

# Construction Legal update

23 March 2011

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## Developments in the world of pre-litigation protocols ...

Last December, we advised that there had been a substantial change in the *Civil Procedure Act 2005* which will affect the way that disputes are commenced and run in NSW.

Section 18A of the *Civil Procedure Act 2005* proposed that "certain steps" be taken *before* the commencement of proceedings, as part of a new regime known as a "pre-litigation protocol". Full details about this regime are set out in the [article published in December 2010](#).

On 2 March 2011, the amendments to the *Civil Procedure Act 2005* were proclaimed and will come into force on 1 April 2011.

However, it is critical to note that the Supreme Court has been exempted from the operation of the new pre-litigation procedures, but not the District or Local Courts. It is expected that the District and Local Courts will be excluded too, pending the Commonwealth's introduction of similar rules in relation to the commencement of civil proceedings in federal courts.

We will provide further updates on any more developments which may emerge.

If you have any questions in relation to this issue, please contact Nick Crennan, partner on 02 8281 4608 or Joanne Chaina, solicitor on 02 8281 4609.

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