

**Form 7AAA—Service out of Australia—
Notice to defendant served out of Australia**

Rule 7.05

NOTICE TO DEFENDANT SERVED OUT OF AUSTRALIA

To the Defendant:

1. You have been served with an originating process out of Australia under Rules 7.01 to 7.09 of the Rules of the Supreme Court of Victoria. A copy of those Rules is enclosed for your information. They show the scope of the jurisdiction of the Court in respect of claims against persons who are served out of Australia.
2. The grounds alleged by the plaintiff to support its claim to be entitled to serve you out of Australia are the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters 1965.
3. If you do not file an appearance (or if you file a conditional appearance and apply by summons within 14 days of filing the conditional appearance) the Court may, on application made by you, make an order setting aside the originating process or its service on you or dismissing or staying the proceeding. Without limiting the Court's powers in this regard, the Court may make such an order if satisfied that—
 - (a) the service was not authorised by the Rules of the Court; or
 - (b) this Court is an inappropriate forum for the trial of the proceeding; or
 - (c) the claim has insufficient prospects of success to warrant putting you to the time, expense and trouble of defending the claim.
4. Alternatively, you may file an unconditional appearance (in the form prescribed by the Rules of the Court) within the time required under the Rules of the Court.
5. If you file an unconditional appearance, additional procedural obligations (such as an obligation to file a defence or an affidavit) may apply to you in accordance with the Rules of the Court.
6. If you do not file an unconditional appearance within the time required under the Rules of the Court and you have not made an application of a kind referred to in paragraph 3, the Court may give leave to the plaintiff to proceed against you without further notice.