

# Explanatory Statement

## Court Procedures Amendment Rules 2010 (No 2) Subordinate Law SL2010 - 51

Issued by the Authority of the Rule-Making Committee

The Rule-Making Committee (currently comprising the Chief Justice, President Gray, Justice Refshauge, Chief Magistrate Burns and Magistrate Dingwall) 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*.

From the time of commencement of the *Court Procedures Rules 2006*, the Courts and the Joint Rules Advisory Committee have conducted a continuous and consultative review of the rules. This process has resulted in the amendments contained in the *Court Procedures Amendment Rules 2010 (No 2)*.

A new Division 2.4.4A provides for the separate representation of a defendant for the insurer's period on risk in a proceeding in relation to a personal injury claim.

In response to representation from the profession, minor amendments have been made to the rules relating to workers compensation proceedings (Part 3.13). In particular, rule 3919A has been included to cover the situation where a potential cross-border dispute arises. The new rule ensures that the party raising the issue provides notice to all potential insurers on risk in relation to the claim.

Minor amendments have also been made to Table 5051, bringing the removal of appeals from the ACT Civil and Administrative Tribunal to the Supreme Court under section 83 of the *ACT Civil and Administrative Tribunal Act 2008* within Part 5.3 (Appeals to the Supreme Court) of the Rules. A note has been included under rule 5301(1) to clarify that an appeal to the Court of Appeal in a criminal proceeding does not operate as a stay of the conviction appealed from.

A new rule 6601A has been introduced to reflect the established practice, originally documented in the Supreme Court's Notice to Practitioners dated 15 February 1990, that a subpoena to produce will not be issued without the Court's leave, prior to the filing of a Certificate of Readiness.