

# Commercial Court



## NOTICE TO THE PROFESSION 1/2009

### NOTICES TO THE PROFESSION

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

1. Following the establishment of the Commercial Court we have held two meetings with members of the profession who represent the users of the Court. These have been very helpful in conveying to the Court the ideas and suggestions of those who will be involved in its work. A feature of this work is that it will approach the task of resolving commercial disputes in collaboration with the lawyers who appear in the cases before it. The positive attitude and constructive suggestions of the users give us confidence that this co-operation will be forthcoming.
2. As the Chief Justice announced on the formal opening ceremony held on February, the Commercial Court is to be a litigation laboratory. We, the members of the Court, have resolved to approach litigation in an innovative way and to use the Court to trial new procedures which have been recommended by the users, which have been successful in other jurisdictions in Australia and elsewhere and which have been recommended in the reports of Law Reform bodies.. Where these trials prove not to be successful in achieving the objectives of the Court they will be modified or abandoned.
3. The Commercial Court will from time to time publish notices to the profession advising them of matters of general interest, including practices which the Court proposes to implement and changes which will be made to existing practices. This is the first of these notices.
4. Subject to modifications which will be advised in these notices the practice of the Commercial Court will follow the existing practices in the

Commercial List and in the List of Corporations Cases, as the case may be.

5. It is hoped that these notices will provide the basis for a revision of the Green Book containing the Commercial List Practice Note 2004. The Supreme Court website <http://www.supremecourt.vic.gov.au> includes a Link to the Commercial Court. There, users will be able to see Notices to Practitioners regarding Commercial Court matters, summaries of recent cases in the Court, links to relevant legislation and a box for FAQs. Practitioners with suggestions for the inclusion of other items of interest or suggestions for improvement should contact the registrar. Like the curial activities of the Commercial Court this web-page remains a work in progress.

2 March 2009

Byrne J  
Hargrave J  
Judd J  
Pagone J  
Robson J

Efthim AsJ  
Daly AsJ  
Gardiner AsJ  
Kings AsJ