

Supreme Court of Victoria

Practice Note No. 5 of 2002

Admiralty List

The Chief Justice has authorised the issue of the following Practice Note:

1. Admiralty proceedings will be managed in a specialist list by the Judge in Admiralty. Admiralty proceedings comprise:
 - Commonwealth Proceedings, that is, proceedings in the Court to which the Admiralty Act 1988 (Cth) ("the Commonwealth Act") and the Admiralty Rules 1988 (Cth) ("the Commonwealth Rules") apply; and
 - Other shipping cases in the Court of a kind specified in Chapter VII r.1.06 ("other shipping cases").
2. Practitioners are advised that Chapter VII - Supreme Court (Admiralty) Rules 2000 came into operation on 1 July 2000. For the purposes of r.4 of the Commonwealth Rules:
 - a. The Prothonotary is, subject to paragraphs (b) and (c) below, authorised by Chapter VII r.2.04(1) of the Rules of the Supreme Court to exercise the powers and functions and to perform the duties conferred or imposed on the Registrar by the Commonwealth Rules;
 - b. A Master is authorised by Chapter VII r.2.04(3) to exercise the powers and functions and to perform the duties of Registrar conferred or imposed by rr. 51 and 56 and Part IX of the Commonwealth Rules;
 - c. The Taxing Master is authorised by Chapter VII r.2.04(4) to exercise the powers and functions and to perform the duties of Registrar conferred or imposed by r.72(1) of the Commonwealth Rules;
 - d. The Sheriff and the Deputy Sheriff are persons appointed by the Court to be a marshal for the purpose of exercising the powers and functions and performing the duties conferred or imposed on the marshal by the Commonwealth Rules.
3. Commonwealth proceedings will be entered in the list and conducted under the management of the Judge in Admiralty in accordance with the Commonwealth Rules and the forms contained in the schedule to those Rules and, subject to the Commonwealth Act and the Commonwealth Rules, in accordance with Chapter VII of the Rules of the Supreme Court. All documents filed in these proceedings must be marked in the top left hand corner of the title page "In Admiralty" as required by r.5(1) of the Commonwealth Rules.
4. Other shipping cases may be entered in the list at the option of the plaintiff in accordance with Chapter VII r.3.02(2) or by order of the Judge in Admiralty pursuant to Chapter VII r.3.02(4). Documents filed in such proceedings shall be marked in the top left hand corner of the title page "In the Admiralty list".
5. Practitioners in a managed list must expect that their proceeding will be managed. Nevertheless, they are encouraged to agree upon directions which they consider appropriate. Where consent directions or a consent adjournment for good reason are sought, practitioners should submit by fax to his Honour's associate one clear day before the directions day a note of the proposed order and, where appropriate, the reason for it. His Honour will advise them whether the proposed order will be made or whether an appearance will be required. Practitioners are reminded that such consent orders may not be made by the Prothonotary (see Ch I r.59.06(8)).

6. Admiralty proceedings will be managed upon summons for directions returnable before the Judge in Admiralty. An appointment for the return of summonses for directions or for the hearing of any application in an admiralty proceeding may be obtained from the associate to the Judge in Admiralty,

Admiralty List Users Group

His Honour meets from time to time with a users group representing legal and other practitioners concerned with admiralty matters. The purpose of these meetings is to provide an avenue for considering criticisms and any suggestions as to the improvement of the management and disposition of admiralty cases in the Court. Practitioners wishing to offer criticisms or suggestions may address themselves on a confidential basis to any member of this group. Current members are:

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The Associate to the Judge in Admiralty is Liza Powderly, phone: 9603 6358; fax: 9670 8408;
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This Practice Note is in substitution for Practice Note No. 5 of 1995 dated 28 September 1995 - [1995]
2 VR 560

DATED this 16th day of December, 2002.

Signed A.R. Traves, Senior Associate to the Chief Justice.