

SUPREME COURT OF THE AUSTRALIAN CAPITAL TERRITORY

PRACTICE DIRECTION NO 1 OF 2012

Practice Direction – Docket system Civil matters – callovers, duty judges, the Master’s applications list and return of subpoenas

Introduction

1. On 13 August 2012, the Supreme Court will take the first step in the implementation of the docket system in the court, under which judicial officers will manage docketed matters from an early stage. While the full implementation of the docket system will take some time to complete, this Practice Direction details its initial introduction in relation to civil matters.
2. The implementation will also require amendments to the Rules but, in the meantime, insofar as it may be necessary, the Court will make orders under Rule 6 of the *Court Procedures Rules 2006* (ACT) as the occasion arises to ensure that, where the Rules conflict with this Practice Direction, the procedures set out in this Practice Direction will prevail.
3. The procedures established for the initial introduction of a docket system will be subject to change over the coming months in the light of experience with the system.
4. This Practice Direction deals with:
 - (a) callovers for the Judges and the Master (at [6]);
 - (b) the duty judge and the Master’s applications list (at [8] to [13]); and
 - (c) return of subpoenas (at [14] to [15]).
5. Further Practice Directions will be issued as required to deal with other aspects of the docket system.

Judicial callovers

6. Judicial callovers will be listed on Fridays. Each Friday, there will be two callovers by Judges (at 9.00 am and 9.30 am respectively) and a Master’s callover at 10.00 am. This means that each Judge will have a callover every second Friday.

7. Further details about how callovers are to be conducted will be given in Practice Directions to be issued shortly. It is not expected that every matter in a judicial officer's docket will be mentioned at every callover conducted by the judicial officer.

Duty judge/Master's applications list

8. The first duty judge period will begin on 13 August 2012. Some matters that would have been listed in the Master's applications list will be listed before the duty judge. Matters already listed in the Master's applications list will remain in that list, and until all currently docketable matters have been added to dockets, some other applications in undocketed matters will be listed before the Master rather than the duty judge. The parties to any such application should check the daily law lists (at <http://www.courts.act.gov.au/supreme/lists/calendar>) carefully to ensure they know in which list the application has been placed.
9. The matters to be listed before the duty judge from 13 August are:
 - (a) Urgent applications that are not applications in proceedings and are not within the Registrar's jurisdiction.
 - (b) Applications relating to caveats.
10. In the short term, the duty judge will advise the Registrar of times available for duty judge work. In the longer term, it is expected that the duty judge will deal with most duty judge interlocutory matters on Fridays.
11. After the dockets are fully allocated and the duty judges are able to find court time for regular duty judge lists, the duty judge will also deal with the following matters:
 - (a) Applications in proceedings that are not already being managed by a particular judicial officer, being applications that cannot be dealt with by the Registrar.
 - (b) Urgent applications in proceedings where the judicial officer already managing the proceedings is not available. Any applications that are not genuinely urgent will be adjourned back to the judicial officer already managing the proceedings, and the duty judge will consider ordering costs against any party who has sought the listing of the matter before the duty judge.

(c) Applications under the *Road Transport (Third-Party Insurance) Act 2008*, including for:

- (i) approval to withhold disclosure (s 111);
- (ii) orders relating to the holding of a compulsory conference (s 136) or dispensing with the requirement for a compulsory conference (s 137); and
- (iii) orders dispensing with the requirement for a mandatory final offer (s 142).

12. Until the matters listed in [11] above are included in the duty judge's lists, they will continue to be listed in the Master's applications list.
13. A duty judge listing for a matter specified at [9] or [11] above should be sought from the List Clerk, who may seek guidance from the Registrar in relation to matters that are not obviously duty judge matters. Practitioners may need to explain to the Registrar why a matter is urgent or otherwise in need of duty judge attention.

Return of subpoenas

14. Subpoenas in civil matters will continue to be returnable before the Deputy Registrar at 9.30 am each Monday.
15. Any dispute concerning or arising out of a subpoena will be referred by the Registrar or Deputy Registrar to the docket judge (if the matter has been docketed) or to the duty judge in any other case.

By direction of the Judges

ANNIE GLOVER
Registrar
ACT Supreme Court

13 August 2012

