

Remarks of the Hon Marilyn Warren AC
Chief Justice of Victoria
The Commercial Bar Association of Victoria Reception
Wednesday 19 October 2016

Justice Gordon

Chief Justice Allsop

Your Honours

Ladies and Gentlemen

Thank you Philip Crutchfield for your very warm and generous welcome.

For today's occasion, an invitation was extended by me to hold the celebration in the Supreme Court Library. The CommBar committee decided that here, the Essoign Club, was the better venue.

I leave you all to decide your preference.

What I will say is that the Victorian Commercial Bar is always welcome in the Supreme Court.

Tonight is an occasion to celebrate one of the nation's finest Bars. With the current output of the main Victorian commercial litigation forums – the Commercial Court, the Court of Appeal and the Federal Court, both trial and appellate – commercial law is developing and advancing in Victoria as a significant part of the national jurisprudence.

We need only reflect on the quality of the specialist commercial benches of the Commercial Court and the Court of Appeal and of the Federal Court, together with the relevant lists and divisions of the County Court, VCAT, the Federal Circuit Court and the AAT to understand the point. Specialisation, intensive judicial management, appropriate fast tracking and skilled ADR, particularly mediation, place Victoria as a national leader.

If I might give an example. The Commercial Court recently heard then resolved the substantial *Oswal v ANZ* cases. Ultimately, the matters were resolved by Associate Justice Efthim providing the parties with the skill, level and intensity of court-based mediation necessary to resolve the matters. And all at virtually no cost.

Specialist commercial courts and benches and their value are now recognised internationally. In May 2017 there will be an international gathering in London hosted by the Lord Chief Justice of commercial courts and benches from all around the world.

Specialization at all levels is a response to the needs of the market and the business world.

We recently had a grand final here in Melbourne, the Victorian team won. With any first class operation the team list

is vital. In Victorian terms the naming of the line-up and it's quality is very important.

If I might give a team list example with which I am very familiar, the Commercial Court. A specialist judicial service is led by Justice Hargrave, assisted by Justices Robson, Judd, Vickery, Croft, Sifris, Almond, Digby, Elliott, Sloss, Cameron and Kennedy and as a reserve Judge, Justice Dodds-Streeton.

Then there are the Associate Judges who carry much of the corporations burden – Associate Justices Efthim, Gardiner and Randall, together with interlocutory support in the Commercial Court from Associate Justices Daly and Derham.

The Commercial Court team lead extensive and ongoing reforms with a view to providing a more streamlined, user-friendly model of service delivery to the legal profession. This

has been achieved in part through specialist judge management in the Commercial Court.

As a demonstration of the Supreme Court's focus on service to commercial litigation there is now a strong synergy between the Commercial Court and Court of Appeal Registries. They exist to help. This has resulted in increased speed. In 2016 the average time from start (initiation) to finish (finalisation) for civil appeals stands at just on six and a half months.

The question may be asked by some, does a commercial jurisdiction in a superior court matter?

The CommBar organised a truly remarkable international commercial law conference in London in June this year. The speakers and papers were outstanding – do check the CommBar website. The English judiciary and Bar lauded the vision and initiative of holding the conference. They also marvelled at the

capacity and quality of the Victorian Commercial Bar – in one sense, the conference put CommBar 'on the world map'. I urge another conference to build on the success of June.

If I might reiterate my message in London, what commercial barristers do is important and it matters.

First, our democratic structure of government is partly based on the peaceful resolution of disputes that the CommBar enables to be resolved.

Secondly, the CommBar contributes to moral commercial conduct by bringing litigation that leads to the oversight of business behaviour.

Thirdly, the socio-economic value of the CommBar needs to be recognised. The CommBar enables business to do what needs to be done so as to keep the economy ticking over.

Fourthly, there is the sheer economic contribution of commercial litigation, an estimated \$7 billion dollars plus per annum in Victoria.

Fifthly, the CommBar is a leader in case management and procedural reform.

Without these contributions out society and social context would inevitably be very different, totalitarian and corrupt. This evening is a celebration but pause for a moment and reflect: the Commercial Bar matters and each and every commercial barrister has a role to play.

So this evening, celebrate the CommBar and what it does. For the commercial barristers, take immense pride in what you do – just as we the commercial judiciary take pride in you.