

EXPLANATORY STATEMENT

Subordinate Law No. 31 of 1997

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.

The Court's appeal and review procedures were developed on an ad hoc basis as different tribunals and other bodies from which an appeal or right of review to the Court were established.

These amending rules consolidate and unify the Court's procedures relating to cases stated for the consideration of the Court from a tribunal, court, body or person; appeals to the Court from a tribunal and other bodies; and the order nisi procedure to review decisions of the Magistrate's Court.

New Orders 37 and 37A derive from previous Order 37 and effect minor drafting changes in relation to cases stated to the Court and the trial of issues of fact without pleadings.

The amendments to **Orders 61 and 61A** deal with appeals from the Registrar's orders and from interlocutory judgments of the Master and will ensure that such appeals are dealt with expeditiously.

New Order 81 consolidates into one order most of the existing appeal provisions which are currently scattered throughout the Rules and provides a uniform procedure in respect of appeals.

New Order 81A relates to the procedure order nisi to review a decision of the Magistrate's Court which has been relocated from Division 2 of Order 60 to a new order with minor drafting changes.

Schedules 1 and 2 contain appeal and review forms with a more simplified layout than previously.