



Australian Capital Territory

Supreme Court Amendment Rules 2001 (No 3)

Subordinate Law 2001 No 48

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

Dated 14 December 2001.

JEFFREY MILES
Chief Justice

T.J. HIGGINS
Judge

K.J. CRISPIN
Judge

M.F. GRAY
Judge

J.E. CIRCOSTA
Registrar



Australian Capital Territory

Supreme Court Amendment Rules 2001 (No 3)

Subordinate Law 2001 No 48

made under the

Supreme Court Act 1933

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1 Name of rules

These rules are the *Supreme Court Amendment Rules 2001 (No 3)*.

2 Commencement

- (1) Rules 6 and 13 commence on 1 February 2002.
- (2) Rule 15 is taken to have commenced on 30 April 2001.
- (3) Amendment 1.25 commences on 1 July 2002.
- (4) The remainder of these rules commence on their notification day.

3 Rules amended

- (1) These rules, other than rules 14 and 15, amend the *Supreme Court Rules*.

Note There are amendments of the Supreme Court Rules in the body of these rules and in schedule 1.

- (2) Rule 14 repeals Subordinate Law 1995 No 15.
- (3) Rule 15 amends Subordinate Law 2001 No 10.

4 Order 1 rule 4, definition of *criminal proceeding*

substitute

criminal proceeding includes—

- (a) an application in relation to bail; and
- (b) a trial on indictment; and
- (c) a proceeding on indictment if a plea of guilty is intended or entered; and
- (d) a proceeding following a committal for sentence under the *Magistrates Court Act 1930*, section 90A.

5 Order 1A rule 1

omit

the criminal jurisdiction except in

substitute

criminal proceedings except

6 Order 3 rules 2 and 3

substitute

2 Taxation of costs

If rule 1 applies, the defendant may require costs to be taxed if—

- (a) more than \$500 (plus any filing and service fees actually paid) is claimed in the originating application for costs and disbursements; or
- (b) the plaintiff claims taxed costs; or
- (c) the action could properly have been brought in the Magistrates Court.

3 Taxation of costs—judgment in default of appearance

- (1) This rule applies if—
 - (a) an originating application issued after 31 December 2001 consists of a claim for debt or a liquidated demand only; and
 - (b) the application includes a statement under order 2 rule 11 (Claims for debt and liquidated demands); and
 - (c) judgment is entered against the defendant in default of appearance.
- (2) If the costs and disbursements claimed (other than any filing and service fees actually paid) are not more than \$600, then, subject to order 65 rule 7A (Costs and disbursements where amount recovered

less than Magistrates Court limit), the costs and disbursements must be allowed without taxation together with the fees properly paid for filing and service of the application.

- (3) If the costs and disbursements claimed (other than any filing and service fees actually paid) are more than \$600, the costs and disbursements must be taxed.
- (4) This rule, as in effect immediately before 1 January 2002, continues to apply in relation to an originating application issued before that date.

7 Order 42 rule 11 (1) (a)

omit

in proper form

substitute

in accordance with form 50AC

8 Order 61A rule 3

omit

9 Order 66 rule 11

substitute

11 Inspection of registry files

- (1) During office hours, anyone may search the registry for, inspect, or take a copy of, any document filed in the registry.

Note A fee may be determined under the Act, s 37 (Fees and charges—determination) for this rule.

- (2) However, a person who is not a party to a matter may search the registry for, inspect, or take a copy of, any of the following documents about the matter only with the court's leave:

- (a) a judgment, order, transcript of a proceeding, or any other document, that the court has ordered to be kept confidential;
- (b) an affidavit that has not been read in court;
- (c) a part of an affidavit ruled to be inadmissible in evidence;
- (d) an interrogatory, or an answer to an interrogatory, that has not been admitted into evidence;
- (e) a list of documents given on discovery;
- (f) an admission that has not been admitted into evidence;
- (g) a subpoena, or a document filed with the registrar in answer to a subpoena for production of documents;
- (h) a document in relation to a proceeding about the adoption, custody or guardianship of a child;
- (i) a document in relation to a proceeding under the *Family Law Act 1975* (Cwlth);
- (j) a document filed in the probate jurisdiction, other than—
 - (i) a grant of probate or letters of administration; or
 - (ii) an order to administer an estate; or
 - (iii) a proceeding about a contested matter;
- (k) a deposition taken before an examiner;
- (l) a document filed in support of an application made in the absence of a party;
- (m) a written submission that has not been read in court;
- (n) an unsworn statement of evidence;
- (o) a document that the registrar decides should be confidential to the parties to the matter in the interests of justice.

-
- (3) Also, a party to a matter may search the registry for, inspect, or take a copy of, a subpoena issued at the request of another party only with the court's leave.
 - (4) Further, a party to a matter may search the registry for, inspect, or take a copy of, a document filed to support any of the following applications only with the court's leave:
 - (a) an application for a document, evidence or thing to be kept confidential;
 - (b) an application for a document or thing to be granted privilege from production.

10 Order 80 rule 1*omit***11 Order 80, new rule 16***insert***16 Inspection of registry files**

- (1) During office hours, anyone may search the registry for, inspect, or take a copy of, any document filed in the registry in a criminal proceeding.

Note A fee may be determined under the Act, s 37 (Fees and charges—determination) for this rule.
- (2) However, a person who is not a party to a matter may search the registry for, inspect, or take a copy of, any of the following documents about the matter only with the court's leave:
 - (a) a judgment, order, transcript of a proceeding, or any other document, that the court has ordered to be kept confidential;
 - (b) an affidavit that has not been read in court;
 - (c) a part of an affidavit ruled to be inadmissible in evidence;
 - (d) an admission that has not been admitted into evidence;

- (e) a subpoena, or a document filed with the registrar in answer to a subpoena for production of documents;
 - (f) a deposition taken before an examiner;
 - (g) a document filed in support of an application made in the absence of a party;
 - (h) a written submission that has not been read in court;
 - (i) an unsworn statement of evidence;
 - (j) a case statement filed by the prosecution until read in court;
 - (k) a questionnaire completed by the parties;
 - (l) a document that the registrar decides should be confidential to the parties to the matter in the interests of justice.
- (3) Also, a party to a matter may search the registry for, inspect, or take a copy of, a subpoena issued at the request of another party only with the court's leave.
- (4) Further, a party to a matter may search the registry for, inspect, or take a copy of, a document filed to support any of the following applications only with the court's leave:
- (a) an application for a document, evidence or thing to be kept confidential;
 - (b) an application for a document or thing to be granted privilege from production.

12 Schedule 1, new form 50AC

insert

Form 50AC

(see o 42 r 11)

Form of consent order

[Heading as in form 1]

Judge:

Date of order:

Originating process:

How obtained: by consent

Attendance:

Other matters:

THE COURT ORDERS UNDER ORDER 42 RULE 11 THAT:

1

2

Date entered:

Signature of Registrar

We consent for order 42 rule 11 to an order(s) in the terms set out in this document.

Solicitor for the Plaintiff(s)

Solicitor for the Defendant(s)

date:

date:

13 Schedule 4

substitute

Schedule 4 Costs

(see o 65 r 7)

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)
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Part 4.1 Instructions

1	to sue or defend	111.00	
2	for statement of claim, petition, special case or counterclaim	111.00	or the additional amount the taxing officer considers appropriate
3	for defence	95.00	or the additional amount the taxing officer considers appropriate

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)	
4	for— (a) a reply; or (b) amending a pleading; or (c) a document to be brought into the registrar’s office (for example, an account or deed); or (d) adding parties by order; or (e) a bond or other deed; or (f) retaining counsel, including preparing retainer	39.60	or the additional amount the taxing officer considers appropriate

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)	
5	for— (a) a pleading not otherwise provided for; or (b) interrogatories for the examination of a party or witness; or (c) an affidavit in answer to interrogatories or other special affidavit; or (d) discovery or an affidavit of discovery; or (e) an application for an order that a matter be heard before the Full Court; or (f) a brief on application in chambers	79.20	or the additional amount the taxing officer considers appropriate
6	for— (a) an application whether in court, before the registrar or in chambers; or (b) opposition to an application; or (c) the taxing of a bill of costs	79.20	or the additional amount the taxing officer considers appropriate

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)	
7	for brief to advise on evidence	71.30	or the additional amount the taxing officer considers appropriate
8	for— (a) a statement of facts in an action; or (b) a request for particulars; or (c) particulars	79.20	or the additional amount the taxing officer considers appropriate
9	for brief in preparation for trial	the amount the taxing officer considers appropriate	

Part 4.2 Drawing

10	for an originating process or counterclaim	59.20	or, if longer than 7 folios, 8.30 per folio
11	for any other pleading, or an amendment of a pleading	39.60	or, if longer than 4 folios, 8.30 per folio

Rule 13

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)	
12	for— (a) a notice of interlocutory motion; or (b) a notice to produce documents; or (c) a notice to admit facts; or (d) a special case; or (e) interrogatories; or (f) a special affidavit; or (g) a brief (including observations)	36.20	or, if the document is longer than 4 folios, 8.30 per folio
13	a formal affidavit, including an affidavit of service	27.90	
14	any other document	15.70	or, if longer than 1 folio, 9.30 per folio

Part 4.3 Engrossing

15	of a document	2.40	per folio
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Part 4.4 Copies

16	of any document, or of multiple documents copied at the same time—		
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column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)	
	(a) for each of the first 10 copies; or	2.10	per page
	(b) for each additional copy up to 100 copies; or	0.85	per page
	(c) for each additional copy over 100 copies	0.30	per page

Part 4.5 Perusal

17	of—	27.90	or, if the document is longer than 8 folios, 3.20 per folio
	(a) an originating process; or		
	(b) a pleading; or		
	(c) a notice of motion; or		
	(d) interrogatories; or		
	(e) a special case; or		
	(g) a notice to admit		
18	of any other document, if it is necessary to peruse	3.20	per folio
19	of a document by scanning it, if it is not necessary to peruse	4.30	or, if the document has more than 10 pages, the additional amount the taxing officer considers appropriate

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)
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Part 4.6 Attendances

20	for personal service, if necessary	59.20	or the additional amount the taxing officer considers appropriate
21	for service— (a) at the office of a solicitor on the record or the address for service of a party; or (b) by post; or (c) made through a document exchange	23.90	

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)
22	by a solicitor, necessarily or properly engaged, if the solicitor holds an unrestricted practising certificate or has been the holder of a practising certificate for at least 2 years— (a) to instruct counsel; or (b) on taxation of a bill of costs or other matter; or (c) at conference with counsel; or (d) on a view; or (e) on witness or other person; or (f) to inspect or produce a document	158.40 per hour

Rule 13

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)
23	by a solicitor, necessarily or properly engaged, if the solicitor is a solicitor not mentioned in item 22— (a) to instruct counsel; or (b) on taxation of a bill of costs or other matter; or (c) at conference with counsel; or (d) on a view; or (e) on witness or other person; or (f) to inspect or produce a document	111.00 per hour

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)	
24	by a clerk, necessarily or properly engaged— (a) to instruct counsel; or (b) on taxation of a bill of costs or other matter; or (c) at conference with counsel; or (d) on a view; or (e) on witness or other person; or (f) to inspect or produce a document	55.40	per hour
25	other than an attendance already mentioned, in court or any hearing without counsel— (a) by a solicitor holding an unrestricted practising certificate, or a solicitor who has been the holder of a practising certificate for at least 2 years; or (b) by any other solicitor	237.60	per hour or the additional amount the taxing officer considers appropriate
		166.30	per hour or the additional amount the taxing officer considers appropriate

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)	
26	by a solicitor involving a high degree of skill and responsibility	237.60	per hour
27	in court or chambers or before the registrar— (a) to take a reserved judgment; or (b) to mention a matter; or (c) for an adjournment; or (d) for another reason	63.40	or 158.40 per hour
28	at the registry or other office or place for— (a) filing, delivering, or collecting a document; or (b) a purpose not involving the exercise of legal skill or knowledge	19.70	or the additional amount the taxing officer considers appropriate
29	formal telephone attendance	19.70	
30	any other attendance by a solicitor (including travelling and waiting time and including a telephone attendance)	31.70	or 39.60 per quarter hour

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)	
31	any other attendance by a clerk (including travelling and waiting time and including a telephone attendance)	19.70	or 13.70 per quarter hour
32	if the taxing officer is satisfied, in relation to travel, that the purpose of the journey could not have been satisfactorily accomplished by an agent and that—		
	(a) a solicitor has been necessarily absent from the place where the solicitor carries on practice; or		an allowance (in addition to reasonable travelling expenses) for each day (other than Saturdays and Sundays) that the solicitor is absent, of the amount the taxing officer considers reasonable, that is not more than 925.00
	(b) a clerk has attended in place of the solicitor		an allowance (in addition to reasonable travelling expenses) for each day (other than Saturdays and Sundays) that the clerk is absent, of the amount the taxing officer considers reasonable, that is not more than 237.60

Part 4.7 Letters

33	ordinary letter	19.70	or 9.60 per folio
34	special letter	32.60	or 9.60 per folio

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)	
35	formal letter of acknowledgment	13.30	
36	circular letters after the first	6.00	
37	fax copy or telex, including attendance to send	31.20	or a fee that is reasonable in the circumstances
38	receiving and filing any incoming letter (postage and transmission fees properly incurred may be claimed as a disbursement)	8.30	

Part 4.8 Witness expenses

39	a witness called because of the witness's professional, scientific or other special skill or knowledge	777.20	per day
40	a witness called other than because of the witness's professional, scientific or other special skill or knowledge	82.00	per day
41	a witness paid in the witness's occupation by wages, salary or fees		the amount lost by attendance at court
42	a witness qualifying to give skilled evidence		the additional amount the taxing officer considers reasonable and properly incurred and paid

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)
43	if the witness lives more than 50km from the court	the additional amount the taxing officer considers reasonable for the actual cost of travel, and for accommodation and meals
44	attendance at court by a witness acting as an expert in assisting counsel or a solicitor for a period during the trial or hearing	the amount the taxing officer considers appropriate (but not affecting the existing practice of allowing qualifying fees for witnesses)

Part 4.9 Disbursements

45	all court fees, counsel's fees and other fees and payments	allowed to the extent that they have been properly and reasonably incurred and paid
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Note Order 3 rule 3 prescribes when certain costs and disbursements must be allowed without taxation.

14 Repeal of Subordinate Law 1995 No 15

repeal

15 Amendment of Subordinate Law 2001 No 10, schedule 1, amendments 1.12 to 1.14

omit

Schedule 1 Technical amendments

(see r 3)

[1.1] Order 1 rule 1

substitute

1 Name of rules

These rules are the *Supreme Court Rules*.

Explanatory note

This amendment brings the language of this rule into line with current drafting practice (except for the absence of the year the rules were originally made).

[1.2] Order 1 rule 4, definition of Act

substitute

Act—

- (a) for order 69A (Applications to transfer proceedings under the Magistrates Court (Civil Jurisdiction) Act 1982, pt 20)—see order 69A rule 1; and
- (b) for part 4 (Administration and probate jurisdiction)—see order 72 rule 1; and
- (c) for order 74A (Reciprocal enforcement of judgments under Foreign Judgments Act 1991 (Cwlth))—see order 74A rule 1; and
- (d) for order 76 (Adoption)—see order 76 rule 1; and
- (e) for order 78 (Cross-vesting law proceedings)—see order 78 rule 2; and
- (f) for order 79 (Electoral matters)—see order 79 rule 1; and
- (g) for order 80A (Registration of foreign orders)—see order 80A rule 1; and

- (h) for order 80B (Registration of interstate orders)—see order 80B rule 1; and
- (i) for part 11C (Matters arising under Evidence and Procedure (New Zealand) Act 1994 (Cwlth))—see order 80C rule 1.

Note Unless the contrary intention appears, a reference to *Act* or *the Act*, without mentioning a particular Act, is a reference to the *Supreme Court Act 1933* (*Legislation Act 2001*, s 105).

Explanatory note

This amendment omits the existing unnecessary definition of *Act* (see *Legislation Act 2001*, s 105) and replaces it with a definition containing signposts to the various restricted definitions of *Act* in the rules.

[1.3] Order 1 rule 4, definition of *defend*

substitute

defend, for division 19.2 (People with legal disability)—see order 19 rule 16 (Meaning of *sue* and *defend*).

Explanatory note

This amendment includes a division heading and rule heading in the definition in line with current drafting practice.

[1.4] Order 1 rule 4, definition of *file*

substitute

file—

- (a) in relation to a document, means to place the document on the court file; and
- (b) for order 79 (Electoral matters)—see order 79 rule 1 (Definitions for o 79).

Explanatory note

This amendment brings the definition into line with current drafting practice by including a signpost definition for the particular meaning that file has in order 79.

[1.5] Order 1 rule 4, definition of *garnishee*

substitute

garnishee—see order 46 rule 1 (Order for attachment of debts).

Explanatory note

This amendment includes a rule heading in the definition in line with current drafting practice.

[1.6] Order 1 rule 4, definition of *sue*

substitute

sue, for division 19.2 (People with legal disability)—see order 19 rule 16 (Meaning of *sue* and *defend*).

Explanatory note

This amendment includes a division heading and rule heading in the definition in line with current drafting practice.

[1.7] Order 2 rule 4 (4) (j)

renumber as rule 4 (4) (i)

Explanatory note

This amendment brings the numbering of the paragraphs into line with current drafting practice.

[1.8] Order 2 rule 4

renumber subrules when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the subrules to be brought into line with current drafting practice.

[1.9] Order 2 rule 5 (1)

omit

(1)

Explanatory note

This amendment omits a redundant subrule number.

[1.10] Order 2 rule 5 (1) (f)

renumber as rule 5 (1) (e)

Explanatory note

This amendment brings the numbering of the paragraphs into line with current drafting practice (see next amendment).

[1.11] Order 2 rule 5 (1) (g)

substitute

- (f) if the body is an owners corporation within the meaning of the *Unit Titles Act 2001*—the address of the corporation.

Explanatory note

This amendment updates a term and a cross-reference (the *Unit Titles Act 1970* was repealed by the *Unit Titles Act 2001*, s 183 (1)) and brings the numbering of the paragraph into line with current drafting practice.

[1.12] Order 8 rule 6

renumber subrules when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the subrules to be brought into line with current drafting practice.

[1.13] Order 10 rule 11, heading

substitute

11 Service on a corporation—Corporations Act

Explanatory note

This amendment updates a cross-reference. *Corporations Act* is defined in the *Legislation Act 2001*, dict, pt 1.

[1.14] Order 10 rule 11 (1)

omit

Corporations Law

substitute

Corporations Act

Explanatory note

This amendment updates a cross reference. *Corporations Act* is defined in the *Legislation Act 2001*, dict, pt 1.

[1.15] Order 12 rule 4

renumber paragraphs when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the subrules to be brought into line with current drafting practice.

[1.16] Order 12 rule 10

renumber subrules when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the subrules to be brought into line with current drafting practice.

[1.17] Order 13 rule 2

renumber subrules when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the subrules to be brought into line with current drafting practice.

[1.18] Order 13 rule 17 (1) (j)

renumber as rule 17 (1) (i)

Explanatory note

This amendment brings the numbering of the paragraphs into line with current drafting practice.

[1.19] Order 14 rule 4

renumber subrules when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the subrules to be brought into line with current drafting practice.

[1.20] Order 15 rule 1

renumber subrules when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the subrules to be brought into line with current drafting practice.

[1.21] Order 19 rule 1

renumber subrules when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the subrules to be brought into line with current drafting practice.

[1.22] Order 26 rule 1 (4) (ii)

substitute

- (ii) an approved insurer under the *Workers Compensation Act 1951*; or

Explanatory note

This amendment removes a reference to a licensed insurer because insurers are no longer licensed under the *Workers Compensation Act 1951* and updates the reference to the Act.

[1.23] Order 26 rule 1

renumber subrules when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the subrules to be brought into line with current drafting practice.

[1.24] Order 26 rule 2

renumber subrules when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the subrules to be brought into line with current drafting practice.

[1.25] Order 26 rule 6 (1)

omit

Defamation Act 1901, section 8

substitute

Defamation Act 2001, section 22 (Defence of apology and payment into court)

Explanatory note

This amendment updates a cross-reference.

[1.26] Order 28 rule 1

renumber subrules when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the subrules to be brought into line with current drafting practice.

[1.27] Order 30 rule 1

renumber subrules when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the subrules to be brought into line with current drafting practice.

[1.28] Order 31 rule 9A (3), definition of *qualified person*

renumber paragraphs when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the paragraphs to be brought into line with current drafting practice.

[1.29] Order 33 rule 1 (2)

renumber paragraphs when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the paragraphs to be brought into line with current drafting practice.

[1.30] Order 34 rule 13

renumber subrules when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the subrules to be brought into line with current drafting practice.

[1.31] Order 34 rule 21 (1A)

renumber as rule 21 (2)

Explanatory note

This amendment brings the numbering of the subrule into line with current drafting practice.

[1.32] Order 36A rule 3

renumber subrules when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the subrules to be brought into line with current drafting practice.

[1.33] Order 39 rule 23 (1)

omit 1st mention of

(1)

Explanatory note

This amendment omits a redundant subrule number.

[1.34] Order 39 rule 24D, 1st sentence

number as rule 24D (1)

Explanatory note

This amendment renumbers a sentence as a subrule in line with current drafting practice.

[1.35] Order 39 rule 24E (3)

renumber as rule 24E (2)

Explanatory note

This amendment renumbers the subrule to bring it into line with current drafting practice.

[1.36] Order 42 rule 2 (4)

omit

Companies Act 1981 (Cwlth)

substitute

Corporations Act

Explanatory note

This amendment updates a cross-reference.

[1.37] Order 42 rule 2

insert

- (8) Subrules (6) and (7) do not apply to a draft of a judgment or order to which rule 11 applies.

Explanatory note

This amendment clarifies the relationship between order 42 rule 2 (6) and (7) and order 42 rule 11.

[1.38] Order 42 rule 10

substitute

10 Judgment by consent

- (1) If a party has appeared by a solicitor in a cause or matter, an order for entering judgment may be made by consent only if the consent of the party is given by the party's solicitor or agent.

- (2) If a party has appeared in person in a cause or matter, an order for entering judgment may be made by consent only if—
 - (a) the party attends before the judge and gives his or her consent in person; or
 - (b) the consent is in writing and is witnessed by a solicitor.
- (3) However, a party who is a lawyer complies with subrule (2) (b) if the consent is in writing.

Explanatory note

This amendment brings the rule more closely into line with current drafting practice.

[1.39] Order 43 rule 31

renumber subrules when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the subrules to be brought into line with current drafting practice.

[1.40] Order 46 rule 1

renumber subrules when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the subrules to be brought into line with current drafting practice.

[1.41] Order 55 rule 1

renumber subrules when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the subrules to be brought into line with current drafting practice.

[1.42] Order 57 rule 2

omit

State Act,

Explanatory note

This amendment omits an obsolete reference. State Acts in force in the Territory immediately before 10 November 1999 were converted into laws made by the Legislative Assembly by the *Interpretation Act 1967*, section 65.

[1.43] Order 58 rule 57

renumber subrules when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the subrules to be brought into line with current drafting practice.

[1.44] Order 61 rule 5 (1)

renumber paragraphs when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the paragraphs to be brought into line with current drafting practice.

[1.45] Order 61A rule 1

renumber paragraphs when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the paragraphs to be brought into line with current drafting practice.

[1.46] Order 61A rule 5

renumber paragraphs when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the paragraphs to be brought into line with current drafting practice.

[1.47] Order 64 rule 12

omit

Explanatory note

This amendment omits an obsolete definition. *Month* is defined in the *Legislation Act 2001*, dict, pt 1.

[1.48] Order 65 rule 58

renumber subrules when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the subrules to be brought into line with current drafting practice.

[1.49] Order 65 rule 62, 1st sentence

renumber as rule 62 (1)

Explanatory note

This amendment renumbers a sentence as a subrule in line with current drafting practice.

[1.50] Order 66 rule 4

renumber subrules when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the subrules to be brought into line with current drafting practice.

[1.51] Order 69A rule 1

substitute

1 Meaning of Act in o 69A

In this order:

Act means the *Magistrates Court (Civil Jurisdiction) Act 1982*.

Explanatory note

This amendment brings the definition into line with current drafting practice.

[1.52] Order 72 rule 1, new definition of Act

insert

Act means the *Administration and Probate Act 1929*.

Explanatory note

This amendment and the next amendment bring the definition into line with current drafting practice.

[1.53] Order 72 rule 1, definition of *the Act*

omit

Explanatory note

This amendment is consequential on the previous amendment.

[1.54] Order 72 rule 3

renumber subrules when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the subrules to be brought into line with current drafting practice.

[1.55] Order 72 rule 60 (1)

renumber paragraphs when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the paragraphs to be brought into line with current drafting practice.

[1.56] Order 74A rule 1

substitute

1 Meaning of Act in o 74A

In this order:

Act means the *Foreign Judgments Act 1991* (Cwlth).

Explanatory note

This amendment brings the definition into line with current drafting practice.

[1.57] Order 76 rule 5 (2)

renumber paragraphs when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the paragraphs to be brought into line with current drafting practice.

[1.58] Order 78, heading

substitute

**Order 78 Cross-vesting law
proceedings**

Explanatory note

This amendment inserts a heading for an order that previously had none.

[1.59] Order 78 rule 2, new definition of Act

insert

Act means the *Jurisdiction of Courts (Cross-vesting) Act 1993*.

Explanatory note

This amendment and the next amendment bring the definition into line with current drafting practice.

[1.60] Order 78 rule 2, definition of *the Act*

omit

Explanatory note

This amendment is consequential on the previous amendment.

[1.61] Order 79 rule 1, new definition of Act

insert

Act means the *Electoral Act 1992*.

Explanatory note

This amendment and the next amendment bring the definition into line with current drafting practice.

[1.62] Order 79 rule 1, definition of *the Act*

omit

Explanatory note

This amendment is consequential on the previous amendment.

[1.63] Order 80A, heading

substitute

Order 80A Registration of mutual assistance orders

Explanatory note

This amendment inserts a heading for an order that previously had none.

[1.64] Order 80A rule 1, new definition of *Act*

insert

Act means the *Mutual Assistance in Criminal Matters Act 1987* (Cwlth).

Explanatory note

This amendment and the next amendment bring the definition into line with current drafting practice.

[1.65] Order 80A rule 1, definition of *the Act*

omit

Explanatory note

This amendment is consequential on the previous amendment.

[1.66] Order 80B, heading

substitute

**Order 80B Registration of interstate
proceeds of crime orders**

Explanatory note

This amendment inserts a heading for an order that previously had none.

[1.67] Order 80B rule 1, new definition of *Act*

insert

Act means the *Proceeds of Crime Act 1991*.

Explanatory note

This amendment and the next amendment bring the definition into line with current drafting practice.

[1.68] Order 80B rule 1, definition of *the Act*

omit

Explanatory note

This amendment is consequential on the previous amendment.

[1.69] Order 80C rule 1

substitute

1 Meaning of Act in pt 11C

For this part:

Act means the *Evidence and Procedure (New Zealand) Act 1994* (Cwlth).

Explanatory note

This amendment brings the definition into line with current drafting practice.

[1.70] Order 81 rule 2 (1) table

renumber items when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the items to be brought into line with current drafting practice.

[1.71] Order 83 rule 1, definition of *proceeding*

substitute

proceeding, except in division 83.2, means a proceeding of any kind in the court under the Arbitration Act.

Explanatory note

This amendment clarifies the wording of a definition (see next amendment).

[1.72] Order 83 rule 11A, definition of *proceeding*

omit

Explanatory note

This amendment omits a redundant definition (see previous amendment).

[1.73] Order 83 rule 21

renumber paragraphs when rules republished under Legislation Act 2001

Explanatory note

This amendment requires the numbering of the paragraphs to be brought into line with current drafting practice.

Endnotes

Republications of amended laws

- 1 For the latest republication of amended laws, see www.legislation.act.gov.au.

Notification

- 2 Notified under the *Legislation Act 2001* on 19 December 2001.
(see www.legislation.act.gov.au)