



Australian Capital Territory

## Supreme Court Rules Amendment

Subordinate Law 2000 No 24

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

Dated 31 May 2000.

JF GALLOP  
Acting Chief Justice

TJ HIGGINS  
Judge

KJ CRISPIN  
Judge

AG TOWILL  
Registrar

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# Supreme Court Rules Amendment

**Subordinate Law 2000 No 24**

made under the

*Supreme Court Act 1933*

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**1 Commencement**

These rules commence on the day they are notified in the Gazette.

**2 Rules amended**

These rules amend the *Supreme Court Rules*.

**3 Insertion**

Order 39 is amended by inserting after Division 1 the following Division:

***“Division 2—Taking evidence at trial from outside Territory by audiovisual link or audio link***

**“3 Application for direction**

An application for a direction under section 18 of the *Evidence (Miscellaneous Provisions) Act 1991* may be made orally or by motion on notice in the proceeding.

**“4 Supporting affidavit**

An application must be supported by an affidavit stating—

- (a) why it is desirable that the evidence be taken or submissions made by audiovisual link or audio link; and
- (b) the nature of any evidence to be taken; and
- (c) the number of witnesses to be examined; and
- (d) whether issues of character are likely to be raised; and
- (e) the expected duration of the evidence or submissions; and
- (f) a description of the facilities that are available, or that can reasonably be made available, for the evidence to be taken or submissions to be made; and
- (g) that the requirements of subsection 18 (2) of the *Evidence (Miscellaneous Provisions) Act 1991* can be met.

**“5 Relevant considerations**

In deciding whether to grant an application, the court may have regard to, in addition to the matters included in the applicant’s affidavit, any other matters that the court considers to be relevant, including cost and convenience to the witnesses and parties.

**“6 Directions**

“(1) If the court gives a direction under section 18 of the *Evidence (Miscellaneous Provisions) Act 1991*, the court may direct the registrar to arrange for and coordinate the use of the appropriate facilities in the Territory and the other jurisdiction.

“(2) Without limiting subrule (1), the court may direct that—

- (a) the registrar arrange for the evidence to be given, or the submissions to be made, at the Supreme Court of the other jurisdiction or at another place approved by that court for the purpose; and
- (b) an officer of the Supreme Court of the other jurisdiction, or anyone else approved by that court for the purpose, be asked to be present to assist in the transmission of the evidence or submissions and, in particular, to—
  - (i) introduce witnesses and legal representatives; and
  - (ii) assist with the administration of oaths, if necessary; and
  - (iii) assist with the implementation of any direction given or request made by the judge hearing the evidence or submissions.”.

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**Endnotes**

**Rules amended**

- 1 Republished as in force on 1 February 1999. See also SL 1999 No 26; 2000 Nos 17 and 23.

**Notification**

- 2 Notified in the Gazette on 15 June 2000.