



Australian Capital Territory

Court Procedures Amendment Rules 2007 (No 2)

Subordinate Law SL2007-37

We, members of the rule-making committee, make the following rules of court under the *Court Procedures Act 2004*, section 7.

Dated 18 December 2007.

T J HIGGINS

Chief Justice

M F Gray

Judge

J BURNS

Magistrate



Australian Capital Territory

Court Procedures Amendment Rules 2007 (No 2)

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made under the

Court Procedures Act 2004

1 Name of rules

These rules are the *Court Procedures Amendment Rules 2007 (No 2)*.

2 Commencement

These rules commence on 1 January 2008.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

These rules amend the *Court Procedures Rules 2006*.

4 Rule 417 (1) (b)

substitute

- (b) for any damages that are not general damages—the amount of the damages claimed that is known to the party.

5 Rule 700, definition of *usual undertaking as to damages*

substitute

usual undertaking as to damages, in relation to an interlocutory order or an interlocutory undertaking given to the court, means an undertaking to submit to any order the court considers just for paying compensation, to be assessed by the court or as directed by the court, to someone (whether or not a party to the proceeding) who is adversely affected by—

- (a) the operation of the interlocutory order or undertaking; or
(b) any continuation of the order or undertaking (whether or not varied).

6 New rule 1619

in part 2.16, insert

1619 Interest after judgment—usual order as to interest

- (1) This rule applies if the court order in relation to a judgment debt or costs awarded is expressed to be the usual order as to interest.
- (2) Subject to this rule, interest is payable on the amount of the judgment debt, and on any costs awarded, at the rate that applies from time to time under rule 1617.
- (3) Interest is not payable on the amount of the judgment debt if, not later than 28 days after the date of the judgment—
- (a) the debt is paid; and

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- (b) the plaintiff gives the defendant notice from Medicare Australia confirming that no amount of the debt is payable to Medicare Australia; and
- (c) the defendant has not been given a notice under—
- (i) the *Social Security Act 1991* (Cwlth), section 1182 (Secretary may send preliminary notice to potential compensation payer or insurer) (a ***preliminary compensation recovery notice***); or
 - (ii) the *Social Security Act 1991* (Cwlth), section 1184 (Secretary may send recovery notice to compensation payer or insurer) (a ***compensation recovery notice***).
- (4) Interest is not payable on the amount of the judgment debt if, not later than 28 days after the date of the judgment, the defendant—
- (a) pays to Medicare Australia—
 - (i) the amount of any charge stated in a Medicare Australia notice of charge given to the defendant; or
 - (ii) if the defendant has not been given a Medicare Australia notice of charge—10% of the judgment debt; and
 - (b) pays to the plaintiff—the remainder of the judgment debt.
- (5) Interest is not payable on the amount of the judgment debt while a preliminary compensation recovery notice given to the defendant has effect.
- Note* For the effect of a notice, see the *Social Security Act 1991* (Cwlth), s 1184B (Preliminary notice or recovery notice suspends liability to pay compensation).
- (6) Interest is not payable on the amount of the judgment debt if—
- (a) the defendant is given a compensation recovery notice; and

- (b) the defendant pays the amount of the judgment debt, less any amount owing to the Commonwealth under the notice, to the plaintiff not later than 28 days after the later of the following:
- (i) the day the judgment takes effect;
 - (ii) the day the defendant receives the notice.
- (7) Interest is not payable on any amount awarded for costs if the amount is paid not later than 28 days after—
- (a) the day the parties agree on the amount; or
 - (b) if paragraph (a) does not apply, the day the costs are assessed.
- (8) In this rule:
- compensation recovery notice*—see subrule (3) (c) (ii).
- preliminary compensation recovery notice*—see subrule (3) (c) (i).

7 Rule 3605 (a)

substitute

- (a) the completion of a course of studies that qualifies a person for admission to the degree of Bachelor of Laws at the Australian National University or the University of Canberra or the degree of Juris Doctor at the Australian National University or University of Canberra; and

8 Rule 6251 (3) (d), new dot point

insert

- section 154D (Fine defaulters—imprisonment);

9 Rule 6712 (2)*omit*

20

substitute

50

10 Schedule 5, part 5.2, new item 106A*insert*

106A	section 601AH (3)		power to— (a) validate anything done between deregistration of a company and its reinstatement; and (b) make any other order the court considers appropriate
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11 Schedule 6, part 6.1, section 1.4, note, new dot point*insert*

- ABN (short for ‘Australian Business Number’) (see s 9)

Endnotes

1 Notification

Notified under the Legislation Act on 20 December 2007.

2 Republications of amended laws

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

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