



# Supreme Court of Victoria

## Practice Note SC Gen 22

### Associate Judges' Applications List

#### **1 INTRODUCTION**

- 1.1 The Chief Justice has authorised the issue of the following Practice Note.
- 1.2 The purpose of this Practice Note is to guide the operation of the Associate Judges' Applications List.
- 1.3 The Associate Judges' Applications List was formerly known as "Associate Judges' Practice Court" and "Court 2 Applications".
- 1.4 This Practice Note is to be read in conjunction with other directions provided for by the specialist list Practice Notes across the Commercial Court and Common Law Division.

#### **2 COMMENCEMENT**

- 2.1 This Practice Note was issued and commences on 1 July 2024.

#### **3 APPLICATIONS SUITABLE FOR HEARING IN THE ASSOCIATE JUDGES' APPLICATIONS LIST**

- 3.1 The Associate Judges' Applications List hears applications not dealt with in a specialist list that have an estimated hearing time of two hours or less:
  - 3.1.1 which are within the original jurisdiction of an Associate Judge or Judicial Registrar; or
  - 3.1.2 where a Trial Division Judge has referred the matter for hearing in the Associate Judges' Applications List.
- 3.2 Examples of applications suitable for the Associate Judges Applications List include but are not limited to:
  - 3.2.1 Subpoena objection/set aside a subpoena;
  - 3.2.2 Discovery disputes/preliminary discovery;
  - 3.2.3 Summary judgment/summary dismissal;
  - 3.2.4 Stay;

- 3.2.5 Security for costs;
  - 3.2.6 Payment out of Funds in Court;
  - 3.2.7 Set aside a default judgment;
  - 3.2.8 Strike out;
  - 3.2.9 Amendment of pleadings; and
  - 3.2.10 Joinder/substitution of parties.
- 3.3 Where an application exceeds two hours, it shall be listed for an extended hearing as a Special Fixture rather than in the Associate Judges' Applications List.
- 3.4 Regarding Commercial Court matters, parties shall comply with the directions per Clause 8 of the [Commercial Court Practice Note SC CC 1](#) issued on 26 February 2024.
- 3.5 For matters within a specialist list of the Common Law Division, refer to the practice note for the list for relevant procedural information.

#### **4 PROCEDURE FOR MAKING APPLICATIONS IN THE LIST**

- 4.1 A proposed applicant should complete the "[Associate Judges' Applications List Application Form](#)" available on the Supreme Court website. Once completed, the applicant shall email the form to the Listing Coordinator in the Principal Registry at [asjapplicationslist@supcourt.vic.gov.au](mailto:asjapplicationslist@supcourt.vic.gov.au). The email shall include the application and any supporting documents.
- 4.2 Consistent with the *Civil Procedure Act 2010* (Vic), parties are expected to confer and use reasonable endeavours to narrow and resolve the issues in dispute prior to making an application and shall do so before the hearing date.
- 4.3 The listing coordinator will provide the applicant with a tentative hearing date by reply email. Upon being provided with a hearing date and time, the applicant shall file the summons and supporting documents in the usual way attaching a copy of the application form and email correspondence from the listing coordinator. The tentative date provided by the Listings Coordinator is held for 48 hours.
- 4.4 The listing date is confirmed upon filing the summons and supporting material. If the application is not filed within 48 hours, the tentative date may no longer be available.
- 4.5 Should the initial time estimates change, parties shall contact the court immediately to provide an updated timeframe.

## **5 URGENT APPLICATIONS**

- 5.1 Urgent applications shall receive a return date no more than five days from the filing date. Reasons for urgency shall be outlined in sufficient detail within the application.
- 5.2 All material being relied upon shall be filed within 24 hours of receiving the listing date.
- 5.3 If contested, any material in reply shall be filed no less than 24 hours before the hearing, or per the chambers' directions. A copy shall also be emailed to the relevant chambers email, marked urgent.
- 5.4 If parties cannot comply with the above directions, they shall confer and contact the relevant chambers with a proposed timeline for filing.

## **6 SUBSEQUENT FILINGS AND COMMUNICATIONS WITH THE COURT**

- 6.1 For all matters where an outline of submissions would assist the Court, these shall be filed and served in accordance with any existing filing directions. In the absence of filing directions, submissions shall be filed no less than 10 business days before the hearing. The outline should not exceed five pages in length.
- 6.2 If contested, any material in reply shall be filed and served in accordance with the filing directions. In the absence of filing directions, no less than five days before the hearing. The reply should not exceed five pages in length.
- 6.3 Authorities relied upon in submissions shall be referenced in an electronic list with pinpoint references.
- 6.4 Submissions filed by parties, shall include references to exhibits of affidavits by page number.
- 6.5 The Listings Coordinator is the primary point of contact for applications and may be contacted via [asjapplicationslist@supcourt.vic.gov.au](mailto:asjapplicationslist@supcourt.vic.gov.au) or on 8600 2155.
- 6.6 The practitioner for the applicant shall notify the Court immediately upon becoming aware that the hearing is no longer required, the application is no longer contested or has become a consent matter, or the hearing estimate has otherwise been revised.
- 6.7 Regarding subpoena objections, discovery disputes and pleading disputes, where a Scott Schedule (Annexures 1-3) would assist the Court, parties should confer and provide a completed schedule to Chambers three business days before the hearing or otherwise directed by chambers.
- 6.8 Parties are reminded, under r 27.03(11)(b) of the *Supreme Court (General Civil Procedure) Rules 2015*, that all court documents shall include the name and email address of an individual to whom reference can be made in respect of the proceeding.

## 7 FURTHER INFORMATION

- 7.1 The Court's [website](#) includes a [page dedicated to the Associate Judges](#) with current information about the operation of the Associate Judges' Applications List and links to:
- 7.1.1 This Practice Note in Word and PDF formats;
  - 7.1.2 Associate Judges' Applications List Application Information Form referred to in paragraph 4.1.
- 7.2 In contested matters, the applicant will be responsible for ordering the transcript of proceedings, unless otherwise advised by the Judicial Officer.

## AMENDMENT HISTORY

1 July 2024: This Practice Note was issued on 1 July 2024 and replaces the Notice to the Profession Applications in Associate Judges' Practice Court (Court 2) issued in April 2014.

29 July 2024: Amendments to paragraphs 3.1 and 3.5.

Vivienne Mahy  
Executive Associate to the Chief Justice  
24 July 2024

**IN THE SUPREME COURT OF VICTORIA  
[LIST]**

No. S XXX XXXX XXXX

**IN THE MATTER of**

**BETWEEN**

**[PLAINTIFF/S]**

Plaintiffs

**[RESPONDENT/S]** and others according to the Schedule

Defendants

**DECISIONS ON [PLAINTIFFS'/DEFENDANTS'] APPLICATION FOR DISCOVERY/PRELIMINARY DISCOVERY ISSUED BY  
[PLAINTIFFS'/DEFENDANTS']**

<b>Document name</b>	<b>Paragraph No.</b>	<b>Dispute</b>	<b>Response</b>	<b>Ruling</b>
				1. ## (a) ## (b) ## (c) ## (d) ## (e) ## (f) ## (g) ## 2. ##

<b>Document name</b>	<b>Paragraph No.</b>	<b>Dispute</b>	<b>Response</b>	<b>Ruling</b>

**SCHEDULE OF PARTIES**

[NAME/S]

First Plaintiff

[NAME/S]

Second Plaintiff

[NAME/S]

First Defendant

[NAME/S]

Second Defendant

[NAME/S]

Third Defendant

[NAME/S]

Fourth Defendant

**IN THE SUPREME COURT OF VICTORIA  
[LIST]**

No. S XXX XXXX XXXX

**IN THE MATTER of**

**BETWEEN**

**[PLAINTIFF/S]**

Plaintiffs

**[RESPONDENT/S]** and others according to the Schedule

Defendants

**DECISIONS ON [PLAINTIFFS’/DEFENDANTS’] OBJECTIONS TO SUBPOENAS ISSUED BY [PLAINTIFFS’/DEFENDANTS’]**

<b>Date of subpoena</b>	<b>Addressee</b>	<b>Documents sought to be produced</b>	<b>Grounds of Objection</b>	<b>Response</b>	<b>Ruling</b>
		The documents and things you must produce are as follows: 1.	Objected to on grounds of ...		1. ## (h) ## (i) ## (j) ## (k) ## (l) ## (m) ## (n) ## 2. ##



Date of subpoena	Addressee	Documents sought to be produced	Grounds of Objection	Response	Ruling
		The documents and things you must produce are as follows: 1.	Objected to on grounds of ...		
		The documents and things you must produce are as follows: 1.	Objected to on grounds of ...		
		The documents and things you must produce are as follows: 1.	Objected to on grounds of ...		
		The documents and things you must produce are as follows: 1.	Objected to on grounds of ...		

**SCHEDULE OF PARTIES**

[NAME/S]

First Plaintiff

[NAME/S]

Second Plaintiff

[NAME/S]

First Defendant

[NAME/S]

Second Defendant

[NAME/S]

Third Defendant

[NAME/S]

Fourth Defendant

**IN THE SUPREME COURT OF VICTORIA  
[LIST]**

No. S XXX XXXX XXXX

**IN THE MATTER of**

BETWEEN

**[PLAINTIFF/S]**

Plaintiffs

**[RESPONDENT/S]** and others according to the Schedule

Defendants

**DECISIONS ON [PLAINTIFFS'/DEFENDANTS'] APPLICATION TO AMEND/STRIKE OUT PLEADINGS BY  
[PLAINTIFFS'/DEFENDANTS']**

<b>Document name</b>	<b>Paragraph No.</b>	<b>Dispute</b>	<b>Response</b>	<b>Ruling</b>
				1. ## (o) ## (p) ## (q) ## (r) ## (s) ## (t) ## (u) ## 2. ##

<b>Document name</b>	<b>Paragraph No.</b>	<b>Dispute</b>	<b>Response</b>	<b>Ruling</b>

**SCHEDULE OF PARTIES**

[NAME/S]

First Plaintiff

[NAME/S]

Second Plaintiff

[NAME/S]

First Defendant

[NAME/S]

Second Defendant

[NAME/S]

Third Defendant

[NAME/S]

Fourth Defendant