VCAT Victorian Civil & Administrative Tribunal

PRACTICE NOTE – PNVCAT1

Common Procedures

Application	Proceedings in all Divisions
Effective date	1 February 2026
Supersedes Practice Note	Previous version of PNVCAT1 issued 19 August 2019
Special note	Please ensure that you are using an up-to-date version of this practice note. Other practice notes may also apply.
Further information	A complete set of current practice notes are available on the VCAT website at www.vcat.vic.gov.au.

Contents

Special Note

1. With effect from 1 February 2026, amendments to the *Victorian Civil and Administrative Tribunal Rules 2018* (Vic) come into operation:
   a. to establish new divisions of the Tribunal (see rule 2.01); and
   b. to provide for the President to give directions about divisions and practice areas of the Tribunal as a matter of the business of the Tribunal (see rule 2.02).
2. From 1 February 2026 new VCAT practice areas published on the VCAT website replace the former lists.

Establishment of Divisions

3. Rule 2.01 of the formally establish the following divisions that take effect on 1 February 2026.
   a. Operational Divisions
      i. Consumer
      ii. Land & Environment
      iii. People's Rights & Responsibilities
   b. Supporting Divisions
      i. Appropriate Dispute Resolution
      ii. Legal & Policy.

Establishment of Practice Areas

4. From 1 February 2026, per rule 2.02(1)(a) of the VCAT Rules, the following practice areas are established, replacing the former lists, through which proceedings are case managed by the Tribunal for resolution through ADR or hearings in the respective divisions:
   a. **Consumer Division**
      i. Consumer & Business Disputes practice area
      ii. Home Rental practice area
   b. Land & Environment Division
      i. Built Environment practice area
      ii. Property practice area
      iii. Resources & Environment practice area
      iv. Valuations, Compensation and Charges practice area

c. **People's Rights & Responsibilities Division**

i. General Review practice area

ii. Human Rights practice area

iii. Legal Services practice area

iv. Occupational practice area

v. Supported Decision Making practice area.

Introduction

5. The Tribunal's purpose is to provide a fair and efficient dispute resolution service to the Victorian community. This practice note facilitates fairness and efficiency by promoting greater consistency in the way in which the Tribunal operates, and by setting appropriate performance standards for the time taken to determine applications.
6. The common procedures in this practice note apply to all Tribunal proceedings in all divisions and practice areas unless the Tribunal varies its operation at its discretion in the circumstances of a particular proceeding.
7. This practice note should be read in conjunction with the practices and procedures set out in the *Victorian Civil and Administrative Tribunal Act 1998* (Vic) and *Victorian Civil and Administrative Tribunal Rules 2018* (Vic). The practice note is also complemented by other practice notes that apply to specific topics and specific divisions or practice areas.
8. In any proceeding, the Tribunal may at its discretion vary the operation of a practice note by direction or order.
9. This practice note has been issued by the Rules Committee pursuant to section 158 of the *Victorian Civil and Administrative Tribunal Act 1998*.

Definitions

Word	Definition
Act or VCAT Act	*Victorian Civil and Administrative Tribunal Act 1998* (Vic)
ADR	Appropriate dispute resolution (also called alternative dispute resolution). It includes a mediation or a compulsory conference or any form of ADR as defined by the VCAT Act.
Practice area	A VCAT practice area through which the functions of the Tribunal in different types of proceedings are exercised. Applications over which VCAT has jurisdiction are case

	managed by the Tribunal for resolution through ADR or hearings within that practice area. Hearings are listed before members of the Tribunal in that practice area.
Professional advocate	A person within the meaning of section 62(8) of the Act, and includes a legal practitioner (e.g. a barrister or solicitor) or a person who, in the opinion of the Tribunal, has had substantial experience as an advocate in similar Tribunal proceedings (e.g. a town planner in a planning matter or an estate agent in a residential tenancies matter)
Regulations	*Victorian Civil and Administrative Tribunal (Fees) Regulations 2016* (Vic)
Rules	*Victorian Civil and Administrative Tribunal Rules 2018* (Vic)
Written communication	Communication made in writing such as a letter or electronic communication

10. A word or term used in this practice note has the same meaning as defined in the Act or in the *Interpretation of Legislation Act 1984* (Vic).

Keeping Costs Down

11. Tribunal proceedings must be conducted efficiently and in a manner proportionate to the matters in dispute. Proportionality is about ensuring that legal costs and other costs incurred in connection with a proceeding are reasonable and proportionate to the importance and complexity of the issues in dispute.
12. It is also important that applications in the Tribunal are resolved in a timely way and with as little cost to the parties as possible. To facilitate this, the Tribunal will proactively manage cases, and this may include issuing directions which:
    a. require things to be done;
    b. set time limits for the doing of any thing, or the completion of any part of the proceeding;
    c. limit the number of witnesses who may be called to give evidence, or the number of documents that may be tendered in evidence;
    d. provide for submissions to be made in writing; or
    e. limit the length of submissions (whether written or oral).

13. It will not always be possible for the Tribunal to deal with applications in as timely a manner as some parties may wish. Timeliness will occasionally be affected by the overriding interests of justice and procedural fairness, case management practices for certain types of proceedings, and/or the limited resources available from time to times.
14. If a party fails to comply with a Tribunal direction or acts in a way that unnecessarily disadvantages another party, then a Tribunal Member may:
    a. dismiss the proceeding in whole or in part;
    b. strike out, amend or limit any part of a party's claim or defence;
    c. disallow or reject any evidence; or
    d. award costs against a party including an order that costs are to be assessed on an indemnity basis.

How do I communicate with the Tribunal and other parties?

15. Any communication by a person in relation to a proceeding with the Tribunal must be through the Tribunal Registry. A person must not contact a Member of the Tribunal directly in relation to a proceeding.
16. All written communications to the Tribunal should be addressed to the Principal Registrar. The written communication must:
    a. quote the number given by the Tribunal for the relevant proceeding; and
    b. indicate the date of any scheduled hearing or ADR.
17. A party writing to the Tribunal in a proceeding (including in relation to a material procedural matter) must at the same time:
    a. provide a copy of that written communication to all other relevant parties; and
    b. notify the Tribunal in writing that the party has done so – e.g. by including a 'cc' on the letter or electronic communication to show that a copy has been provided to the other named parties.
18. This requirement is intended to ensure procedural fairness and transparency in all parties' communications with the Tribunal. A common sense approach should be used, having regard to the nature and content of the written communication. If a failure to promptly provide a copy of a written communication to another party on a material issue causes disadvantage to that other party, it could lead to an order or award of costs under section 78 of the Act.

19. A notice, order or any other document can be given to the person, company incorporated, incorporated association, or unincorporated association in accordance with the Act and rules by:
    a. delivering it personally or sending it by post to their last known residential or business address
        i. If a respondent is a company incorporated or an incorporated association in the Land & Environment Division, postal service, personal delivery is made at the registered office as shown on an extract from the appropriate register, or by email as permitted by the VCAT Rules.
        ii. If a respondent is an unincorporated association, the documents must be addressed or given to the president, secretary or other similar officer.
    b. sending via electronic communication. An electronic address (e.g. email) can only be used to serve documents if it has previously been used between parties to communicate or if the intended recipient has previously provided their email address as the means of communication to the Tribunal.
20. A party must promptly advise the Tribunal and all other parties in writing of any change to its address for service and other contact details, including any mobile phone number, and email address. A party in a proceeding in the Supported Decision-Making practice area may advise the Tribunal of any change of address for service and other contact details by telephone.
21. If a party has a legal practitioner acting on that party's behalf in a proceeding:
    a. any communication with the party should be made via that party's legal practitioner;
    b. the legal practitioner must promptly advise the Tribunal and all other parties in writing of:
        i. when the legal practitioner commences to act, including an address for service and other contact details;
        ii. any change to its address for service or other contact details, or a change of legal practitioner; and/or
        iii. when the legal practitioner ceases to act for the party; and
    c. in the case of legal practitioner ceasing to act for a party, the written communication must include the last known address and other contact details for that party.

22. If a written communication is made to the Tribunal by electronic communication, the filing of a hard copy as well is not required, unless directed by the Principal Registrar or Tribunal. Despite this:

    a. the original of a sworn affidavit or statutory declaration, and any accompanying exhibits, must be produced to the Tribunal at the commencement of any relevant hearing, if ordered by the Tribunal; and

    b. the original of a witness statement or document containing photographs, data, scale plans, information in colour, or which may be difficult to read in an electronic communication, should be filed as soon as possible after the electronic communication is sent, if ordered by the Tribunal.

Can I be represented at a hearing by a professional advocate or another person?

Note: Parties may represent themselves in a proceeding, and the Tribunal will endeavour to provide assistance to self-represented parties (see PNVCAT3 – Fair Hearing Obligation). The Tribunal will also usually allow a party to be assisted at a hearing by a family member or friend.

23. Unless section 62 of the Act or an enabling Act entitles a party to be represented by a professional advocate or another person at a hearing (e.g. for certain types of parties such as a child, municipal council or public body), or unless all parties agree, a party will usually require the permission of the Tribunal under section 62(1)(c) of the Act before that party can be represented at the hearing.

24. Exceptions available under Schedule 1 of the Act that may entitle a party to be represented by a professional advocate or another person include:

    a. for a natural person who is a party to proceedings under a credit enactment;

    b. for a party to proceedings under the *Disability Act 2006* (Vic);

    c. for a law practice who is a party to proceedings under the *Legal Profession Uniform Law Application Act 2014* (Vic);

    d. for a party to proceedings under Part 5 of the *Owner Drivers and Forestry Contractors Act 2005* (Vic); and

    e. for a party to proceedings for a possession order under the *Residential Tenancies Act 1997* (Vic).

25. If a party requires the permission of the Tribunal to be represented at a hearing by a professional advocate or another person, and the permission has not already been granted at an earlier hearing (e.g. a directions hearing), that permission should be sought at the commencement of the hearing.

26. Subject to its discretion, the usual practice of the Tribunal is that:
    a. in more complex matters, it will ordinarily permit a party to be represented by a professional advocate who is a legal practitioner;
    b. it will ordinarily permit a party to be represented by a professional advocate who is not a legal practitioner, where that advocate or person has professional experience relevant to the proceeding (e.g. a town planner in a planning matter, a valuer in a valuation matter, an estate agent in a residential tenancies matter, or a social worker or health professional in a guardianship matter);
    c. it will ordinarily permit a person who is a party to also represent another party (e.g. multiple objectors in a planning matter), subject to producing a written authorisation to do so if required;
    d. it may need to be satisfied that permission ought to be given for representation by a professional advocate, or by another person, in other cases, particularly in a proceeding in the Consumer Division of the Tribunal where the other party is not represented; and
    e. in the Consumer & Business Disputes practice area, the Tribunal will not ordinarily permit a party to be represented by a professional advocate in proceedings where the claim is $15,000 or less, and parties should be prepared to present their own case.

How do I withdraw a proceeding?

Note: Under section 74 of the Act, at any time before a final decision in a proceeding, an applicant may seek leave to withdraw that proceeding by written notice to the Tribunal and all other parties. The withdrawal of a proceeding is subject to section 74(2)(b) of the Act, which allows the Tribunal to order that the applicant pay some or all of the costs of the other parties.

27. An order granting leave to withdraw ends the proceeding, and restores the position that existed prior to commencement of the proceeding. In a proceeding in the 'review jurisdiction' of the Tribunal, this will commonly have the effect of confirming the decision under review. If the parties have reached agreement to vary the decision under review, the correct process is to seek a consent order to that effect rather than a withdrawal.
28. If a party seeks to withdraw its proceeding, that party should advise the Tribunal in writing as soon as possible, particularly if there is a scheduled hearing or ADR that is no longer required. This will minimise further costs and inconvenience to other parties and the Tribunal.
29. A party seeking leave to withdraw its proceeding should:

a. file a clear written communication to the Tribunal indicating that the party seeks to withdraw the proceeding;

b. if appropriate, include in or with the written communication the name and written consent of any party who consents to the application; and

c. serve a copy of the written communication on all other parties.

30. A party may choose to use the Application for Leave to Withdraw form provided on the Tribunal website for this purpose.

31. The consent of other parties is not ordinarily required for the withdrawal of a proceeding. Following the written communication seeking leave to withdraw, an order granting leave to withdraw the proceeding, and making a final order to dispose of the proceeding, will usually be made without any further hearing.

32. The granting of leave to withdraw is not automatic. The Tribunal may, at its discretion, refuse leave to withdraw or refer the matter to a directions hearing or hearing or make an alternative order. Circumstances where this may occur include the following:

a. if the Tribunal considers that the withdrawal is misconceived or will not lead to the outcome intended by a party;

b. if the withdrawal would not dispose of the entire proceeding; or

c. if the withdrawal may adversely affect other parties.

33. If another party seeks costs arising from the withdrawal of a proceeding, that party should make the application for costs as soon as practicable (usually within one month) after receiving a copy of the order granting leave to withdraw. An order for costs is not commonly made following a withdrawal, and a party seeking costs will need to satisfy the Tribunal that an award of costs is appropriate (e.g. if there is a very late withdrawal that has led the other party to unnecessarily and unreasonably incur additional legal costs). There is an application fee to list a matter for a costs hearing. Please see the VCAT website for details regarding the relevant fee.

34. This section does not apply to a proceeding where, by reference to Schedule 1 of the Act, the leave of the Tribunal is not required to withdraw the proceeding (e.g. an application under the *Residential Tenancies Act 1997* or *Equal Opportunity Act 2010* (Vic)).

What happens if the matter settles before a hearing?

35. If a settlement is reached in a proceeding, the parties should advise the Tribunal in writing as soon as possible, particularly if there is a scheduled hearing or ADR

that is no longer required. This allows for the Tribunal to allocate its resources efficiently and fairly for the benefit of parties in other proceedings.

36. As soon as practicable after the settlement is reached, the parties should seek a consent order. The consent order will commonly be either:
    a. a final order to bring the proceeding immediately to an end; or
    b. an order to refer the proceeding to an administrative mention pending the completion of some step necessary to give effect to the settlement (e.g. signing formal terms of settlement). The referral to an administrative mention may include a self-executing final order to bring the proceeding to an end unless a party provides a written communication to the contrary to the Tribunal before the date of the administrative mention.
37. A proceeding is not brought to an end until there is a final order of the Tribunal, or a self-executing final order takes effect.

How do I seek a consent order?

38. An application for a consent order may seek a procedural order, or a final order that ends the proceeding.
39. The parties seeking a consent order should file with the Tribunal:
    a. a document clearly setting out the proposed orders sought (e.g. a draft or 'minutes' of proposed consent orders);
    b. if relevant, an explanation of why the orders are sought or what they are intended to achieve; and
    c. the unambiguous consent of each party to the terms of the proposed order. This will ordinarily require the signature of each party or their nominated representative.
40. Proposed consent orders filed with the Tribunal should be in as precise terms as possible, following any standard or common orders of the Tribunal where practicable, and in a form that is within the power of the Tribunal to make having regard to its jurisdiction and the nature of the particular proceeding.
41. If the proposed consent order seeks to amend a previous order (e.g. changing a date in a procedural timetable), it should be expressed in terms that enables the new order to be read and understood as a stand-alone order.
42. If the proposed consent order makes reference to a new document not already filed in the proceeding (e.g. an agreed revised plan in a planning matter), a copy of that other document should be included with the application for a consent order, preferably also signed or initialled by each party or their nominated representative.

43. The Tribunal may, on its own initiative or after clarification with the parties, amend the format or wording of a consent order from the draft provided by the parties, so as to conform with any standard or common orders of the Tribunal and/or to ensure that the order is within its power and jurisdiction, provided it is satisfied in doing so that the intent of the proposed consent order is preserved.
44. The making of a consent order is within the discretion of the Tribunal. If the Tribunal considers that the proposed consent orders are inappropriate or ambiguous, the Tribunal may refer the application to a hearing for decision. (If a directions hearing or hearing has already been scheduled, that hearing may be retained for this purpose, or rescheduled at the Tribunal's own initiative).
45. A consent order should generally be sought at least two business days before a scheduled hearing or ADR. If the parties seek a consent order less than two business days before a scheduled hearing or ADR, the parties are still required to attend the hearing or ADR unless the Tribunal confirms that their attendance is no longer required.
46. In a proceeding in the 'review jurisdiction' of the Tribunal, if the making of the consent order will result in a final order of the Tribunal, the consent of the original decision maker whose decision is under review in the proceeding will be considered by the Tribunal to be a confirmation that the decision maker has had regard to any matters it is required to consider under any enabling enactment, and that it is satisfied that the decision embodied in the consent order conforms with all relevant regulatory requirements. The Tribunal will rely on that confirmation.

How do I seek an adjournment?

47. An application for adjournment should be made as soon as practicable after the circumstances for the adjournment arise, preferably well in advance of a scheduled hearing or ADR. Before applying for an adjournment, the party should endeavour to obtain the written consent of all other parties.
48. If the circumstances warrant an application for adjournment being made close to the date of a scheduled hearing or ADR, the application should ordinarily be made within the following time periods:
    a. for a directions hearing, by 12.00 noon, two business days before the scheduled directions hearing;
    b. for ADR, at least two business days before the scheduled ADR; or
    c. for a final hearing, at least five business days before the scheduled hearing.

49. The Tribunal will still consider applications for adjournment lodged within a shorter time period, particularly if there are exceptional or unexpected circumstances that arise at short notice that warrant the adjournment. As its usual practice:
    a. the Tribunal will be more likely to grant an adjournment for directions hearings or shorter final hearings, if all parties agree, if there has been no previous adjournment, and/or if the hearing can be relatively easily rescheduled;
    b. in the absence of exceptional or unexpected circumstances, or unless necessitated in the interests of procedural fairness, there should be no expectation that a final hearing will be adjourned if the parties have had adequate notice of the hearing and sufficient time to prepare; or
    c. the non-availability of a particular professional advocate will not normally be regarded as a sufficient basis for adjournment.
50. The party seeking to adjourn a hearing or ADR should:
    a. file an application in writing with the Tribunal;
    b. specify in the application:
        i. the hearing or ADR sought to be adjourned, and its scheduled date;
        ii. the reason for the adjournment, together with any supporting information (e.g. evidence of pre-booked travel, medical certificate etc);
        iii. when the party seeking the adjournment expects to be ready and available for the proceeding to be re-listed;
        iv. any consequential directions or orders sought (e.g. any change to a procedural timetable).
    c. include in or with the application:
        i. the written consent of those parties who consent to the adjournment;
        ii. if relevant, the name of any party who has not responded to a request for their consent to the adjournment (including a statement of service as evidence of the request); and
        iii. if relevant, the name of any party who objects to the adjournment and the basis for the objection.

d. A party is encouraged to use the Application for Adjournment form provided on the Tribunal website for this purpose.

51. An applicant should seek the written consent of other parties by either:
    a. obtaining a written communication from the other parties that indicates their consent (This process will usually be sufficient if there is only one or two other parties);
    b. having the other parties sign minutes of a proposed consent order; or
    c. using the Request for Consent to Adjournment form and the instructions that accompany that form. (This form may be used in any practice area, but it is particularly recommended for use in proceedings where there are multiple parties.
52. If a party has not responded to a request for its consent to the adjournment within any reasonable time for response set out in the request (having regard to the proximity of the scheduled hearing or ADR), the Tribunal may still decide the application for adjournment despite the absence of that party's consent.
53. The Tribunal may decide an application for adjournment without a hearing, or refer it to a directions hearing for decision.
54. If an adjournment is sought only a short time before a scheduled hearing or ADR, the parties are still required to attend the hearing or ADR unless the Tribunal confirms that the adjournment has been granted and their attendance is no longer required. If the adjournment is granted, the Tribunal will endeavour to notify the parties by the most expeditious means available, or require the party seeking the adjournment to do so.

Can I adjourn a matter indefinitely?

55. The usual practice of the Tribunal is that a proceeding will not be adjourned indefinitely (or 'sine die'). If a proceeding is adjourned without a further hearing or ADR being scheduled, the Tribunal will ordinarily refer the matter to an administrative mention on a fixed future date, when the status of the proceeding and its future conduct can be considered.
56. As an alternative to the referral of a matter to an administrative mention, the Tribunal may strike out the proceeding with a right of reinstatement. This may be appropriate, for example, if it is unlikely that the proceeding will be continued in the future and the strike out can take effect as a final order. The Tribunal will not ordinarily strike out a proceeding with a right of reinstatement in the 'review jurisdiction' of the Tribunal where greater certainty of a final order may be required having regard to the nature of the decision under review.

57. If a party seeks that a proceeding be adjourned without a further hearing (e.g. as part of a consent order or an application for an adjournment) or referred to an administrative mention, the party should nominate a future date for an administrative mention that is reasonable having regard to the nature of the proceeding and the reason for the adjournment.
58. Rolling month-to-month extensions of an administrative mention should be avoided. To facilitate efficient case management, the usual practice of the Tribunal is that a proceeding will not be referred to more than two further administrative mentions, without the proceeding being scheduled for a directions hearing.
59. Longer-term administrative mentions exceeding six months should also generally be avoided, but may be appropriate in some circumstances (e.g. to allow treatment for non-stabilised injuries in TAC proceedings, or seasonal monitoring over a full year in a building dispute or a planning enforcement proceeding).
60. If the Tribunal orders that a proceeding be referred to an administrative mention, the parties (or a nominated party) will be required to advise the Tribunal in writing on or before the date of the administrative mention of:
    a. the status of the proceeding;
    b. whether the proceeding has settled, or is ready for a hearing or ADR, or whether a further administrative mention is requested; and/or
    c. any other information required in the direction or order, relating to the reason for the administrative mention.
61. If appropriate, an order referring a proceeding to an administrative mention may include a self-executing final order (e.g. that the proceeding be struck out if no party has notified the Tribunal in writing by the date of the administrative mention that it wishes to proceed).
62. Subject to this practice note a party may seek to have a proceeding referred to a further administrative mention in appropriate circumstances, if all parties consent. A party seeking a further administrative mention should do so in writing before the date of the previous administrative mention. The Principal Registrar may approve the referral to a further administrative mention in writing, or refer the matter to a Tribunal Member if a further direction or order is required.

Can I make an audio or video recording of the hearing?

Note: Most hearings at the Tribunal are digitally recorded, and the Tribunal may sometimes use other recording equipment to record a hearing. Due to the confidential nature of discussions that may take place, mediations and compulsory conferences are not usually recorded.

63. A person may not make an audio or video recording of a hearing without the leave of the presiding Member of the Tribunal at the hearing. The granting of leave is within the discretion of the Tribunal, and may be conditional.

64. Where a hearing has been digitally recorded by the Tribunal, a party may after the hearing request a copy of the recording or transcript for that hearing. Information on how to request a copy of the recording or transcript, and the fees and conditions that apply, is available on the Tribunal website. Restrictions may apply if the proceeding is subject to a proceeding suppression order or closed court order under the *Open Courts Act 2013* (Vic).

65. The Tribunal may, by its own order or at the request of a party, allow a party to have a hearing transcribed by an approved transcription supplier. This will generally only arise for longer or more complex hearings. Information on private transcription services, and details of approved suppliers, is available on the Tribunal website. A private transcription is at the cost of the party requesting the service (or the party required by the Tribunal to provide the service), and a copy of the transcript must be provided to the Tribunal.

Can I keep information confidential from other parties or the media?

Note: In general, Tribunal files are available for public inspection and Tribunal hearings are open to the public. The *Open Courts Act 2013* creates a presumption in favour of the disclosure of information in court and tribunal proceedings, in order to promote open justice. There are some statutory exceptions to these principles that protect certain information in matters involving guardianship, intellectual disability, adoption, medical treatment, victims of crime, children, and certain Freedom of Information matters.

66. Parties should be aware that, when they file an application, documents or evidence with the Tribunal, or produce documents or give evidence at a hearing, that material may be available for inspection by other parties and members of the public, including the media, unless it is protected information under certain specified statutory exemptions.

67. In limited circumstances the Tribunal may on its own initiative make, or a party may request an order that access to specific document(s) be restricted on the basis of confidentiality, including:

a. an order that access to the Tribunal file be closed or restricted, in whole or in part, under s 146 of the Act;

b. an order that a person's identity is concealed in the way that person is referred to in Tribunal documents (sometimes known as an 'anonymisation order') or in the way that person or some thing is referred to in an open tribunal hearing; or

c. a proceeding suppression order or closed court order under the Open Courts Act 2013.

68. A party seeking an order should:

a. file a request in writing, preferably by using the Application for directions hearings or orders form or the Practice Day Request form used in any practice area of a Division of the Tribunal;[1]

b. specify the order sought and the reasons for the order;

c. indicate if the matter is urgent; and

d. serve a copy of the request on all other parties.

69. If a party seeks an order, or the Tribunal makes an order, relating to the confidentiality of specific documents (such as material that is particularly commercial-in-confidence, of a sensitive personal nature, or likely to be subject to public interest immunity or privilege), the Tribunal may specify directions for the lodgement, safe custody and/or return of the documents including, if warranted, an order that the documents be dealt with through the same process applying to Protected Information. (see next section)

70. If the application is for a proceeding suppression order or closed court order under the *Open Courts Act 2013*, the party seeking the order should indicate the specified ground under that Act pursuant to which the order is sought, and why the order is necessary to achieve the purpose set out in that ground. A party seeking an order under the *Open Courts Act 2013* should familiarise themselves with the general requirements of that Act, including the need to provide evidence or sufficient credible information to support the request for a suppression order.

71. The Tribunal has a very limited discretion in relation to restricting the reporting of any part of a proceeding or the confidentiality of information filed in or derived from a proceeding. If an order is made, the Tribunal will generally structure the order to least interfere with the principle of open justice. Parties are encouraged to work cooperatively to see if any concerns about the use of confidential or sensitive information in a proceeding can be dealt with by other means –e.g. an

[1] Information relating to practice day request forms can be found in the practice notes of the relevant practice areas.

agreed approach to redacting commercially or personally sensitive information, or seeking less intrusive orders such as limiting inspection of certain file documents only to parties, in preference to broader suppression orders.

How do I file Protected Information?

72. For the purposes of this practice note, **Protected Information** is information defined under an enabling enactment to be protected information and includes, pending further order, any information filed with the Tribunal for the purposes of determining whether the information is protected information.
73. The Tribunal shall make orders dealing with the treatment of Protected Information including the lodgement, custody, and return of the documents.
74. A party lodging Protected Information must affix a cover sheet to each folder, container or electronic storage device which provides a high level description of the contents and include a statement that the material is the subject of a Protected Information order. Where multiple folders or containers are lodged a schedule identifying the total number of objects must accompany the material provided.
75. Protected Information must be filed personally with the Principal Registrar, who will receipt the material by signing and affixing the seal of the Tribunal and giving a copy to the party who has lodged the documents.
76. The Principal Registrar will secure the material in a tamper evident security bag or other appropriate container and place it in a lockable safe or locked storage area.

What happens to my exhibits after a hearing?

77. Exhibits that are not required to be held as part of the Tribunal file will be available for collection by a party in the period commencing one calendar month from the date of the final decision (or the date of any later written reasons for that decision), and concluding three calendar months after that date of decision or written reasons. If not collected within this period, the exhibits may be disposed of by the Tribunal without further notice.
78. It is the responsibility of a party to make arrangements for the return of any original exhibits that are not required to be held as part of the Tribunal file.

How do I seek a correction order?

Note: Section 119 of the Act allows the Tribunal to correct an order containing a clerical mistake, an error arising from an accidental error or omission, a material miscalculation of figures or a material mistake in the description of a person, thing or matter referred to in the order, or a defect of form. Under the Rules, a party who applies for the correction of an order must do so in writing, giving particulars of the claimed mistake, error, miscalculation, misdescription or defect.

The power to correct an order is sometimes known as the 'slip rule', and is intended to prevent injustice arising from an inadvertent slip or omission in the Tribunal's order or reasons. It cannot be used to remedy a substantive error in a decision, nor does it provide an opportunity for an unsuccessful party to re-argue its case or to seek further review.

79. A party requesting a correction order should do so as soon as possible after the claimed mistake, error, miscalculation, misdescription or defect is discovered, by writing to the Tribunal and all other parties.

80. Following the receipt of a request for a correction order, the Tribunal will consider the request. The usual practice of the Tribunal is:

    a. if the Tribunal is satisfied that a correction order is appropriate, it will make the order without a hearing;

    b. the Tribunal will not make a correction order merely to correct an obvious typographical error (such as a misspelling) or minor misdescription, unless it is material to the operation or effect of the order; or

    c. if another party is likely to be materially affected by the making of a correction, the Tribunal will usually give that other party an opportunity to make submissions as to whether the correction order should be made.

What happens if I don't comply with a practice note?

81. Compliance with the Tribunal's practice notes is very important in ensuring consistency, fairness and efficiency in the Tribunal's procedures, and in ensuring timeliness in the finalisation of the proceeding. Without limiting the discretion of the Tribunal, a party's non-compliance with a practice note that causes disadvantage to another party may lead to an order of the Tribunal under section 78 of the Act. This may include:

    a. making an order against the non-complying party, including an order staying the proceeding or determining the proceeding against the non-complying party;

b. striking out the application made by the non-complying party;

c. striking out the non-complying party as a party in the proceeding; or

d. making an order for costs against the non-complying party.

- END OF PRACTICE NOTE -