

## **EXPLANATORY STATEMENT**

### **SUPREME COURT AMENDMENT RULES 2003 (No 4)**

#### **Subordinate Law SL2003-48**

#### **Issued by the Authority of the Judges of the Supreme Court of the Australian Capital Territory**

The resident Judges of the Court (of whom there are currently four, including the Chief Justice) or any two of the resident Judges, may make Rules of Court regulating the practice and procedure of the Court pursuant to section 36 of the Supreme Court Act 1933.

These rules amend the Supreme Court Rules:

- To provide for a conditional appearance – an appearance by which the defendant or respondent reserves the right to argue that the Court lacks jurisdiction, or that the proceeding is irregular, or that for some other reason the Court should not hear and determine the proceeding and that, therefore, the Court ought to set aside the originating process or its service or order a stay of the proceedings.

Matters of jurisdiction can then be dealt with at an early stage.

- Unless an application is filed within 14 days the conditional appearance has the effect of an unconditional appearance
- To prescribe a form of Notice of Objection to competency and provide for its service.