

Article Information

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Changes to the Commercial Court Division of the County Court

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The County Court Commercial Division has increased its ability to deal with matters in a cost effective and efficient manner with the appointment of judicial registrars and updated practice notes. **Partner, Ian Nathaniel** and **Senior Associate, Ben Hartley**, discuss further.

The changes to the County Court's civil jurisdiction in 2007, which removed the monetary limit on its jurisdiction, has resulted in an increase of cases coming before the Court. Close to 50 per cent of civil matters in the Court have been in the Commercial Division.

Part of the judicial appetite for case management has resulted in an update to the practice notes of the Court. For example, where appropriate, orders can be made on the papers which minimises the need for appearances and lowers the cost to all parties involved. These orders have been especially pertinent in the General Cases List, Building Cases List and the Banking and Finance List. Orders ranging from substituted service to consent orders can be made on the papers before a judicial registrar.

Appointment of judicial registrars have been an advantageous step in the Court's process and will provide efficient, timely and cost-effective methods to resolving conflict before the trial stage. Part of a registrar's role will be to mediate the parties dispute at an early stage and all judicial registrars are trained mediators. Steps towards the settling of disputes prior to trial using alternative methods of dispute resolution are in line with the Civil Procedure Act 2010 (Vic) which mandates that parties seek to settle disputes in the appropriate form. An added bonus to the mediation process in the County Court has been the presence of judicial registrars, who can provide judicial oversight and authority over the course of the parties' dispute.

Whilst not perfect, Judge Maree Kennedy, who heads the Commercial List, has endeavoured to continue to refine the process and assess the effectiveness of the case management tools used by the Court¹

Ian Nathaniel and Ben Hartley acted for the successful defendant in the case of Stewart v State of Victoria (No. 2) and successfully opposed the winding up order sought against Air India. Please contact either Ian or Ben should you have any queries or questions concerning any of these matters on (03) 8665 5555.

¹ Judge Maree Kennedy et al, 'Working towards a faster resolution', *Law Institute Journal*, July 2016.