes participated in by the parties to a proceeding for the purposes of resolving or narrowing the issues in dispute or negotiating a settlement.

43. ADR processes at the Court include:

43.1 Pre-hearing conferences (**PHC**) conducted by a Registrar or, for matters in the Industrial Division, a Judicial Registrar;

43.2 Mediation conducted by a Registrar or, at the direction of the Court, by a mediator on the Court's List of External Mediators; and

43.3 Early neutral evaluations (**ENE**) presided over by a Magistrate.

44. In accordance with Order 50.03 of the Rules, upon the filing of a notice of defence, proceedings may be referred to ADR as follows:



- 44.1 Vehicle property damage (**VPD**) claims may be referred to PHC or listed for arbitration or contested hearing.
- 44.2 All other claims under \$10,000 may be referred to PHC or listed for arbitration.
- 44.3 All claims seeking non-monetary relief or claims where the amount claimed is over \$10,000 but under \$40,000 may be referred for PHC, mediation or ENE.
- 44.4 All claims for non-monetary relief or where the amount claimed is over \$40,000 may be referred for mediation or ENE as requested.
- 45. Seven days prior to the listed date of any ADR process (except for matters in the Industrial Division),<sup>2</sup> parties must file with the Court:
  - 45.1 a list of relevant documents; and
  - 45.2 a list of issues in dispute.
- 46. Seven days prior to the listed date of a PHC, ENE or mediation (except for matters in the WorkCover and Industrial Divisions),<sup>3</sup> parties are to exchange and file a statement disclosing on the applicable scale:
  - 46.1 costs incurred by each party to date;
  - 46.2 the anticipated subsequent costs incurred up to the date of a hearing; and
  - 46.3 the estimated daily costs of a hearing including solicitors fees, Counsel fees, witness expenses and other disbursements incurred.
- 47. At any ADR process, all parties must have a person present who has the authority to instruct in the proceeding, including in relation to costs.
- 48. Wherever practicable, Counsel intended to be retained for the contested hearing should be retained for any ADR process.
  - 48.1 Where Counsel is not briefed, the practitioner with responsibility or carriage of the matter is to attend the ADR process.
- 49. Where a proceeding is not resolved an ADR process, parties must provide the Court with an indication of the number of witnesses expected to be called, the issues which remain in dispute and accurate hearing time estimates.

### **Applications in open court and directions hearings**

- 50. The Court will determine if an application, including an interlocutory application, is appropriate to be determined on the papers or in open court.
  - 50.1 The Court will advise the parties of the manner by which the application will be determined.
  - 50.2 If appearances are required at Court, parties will be notified of the listing date for

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<sup>2</sup> See paragraphs 108-110 of this Practice Direction for directions relevant to PHCs in the Industrial Division.

<sup>3</sup> See paragraphs 80 and 108-110 of this Practice Direction for directions relevant to ADR processes in the WorkCover and Industrial Divisions respectively.

the hearing of the application.

51. For applications that require urgent listing, such as urgent injunctions, parties are to contact the Court to request the urgent listing.
52. The Court may determine that a directions hearing or special mention is appropriate for case management purposes and to give directions as to pre-trial procedures.

52.1 The Court will advise the parties of the listing date for such hearing.

### **Call overs for contested matters and open court applications**

53. Except for Industrial Division matters, the Court will conduct a call over of all contested matters and applications listed that day in a call over list at 9:30AM, unless otherwise directed.

53.1 Please refer to paragraphs 111-113 of this Practice Direction for directions relevant to contested matters in the Industrial Division.

54. Parties must join the dedicated call over link for the court venue where their matter is listed by 9:30AM. Links to the call over list for each court venue can be found on the [Court's website](#).
55. Parties must be ready to give appearances, confirm witness arrangements and provide any revised estimate including the extent to which steps have been taken to narrow the issues in dispute.
56. Parties are to remain on the call over link until otherwise directed and until such time as an order of court business has been determined.
57. All reasonable attempts to resolve the dispute or narrow the issues in dispute are to have been completed prior to the call over and each matter is to be ready to proceed.

### **Contested hearings**

#### **Requirement for a court book**

58. In all matters where the monetary amount claimed is greater than \$25,000 or the claim seeks non-monetary relief, a joint court book must be filed by the plaintiff, unless otherwise directed.
59. Parties are to agree on the contents of the court book. The party preparing the court book must provide an index to the other party for the purposes of consultation and agreement on the contents of the court book.
60. A court book is to include:
  - 60.1 all pleadings;
  - 60.2 a chronology, where relevant;
  - 60.3 a statement of agreed facts;
  - 60.4 documentary evidence;

60.5 hyperlinks to relevant case law authorities, where relevant; and

60.6 an outline of evidence to be adduced from lay witnesses, where directed.

61. A court book is to:

61.1 include a page number for each page;

61.2 include an index listing each document in chronological order, stating the date, description and source of each document, and indicating the page numbers on which the document begins and ends; and

61.3 be in an electronic searchable PDF format.

62. The court book must be filed seven days before the hearing date, unless otherwise directed.

#### Requirement for a bundle of relevant documents

63. For matters where the monetary amount claimed is more than \$10,000 but less than \$25,000, each party must serve and file with the Court, seven days prior to the hearing date, a paginated PDF bundle of relevant documents to be relied upon.

63.1 The bundle of relevant documents is to include an index on the front page.

64. For arbitrations (that is for matters where the monetary amount claimed is up to \$10,000), parties are referred to the requirements for relevant documents in rules 2.04 and 2.05 of the Miscellaneous Rules.

#### Self-represented parties and court books

65. Where there is a represented party and self-represented party, the represented party must prepare the court book or bundle of relevant documents.

65.1 The self-represented party must provide the practitioner of the other party all relevant documents on which they intend to rely, to facilitate preparation of the court book or bundle of relevant documents.

66. Where both parties are self-represented, each party must serve on the other party and file with the Court all documents to be relied upon, seven days prior to the hearing date.

#### Judgement delivery

67. If a judgement is not delivered or a date is not provided for judgement delivery at the conclusion of the hearing, parties will be advised via email of the date judgment will be delivered.

68. If a written judgment is published, the registry will email all parties a copy of the published judgment. Practitioners may also access the judgement in the CMS portal.

#### **Inspecting subpoenaed documents**

69. Parties may be provided access to subpoenaed documents electronically at the discretion of the Court. For example, where a copy of the material is permitted to be

retained by the parties.

69.1 The Court may provide access electronically either via email or via the CMS Portal.

70. Parties may physically inspect subpoenaed documents by making an appointment with the relevant court registry.

70.1 Appointment requests at the Melbourne Magistrates' Court are to be made via email to [subpoenamanagement@courts.vic.gov.au](mailto:subpoenamanagement@courts.vic.gov.au). Requests to other court venues are to be made via email to the [relevant court registry](#).

## **WORKCOVER DIVISION**

71. Directions in this section apply to civil proceedings in the WorkCover Division only.

### **Listings in the WorkCover Division**

#### **First mention**

72. Following the filing of a Notice of Defence in a proceeding, the matter will be listed for a first mention.
73. Prior to the first mention, parties to the proceeding must have resolved all interlocutory steps including informal discovery, service of medical and clinical records, any proposed amendment to the pleadings, and the inspection of relevant medical and other records.
74. If a party intends to request that medical questions be referred to a Medical Panel for opinion, notice of intention must be given to the other party prior to the first mention or as soon as practicable.
75. Where parties have not completed all interlocutory steps prior to the first mention, minutes of proposed consent orders applying to adjourn the proceeding must be filed with the Court. Please refer to paragraphs 39-41 of this Practice Direction for more information on consent orders.

#### **Second and subsequent mentions**

76. Following the first mention, proceedings may be listed for a special mention.
77. At a special mention, parties must inform the Court as to the appropriateness and readiness of the proceeding being listed for ENE or for contested hearing.
- 77.1 Parties must be prepared to address the Court on:
- 77.1.1 the preferred fixing period and likely duration of an ENE or contested hearing, if applicable;
  - 77.1.2 the basis for further adjournment including any outstanding interlocutory steps, if applicable; and
  - 77.1.3 any other matters of relevance including whether either party intends to request that medical questions be referred to a Medical Panel.
78. Appearances by practitioners familiar with the proceeding are required at a special mention unless minutes of proposed consent orders have been filed for final orders or to accompany Medical Panel referral documents.
79. Urgent or contested applications and objections hearings will be listed for a special mention unless otherwise directed.
- 79.1 Parties seeking to have any such matters listed for special mention are to contact the Court to request a special mention.

### Early Neutral Evaluations

80. For the avoidance of doubt, parties are not required to comply with paragraph 46 of this Practice Direction for ENEs in the WorkCover Division.

### Contested hearings

81. Parties must provide a court book for any contested hearing in the WorkCover Division.

82. A court book in the WorkCover Division is to include:

82.1 pleadings;

82.2 claim documents; and

82.3 medical and other evidence.

83. A court book in the WorkCover Division is to be provided in accordance with paragraphs 61-66 this Practice Direction.

84. For the avoidance of doubt, paragraphs 58-60 of this Practice Direction do not apply to the WorkCover Division.

### Regional circuit court proceedings

85. Applications for an urgent listing of a regional circuit court proceeding, or any urgent applications or contested applications in a regional circuit court proceeding, are to be emailed (copying in all parties) to the WorkCover Division Coordinating Registrar at [mmcworkcoverindustrialcourts@justice.vic.gov.au](mailto:mmcworkcoverindustrialcourts@justice.vic.gov.au).

86. Such applications may be heard in the WorkCover special mentions list at Melbourne or as otherwise directed.

### **Medical Panel referrals**

87. Parties seeking that the Court refer medical questions to the Medical Panel, must file on or before the date of the special mention:

87.1 the medical questions sought to be referred and a schedule of attachments, including:

87.1.1 a statement of agreed facts; and

87.1.2 facts or questions in dispute; and

87.1.3 documents relevant to the medical questions in the parties' possession; together with

87.2 minutes of proposed consent orders seeking referral of the proposed medical questions.

88. Such materials are to be provided in a PDF navigable format and paginated.

### **Inspection of medical and other records**

89. Where a defendant seeks to inspect medical and other records relating to a plaintiff, the defendant must write to the plaintiff and/or their practitioner to:
- 89.1 seek the identification of the plaintiff's treating medical and like practitioners on which the plaintiff intends to rely; and
  - 89.2 request a copy of any medical and other records held by the plaintiff and/or their practitioner which the defendant seeks to inspect.
90. The plaintiff and/or their practitioner should advise the defendant and/or their practitioner within 21 days whether the records are available for inspection.
91. If the requested records are not provided to the defendant and/or their practitioner within 21 days, the defendant may make application to the Court for a subpoena to produce in accordance with Order 42A of the Rules.

### **Subpoenas relating to confidential communications**

92. Parties are referred to Division 2A of the *Evidence (Miscellaneous Provisions) Act 1958* (**the EMP Act**) and Order 42A of the Rules for processes and requirements relevant to subpoenas relating to confidential communications.
93. Applications pursuant to section 32C of the EMP Act will be listed in the WorkCover list at Melbourne, unless otherwise directed.

### **Dependents' compensation**

94. Any application for the determination of, and/or entitlement to compensation, pursuant to:
- a. section 235(a) of the WIRC Act, or
  - b. sections 92(1)(a) and 92A(3)(a) of the AC Act, or
  - c. the WC Act;
- in which the amount of compensation is agreed or is said to be a payment of the maximum entitlement, must be issued in the WorkCover list at Melbourne.
95. Applications are to be made by filing a [Form 46A Summons](#), proposed minutes of consent orders and an affidavit in support.
96. An affidavit in support is to exhibit any relevant declaration of trust in respect of a minor or other person under a disability and include:
- 96.1 details of the person proposed to be appointed trustee for any minor or other person under a disability (**the proposed trustee**);
  - 96.2 information relevant to a consideration of the proposed trustee's suitability to be appointed including their relationship to the beneficiaries; their level of education; their experience and acumen in managing finances; and whether the proposed trustee has had, or intends to seek, independent financial advice; and
  - 96.3 any other relevant matters as directed by the Court.

97. Where the application involves an agreed compromise between the parties, the affidavit in support may exhibit a memorandum of counsel as to the basis of, and reasons for, any compromise.

97.1 Any affidavit including such material must not be served on the respondent or any defendant.

98. The Court will determine if an application is appropriate to be determined on the papers or in open court.

98.1 The Court will advise the parties of the manner by which the application will be determined.

98.2 If appearances are required at Court, parties will be notified and the application will be heard in the WorkCover special mention list at Melbourne, unless otherwise directed.



## **INDUSTRIAL DIVISION**

99. Directions in this section apply to civil proceedings in the Industrial Division only.

### **Support for self-represented litigants**

100. Self-represented litigants in Industrial Division matters can contact the Court for procedural advice, assistance with forms, fees and fee waiver applications, support with filing documents and information about organisations which provide low-cost or free legal services.

101. For such assistance, self-represented litigants can email the Court at [slrcoordinator@courts.vic.gov.au](mailto:slrcoordinator@courts.vic.gov.au).

### **Filing documents**

#### **Initiating complaints, filing and serving documents**

102. A complaint initiated in the Industrial Division must be issued using [Form 13A](#). The complaint must be served upon each defendant in accordance with Order 6 of the Rules.

103. A defendant's response to a Form 13A must be filed using [Form 13B](#). Unless the Court otherwise orders, a response must be filed and served within 14 days of personal service of the complaint.

104. All parties in Industrial Division matters must file all case documents, including the complaint and response via email to [slrcoordinator@courts.vic.gov.au](mailto:slrcoordinator@courts.vic.gov.au). In the event that lodgement cannot be made electronically, the registry will accept lodgement by mail or in person.

#### **Order in default of response**

105. If a defendant does not file a response within 14 days of service of the complaint, the plaintiff may apply for an order in default of response using [Form 13C](#).

106. For an application to be considered, a plaintiff must have filed with the Court:

106.1 an affidavit or declaration of service of the complaint as to the documents which were served and how and when service occurred in accordance with Order 6 of the Rules;

106.2 if relevant, a certified ASIC company records search confirming the registered address of a defendant company;

106.3 an Overarching Obligations Certificate and a Proper Basis Certificate pursuant to sections 41 and 42 of the CPA; and

106.4 a [Form 13D](#) affidavit of the plaintiff.

107. If the plaintiff claims a specified sum against the defendant, the Form 13D affidavit must state how the amount claimed is calculated, including the source of the claimed entitlement and particulars of each claimed underpayment by date.

107.1 In any other case, the Form 13D affidavit must otherwise verify the matters underlying the complaint and relief sought.

107.2 Affidavits must be confined to facts which the person making the affidavit is able to state of their own knowledge.

### **Pre-hearing conferences**

108. Upon the filing of a response, Industrial Division proceedings will be referred to a PHC.

109. Parties must file and serve all documents to be relied upon at the PHC two business days prior to the date of the PHC.

110. For the avoidance of doubt, parties are not required to comply with paragraphs 45-46 of this Practice Direction for PHCs in the Industrial Division.

### **Contested matters**

#### Directions hearings and special mentions

111. Prior to a directions hearing, parties must have provided the Court with any agreed proposed form of directions order.

111.1 If a proposed form of directions order has not been agreed, parties must have informed the opposing parties of the matters not agreed prior to the directions hearing.

112. Parties may use the Standard Directions contained at APPENDIX B to prepare and agree upon a proposed form of directions order. The purpose of an agreed directions order is to facilitate the just, efficient, timely and cost-effective resolution of the issues in dispute.

113. If a party requires a matter to be raised before the Court after the directions hearing and before the final hearing, the party may request a special mention by emailing [srlcoordinator@courts.vic.gov.au](mailto:srlcoordinator@courts.vic.gov.au).

113.1 A request for special mention must specify the reason a special mention is sought.

113.2 No prescribed application form or supporting affidavit is required to list a special mention.

#### Hearing Readiness Certificate

114. Hearing Readiness Certificates are to be prepared using [Form 13E](#).

115. If a Hearing Readiness Certificate is not filed by the date specified in the orders, the proceeding will be listed for special mention at which time parties must explain any non-compliance with orders of the Court.

## **FEDERAL JURISDICTION**

116. Directions in this section apply to civil proceedings commenced under the Court's Federal Jurisdiction arising from Part 3A of the VCAT Act.

### **Commencement of proceedings**

#### **Filing and service of documents**

117. An application under the Court's Federal Jurisdiction (**a substituted proceeding**) must be initiated by filing:

117.1 a [Form 10A](#);

117.2 two blank copies of [Form 10B](#); and

117.3 for disputes under the *Residential Tenancies Act 1997* (Vic) (**the RTA**), an [Annexure Form 10A - Residential Tenancies](#).<sup>4</sup>

118. Unless otherwise directed, a substituted proceeding must be filed with the proper venue of the Court.

118.1 The proper venue is the Court closest to where the claim arose or the place of residence of the defendant.

118.2 The proper venue can be determined by searching the suburb where the claim arose or the suburb of residence of the defendant at: [Find a court | Magistrates' Court of Victoria](#).

119. The relevant fees payable can be found on the [Victorian Civil and Administrative Tribunal's \(VCAT\) website](#).

120. A substituted proceeding endorsed with a case number and hearing date (**the endorsed application**) must be served on the other party or parties by:

120.1 delivering it personally or sending it by post to their last known residential or business address; or

120.2 sending via electronic communication.<sup>5</sup>

#### ***Interstate respondents***

121. If the other party's last known residential or business address is interstate, service of the substituted proceeding must be accompanied by a [Form 1](#).

122. An interstate respondent has a 21 day notice period within which to file a response.

123. An applicant seeking to reduce the 21 day notice period to the interstate respondent

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<sup>4</sup> Applications may be filed with the Court directly and do not require lodgement at the Victorian Civil and Administrative Tribunal (VCAT) in the first instance.

<sup>5</sup> Note: Service of documents via an electronic address such as email is permissible only if the electronic address has previously been used between parties to communicate or if the intended recipient has previously provided it as the means of communication to the Court.

on the grounds of urgency must make an application to the Court.

123.1 Such application must be made to the Court at the time of filing the substituted proceeding.

123.2 Applicants therefore must file with the Court:

123.2.1 a [Form 10A](#);

123.2.2 two blank copies of [Form 10B](#);

123.2.3 for disputes under the RTA, an [Annexure Form 10A - Residential Tenancies](#);

123.2.4 a [Form 46A](#); and

123.2.5 a supporting affidavit setting out the applicant's reasons for seeking to reduce the notice period.

#### Filing of response

124. A respondent's response to a Form 10A must be filed within 14 days using a [Form 10B](#).

125. If the matter is identified as urgent, the Form 10A will require the respondent's attendance at Court at a nominated date and time. A formal response in writing is not required.

#### Applications and special mentions

126. As soon as practicable upon the filing of a reply, substituted proceedings may be listed for special mention for case management purposes and directions.

127. For disputes under the RTA, the Court will make the Standard Directions as set out at APPENDIX C, unless otherwise directed.

128. For applications that require urgent listing, such as urgent injunctions, parties are to contact the Court to request the urgent listing.



**Justice Lisa Hannan**  
**CHIEF MAGISTRATE**

Dated: 29/12/2025

## **APPENDIX A - PRACTICE DIRECTIONS REVOKED BY THIS PRACTICE DIRECTION**

<b>Document type</b>	Practice Direction
<b>Division</b>	Civil Division
<b>Reviewed by</b>	Magistrate Meghan Hoare, Head of the Civil Division
<b>Authorised by</b>	Justice Lisa Hannan, Chief Magistrate
<b>Notes</b>	This Practice Direction revokes Practice Directions No. 3 of 2023, No. 8 of 2022, No. 13 and 19 of 2020, No. 2, 3, 4, 5 and 6 of 2017, No. 4, 5, 6 and 7 of 2016, No. 5, and 6 of 2015, No. 6, 11 and 12 of 2014, No. 4, 5 and 10 of 2013, No. 1, 2, 3, 4, 7, 8, 9 and 10 of 2012, No. 1, 2, 5, 6 and 7 of 2011, No. 1, 2, 4 and 5 of 2010, No. 1, 2, 3 and No. 5 of 2009, No. 6 and 7 of 2007, No. 3 and 13 of 2004, No. 2 of 2003, No. 2 of 2002, No. 3 and 4 of 2001 and No. 2 of 1997.

## **APPENDIX B - INDUSTRIAL DIVISION STANDARD DIRECTIONS**

### **THE COURT ORDERS BY CONSENT THAT:**

1. ***[If not already filed]*** By 4pm on ***[insert date]*** the ***[Plaintiff/Defendant]*** file and serve an Overarching Obligations Certificate and a Proper Basis Certificate pursuant to sections 41 and 42 of the *Civil Procedure Act 2010*.
2. ***[If pleadings or further particulars are required]:***
  - a. By 4pm on ***[date]*** the Plaintiff file and serve a statement of claim/further particulars of the claim;
  - b. By 4pm on ***[date]*** the Defendant file and serve a defence/further particulars of the defence;
  - c. By 4pm on ***[date]*** at 4.00 pm the Plaintiff file and serve any reply;

3. ***[If discovery, general or specific, is required]:***

- a. By 4pm on ***[date]***, each party must have served on any other party any notice for discovery requiring the party served to make discovery of all documents in accordance with rule 29.02 of the *Magistrates' Court General Civil Procedure Rules 2020* ('the Rules').

Discovery and inspection of documents is otherwise to take place in accordance with rule 29 of the Rules.

***Or***

- b. By 4pm on ***[date]*** the ***[Plaintiff/Defendant/Parties]*** must make discovery of the following categories of documents:
  - i. The Plaintiff's contract of employment and any documents recording any variations made to that contract;
  - ii. Pay or wages records, payslips, records of hours of work including rosters in relation to the Plaintiff's employment with the Defendant; Other as required.

Discovery is to be made in accordance with rule 29.04 of the *Magistrates Court General Civil Procedure Rules 2020* ('the Rules') and inspection of documents is to comply with rule 29.09 of the Rules.

4. ***Application for leave to file Counterclaim***

- a. By 4pm on ***[date]***, the Defendant may file and serve any Application for leave to file a counterclaim in the proceeding.
- b. The Application is to be made by way of affidavit setting out the grounds for the counterclaim. The affidavit must exhibit the proposed counterclaim in a form which, in numbered paragraphs:
  - i. contains in summary form a statement of all material facts relied (but not evidence by which those facts are to be proved);

- ii. contain the necessary particulars of every fact or matter; and
- iii. states specifically the basis of the amount claimed.

c. By 4pm on [**date**], the Plaintiff may file and serve any affidavit in response.

5. **Evidence**

**[Oral]**

- a. Evidence in the proceeding will be given orally.

By 4pm on [**date**] the Plaintiff is to file and serve a list of witnesses the Plaintiff proposes to call.

By 4pm on [**date**] the Defendant is to file and serve a list of witnesses the Defendant proposes to call.

**[OR – outlines of witness evidence and documents]**

- b. Evidence in the proceeding will be given orally.

By 4pm on [**date**] the Plaintiff is to file and serve an outline of the evidence each witness the Plaintiff proposes to call will give, along with all documents on which the Plaintiff intends to rely.

By 4pm on [**date**] the Defendant is to file and serve an outline of the evidence each witness the Defendant proposes to call will give, along with all documents on which the Defendant intends to rely.

**[OR – evidence in chief by way of witness statement]**

- c. By 4pm on [**date**], the Plaintiff is to file and serve all witness statements upon which the Plaintiff intends to rely.

By 4pm on [**date**], the Defendant is to file and serve all witness statements upon which the Defendant intends to rely.

Any party receiving a witness statement may, not less than [**xx**] working days before the witness is due to give evidence, give notice to the party proposing to call the witness stating:

- (a) that a specified part of the witness statement is objected to as being inadmissible; and/or
- (b) that the witness is required to give oral evidence as to any part of the content of the witness statement.

If no such notice is given the witness statement will stand as the witness's evidence-in-chief if adopted by the witness, by oath or affirmation, at the hearing.

***Further ADR***

- d. The matter is adjourned to a further pre hearing conference before a Judicial Registrar on [***date***].

***Or***

- e. Either party may request that the Court list the matter for a further pre hearing conference before a Judicial Registrar.

6. ***Court books and Hearing Readiness Certificate***

- a. By 4pm on [***date***], the parties must:
  - i. file with a court book; and
  - ii. file a Hearing Readiness Certificate ([Form 13E](#)).

Each party is to ensure that each of its witnesses has a copy of the court book available to them for use whilst giving evidence.



## **APPENDIX C – RESIDENTIAL TENANCIES ACT DISPUTES STANDARD DIRECTIONS**

1. No later than 48 hours before the day fixed for hearing the application, the rental provider must email to the Court and to the renter an indexed list of paginated documents (in navigable PDF format) as follows:
  - a. residential tenancy agreement;
  - b. rental ledger (if relevant);
  - c. notice/s to vacate (if relevant);
  - d. any entry and exit condition report/s relied upon by either party (if relevant);
  - e. any repair and/or cleaning invoices or assessments relied upon by either party (if relevant);
  - f. documents establishing proof of service upon the renter/s of any notices to vacate relied upon by the rental provider;
  - g. documents establishing proof of service upon the respondent of the endorsed Form 10A Substituted Proceeding Complaint or Summons and Annexure;
  - h. if the application concerns an application for a possession order on the grounds of rental arrears or other claim for rental arrears, a document describing:
    - i. rental arrears alleged to be owed by the renter/s at the time of issuing any notice to vacate, and the method by which that sum is calculated;
    - ii. current rental arrears alleged to be owed by the renter/s and how calculated; and
    - iii. any communications between parties as to any rental arrears repayment plan.
2. Any persons wishing to give evidence at the hearing must attend the hearing at the time and date fixed by the Court for the hearing of this application.
3. These orders are to be served by the rental provider upon the renter/s within 48 hours of being made by the Court.

## **APPENDIX D – SUMMARY OF REVISIONS**

<b>Publication date</b>	<b>Content revised</b>
21 July 2025	'Conduct of online hearings including witnesses' directions amended: [34].
29 December 2025	'Appearing in proceedings online' directions amended: [29]-[30].