

EXPLANATORY STATEMENT

Subordinate Law No. 43 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.

These amendments primarily allow for an increase of 6.63% in the scale of costs chargeable for litigious work performed by a solicitor as from 1 January 1998.

The last increase to the scale of solicitors' costs specified in the Fourth Schedule to the Supreme Court Rules took effect on 1 April 1995. The present increase of 6.63% was arrived at by applying the Federal Costs Advisory Committee formula, which takes into account movements in the Consumer Price Index and the Average Weekly Ordinary Time Earnings during the relevant period, to the relevant ACT indices. Consultation between the Attorney-General's Department and the Law Society has resulted in an agreement that this is an acceptable basis for determining the present increase. As a result of this process the Attorney-General has recommended to the Judges of the Court that there be an increase of 6.63% in the scale of solicitors' costs. The Judges have accepted the Attorney-General's recommendation.

The increase has also been applied to the costs provided for in Order 3, rules 2 and 3 in respect of claims for a debt or liquidated demand (except insofar as those costs include the disbursement of a court filing fee) as well as to the photocopying charge specified in Order 65 rule 41 and the charge for the perusal of documents specified in Order 65 rule 42.

Rule 8 of these amendments repeals Part 3 (Order 70) of the Supreme Court Rules which provides for various forms of oaths and affirmations. Part 3 is no longer necessary as provision for the oaths and affirmations referred to in that Part is made in recent amendments to the Juries Act 1967 and in the Oaths and Affirmations Act 1994.