

PRACTICE DIRECTION NUMBER 4 OF 2016

DISTRICT COURT OF QUEENSLAND

This Practice direction superseded Practice Direction No 3 of 2010

COMMERCIAL LIST: DISTRICT COURT

Purpose

1. The purpose of this Practice Direction is to assist the profession and the District Court in effecting the expeditious resolution of commercial matters. The commercial list commenced to operate in the District Court on 29 October 2010.

Application

2. The Chief Judge in consultation with the Judge Administrator may from time to time designate one or more judges to be the Commercial List Judges. The Commercial List Judges are Judge McGill SC, Judge Andrews SC, Judge Dorney QC and Judge Bowskill QC.
3. Matters on the commercial list will be heard and determined by a Commercial List Judge subject to any direction by the Chief Judge.
4. The District Court commercial list manager (“DC commercial list manager”) within the registry is responsible to the Commercial List Judges for the administration and management of the commercial list. Unless the Chief Judge otherwise directs, the DC commercial list manager will be the District Court civil list manager.
5. The DC commercial list manager will generally be the first point of contact about the commercial list and may be contacted by
 - email (DC-comcausemanager@justice.qld.gov.au)
 - fax (07) 3224 7408 or
 - telephone (07) 324 74421

Contact by email is encouraged.

6. The DC commercial list manager and the associates to the Commercial List Judges will liaise to ensure the Judges and the registry are kept well informed about matters on the commercial list.

Nature of listed proceedings

7. (a) A proceeding will be placed on the commercial list if
 - (i) A Commercial List Judge considers that it ought to be placed on the commercial list. Ordinarily that will apply to defended matter of a general commercial character or arising out of trade and commerce in general, including for example disputes as to
 - a) the interpretation and enforcement of contracts and securities

- b) partnership disputes
 - c) claims under relevant legislation, such as the *Trade Practices Act*, the *Fair Trading Act*, and the *Corporations Act*
 - d) building disputes
 - e) intellectual property disputes, and
- (ii) the estimated trial time is 10 days or fewer (except in special cases where it may be more), and a case on the civil list may be assigned by the Judge responsible for the civil list in Brisbane (“the Civil List Judge”) to a Commercial List Judge, and will then be regarded as included on the Commercial List.

b) The Commercial List Judges may enter or retain matters on the Commercial List. It may be expected that priority will be given to urgent matters.

Application for listing

8. A proceeding may be listed on the Commercial List upon application, through the DC commercial list manager, to a Commercial List Judge or by the Civil List Judge.
9. Prior to filing a listing application the solicitor for an applicant must contact the DC commercial list manager to ascertain a date and time for the hearing and the identity of the Commercial List Judge to whom the application has been allocated.

After listing

10. Upon the entering of a proceeding on the Commercial List, the Commercial List Judge making the listing will designate a Commercial List Judge to be responsible for the case.
11. Thereafter, subject to any direction from time to time by the Chief Judge in consultation with the Judge Administrator, it is intended that all interlocutory applications and the trial of the proceedings be conducted, if practicable, by a Commercial List Judge.

Reference to SC PD no 3 of 2002

12. The provisions of paragraphs 9, 11 - 13 and 17 - 23 inclusive of Supreme Court Practice Direction No. 3 of 2002 as amended from time to time apply *mutatis mutandis* to the District Court.

Chief Judge KJ O’Brien

20 May 2016