

SUPREME COURT BUILDING CASES LIST – VICTORIA

NOTICE TO PRACTITIONERS

As from 1 February 1993 the judge in charge of the list is the Honorable Mr. Justice Byrne. His Honour's associate is Ms Liz Marley (telephone: 603 6358).

The practice of holding monthly Building Cases List days for the disposition of interlocutory matters will continue. Generally speaking, these will be held on the last Friday of the month. The following will be the Building Cases List dates for 1993:

- Monday, 8 February 1993
- Friday, 26 February
- Friday, 26 March
- Friday, 30 April
- Friday, 28 May
- Friday, 2 July
- Friday, 30 July
- Friday, 27 August
- Friday, 1 October
- Friday, 26 November
- Friday, 17 December

Notice of orders sought on any of these days should be served and filed by the preceding Wednesday.

On Building Cases List days the judge will sit at 9.30 a.m. to hear consent orders. A consent order is one where **all** of the terms of the order are consented to.

Practitioners should submit an initialled draft consent order.

For consented matters practitioners must comply with Practice Note No. 3 of 1992.

Where it is appropriate to do so the judge will himself try questions which can be disposed of shortly and which may assist the resolution of the proceeding. For this purpose he may set aside such other Fridays as may be available. Practitioners should consider whether such a question arises in their proceedings.

Where it is appropriate to do so the judge will also hear and determine other urgent disputes arising out of building projects which might otherwise be brought in the Practice Court notwithstanding that the proceeding has not been entered in the Building Cases List. Such matters include applications for interlocutory injunctions and applications under the Commercial Arbitration Act 1984. Practitioners wishing to avail themselves of this facility should address themselves to His Honour's associate.

Documents for use by the judge must be filed in the usual way with the Prothonotary and not with the associate. The present practice of filing documents with the associate during hearing will continue.

His Honour meets from time to time with a "Users' Group" representing legal and other practitioners concerned with building disputes. Practitioners wishing to offer suggestions for the more efficient conduct of the Building Cases List may address themselves to any member of this committee.

Members are:-

George Golvan, Q.C., Owen Dixon Chambers West. (Telephone: 608 7730)

David Levin, Owen Dixon Chambers West. (Telephone: 608 7043)

Frank Shelton, c/- Minter Ellison Morris Fletcher. (Telephone: 617 4617)

John Sharkey, c/- Sly & Weigall. (Telephone: 608 0411)

Ronald Fitch, A.M. Architect. (Telephone: 589 3795)

Brian Gallagher, Building Consultant. (Telephone: 801 9814)

VICTORIAN SUPREME COURT RULES AMENDED – REFERENCES OUT TO ARBITRATION

The Rules of the Victorian Supreme Court have recently been amended to provide, in rule 50.08, that at any stage of the proceeding the Court may, with the consent of all the parties, order that the whole proceeding or a question arising in it be referred to arbitration. Any such arbitration is to be conducted in accordance with and subject to the provisions of the *Commercial Arbitration Act 1984*. The Court has the power to give directions or make orders with respect to matters relating to the conduct of the arbitration agreement. The Court also has power to make orders as to the remuneration of the arbitrator and giving security for his remuneration.