

EXPLANATORY STATEMENT

Subordinate Law No. 27 of 1995

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

SUPREME COURT RULES (AMENDMENT)

The amending rules provide as follows:

Rule 6 of Order 3

The reference in Rule 6 of Order 3 to "Service and Execution of Process Act 1901" is omitted, being substituted with a reference to "Service and Execution of Process Act 1992". The Service and Execution of Process Act 1901 has been repealed by the Service and Execution of Process (Transitional Provisions and Consequential Amendments) Act 1992.

Rules 27 and 29 of Order 39; Rules 5 and 7 of Order 80; First Schedule, Forms 46, 47 & 48; Eleventh Schedule, Forms 1, 2, 3 & 4.

The provisions in Orders 39 and 80 and the First and Eleventh Schedules regarding attendance pursuant to a subpoena and the payment and determination of conduct money and expenses in complying with the subpoena are modified.

The new procedures will ensure:

- (i) the person named in the subpoena complies with the subpoena, whether or not sufficient conduct money is tendered;
- (ii) that person has a relatively easy method of having determined the proper amount of conduct money payable, and enforcing payment;
- (iii) the Court may still allow for the payment of additional costs if the actual costs or loss exceeds that determined in advance by the taxing officer.

Rule 1 of Order 51

The amendment repeals the present outmoded provision in Rule 1 of Order 51 for the consolidation of actions which simply adopts the procedures of another court by reference, and inserts in its place more comprehensive provisions which provide guidance as to how and when actions might be consolidated.

Rule 1 of Order 61A

Confers jurisdiction on the Master pursuant of Rule 1 of Order 61A to hear and determine applications for interlocutory (not final) orders relating to appeals from Territory tribunals.

Part 11A - Registration of Orders under the Mutual Assistance in Criminal Matters Act 1987 of the Commonwealth

Part 11A(New Order 80A) prescribes a procedure for the registration in the Supreme Court under the Commonwealth Mutual Assistance in Criminal Matters Act 1987 of restraining, forfeiture and pecuniary penalty orders made in foreign countries. The Act contemplates the making of court rules to deal with registration of such orders.

Part 11B - Registration of Orders under the Proceeds of Crimes Act 1991

Part 11B (New Order 80B)prescribes a procedure for the registration in the Supreme Court under the Proceeds of Crime Act 1991of interstate restraining and protective orders. The Act contemplates the making of court rules to deal with the registration of such orders.