

Supreme Court of Victoria

Practice Note No. 4 of 1999

Supreme Court Divisional List

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

1. The Judges of the Trial Division of the Supreme Court of Victoria will assume from 1 February 2000 a more direct role in the listing and progress of cases that come before the Court. As from that date, the Judges and Masters will sit and hear proceedings in three Divisions which will be known as:

- (a) the Commercial and Equity Division
- (b) the Common Law Division
- (c) the Criminal Division.

To some extent, this development reflects the growth in specialisation that has been taking place within the Court, in the profession and in the broader community. Subject to the overall supervision of the Chief Justice, the Judges of each Division will be responsible in the first instance, for matters such as the management of the listing of cases in the Division, the review of their progress and the development of procedures appropriate to the particular Division.

2. Each Division will have a Principal Judge who, subject to the Chief Justice, will exercise a supervisory role over the work of the Division, which will include:
 - (a) the overall supervision of the progress of cases within that Division
 - (b) the chairing of regular meetings of members of the Division
 - (c) maintaining a strong link with those members of the profession who deal with cases tried in that Division.
3. The Chief Justice has allocated the following Judges to the Divisions referred to below for an initial period of three years from 1 January 2000:

Commercial And Equity	Common Law Division	Criminal Division
McDonald, J.	Beach, J.	Hampel, J.
Byrne, J.	Smith, J.	Vincent, J.
Harper, J.	Ashley, J.	Teague, J.
Hansen, J.	Hedigan, J.	Cummins, J.
Mandie, J.	Eames, J.	Coldrey, J.
Warren, J.	Balmford, J.	
	Gillard, J.	
	Kellam, J.	

4. Masters have also been allocated to the Divisions. The Chief Justice, with the agreement of the Senior Master, has allocated Masters to the following Divisions for the initial period of three years commencing 1 January 2000:
 - (a) to the Commercial and Equity Division: the Senior Master and Masters Evans and Kings
 - (b) to the Common Law Division: Masters Bruce and Wheeler.

It is contemplated that Masters will develop a closer working relationship with the Judges of their Division and in particular, work closely with the Principal Judge as well as with the Senior Master. So far as practicable, they will do primarily the interlocutory work of the Division to which they have been assigned, although some overlap of work is expected.

5. The following Judges have been appointed as Principal Judges by the Chief Justice:
 - (a) Vincent, J. - Principal Judge of the Criminal Division
 - (b) McDonald, J. - Principal Judge of the Commercial and Equity Division
 - (c) Ashley, J. - Principal Judge of the Common Law Division.
6. The areas of work which have been allocated to each of the three Divisions are set out in Annexure "A". It should be emphasised, however, that in order to accommodate changes that may take place in the concentration of work and in any event, there will be some exchange of Judges between Divisions.
7. Practitioners will be required to issue a proceeding in the appropriate Division. Each proceeding will receive a number and a notation which reflects the Division to which it has been allocated. For example:
 - "CEQ" will denote the Commercial and Equity Division
 - "CLD" will denote the Common Law Division.

Where appropriate, "CRIM" may denote the Criminal Division. Where a proceeding has been issued in a Specialist List, the usual additional endorsement will be made on the documents. It should be noted, however, that:

- (a) Notwithstanding the allocation of matters amongst Divisions, practitioners will be entitled to issue a proceeding in a Specialist List even though the subject matter of the proceeding is assigned generally to a Division other than the one in which the Specialist List is located.
 - (b) If at any time after the issue of a proceeding in a particular Division it transpires that it is more appropriate to have it determined in another Division, the proceeding will be transferred to it.
8. Civil cases will continue to be listed as at present, namely, by the Listing Master except that they will be listed in the relevant Divisions and the listings will be made after consultation with the Principal Judge of the particular Division.
9. Cases issued in either of the two Civil Divisions that fall within the current definition of "Long Cases" will continue to be administered in each Division as they have been to date, namely, principally by the Listing Master, subject to the overview of the Principal Judge or his nominee.
10. For the present, those cases that warrant LSG supervision will continue to receive such administrative support from a Master of the particular Division. Should this situation change appropriate notice will be given to the profession in the usual way.
11. The Practice Court will continue in its jurisdiction and function to hear and determine interlocutory applications relevant to all Divisions of the Court.
12. The function and operation of the Criminal Trials Listing Directorate will remain unchanged.
13. The operation of Circuits will remain unchanged.

DATED this seventh day of October, 1999.

Signed: A. R. TRAVES
Senior Associate to the Chief Justice

Annexure A

Allocation Of Work

Commercial and Equity Division

1. Proceedings brought in the:

- (a) Admiralty List
 - (b) Building Cases List
 - (c) Commercial List
 - (d) Intellectual Property List
 - (e) Taxation List
2. Corporations matters.
 3. Wills, probate and deceased estate matters.
 4. Trust matters.
 5. Charities Act matters.
 6. Commercial Arbitration Act matters.
 7. Other matters arising principally out of ordinary commercial transactions and including:
 - the construction of commercial, shipping or transport documents
 - the export or import of merchandise
 - the carriage of goods for the purpose of trade and commerce
 - insurance
 - banking
 - finance
 - commercial agency
 - commercial usage
 - commercial chattel leases
 - priority of securities
 - claims by financial institutions for debt or enforcement of securities

Common Law Division

1. Proceedings brought in the:
 - (a) Major Torts List
 - (b) Valuation, Compensation and Planning List
2. Any other proceeding founded in tort, or concurrently in tort and in breach of contract and/or upon statutory breach; and matters ancillary thereto (for example, disputes as to liability of insurers to indemnify or to make contribution).
3. Contract matters not falling within the Commercial and Equity Division and miscellaneous matters (for example, claims by individuals to enforce securities, claims in debt, partnership disputes, professional disciplinary matters).
4. Industrial and employment law matters.
5. Land law matters.
6. Property disputes between de facto partners.
7. Matters under the Crimes (Mental Impairment and Unfitness to be Tried) Act other than those relevant to the trial of an accused person.
8. Administrative law proceedings (including proceedings brought under Order 56 of Chapter 1 of the Rules; and proceedings brought under the Administrative Law Act).
9. Appeals from orders of the Magistrates' Court.

10. Appeals to the Trial Division from decisions of the Victorian Civil and Administrative Tribunal.
11. Appeals to the Trial Division from decisions of other inferior tribunals.
12. Appeals from orders of the County Court Master.

Criminal Division

1. Criminal trials.
2. Interlocutory applications, including:
 - Determination whether the trial should be heard in this Court or the County Court
 - Pegasus hearings
 - Applications to sever the presentment or for an order for separate trials
 - Arraignments

Practice Court

The jurisdiction of the Practice Court will remain as it is at present.