



31 August, 2006

**Statement from the Chief Justice of Western Australia,
the Hon Wayne Martin**

Supreme Court reform announced by Chief Justice

A major reform to improve the efficiency of the Supreme Court was announced today by the Chief Justice of Western Australia, Wayne Martin.

A new system for the management of certain civil cases is to be set up with the express purpose of speeding up cases which in the past have dragged on for months or even years.

Mr Martin said all Supreme Court cases within the existing Expedited List, the Defamation List and the Corporations List will be transferred from tomorrow (1st September) to a new list to be called the Commercial and Managed Cases List. A team of five judicial officers will handle between four-hundred and five-hundred cases a year including commercial cases, mesothelioma claims, major building and construction cases, and defamation actions.

He added: “The whole thrust of this reform is to reduce the steps that have to be taken between the start of legal proceedings and their final resolution. Up till now there has been far too much legal argument about the technicalities of cases and the legal processes which take place prior to mediation or trial.”

Mr Martin said the principle of proportionality will be a feature of the reform. “In other words the time and effort put into a case by various parties must be proportional to the importance of the issues and the value of the subject matter involved,” he added.

“In future legal processes prior to mediation or trial will only be permitted if the time and expense involved is justified by the contribution they make to the just resolution of the case. Anything which interferes with the speedy resolution of the case by mediation or trial will have to be justified.”

“In hearings which require significant case management, a single judge will be responsible for getting that case to speedy settlement or trial.”

“For example, it is vital that mesothelioma cases are handled by all parties speedily and efficiently so that they get to trial before the patient dies.”

“What we want to stop is the legal costs incurred by the parties becoming disproportionate to the significance of the case. It is not unknown for those costs to exceed the amount in issue – an outcome which must be avoided. Mediation will be a critical part of the new process. It will be a rare case that will go to trial before being mediated first.”

The Chief Justice said the reforms had the support of judges and the legal profession. A seminar to explain the operation of the new List will be held on 21 September 2006.

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