



## Notice to the Profession

The Chief Justice has authorised the issue of the following notice.

### **Institutional Liability List in the Common Law Division**

The purpose of this Notice is to provide updated guidance to practitioners and litigants when commencing certain proceedings in respect of damages for personal injury arising out of the alleged abuse of a minor.

1. The Court will establish a new case management list in the Common Law Division, the Institutional Liability List, on 10 February 2020. The Judges in Charge of the new list will be the Honourable Justices Rita Incerti and Andrew Keogh.
2. Proceedings suitable for inclusion in the List are those involving:
  - a. Claims against an organisation founded on the death or personal injury of a person as a result of alleged physical or sexual abuse of a minor.
  - b. Claims for breach of the duty of care imposed by s.91 of the *Wrongs Act 1958* (Vic).
  - c. Applications to set aside a previous judgment or settlement agreement pursuant to sections 27QB or 27QD of the *Limitation of Actions Act 1958* (Vic) prior to the commencement of a proceeding on an action referred to in section 27QA of that Act.
  - d. Claims against an educational organisation arising out of the death or personal injury of a student of that organisation as a result of physical, sexual or psychological abuse by a fellow student or individual employed or associated with that organisation.
3. The Court will transfer proceedings involving the above matters which are pending in the Personal Injuries List on 10 February 2020 to the Institutional Liability List and will advise

parties accordingly. Pending proceedings in other Common Law Division specialist lists which involve these matters will be considered for transfer on a case by case basis.

4. A party initiating a proceeding in the Institutional Liability List on or after 10 February 2020 should endorse the heading of the originating process “Institutional Liability List” and the heading of all subsequent documents filed in the proceeding should also be endorsed thus.
5. Until further notice, the management of proceedings in the Institutional Liability List will otherwise be in accordance with Practice Note SC CL3 (Personal Injuries List).
6. Any queries in relation to this new list may be directed to [institutional.liability@supcourt.vic.gov.au](mailto:institutional.liability@supcourt.vic.gov.au) or 03 8600 2046.

Vivienne Macgillivray  
Executive Associate to the Chief Justice  
3 February 2020