

Authorised Version

**Supreme Court (Chapter I Email Service
Amendment) Rules 2017**

S.R. No. 32/2017

TABLE OF PROVISIONS

<i>Rule</i>		<i>Page</i>
1	Object	1
2	Authorising provisions	1
3	Commencement	1
4	Principal Rules	1
5	Address of parties	1
6	New Rules 6.06.2 and 6.06.3 inserted	2
7	How ordinary service is effected	2
8	Address for service of defendant	4
9	Solicitor to notify that he or she acts	4
10	Update of existing reference to e-mail	5
11	Amendment of Form 5A	5
12	Amendment of Form 5B	5
13	Amendment of Form 5E	5
14	Amendment of Form 5F	6
15	Amendment of Form 5G	6
16	Amendment of Form 8A	6
17	Amendment of Form 11A	6
18	Amendment of Form 58A	7
19	Amendment of Form 58B	7
<hr/> <hr/>		
Endnotes		9

Authorised Version

STATUTORY RULES 2017

S.R. No. 32/2017

Supreme Court Act 1986

Supreme Court (Chapter I Email Service Amendment) Rules 2017

The Judges of the Supreme Court make the following Rules:

1 Object

The object of these Rules is to amend Chapter I of the Rules of the Supreme Court to further provide for ordinary service by email.

2 Authorising provisions

These Rules are made under section 25 of the **Supreme Court Act 1986** and all other enabling powers.

3 Commencement

These Rules come into operation on 1 August 2017.

4 Principal Rules

In these Rules, the Supreme Court (General Civil Procedure) Rules 2015¹ are called the Principal Rules.

5 Address of parties

(1) In Rule 5.07(1)(c) of the Principal Rules, for "principal." **substitute** "principal; and".

(2) After Rule 5.07(1)(c) of the Principal Rules **insert—**

"(d) an email address for service on the plaintiff."

(3) After Rule 5.07(1) of the Principal Rules **insert**—

"(1.1) On the application of the plaintiff, the Prothonotary, at any time, may, for special reason, dispense with the requirement in paragraph (1)(d).".

6 New Rules 6.06.2 and 6.06.3 inserted

After Rule 6.06.1 of the Principal Rules **insert**—

"6.06.2 Email address for service

- (1) Subject to Rule 5.07(1.1), the email address for service indorsed on the originating process shall be the email address for service of a plaintiff.
- (2) The email address for service of a defendant shall be provided as in Rule 8.06.

6.06.3 Party changing email address for service

- (1) If a party's email address for service is changed, the party shall forthwith file notice of the change and serve a copy of the notice on every other party.
- (2) Upon the filing and service of a notice in accordance with paragraph (1), the email address for service of the party shall be the new email address stated in the notice."

7 How ordinary service is effected

- (1) In Rule 6.07(1)(d) of the Principal Rules, for "box; or" **substitute** "box;".
- (2) In Rule 6.07(1)(e) of the Principal Rules, for "(2.1)." **substitute** "(2.1); or".
- (3) After Rule 6.07(1)(e) of the Principal Rules **insert**—

"(f) by emailing the document to the person's email address in accordance with paragraph (2.2).".

(4) After Rule 6.07(2.1) of the Principal Rules
insert—

"(2.2) For the purposes of paragraph (1)(f), but subject to paragraphs (2.3) and (2.4), a document may be served either by attaching it to an email sent to the person's email address for service or by providing, in an email sent to the person's email address for service, an operative hyperlink to the document, and in either case the email shall state—

- (a) the name, address, telephone number and email address of the sender;
 - (b) the name of the person to be served;
 - (c) the title and court file number of the proceeding to which the email relates;
 - (d) the name and number of pages of each document served by means of the email; and
 - (e) that the email is by way of service under Rule 6.07(1)(f).
- (2.3) The file name of the document being served shall be substantially similar to the name of the document as stated in the email pursuant to Rule 6.07(2.2)(d).
- (2.4) Unless the person served or to be served consents, a document may not be served by being attached to an email if the total size of all of the attachments to the email is more than 10 megabytes."

8 Address for service of defendant

For Rule 8.06(1) of the Principal Rules
substitute—

"(1) A notice of appearance shall state—

(a) if the defendant appears by a solicitor—

(i) the address of the defendant;

(ii) the name or firm and the business address within Victoria of the solicitor;

(iii) if the solicitor is an agent of another, the name or firm and the business address of the principal; and

(iv) an email address for service of the defendant; and

(b) if the defendant appears in person—

(i) the address of the defendant;

(ii) if that address is out of Victoria, an address of the defendant within Victoria; and

(iii) an email address for service of the defendant.

(1.1) On the application of the defendant, the Prothonotary, at any time, may, for special reason, dispense with the requirement in subparagraph (1)(a)(iv) or the requirement in subparagraph (1)(b)(iii)."

9 Solicitor to notify that he or she acts

(1) In Rule 58.25(1) of the Principal Rules, after "service" **insert** "and an email address for service".

(2) In Rule 58.25(2) of the Principal Rules, after "service" **insert** "or the email address for service".

10 Update of existing reference to e-mail

In Rule 64.04(k) of the Principal Rules, for "e-mail" **substitute** "email".

11 Amendment of Form 5A

In Form 5A of the Principal Rules, for "6. The address of the defendant is—" **substitute**—

"6. The email address for service of the plaintiff is—

7. The address of the defendant is—".

12 Amendment of Form 5B

In Form 5B of the Principal Rules, for "5. The address of the defendant is—" **substitute**—

"5. The email address for service of the plaintiff is—

6. The address of the defendant is—".

13 Amendment of Form 5E

In Form 5E of the Principal Rules, for "5. [*If there is a defendant*] The address of the defendant is—" **substitute**—

"5. The email address for service of the plaintiff is—

6. [*If there is a defendant*] The address of the defendant is—".

14 Amendment of Form 5F

In Form 5F of the Principal Rules—

(a) for "6. The address of the defendant is"
substitute—

"6. The email address for service of the
plaintiff is

7. The address of the defendant is";

(b) for "5. The address of the defendant is"
substitute—

"5. The email address for service of the
plaintiff is

6. The address of the defendant is".

15 Amendment of Form 5G

In Form 5G of the Principal Rules, for

"5. The address of the defendant is:" **substitute—**

"5. The email address for service of the plaintiff
is:

6. The address of the defendant is:".

16 Amendment of Form 8A

In Form 8A of the Principal Rules, before

"*delete if not applicable." **insert—**

"The email address for service of the defendant
is".

17 Amendment of Form 11A

In Form 11A of the Principal Rules, after item 3,

insert—

"3A. The email address for service of the
defendant is—".

18 Amendment of Form 58A

In Form 58A of the Principal Rules, below
"This appeal will be heard before the Judge in
the Practice Court, Supreme Court, William
Street, Melbourne on the [*insert date*] at a.m.
[*or p.m.*] or so soon afterwards as the business of
the Court allows." **insert**—

- *1. [*Where the Appellant is not represented by a solicitor*] Appellant's personal address for service:
 - *2. [*Where the Appellant is represented by a solicitor*] Appellant's solicitor's name and address for service:
 - 3. The email address for service of the Appellant is:
- *delete if not applicable".

19 Amendment of Form 58B

In Form 58B of the Principal Rules, item 3, for
paragraph D **substitute**—

- "D. *1. [*Where the Appellant is not represented by a solicitor*] Appellant's personal address for service:
- *2. [*Where the Appellant is represented by a solicitor*] Appellant's solicitor's name and address for service:
3. The email address for service of the Appellant is:".

Dated: 25 May 2017

M. L. WARREN, *C.J.*
CHRISTOPHER MAXWELL, P.
PAMELA TATE, J.A.
R. S. OSBORN, J.A.

J. G. SANTAMARIA, J.A.
DAVID F. R. BEACH, J.A.
S. G. E. McLEISH, J.A.
ELIZABETH HOLLINGWORTH, J.
KEVIN H. BELL, J.
ANTHONY CAVANOUGH, J.
JACK FORREST, J.
LEX LASRY, J.
JAMES JUDD, J.
PETER VICKERY, J.
TERRY FORREST, J.
CLYDE CROFT, J.
M. L. SIFRIS, J.
PETER ALMOND, J.
C. MACAULAY, J.
K. McMILLAN, J.
G. J. DIGBY, J.
T. J. GINNANE, J.
MELANIE SLOSS, J.
JOANNE CAMERON, J.
CHRISTOPHER W. BEALE, J.
MICHAEL McDONALD, J.
P. J. RIORDAN, J.
JANE A. DIXON, J.
A. J. KEOGH, J.
MAREE KENNEDY, J.

Endnotes

- ¹ Rule 4: S.R. No. 103/2015. Reprint No. 1 as at 1 October 2016. Reprinted to S.R. No. 109/2016. Subsequently amended by S.R. Nos 138/2016, 139/2016, 14/2017 and 15/2017.