

PRACTICE NOTE SC Eq 2

Supreme Court Equity Division - Admiralty List

Commencement

1. This Practice Note commences on 21 November 2008.

Application

2. This Practice Note applies to proceedings in, or to be entered in, the Admiralty List in the Equity Division of the Supreme Court.

Definitions

3. In this Practice Note:

Act means the *Admiralty Act 1988 (Cth)*

List means the Admiralty List

List Judge means the judge of the Equity Division assigned to administer the Admiralty List

Rules means the *Admiralty Rules 1988 (Cth)*

SCR means the *Supreme Court Rules 1970*

Introduction

4. The Purpose of this Practice Note is to explain the operation of the Admiralty List.

Assignment of business and entry in the Admiralty List

5. The Court will assign proceedings to the Equity Division and enter them in the List if the matter involves jurisdiction of the Court under any of:
 - (1) the Admiralty Act 1988 (Cth)
 - (2) the Limitation of Liability for Maritime Claims Act 1989 (Cth)
 - (3) the Shipping Registration Act 1981 (Cth)
 - (4) the Navigation Act 1912 (Cth)

Entry in the List on commencement of proceedings

6. Where a plaintiff, on his or her Summons or Statement of Claim filed in the Equity Division, adds "Admiralty List" next under the heading and title, the proceedings shall be entered in the List without any order for entry.

7. A document filed in the Court in the List must be entitled as required in Form 1 of the Rules and must otherwise comply with the forms prescribed by the SCR.

8. All matters in the List are case managed from commencement by the List Judge. A plaintiff commencing proceedings in the List should contact the Associate to the List Judge prior to filing the initiating process to request a date for the proceedings to be listed for directions. That date will then be inserted as the return date in the Statement of Claim or Summons upon filing in the Registry.

Entry into and removal from the List

9. The Court may, on the application of a party or of its own motion, if it is satisfied that it is proper to do so, order that proceedings be entered into or removed from the List and may give such further directions as to the continuance of the proceedings as it thinks fit.

Directions and applications

10. Directions hearings and applications by Notice of Motion are heard by the List Judge at 9.30am on Thursday.
11. Representatives of parties attending directions hearings are expected to be sufficiently informed of the nature of the case and its current position to enable the List Judge to deal with the matter expeditiously and with minimum expense to the parties.
12. Directions for timetables and other orders or directions which have been agreed between the parties may be made without the parties' attendance in Court by sending to the Associate to the List Judge by facsimile Short Minutes of Order signed by the legal representatives of all parties.

13. A party may at any time, and notwithstanding any earlier direction, arrange for a matter to be listed for directions by contacting the Associate to the List Judge.

14. A party wishing to make an urgent application during business hours should contact the Associate to the List Judge to arrange a time for the matter to be listed.

15. A party wishing to make an urgent application outside normal business hours may apply to the List Judge by telephoning the List Judge's Associate in the first instance, or the Security desk on 9230 8025.

Hearings

16. Admiralty matters will be fixed for hearing only by the List Judge and, in so far as is possible, will be given priority in the Court's calendar.

17. Parties should be prepared to take an early date for a final hearing and will be encouraged to streamline the issues for trial.

Registrar and Marshal

18. The officer of the Court authorised to be Registrar for the purposes of Rule 4(1) of the Rules is the Registrar in Equity.

19. The Chief Justice appoints an appropriate officer of the Court to the position of Marshal. The contact details for the current Marshal are available from the Court's website (www.lawlink.nsw.gov.au/sc).

Insurance of property arrested under the *Admiralty Act 1988*

20. The *Act* provides for the arrest of property (including vessels) by the Marshal in actions in rem. The Marshal does not at any time during the period of arrest hold commercial insurance for the benefit of any person who has an interest in arrested property.

21. Persons with an interest in arrested property and their solicitors may wish to consider the question of insuring the amount of their interest against consequential risks, including risks occasioned by any movement of a vessel.

J J Spigelman AC
Chief Justice of New South Wales
13 November 2008

Related information

Practice Note SC Eq 2 replaces Practice Note SC Eq 2 which commenced on 17 August 2005.

Practice Note SC Eq 2 replaced Practice Note No. 84 on 17 August 2005.

See also:

Practice Note SC Gen 1 Supreme Court – Application of Practice Notes

Admiralty Act 1988 (Cth)

Supreme Court Rules 1970

Admiralty Rules 1988 (Cth)