# File new case - civil application process (preliminary discovery)

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|  | **Note**: At any stage before a civil application is filed you may click: **Save for Later** to save a draft of the complaint.  Save for Later button  The draft complaint can be retrieved from the **Drafts** tab on the **My Account** screen of the CMS Portal. |

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| Step | Action | | | Result | |
|  | Log into the **CMS Portal** | | | The **CMS Portal** screen displays:  Graphical user interface, website  Description automatically generated | |
|  | In the **Jurisdictions** section, click: **Magistrates’ Court of Victoria**  Magistrates' Court of Victoria button | | | The **Select a Case Type** screen displays:  Screenshot of the MCV Select a Case Type and the Civil button. | |
|  | Click: **CIVIL**  Civil button | | | The **Civil** screen displays:  The Civil screen displays with Commence a new case heading, and File a complaint, File a civil application and  Register an order for enforcement buttons. | |
|  | Click: **FILE A CIVIL APPLICATION**  File a civil application button | | | The **Civil Applications** screen displays:  The Civil Applications screen displays with the My Reference field and Case Details fields. | |
|  | Complete the required panels and fields:  Fields marked with a red asterisk \* are mandatory.   |  |  | | --- | --- | | PANEL: My Reference | | | In this panel … | Provide this information … | | My Reference | Reference field unique to the filing. Displays a system generated reference. Can be replaced by any reference useful for plaintiff or legal representation to locate and identify the filing. | | PANEL: Case Details | | | Case Type | Displays the case type. | | Sub Case Filing Type | Displays the sub case filing type. | | Application Type | Select: **Preliminary discovery** | | Court Location | Displays the Court Location based on your user profile settings. Change if required. | | | | | |
|  | Click: **Next Step**  Next Step button | | | The **Applicant Details** panel displays:  The Civil Applications screen displays with Applicant Details fields. | |
|  | | **Hint**:  Alternatively, click the relevant green heading tile to proceed to the desired section. | | | |
|  | Complete the required panels and fields:   |  |  |  | | --- | --- | --- | | PANEL:  Name Details | | | | In this field … | Provide this information … | | | Party Designation Type | Select the type of applicant making the claim. | | |  | **Note**: Fields change depending on the selected Party Designation Type. | | Party Type | Displays: **Applicant** | | | Surname/Single Name | Type the surname of the applicant. | | | First Name | Type the first name of the applicant. | | | Middle Name(s) | Type any middle names of the applicant. | | | Name Suffix | Select if required, can be left blank. | | | Trading As | If relevant, type the trading name of the applicant. | |  |  |  | | --- | --- | | PANEL: Address Details | | | Address Type | Select the address type. | | Physical Address | Start typing the address and select the relevant option from the results. |   *Continued ….* | | | | |
|  | *Continued …*   |  |  |  | | --- | --- | --- | |  | **Note**: If the desired address is not displayed with the search feature, type each component of the address in the relevant fields. | | | ADDITIONAL PANELS | | | | In this panel … | | Provide this information … | | Applicant Contact Details | | Type the contact details for the applicant into the relevant fields. You do not need to complete all fields. | | Financial Details | | Type the financial details for the applicant, if applicable. | | Identification Details | | Type the Australian Business Number (ABN) of the applicant, if applicable. | | Representation Capacity or Litigation Guardian | | Menus display **No.**  Change if required. | | | | | |
|  | Click: **Next Step**  **Next Step button** | | | The **Respondent Details** panel displays:  The Civil Applications screen displays with Respondent Details fields. | |
|  | Complete the required panels and fields:   |  |  |  | | --- | --- | --- | | PANEL: Name Details | | | | In this field … | Provide this information … | | | Party Designation Type | Select the type of applicant making the claim. | | |  | **Note**: Fields change depending on the selected Party Designation Type. | | Party Type | Displays: **Applicant** | | | *Continued ….* | | | | *Continued ….* | | | | Surname/Single Name | Type the surname of the applicant. | | | First Name | Type the first name of the applicant. | | | Middle Name(s) | Type any middle names of the applicant. | | | Name Suffix | Select if required, can be left blank. | | | Trading As | If relevant, type the trading name of the applicant. | |  |  |  | | --- | --- | | PANEL: Address Details | | | Address Type | Select the address type. | | Physical Address | Start typing the address and select the relevant option from the results. | | PANEL: Identification Details | | | Australian Business Number (ABN) | Type the ABN of the applicant, if applicable. | | | | | |
|  | Click: **Next Step**  **Next Step button** | | | The **Application Details** panel displays:  The Civil Applications screen displays with Application Details field - Orders Sought. | |
|  | In the **Orders Sought** field, type the orders sought by the application.  Click: **Next Step**  **Next Step button** | | | The **Applicant’s Legal Representation Details** panel displays:  The Civil Applications screen displays with Applicant's Legal Representation Details fields. | |
|  | Complete the required panels and fields:   |  |  |  | | --- | --- | --- | | PANEL: Applicant’s Legal Representation Details | | | | In this field … | Provide this information … | | | Business Name or Solicitor Code | Begin typing the business name and select the relevant option from the results', with something like:  'Begin typing your solicitor code OR type the name of your business, then select the relevant office you are filing on behalf of. | | |  | **Hint**:  The results are drawn from the legal businesses linked to your CMS Portal account. | | Reference Number | Optional field to add a reference number associated to the legal representation. This number applies to the entire case and is visible on the **Parties** tab when viewing a case. | | |  | **Please See**: For more information regarding viewing details of individual cases and the **My Account** menu, please see User Guide: **My account features** | | | | | |
|  | Click: **Next Step**  Next Step button | | | The **Document Details** screen displays:  The Civil Applications screen displays with Document Details fields. | |
|  | Complete the required panels and fields:   |  |  |  | | --- | --- | --- | | PANEL: Document Details | | | | In this field … | Provide this information … | | | Filing Document | Form 46A – Summons displays under Code/Name.  Click: **Choose File** and upload the relevant PDF. | | | Is the application being made by consent/ chambers application? | Select: **Yes** or **No** | | |  | **Note**: If **Yes** is selected, a hearing does not need to be added in the next section. | | PANEL: Additional Documents | | | | Mandatory Additional Documents | Required documents that can be submitted are listed. | | | Optional Additional Documents | Required documents that can be submitted are listed. | | | PANEL: File Document | | | | Code/Name | Start typing the name of the **Code/Name** and select from the results shown.  Search/Magnifying glass iconIf you are unsure of the document **Code/Name**, click the magnifying glass icon to open the search menu. | | | Choose File (Displays when Code/Name completed) | Choose file buttonClick and add the required PDF document to the case. | | |  | **Important**: The **Affidavit in Support** document must be uploaded. | |  | **Hint**:  Select **Add Another Document** to upload the optional documents.  Add another document link | | | | | |
|  | Click: Next Step  Next Step button | | | The **Hearing Details** screen displays:  The Civil Applications screen displays with Hearing Details fields. | |
|  | | | **Note**: If you selected an application by consent/in chamber, the hearings tab is not applicable. Proceed to step 18. | | |
|  | Radio buttonSelect **Add New Hearing** | | | The **Hearing Details** panel displays additional fields:  The Civil Applications screen displays with additional Hearing Details fields. | |
|  | Radio buttonSelect the desired hearing time. | | | List of Hearing dates and times, with one selected. | |
|  | | | **Please See**: For more information on how to manage hearings and listings, please see User Guide: **Hearings and Listings** | | |
|  | Click: **Next Step**  Next Step button | | | The **Fee Waiver** screen displays:  Fee waiver dropdown | |
|  | From the ‘**Are you applying to waive the fee?’** menu, select **Yes** or **No** | | | If you have selected **Yes,** information related to the fee waiver displays, including an upload field for the fee waiver application. | |
|  | | | **Note**: If you select **Yes** to fee waiver, go to Step 24. | | |
|  | Click: **Proceed**  Proceed button | | | The **My Account** screen displays:  Graphical user interface, application  Description automatically generated | |
|  | | | **Hint**:  To return to previous sections before completing the civil application process, click the green button for the desired section, or the **Previous Step** button. | | |
|  | Tick box iconSelect the item requiring payment then click: **Submit Payment**  Submit Payment  button | | | The **Process Payment** screen displays:  The Process Payment screen displays with Filing Information, Payment Options, and Continue and Back buttons. | |
|  | From the **Payment Options** panel,  Radio buttonselect a payment method, then click: **Continue**  **Continue button** | | |  | |
|  | | | **Please See**: Payment options can be added and removed from the **My Account** screen. For more information, please see User Guide: **My account features** | | |
|  | What payment method was selected?   |  |  | | --- | --- | | If … | Then … | | ePayment by Credit/Debit Card | The **Payment Processing** screen displays.  Enter payment details then select: **Make Payment**  **Make payment button** | | A stored credit card on your account | Proceed to the next step. | | | | | |
|  | The civil application is filed. | | | | The **Confirmation of Filing** screen displays:  The Confirmation of Filing screen displays with Filing and Payment Information. Also includes Back To My Cart, My Account and Print This Page buttons. |
|  | | **Note**: An email confirmation is sent to the email address associated to your **CMS Portal** account. | | | |