

## EXPLANATORY STATEMENT

Subordinate Law 2000 No. 50

Issued by the Authority of the Judges of the  
Supreme Court of the Australian Capital Territory

### SUPREME COURT RULES AMENDMENT

The resident Judges of the Court (of whom there are currently four, including the Chief Justice) or any two of the resident Judges, may make Rules of Court regulating the practice and procedure of the Court pursuant to Section 36 of the *Supreme Court Act* 1933.

These amendments, which commence on 18 December 2000, expand the jurisdiction of the Master in respect of personal injuries actions and applications to extend time for commencement of civil actions. When the position of Master was established in 1988 the powers were broadly based on the corresponding powers of the Masters in the Supreme Court of New South Wales. The most significant power is the power to hear and determine personal injuries damages claims arising from motor vehicle accidents.

The Judges have determined to confer additional jurisdiction on the Master in line with the New South Wales powers. The effect of the grant of additional jurisdiction will be to confer greater flexibility in the listing of civil matters, as all personal injury claims may now be listed before either a Judge or the Master. This should lead to a more efficient utilisation of the judicial resources of the ACT Supreme Court.

New rule 61A(1)(a) expands the personal injuries jurisdiction by removing the limitation that it applies only to motor vehicle accident cases. This corresponds to amendments made in New South Wales in 1992. This will allow the Master to hear and determine all personal injuries claims, involving industrial accidents, slip and fall cases and medical negligence cases as well as motor accidents.

New rule 61A(1)(aa) preserves the jurisdiction to hear and determine property damage claims arising from motor vehicle accidents. Although not often utilised, there is benefit in being able to hear an associated property claim with a motor vehicle personal injuries claim.

New rule 61A(1)(y) confers jurisdiction on the Master to hear and determine applications to extend the time for commencing a civil action. These matters at present go before a Judge, but have been dealt with by Masters in other Australian Supreme Courts.