

# Explanatory Statement

## Court Procedures Amendment Rules 2006 (No 2) Subordinate Law SL2006 - 58

Issued by the Authority of the Rule-Making Committee

The Rule-making Committee (currently comprising the Chief Justice, the President of the Court of Appeal, Justice Connolly, the Chief Magistrate and Magistrate Somes) may make rules in relation to the practice and procedure of ACT courts and their registries pursuant to section 7 of the *Court Procedures Act 2004*.

The Court Procedures Rules 2006 commenced in the ACT Supreme Court on 1 July 2006. Pursuant to rule 4(2) the Rules do not apply to proceedings in the ACT Magistrates Court until 1 January 2007.

The Amendment Rules insert new parts 3.12 and 3.13 which represent the jurisdiction of the Court in small claims matters (limited to claims under \$10,000) and workers compensation matters (applications arising under the *Workers Compensation Act 1951*).

With respect to proceedings in the Small Claims Court (part 3.12), the new Rules essentially replicate the old provisions found in Part 22 of the Magistrates Court (Civil Jurisdiction) Rules 2004. A specific division (Division 3.12.3) has been included to allow for the prosecution of third party proceedings in matters other than common boundaries applications.

With respect to proceedings in workers compensation matters, the new Rules consolidate the provisions previously found in the Workers Compensation Rules 2002, the Workers Compensation Regulations 2002 and Practice Direction No. 1 of 2000.

Other amendments to the Rules include:

- rule 55 - repeats the old section 21 of the Magistrates Court (Civil Jurisdiction) Rules 2004;
- rules 771, 1006, and 1119 – technical amendments;
- new rule 2016 - allows for payment directions of the Essential Services Consumer Council to be enforced as a judgment of the Magistrates Court;
- new sub-rule 2445(5) - provides for committal and recognisance of a senior officer of a corporation if the corporation fails to comply with a subpoena or like document;

- rules 2749, 2750, 3006, 3007, 3008, 3010, 3014, 3056, 3057, 3159, 3201, 3210, 3478, 3483 – technical amendments;
- new rules 4330, 4331 - allows for the continuation of the procedure under the Magistrates Court Rules whereby an informant may request attendance of a witness at a hearing;
- new Divisions 4.2.4 and 4.2.5 - prescribe new provisions for the enforcement of fines issued by the Magistrates Court;
- Schedule 4 Part 4.2 has been re-drawn to increase a solicitor's entitlement to charge and be allowed costs for work done after 1 January 2007 by 7.73%. The scale has not been amended since 10 January 2005. The formula adopted by the Federal Costs Advisory Committee to measure cost increases has been applied in formulating the increase. The increase covers a 19 month period and equates to an annual increase of 4.88%.