

HIGH-SPEED JUSTICE

JUSTICE DELAYED IS JUSTICE DENIED, OR SO THE SAYING GOES. WHILE IT IS NOT ALWAYS POSSIBLE TO BRING LEGAL PROCEEDINGS TO A SPEEDY CONCLUSION, THE ACCC IS TAPPING INTO AN INNOVATIVE NEW SYSTEM THAT HAS DRAMATICALLY REDUCED THE TIME REQUIRED TO REACH OUTCOMES IN MANY IMPORTANT COURT CASES.

INTRODUCED IN the Melbourne Registry of the Federal Court of Australia in April last year, the fast-track list imposes strict timeframes on parties filing proceedings, putting a stop to some of the usual delays that can see matters drag on unnecessarily.

The ACCC is an innovator in its use of the list, having filed around a quarter of all listed matters since the system was introduced

When presenting matters to the fast-track list, defences need to be returned within 30 days of the application being filed, bringing the key issues to the fore early on. A case scheduling conference is held within 45 days of filing, so respondents need to consider the issues and what they intend to contest within the first 30 days.

The ACCC has already taken a diverse range of matters forward for consideration under the fast-track list—from resale price maintenance allegations to product safety breaches and misleading and deceptive conduct claims.

Every ACCC matter has been resolved in fewer than three months, not accounting for appeals.

While the system obviously provides a quicker, lower cost outcome and certainty for defendants, it also has significant advantages for the regulator and the public it serves.

Speedier outcomes mean a better chance to educate the community about a concern, while corrective orders are also likely to make much more sense if they are made closer to the time of the alleged breach of the law rather than many months later.

Most importantly, the fast-track system delivers a much quicker outcome for members of the public who may have suffered because of unlawful behaviour by a trader or individual.

The fast-track list has proven so effective that the ACCC has even lodged a Darwin-based matter with the court in Melbourne to take advantage of the faster option. In this instance the trader was a national retailer so it was possible to file in Melbourne.

The ACCC will continue to support innovation that allows quicker resolution of matters affecting the community and encourages others in a position to take advantage of such options to consider their benefits. ●

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