



Supreme Court of Victoria

Practice Note SC Gen 2

Structure of the Trial Division

1. INTRODUCTION

- 1.1 The Chief Justice has authorised the issue of the following Practice Note.
- 1.2 The purpose of this Practice Note is to set out the divisional structure of the Trial Division of the Court, the specialist Lists within the Trial Division and the allocation of matters within that structure.

2. COMMENCEMENT

- 2.1 This Practice Note was issued on 30 January 2017 and commences on 30 January 2017.

3. DIVISIONAL STRUCTURE

- 3.1 The Trial Division of the Court consists of the:
 - Commercial Court;
 - Common Law Division; and
 - Criminal Division.
- 3.2 Each Division has a Principal and Deputy Principal Judge whose responsibilities include:
 - overall supervision of cases in the Division;
 - oversight of the allocation of cases for hearing;
 - chairing regular meetings of the Division; and
 - maintaining links with members of the legal profession practising in the Divisions.

4. COMMERCIAL COURT

- 4.1 The Commercial Court comprises Judges, Associate Judges and Judicial Registrars allocated by the Chief Justice from time to time.
- 4.2 The business of the Commercial Court is managed through such Lists as may be determined by the Chief Justice from time to time. The judge-managed Lists with this Division are:

- The General Commercial Lists, which correspond to the relevant managing Judge;
- The Corporations List;
- The Arbitration List;
- The Taxation List;
- The Admiralty List;
- The Technology, Engineering and Construction (TEC) List;
- The Intellectual Property List; and
- The Insurance List.

4.3 The Commercial Court will hear and determine the following categories of cases:

- (a) those which arise out of ordinary commercial transactions, including any proceeding relating to–
 - (i) the construction of commercial, shipping or transport documents;
 - (ii) the export or import of merchandise;
 - (iii) the carriage of goods for the purpose of trade or commerce;
 - (iv) insurance;
 - (v) banking;
 - (vi) finance;
 - (vii) commercial agency;
 - (viii) commercial usage;
- (b) those in which there is a question that has importance in trade or commerce;
- (c) those in which a remedy is sought under the *Corporations Act 2001* (Cth) and *Australian Securities and Investments Commission Act 2001* (Cth);
- (d) those in which court assistance is required to support an arbitration, enforce an award or review a decision;
- (e) those in which a substantial issue is raised in respect of technology, engineering and/or construction;
- (f) those in which proceedings concern loss or damage to a ship or by a ship, or to goods carried by sea and/or is brought pursuant to the *Admiralty Act 1988* (Cth);
- (g) those in which a substantial issue is raised in respect of taxation, including proceedings regarding taxation recovery and Victorian Taxation Appeals¹ save for proceedings for damages against a taxation adviser which are to be initiated in the Professional Liability List in the Common Law Division;
- (h) those in which a substantial issue is raised in respect of intellectual property; and
- (i) those in which a substantial issue of a commercial nature is raised in respect of an insurance policy.

4.4 Mortgage default, debt recovery and related enforcement proceedings initiated in the Commercial Court are ordinarily to be managed by an Associate Judge, unless assigned to a specific judge-managed List after the filing of a defence.

¹ Whilst Victorian Taxation Appeals are to be initiated in the Commercial Court Taxation List, the existing fee structure set out in Part 1 of the Schedule to the *Supreme Court (Fees) Regulations 2012* applies.

4.5 Court documents in Commercial Court matters not filed electronically should be filed with the Commercial Court Registry which is located on the ground floor of the Old High Court Building at 450 Little Bourke Street Melbourne.

4.6 Contact details for general inquiries are:

Phone: 03 9603 4105

Email: commercialcourt@supremecourt.vic.gov.au

5. COMMON LAW DIVISION

5.1 The Common Law Division comprises Judges, Associate Judges and Judicial Registrars allocated by the Chief Justice from time to time.

5.2 At present, the Common Law Division includes the following specialist Lists:

- Civil Circuit;
- Judicial Review and Appeals;
- Major Torts;
- Personal Injuries;
- Dust Diseases;
- Professional Liability;
- Valuation, Compensation and Planning;
- Employment and Industrial;
- Trust, Equity and Probate;
- Testators Family Maintenance;
- Property; and
- Confiscation and Proceeds of Crime.

5.3 The Common Law Division manages any proceeding founded or concurrently brought in tort and in breach of contract or statute.

5.4 Documents in Common Law Division matters not filed electronically should be filed with the Principal Registry which is located on Level 2 of 436 Lonsdale Street, Melbourne.

6. CRIMINAL DIVISION

6.1 The Criminal Division comprises Judges, Associate Judges and Judicial Registrars allocated by the Chief Justice from time to time to the Division.

6.2 The Criminal Division hears all criminal trials, criminal interlocutory applications, criminal appeals other than on a question of law from the Magistrates' Court of Victoria and the Children's Court of Victoria; and any other matters deemed appropriate.

7. ALLOCATION OF CASES TO THE DIVISIONS AND LISTS

7.1 If at any time after the issue of a proceeding in a particular Division it appears to the Court that it is more appropriate to have the proceeding determined in another Division or List, the proceeding may be transferred to that Division or List. Additional court fees may apply upon transfer.

AMENDMENT HISTORY

30 January 2017: This Practice Note was issued on 30 January 2017 and replaced Practice Note No 4 of 2014

Vivienne Macgillivray
Executive Associate to the Chief Justice
30 January 2017