



FEDERAL MAGISTRATES COURT OF AUSTRALIA

Notice to Practitioners and Litigants

July 2008

Melbourne Migration List

General

1. This notice deals with applications for judicial review of decisions under the Migration Act and replaces the notice Victoria 2005/01.
2. This notice is intended to inform practitioners and litigants of the usual course that applications take in this jurisdiction in the Melbourne Registry.

Docketing

3. From 1 July 2008 all migration matters will be docketed to members of the Administrative Law Panel in Melbourne. The application will be docketed to a Federal Magistrate on filing.

Form of Applications

4. Applications must be in the form prescribed by the *Federal Magistrates Court Rules 2001* ('the Rules').

Responses

5. The Rules require that the respondent file a response in every case.

First Return Dates

6. On filing, migration applications will be listed for a first return date before a Registrar in approximately 4 weeks.
7. First return date lists will be held approximately once per month on a date fixed by the Registrar.

Directions on First Return dates

8. On the first return date, the Registrar shall determine whether the application is to be listed for a final hearing and make appropriate directions (commonly in accordance with the Schedules below).
9. Where there is a pending application for legal assistance, the Registrar should be notified so that, in appropriate cases, the timelines referred to in the Schedules below can be extended to allow time for legal advice and document preparation.

Non-compliance with directions

10. If an applicant fails to comply with directions, the respondent may apply for the application to be dismissed for non-compliance, and such applications will generally be listed before a Registrar who may dismiss the application.

Hearings

11. If an earlier hearing date becomes available, hearing dates may be brought forward if all the parties are able to be given adequate notice.

Schedule 1

Commonly used form of Orders at Directions Hearing

The court orders that:

[The applicant have leave to join the [RRT/MRT] as the second respondent.]

- 1. Pursuant to r.44.11(c) a hearing under r.44.12 be dispensed with and the application be listed for final hearing.**
- 2. The Respondent shall file two copies and serve one copy of the Court Book by *[date – approx 2 weeks form directions hearing]*.**
- 3. The applicant file and serve [an amended application giving proper particulars of the grounds of application] [further and better particulars of the application] by *[date – approx 5 weeks from directions hearing]*.**
- 4. By *[date – approx 5 weeks from directions hearing]* the applicant file and serve:**
 - (a) a supplementary court book, if any; and**
 - (b) written submissions.**
- 5. The Respondent file and serve written submissions by *[date – approx 8 weeks from the directions hearing]*.**
- 6. The Application be fixed for hearing at *[time am/pm]* on *[date]* before Federal Magistrate *[X]*.**

Schedule 2

[The applicant have leave to join the [RRT/MRT] as the second respondent.]

- 1. The applicant file and serve [an amended application including proper particulars of the grounds of application] [further and better particulars of the application] on or before [date].**

[The First Respondent file and serve any application for summary dismissal, specifying the grounds relied upon, together with supporting affidavits and written submissions on or before [date].]

- 2. The Application be listed for a [summary dismissal/show cause] hearing at [time am/pm] on [date] before Federal Magistrate [X].**
- 3. The parties' costs be costs in the cause.**