

Commercial Court



NOTICE TO THE PROFESSION 4/2009

Urgent and interlocutory applications in commercial matters

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

- 1 Applications, including urgent applications, in commercial matters should ordinarily be made to a Judge or an Associate Judge in the Commercial Court.
- 2 Where there is no proceeding pending in the Commercial Court, the applicant should, in the first instance, apply to the Registrar for a date and time to make the application. The Registrar may be contacted on 9603 9288 or by email at rod.ratcliffe@supremecourt.vic.gov.au
- 3 If a proceeding has been commenced, but not pending in the Commercial Court, or the proceeding is not yet commenced, the Registrar may issue or enter the proceeding in the appropriate Commercial Court list.

- 4 Any application made in the Commercial Court may be made without summons provided all parties agree.
- 5 An application seeking relief from non-party must be made by summons unless the application is for ex parte relief.
- 6 When a proceeding is pending in the Commercial Court:
- (a) All applications will ordinarily be made to the list judge to be heard on a suitable date fixed by the list judge.
 - (b) An inquiry for a suitable date should be made to the list judge's associate, during normal business hours.
 - (c) The date will normally be the date of the next directions hearing, provided that the list judge may fix an earlier date.
 - (d) In order to accommodate a requirement for an urgent hearing, the list judge may, after consultation within the court, refer an application to another judge, to an associate judge in the Commercial Court or to the judge in the Practice Court.
- 7 In the case of an application which has such urgency that it must be brought or heard outside normal business hours, the practitioner for the applicant should, in the first instance, contact the associate to the List A judge, but if unavailable, the associate to the judge in the Practice Court whose contact details are published in the daily list.

27 April 2009

Byrne J
Davies J
Hargrave J
Judd J
Pagone J
Robson J

Kings AsJ
Efthim AsJ
Daly AsJ
Gardiner AsJ
Lansdowne AsJ