

Commercial Court



NOTICE TO THE PROFESSION 2/2009

MATTERS TO BE DETERMINED BY ASSOCIATE JUDGES

The Judicial Officers of the Commercial Court with the approval of the Chief Justice advise the profession as follows:

1. The management of proceedings in the Commercial Court will be by the judge in the list to which the proceeding has been allocated (“the list judge”).
2. The first directions hearing of any proceeding in the Commercial Court will be conducted by the list judge.
3. The list judge may direct that the proceeding or a matter arising in the proceeding shall be determined by the associate judge in the list (“the list associate judge”) or by any other associate judge pursuant to the general jurisdiction of an associate judge or by specific referral under Rule 77.05.
4. The list judge will determine what matters arising in a proceeding are to be determined by an associate judge as appears best to achieve the efficient, expeditious and economical management of a proceeding having regard to its nature, the availability of resources, and the preferences of the list judge about its management for the expeditious hearing and determination of the trial of the proceeding and of the disposition of the issues between the parties.
5. The parties in a proceeding in the Commercial Court are expected to assist in the management of the proceeding to ensure efficiency, expedition and economy. To that end they should assist by identifying matters to be determined by an associate judge.

6. The following matters will be determined by an associate judge unless the list judge otherwise orders:
- (a) discovery disputes;
 - (b) disputes concerning the giving or adequacy of particulars;
 - (c) applications for security of costs;
 - (d) assessment of damages;
 - (e) disputes concerning subpoenas;
 - (f) applications referred to in Rule 77.01(2).

The list judge may also direct that an associate judge mediate any matter (including any of the matters in (a) to (f) above) arising in a proceeding.

7. Any appeal from a decision by the list associate judge on any matter shall be to the list judge unless the rules require for an appeal to be to the Court of Appeal.

2 March 2009

Byrne J
Hargrave J
Judd J
Pagone J
Robson J

Efthim AsJ
Daly AsJ
Gardiner AsJ
Kings AsJ