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Please contact Ben Wyatt, Partner if you have any query regarding articles in this Litigation Update – by email to bw Wyatt@rigbycooke.com.au or tel 03 9321 7823.

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What now for the Supreme Court?

The Victorian Government's decision to increase the jurisdiction of the Magistrates' Court of Victoria from 1 January 2005 from \$40,000 to \$100,000 in civil matters is now likely to result in an increase in jurisdiction to the County Court of Victoria.

Victorian Attorney-General Rob Hulls has asked his Department of Justice to commence work on a bill to submit to the Autumn Parliamentary Session to increase the jurisdiction of the County Court—currently limited at \$200,000—to become unlimited.

The County Court currently has an unlimited jurisdiction in personal injuries type matters which was supposed to make it less attractive to proceed to the Supreme Court, and allow the Supreme Court to concentrate on commercial matters and general non personal injuries litigation. This could be seen from the growth of the specialists' lists including the Corporations List, the Building List, Admiralty List, Valuation List, Tax Appeals List and the Commercial List.

So what does this hold for the Supreme Court?

If the County Court has unlimited jurisdiction in relation to monetary sums in commercial disputes, which compares to the New South Wales District Court limit of \$750,000, what matters will the Supreme Court be dealing with?

Presumably the Specialists Lists will continue but will parties be penalized on costs?

It is probably too early to assess the impact of the increase in the Magistrates' Court jurisdiction but there has been for at least a year the potential for complex and large litigation to be run in the Magistrates Court. The same may now apply to those matters that would previously be initiated in the Supreme Court having a start in the County Court.

Whether this will require amendments as the Government suggests to the Court's (Case Transfer) Act is another matter to consider.

For more information about the proposals, contact Ben Wyatt, Partner on 03 9321 7823 or by email bw Wyatt@rigbycooke.com.au