

BETWEEN:

**INDEPENDENT CONTRACTORS OF AUSTRALIA
INC TRADING AS SELF EMPLOYED AUSTRALIA**

Plaintiff

- and -

**VICTORIAN WORKCOVER AUTHORITY
TRADING AS WORKSAFE VICTORIA**

Defendant

ORDER

JUDICIAL OFFICER: Judicial Registrar Baker

DATE MADE: 9 March 2022

ORIGINATING PROCESS: Originating motion for judicial review pursuant to Order 56 of the *Supreme Court (General Civil Procedure) Rules 2015* (“the Rules”) filed on 14 February 2022.

HOW OBTAINED: Application by summons for directions pursuant to r 56.04(3) of the Rules filed on 15 February 2022.

ATTENDANCE: Mr M.G. Rinaldi of counsel for the Plaintiff by Zoom
Mr R. Craig QC and Mr C. Hibbard of counsel for the Defendant by Zoom

OTHER MATTERS: A. In the course of the hearing, I pronounced orders in the form of a document provided to the Court by the parties in the course of the list of matters being heard that morning, shortly before the directions hearing in this proceeding commenced. That document included a proposed order (reflected in paragraph 2 below) that provided for a directions hearing for any application made under r47.04 of the Rules to be heard before a Judge of the Court. Following the hearing, it was identified that it would be preferable if this aspect of the proposed order was not included, as it is not presently known before whom any such directions hearing will be listed. The parties were contacted by the Court about this issue and they confirmed their consent by email on 10 March 2022 to the removal of the words “before a Judge of the Court”, so that

paragraph 2 of the orders will be in the form included below.

- B. The purpose of paragraph 10 of this order is to provide the Court with a single combined list and folder of authorities in electronic form. In accordance with Practice Note SC Gen 3, authorities are to be from authorised reports where available and in RTF or searchable PDF format. Subject to any contrary direction by the trial judge, authorities themselves are not to be filed or served in hard copy.
- B. On 14 February 2022 the plaintiff filed an affidavit under r 56.01(5) of the Rules together with the exhibits to that affidavit.
- C. Orders 10 to 15 have been made on the Court's own motion, to facilitate remote hearings and the use of electronic resources during Court hearings.
- D. This order is signed by the Judicial Registrar pursuant to r 60.02(1)(b) of the Rules.

THE COURT ORDERS THAT:

Separate trial of question

1. By 23 March 2022, the defendant file any application by summons for the Court to determine a question or questions in the proceeding pursuant to r 47.04 of the Rules.
2. If the defendant files an application pursuant to paragraph 1 of these orders, that application be listed for directions on a date convenient to the Court.
3. If the defendant does not file any application pursuant to paragraph 1 of these orders, the parties are to comply with the balance of these orders in preparing the proceeding for trial.

Affidavits

4. The plaintiff file and serve any further affidavits upon which it intends to rely on or before 30 March 2022.
5. The defendant file and serve any affidavits upon which it intends to rely on or before 27 April 2022.
6. Original exhibits to all affidavits filed are to be made available to the Court at the hearing.

Submissions and lists of authorities

7. The plaintiff:

- (a) file and serve a written outline of submissions; and
 - (b) serve a list of authorities,
- on or before **25 May 2022.**
8. The defendant:
- (a) file and serve a written outline of submissions in response; and
 - (b) serve a list of all authorities not also relied upon by the plaintiff together with electronic copies of any such authorities,
- on or **before 22 June 2022.**
9. The plaintiff:
- (a) file and serve a written outline of submissions in reply; and
 - (b) serve any additions to the list of authorities,
- on or before **6 July 2022.**
10. The plaintiff file and serve by means of an email containing a link to a combined list of authorities in RTF or searchable PDF form on or before **13 July 2022.** Each citation in the combined list is to be hyperlinked to an individual file containing the text of the authority. The combined list of authorities is to be filed by email containing a link to the authorities, to judicialreview@supcourt.vic.gov.au.

Court book

11. By **13 July 2022,** the plaintiff serve on the defendant a draft e-court book, being a PDF document containing all documents, in chronological order, on which it intends to rely.
12. By **20 July 2022,** the defendant serve on the plaintiff a supplementary draft e-court book, being a PDF document containing any additional documents, in chronological order, on which it intends to rely.
13. By **22 July 2022,** the plaintiff file and serve the e-court book. The e-court book is to be filed by email containing a link to the e-court book, to judicialreview@supcourt.vic.gov.au.
14. Each of the PDF documents should be:
- (a) in fully text-searchable PDF format;
 - (b) with stamped page numbers that correspond with the display page numbers of the PDF, which, in the case of supplementary e-books, commence by immediately following on after the ending number of the previous pdf; and
 - (c) bookmarked with the short-form name of each document.
15. The court book should:

- (a) be a single PDF merging the PDF documents prepared by the plaintiff and defendants; and
- (b) commence with an index identifying the date, description and starting page number of each individual document, including where possible hyperlinks.

Directions

16. The proceeding be listed for further directions on 27 July 2022.

Costs and Liberty to apply

- 17. Costs be reserved.
- 18. The parties have liberty to apply.

DATE AUTHENTICATED: 10 March 2022



JUDICIAL REGISTRAR BAKER