



Notice to the Profession

Commercial Court | Short/ Expedited Cases List

1. INTRODUCTION

- 1.1 The Chief Justice has authorised the issue of the following notice.
- 1.2 The Commercial Court is introducing a new list for the hearing and determination of urgent matters and shorter trials.
- 1.3 The purpose of the Short/Expedited Cases List is to identify matters which may be suitable for or require:
 - 1.3.1 an earlier trial date because the matter only requires a trial of short duration; or
 - 1.3.2 an expedited trial (being one which is urgent but too long to be heard and determined by the duty judge).

2. COMMENCEMENT

- 2.1 This list will come into effect on 22 September 2025. The process for entry into the list is set out in sections 4 and 5 below.

3. SHORT/EXPEDITED CASES LIST

- 3.1 *Short Case* means a matter arising out of business transactions between commercial parties that requires a trial of 3 days or less (including closing submissions) but is not an Expedited Case.
- 3.2 *Expedited Case* means a matter that requires an urgent hearing that will take longer than 2 hours and is ready or needs to be listed for trial immediately.
- 3.3 *The Short/Expedited Cases List* means the list commencing 22 September 2025.
- 3.4 *Principal Judge* means the Principal Judge of the Commercial Court.

4. SHORT CASES

- 4.1 Matters appropriate to enter the list as a Short Case can do so in one of three ways:

- 4.1.1 During the case allocation process by the Principal Judge following the filing of a notice of appearance by the defendant(s);
- 4.1.2 On application to the Principal Judge by either or both of the parties prior to the first directions hearing;
- 4.1.3 Upon referral by a managing judicial officer following consultation with the Principal Judge.

Practitioners should note they cannot file directly into this list.

4.2 Entry by case allocation

- 4.2.1 If the matter is allocated as a Short Case by the Principal Judge, parties will be notified of the allocation by the Commercial Court team in the Registry.
- 4.2.2 The Court's expectation is that parties will have agreed or conferred and sought to agree appropriate directions prior to the first directions hearing. In seeking to agree orders, the Court expects that:
 - 4.2.2.1 the parties will have briefed Counsel who will appear at the trial;
 - 4.2.2.2 the parties will have agreed or sought to agree a draft trial plan, which includes a realistic estimate of the time required for trial, together with allocations of time for evidence and submissions;
 - 4.2.2.3 Counsel will have been involved in the preparation and drafting of the consent orders and draft trial plan; and
 - 4.2.2.4 the Court will be provided with the parties' mutual availability for trial.
- 4.2.3 If orders are by consent, the parties are to send the signed minute of consent orders, draft trial plan and trial availability to commercialcourturgents@supcourt.vic.gov.au by 12.00pm on the Tuesday prior to the first directions hearing. Orders will be made in chambers, and the matter set down for trial generally no later than 6 weeks after the date of the directions hearing.
- 4.2.4 If orders cannot be agreed (or entry into the list is not agreed), the first directions hearing will be listed before the Principal Judge. The parties are to provide a joint communication to the chambers of the Principal Judge attaching marked up draft minutes of order, draft trial plan and trial availability showing areas of difference.
- 4.2.5 At the directions hearing, the Principal Judge will determine whether the matter is suitable for entry into the Short/Expedited Cases List and, if so, will set the matter down for trial generally no later than 6 weeks after the date of the directions hearing.

4.3 Entry by application

- 4.3.1 If either or both parties wish to apply to enter the Short/Expedited Cases List prior to the first directions hearing they are required to provide by email to commercialcourtturgents@supcourt.vic.gov.au by 12.00pm on the Tuesday prior to the first directions hearing:
- 4.3.1.1 a completed application form as attached to this Notice;
 - 4.3.1.2 if by consent, draft minutes of order, a draft trial plan and trial availability to enable the matter to be ready for trial within six weeks of the date of the order;
 - 4.3.1.3 if not by consent, marked-up draft minutes of order, draft trial plan and trial availability showing areas of difference;
 - 4.3.1.4 if opposed, a notice of opposition in the form as attached to this Notice and any other proposed orders.
- 4.3.2 In applying to enter the Short/Expedited Cases List, the Court holds the same expectations of parties and counsel as set out in paragraph 4.2.2 of this Notice.
- 4.3.3 The Principal Judge will determine whether an application requires a directions hearing or can be determined in chambers and notify the parties accordingly.

4.4 Entry by a managing Judicial Officer

- 4.4.1 A managing Judicial Officer may refer a matter to the Short/Expedited Cases List at any time in consultation with the Principal Judge. For example, a judicial officer may refer a matter to the Short/Expedited Cases List from the Oppression Proceeding Program (after mediation).
- 4.4.2 In considering whether to refer a matter to the Short/Expedited Cases List as a Short Case, the managing Judicial Officer may require the parties to comply with the application requirements in paragraph 4.3 of this Notice.

5. EXPEDITED CASES

- 5.1 Matters will enter the List as an Expedited Case, upon either:
- 5.1.1 application by one or both of the parties, and approval by the Principal Judge; or
 - 5.1.2 referral from the Duty Judge in consultation with the Principal Judge.
- 5.2 The application is to be made by way of email to the Civil Registry, Commercial Court at commercialcourturgents@supcourt.vic.gov.au. The email must attach a completed form as annexed to this Notice and be accompanied by an affidavit, which must address:
- 5.2.1 substantive evidence that justifies the need for expedition;
 - 5.2.2 evidence that the parties have agreed or conferred and sought to agree a timetable for the matter to proceed to a hearing;
 - 5.2.3 a trial plan for the hearing of the matter, including the estimated length for the hearing and the number and identity of witnesses to be called;
 - 5.2.4 confirmation that, save for the matters set out in the timetable, there are no further steps to be taken;
 - 5.2.5 three mutually available dates on which the parties seek a hearing; and
 - 5.2.6 if opposed, a notice of opposition in the form as attached to this Notice and any other proposed orders.
- 5.3 An application for expedition will be determined in chambers by the Principal Judge unless there are exceptional circumstances warranting a hearing. If the application is approved, the parties will be notified of the hearing date and timetable for the hearing.
- 5.4 The Court will endeavour to accommodate the parties' availability for a hearing date, however, parties should expect that if one of the three dates provided cannot be accommodated, the matter will be listed and parties will have to accept the hearing date nominated by the Court. Once listed, the Court will generally not change hearing dates save for exceptional circumstances.
- 5.5 If the parties require an expedited hearing to be adjourned, the hearing will be vacated and a fresh application for expedition will be required. Multiple applications will rarely be granted.

Vivienne Mahy
Executive Associate to the Chief Justice
19 September 2025

ANNEXURE

Short/Expedited Cases List

Application for entry or to oppose entry to List



GENERAL MATTERS

Proceeding number:	
Related proceeding (if any):	
Commercial Court Specialist List (if any):	
Parties and legal representatives:	Plaintiff: Defendant:
Counsel appearing (names of counsel appearing required):	Plaintiff: Defendant:
Summary of proceeding: <i>Provide a short summary of the nature of proceeding in which the application is brought and the underlying cause of action in that proceeding.</i>	
Which party is bringing the application?	
Practitioner with conduct:	
Contact details:	
Do you seek to apply to enter the List as a Short Case <u>OR</u> an Expedited Case <u>OR</u> do you oppose entry to the List? <i>Short Case means a matter arising out of business transactions between commercial parties that requires a trial of 3 days or less (including closing submissions) but is not an Expedited Case.</i> <i>Expedited Case means a matter that requires an urgent hearing that will take longer than 2 hours and is ready or needs to be listed for trial immediately.</i>	☐ Apply for entry as a Short Case (go to Section A) ☐ Apply for entry as an Expedited Case (go to Section B) ☐ Oppose entry to the List as a Short or Expedited Case, complete the Notice of Opposition (go to Section C)

SECTION A: APPLICATION FOR ENTRY TO THE LIST AS A SHORT CASE

Trial Estimate (3 days or less):	
Mutually available dates for trial (if available):	
Whether the application will be Opposed / Unopposed / By Consent? <i>Inter-partes proceedings that have not yet been served will not be considered for entry into the Short/Expedited Cases List.</i>	☐ Has the originating document been served?
Attachments:	If by consent: ☐ Draft minutes of order, a draft trial plan and trial availability If not by consent:

	☐ Marked-up draft minutes of order, draft trial plan and trial availability showing areas of difference If opposed: ☐ Notice of opposition and any other proposed orders
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SECTION B: APPLICATION FOR ENTRY TO THE LIST AS AN EXPEDITED CASE

Trial Estimate:	
Mutually available dates for trial: <i>Provide at least 3 mutually available dates.</i>	
Whether the application will be Opposed / Unopposed / By Consent? <i>Inter-partes proceedings that have not yet been served will not be considered for entry into the Expedited Cases List.</i>	☐ Has the originating document been served?
Affidavit(s) relied upon in support of expedition: <i>The affidavit should address the matters set out in para 5.2 of the Notice to the Profession: Commercial Court Short/Expedited Cases List.</i>	

SECTION C: NOTICE OF OPPOSITION TO ENTRY TO THE LIST AS A SHORT OR EXPEDITED CASE

Please also complete the information under General Matters on page 1.

Basis for opposition: <i>Briefly outline the reasons the matter is not appropriate for management as either a Short or Expedited Case.</i>	
Attachments:	☐ Alternative proposed orders