



## **Notice to the Profession**

### **Specialist Lists in the Common Law Division**

The purpose of this Notice is to provide updated guidance to practitioners and litigants when commencing proceedings in the Common Law Division.

From 1 July 2016 the party initiating a proceeding in the Common Law Division will be required to nominate an appropriate specialist list for the proceeding. The name of the specialist list should be endorsed on the writ, originating motion or other form of originating process. All subsequent documents filed in the proceeding should be similarly endorsed.

The attached schedule provides the names of the specialist lists and a summary description of the types of proceedings appropriate for each list. The schedule is to be read subject to the provisions of the respective Practice Notes for each list. The Court reserves the right to transfer a proceeding into an appropriate specialist list at any time.

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Associate to the Hon. Justice J Forrest,  
Principal Judge of the Common Law Division

## Schedule of Common Law Division Specialist Lists

<i>Specialist list</i>	<i>Types of proceedings suitable for inclusion<sup>1</sup></i>
<a href="#">Civil Circuit</a>	Proceedings in which the cause of action arose in regional Victoria, or where the majority of parties or witnesses reside in regional Victoria.
<a href="#">Confiscation and Proceeds of Crime</a>	Proceedings brought under Victorian and Commonwealth legislation providing for the restraint or forfeiture of property connected with criminal activity, principally the <i>Confiscation Act 1997</i> (Vic) and the <i>Proceeds of Crime Act 2002</i> (Cth).
<a href="#">Dust Diseases</a>	Proceedings in which the plaintiff claims to suffer from a pathological condition attributable to the inhalation of dust.
<a href="#">Employment and Industrial</a>	Proceedings that have a significant connection with an employment or labour relationship including claims under contracts of employment, industrial torts and judicial review of decisions relating to employment and labour relations.
<a href="#">Judicial Review and Appeals</a>	Judicial review of or statutory appeal from the conduct or decisions of lower courts, tribunals and other external persons or bodies.
<a href="#">Major Torts</a>	Defamation proceedings, common law class actions and otherwise complex tortious claims not otherwise suitable for inclusion in another specialist list.
<a href="#">Personal Injuries</a>	Personal injury proceedings including those arising out of industrial accidents, motor vehicle accidents, occupier's liability, medical negligence and sexual abuse.
<a href="#">Professional Liability</a>	Claims for financial loss against a professional for breach of duty in tort or contract, related statutory breaches and breach of equitable duties. <sup>2</sup>
<a href="#">Property</a>	Proceedings in relation to rights over real property, including proceedings for summary possession or sale under the Rules and proceedings arising under the <i>Property Law Act 1958</i> , the <i>Transfer of Land Act 1958</i> and the <i>Sale of Land Act 1962</i> . <sup>3</sup>
<a href="#">Testators Family Maintenance</a>	Applications for further provision out of a deceased estate under Part IV of the <i>Administration and Probate Act 1958</i> .
<a href="#">Trusts, Equity and Probate</a>	Applications in relation to grants of representation and other claims in relation to wills and estates; applications in relation to charitable and other trusts and for equitable remedies not otherwise appropriate for the Commercial Court. <sup>4</sup>
<a href="#">Valuation, Compensation and Planning</a>	Proceedings involving valuation of land, compensation for resumption of land, planning appeals from VCAT and disputes involving land use or environmental protection.
Enforcement	Proceedings for the registration and enforcement of orders and judgments of other jurisdictions, including but not limited to: VCAT, the Magistrates' Court, and interstate and foreign judgments.
General	Proceedings not otherwise suitable for inclusion in any of the above specialist lists. <sup>5</sup>

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<sup>1</sup> To be read subject to the applicable Practice Notes.

<sup>2</sup> Note that claims against medical and health practitioners, building, construction and engineering practitioners are managed in other specialist lists.

<sup>3</sup> However, commercial proceedings involving property transactions will continue to be initiated in the Commercial Court. In particular, mortgage default proceedings will continue to be initiated in the Commercial Court and administratively managed by Principal Registry.

<sup>4</sup> Applications under Part IV of the *Administration and Probate Act 1958* are to be initiated in the Testators Family Maintenance List.

<sup>5</sup> Proceedings initiated in the General List will be subject to transfer into an appropriate specialist list upon review by the Principal Judge of the Common Law Division.