



Express law

fast track information for clients

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Federal Court issues practice note on Fast Track Directions

[Federal Court of Australia Practice Note 30](#), issued on 24 April 2009, sets out arrangements for the management of Federal Court proceedings that are to be conducted in accordance with the Fast Track Directions. The arrangements apply nationwide.

The aim of the Fast Track Directions is to reduce delay in and cost of proceedings. A pilot system was implemented in Victoria in May 2007, and it is considered to have been a success. The Fast Track Directions framework is a modified version of the Victorian pilot.

Features of the Fast Track Directions

Key features of the practice note are as follows.

Types of proceedings that can be conducted under Fast Track Directions

- Eligible types of proceedings include those relating to commercial transactions, important issues in trade or commerce, construction of commercial documents, important issues in personal insolvency, or intellectual property rights.
- Types of proceedings that are not eligible are those that would otherwise be allocated to the admiralty, corporations, taxation or patent panels.
- The Fast Track Directions are not expected to apply where the trial will exceed five days.

Applying for Fast Track Directions

- If a party wishes to avail itself of the Fast Track system, they should mark their application 'FAST TRACK APPLICATION'. The Fast Track Directions will then apply, subject to a judge ordering otherwise.
- The application is to be accompanied, or followed, by a Fast Track Statement rather than a Statement of Claim.
- Other pleadings have also been replaced: there will now be Fast Track Responses (rather than Defences), Fast Track Cross-Claims and Fast Track Replies. These documents will need to be filed and served in the timeframe, and address matters, specified in the practice note.
- Active case management is ensured through a Scheduling Conference (not less than 45 days after the application is filed) and a Pre-Trial Conference (three weeks before hearing).

Time limits under the Fast Track system

- The hearing will generally be two to five months after the Scheduling Conference, with judgment within six weeks thereafter.
- The hearing will be subject to strict time limits, with each party having a fixed block of time for submissions and evidence.

Other requirements

- Parties must 'meet and confer' to attempt to resolve any interlocutory dispute before applying to the Court. Most interlocutory disputes will be dealt with 'on the papers'.
- Discovery is limited, and involves a 'good-faith proportionate search'.

Implications for agencies

In appropriate matters, agencies will be able to utilise the Fast Track Directions to obtain a faster and cheaper outcome to litigation. In such matters, it will be necessary for agencies to focus on the real issues in the proceedings from an early stage, and to work quickly in preparing the matter for hearing. Matters might also be resolved prior to hearing through Court-referred mediation.

AGS has acted for the ACCC and Customs in Fast Track matters in Victoria.

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