

EXPLANATORY STATEMENT

Subordinate Law No. 35 of 1998

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 four, including the Chief Justice) or any two of the resident Judges, may make Rules of Court for regulating the practice and procedure of the Court pursuant to section 36 of the *Supreme Court Act* 1933.

Amendments to Forms: (Rules 9 to 12 and Schedules 1 to 4):

These amending Rules principally amend or replace some of the forms prescribed in the *Supreme Court Rules*, which are located in the various Schedules to those Rules. The amendments are mostly of a drafting nature and are aimed at modernising existing forms by using plain English and ensuring consistency between the forms. Some new forms have also been introduced into the Rules. Two notable examples are new Forms 50AA and 50AB. These Forms, respectively, prescribe a general form of judgment and order and will enable judgments and orders to be prepared in a less formal and clearer manner than is presently the case with no prescribed forms.

Commencement: The rules that make changes to the forms will commence on 1 February 1999. This will enable practitioners and others to familiarise themselves with the changes and to update precedents. The remaining rules will commence on 15 December 1998.

Other Amendments: A number of other miscellaneous amendments are made to the *Supreme Court Rules* as follows:

Rule 3: Order for Accounts: This Rule corrects an error. The requirements of both paragraphs (a) and (b) of Rule 1 of Order 18 need to be satisfied before the Court is required to make an order for accounts.

Rules 4 & 7: Repeal: Rule 8 of Order 36 is repealed. The content of this Rule is more conveniently located in Order 72 (Administration and Probate Jurisdiction) of the Rules. New Rules 51A and 51B of Order 72, which correspond with Rules 8 and 9 of Order 36, are inserted. New Forms of Order, Accounts and Inquiries [Forms 32 (First Schedule) and 20 (Third Schedule)] are included.

Rule 6: Authority of Master: The amendment to Rule 1 of Order 61A is consequential upon the renumbering of the *Magistrates Court (Civil Jurisdiction) Act* 1982.

Rule 8: Appeal Rules: Item 4 contained in Rule 2 of Order 81 has been revised to extend the operation of the appeal rules to appeals to the Supreme Court under the *Community and Health Services Complaints Act 1993*; Subsection 39G(1) and the *Health Records (Privacy and Access) Act 1997*; Subsection 32(1). The reference to the relevant Part of the *Magistrates Court (Civil Jurisdiction) Act 1982* is also updated as a consequence of the renumbering of that Act.