



Australian Capital Territory

Supreme Court Rules¹ (Amendment)

Subordinate Law No. 2 of 1994²

We, Judges of the Supreme Court, make the following Rules of Court under section 36 of the *Supreme Court Act 1933*.

Dated 21 February 1994.

JEFFREY MILES
Chief Justice

J F GALLOP
Judge

T J HIGGINS
Judge

A G TOWILL
Registrar

Commencement

1. These Rules commence on the day on which they are notified in the *Gazette*.

Principal Rules

2. In these Rules, “Principal Rules” means the Supreme Court Rules.

Statement of Particulars

3. Rule 3 of Order 36A of the Principal Rules is amended—

- (a) by omitting from subrule (1) “56 days before the date fixed for determining the trial date” and substituting “at the time of the filing of a Certificate of Readiness under the Practice Directions”;
- (b) by omitting from subparagraph (1) (d) (iii) all the words after “statement” and substituting “calculated by reference to a comparison between what the plaintiff has earned since the accident and what the plaintiff alleges he or she would have earned but for the accident, together with the particulars referred to in subrule (1A); and”;
- (c) by inserting after subrule (1) the following subrule:
 - “(1A) For the purposes of subparagraph (1) (d) (iii), the plaintiff shall set out particulars of the comparison of earnings, including, where appropriate—
 - (a) particulars of—
 - (i) the earnings of employees engaged in employment similar to that in which the plaintiff alleges he or she would have engaged, but for the accident; and
 - (ii) the identity of those employees; or
 - (b) particulars of—
 - (i) payments which the plaintiff alleges he or she would have received under an award or industrial agreement applicable to the employment in which the plaintiff alleges he or she would have engaged, but for the accident; and
 - (ii) the identity of that award or agreement.”;
- (d) by inserting in subrule (2) “or her” after “him”; and

- (e) by omitting from paragraph (2) (b) “workmen’s” and substituting “workers’ ”.
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NOTES

1. Reprinted as at 31 December 1993.
2. Notified in the ACT Gazette on 28 February 1994.