

# Explanatory Statement

Court Procedures Amendment Rules 2023 (No 2)

Subordinate Law 2023-36

Issued by Authority of the Rule-Making Committee

The Rule Making Committee (comprising Chief Justice McCallum, Justice Mossop, Chief Magistrate Walker and Magistrate Temby) may make rules in relation to the practice and procedure of the ACT Courts and their registries pursuant to s 7 of the *Court Procedures Act 2004*, and in relation to the subject matter set out in Schedule 1 to that Act. The Courts and the Joint Rules Advisory Committee have conducted a consultative review of the rules which has resulted in the amendments contained in the *Court Procedures Amendment Rules 2023 (No 2)*.

The amendments set out in the *Court Procedures Amendment Rules 2023 (No 2)* clarify the operation of the *Court Procedures Rules 2006* with respect to documents filed and issued electronically. They include the following amendments:

- minor amendments to terminology to:
  - replace references to documents being 'attached' to or bound with other documents, recognising that electronically filed or issued documents may comprise a series of individual document files: r 50(2), (3), 54, 303(2), (3), 308(1), (2), 1312(1), 2053(1)(a), (b), (c), 5101(2)(b), 5133(1)(b), 5403(3)(b), 5802(2)(b), 5807(1), 5808, 5832(2)(b), 5835, 5857(2), 5857(3);
  - reflect that there may be circumstances in which copies of a document are not filed, including if documents are filed electronically: r 70, 71(2), 102(4), 104(3), 307, 467(3), new rule 480(3A), 481(4), 3608(3), 5015, 5073, 5084, 5104, 5105(2), 5313, 5334, 5406, 5407(2), 5507, 5606(5)(b), 5855(5), 5856(5);
  - include an email address in the definition of address for service (r 768(2), 2334(2), 2356(2), 2554(3), 2749(4), Dictionary),
- an amendment to provide for self-represented litigants to affix an electronic signature to documents filed with the Court (r 6106(4)); and
- an amendment to permit the Registrar to convert a document filed in hard copy to electronic form, to return the hard copy to the filing party, and to confirm which version of the document constitutes the official record of the Court (new rules 6133 and 6134).