

Explanatory Statement

Background

The *Court Procedures Act 2004* (the **Act**) governs the practice and procedure of ACT Courts, prescribed tribunals and their registries. Section 9 of the Act establishes the rule making committee and confers power on the rule making committee to:

- make rules relating to the practice and procedure of ACT Courts, prescribed tribunals, and their registries, and in relation to any of the other matters mentioned in Schedule 1 to the Act (s 7); and
- approve forms for the Act, or for use or in relation to ACT Courts, prescribed tribunals, and their registries (s 8).

This explanatory statement describes amendments to the *Court Procedures Rules 2006* (the **Rules**) as made by the rule making committee under s 7 of the Act and set out in the *Court Procedures Amendment Rules 2025 (No 1)* (the **Amendment Rules**).

Detail

The Amendment Rules make minor amendments to the Rules, to:

- change the default position with respect to the time at which interlocutory costs orders are enforceable such that those costs orders are not assessed until the end of the proceedings unless the Court otherwise orders;
- ensure consistency in the rules relating to the appointment and withdrawal of solicitors acting for an accused person (rules 4000B(1)(b)(i), 4000C(1), 4000D(3), 4000D(5)(c), 5002 – 5007, dictionary);
- give the Magistrates Court Registrar power to exercise the jurisdiction of the Magistrates Court under s 28 of the *Magistrates Court Act 1930* (ACT), if the amendment is consented to or not opposed; and
- update the scale of costs in schedule 4, part 4.2 of the Rules.

The rule making committee have separately updated several forms, consistent with the above amendments relating to the appointment and withdrawal of solicitors acting for an accused person.

Pursuant to s 36(1)(i) of the *Legislation Act 2001*, a regulatory impact statement is not required for the Amendment Rules.

Human Rights

The Amendment Rules are procedural and administrative in nature. The *Human Rights Act 2004* establishes a right to a fair trial (s 21) and rights in criminal proceedings (s 22). Neither of these rights, nor any other human right established by the *Human Rights Act 2004*, is engaged or impacted by the Amendment Rules.