



Australian Capital Territory

Court Procedures Amendment Rules 2010 (No 2)

Subordinate Law SL2010-51

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

Dated

M F GRAY

Acting Chief Justice

R REFSHAUGE

Judge

P DINGWALL

Magistrate



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Court Procedures Act 2004

Contents

	Page
1 Name of rules	1
2 Commencement	1
3 Legislation amended	1
4 New division 2.4.4A	1
5 Rule 3903 (4), definition of <i>applied civil rules</i>	1
6 New rule 3919A	2
7 Rule 3925 (1), new note	2
8 Rule 3925 (3) and (4)	3
9 Table 5051, item 1	3

J2010-445

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Contents

		Page
10	Division 5.3.3A	3
11	Rule 5301 (1), new note 2	3
12	New rule 6601A	4

1 Name of rules

These rules are the *Court Procedures Amendment Rules 2010 (No 2)*.

2 Commencement

These rules commence on 1 January 2011.

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 New division 2.4.4A

insert

Division 2.4.4A Representation in proceedings for personal injuries

245 Separate representation of defendant for insurer's period on risk

- (1) A defendant in a proceeding in relation to a personal injury claim may be separately represented in the proceeding for each insurer on risk in relation to the claim.
- (2) These rules apply to the defendant as if, for each separate representation, the defendant were a separate party.
- (3) A notice of intention to respond or, if a notice is not filed, a defence, filed in relation to the separate representation must state the risk to which the notice or defence relates.

5 Rule 3903 (4), definition of *applied civil rules*

insert

- division 2.8.7 (Non-party production)

6 New rule 3919A

insert

3919A Arbitration—determination of Territory or State of connection

- (1) This rule applies if the question of whether the ACT is the Territory or State of connection in relation to the employment of a worker arises in an arbitration.

Note Compensation is payable under the *Workers Compensation Act 1951* only if the ACT is the Territory or State of connection (see that Act, pt 4.2A (Employment connection with ACT or State)).

- (2) The party who raises the question must give notice of the question to each person who has an interest in the determination of the question not later than 14 days after the day the question arises in the proceeding.

Note An employer may be separately represented for each insurer of the employer on risk in relation to the claim (including a default insurer of a Territory or State of connection) (see r 3925).

- (3) In this rule:

Territory or State of connection—see the *Workers Compensation Act 1951*, section 36A.

7 Rule 3925 (1), new note

insert

Note An insurer on risk may be the default insurer of the ACT, a State or another Territory.

8 Rule 3925 (3) and (4)*substitute*

- (3) An answer filed under rule 3913 (Application for arbitration—answer by respondent or third-party respondent) in relation to the separate representation must state the risk to which the answer relates.

9 Table 5051, item 1*substitute*

1	ACT civil and administrative tribunal	judge or master	<i>ACT Civil and Administrative Tribunal Act 2008</i> , s 83 (for appeals only) and s 86 <i>Mental Health (Treatment and Care) Act 1994</i> , s 141
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10 Division 5.3.3A*omit***11 Rule 5301 (1), new note 2***insert*

Note An appeal to the Court of Appeal in a criminal proceeding does not operate as a stay of the conviction appealed from.

12 New rule 6601A

insert

6601A Issuing subpoena to produce—certificate of readiness to be filed

- (1) An issuing officer must not issue a subpoena to produce in a proceeding without the court's leave unless the certificate of readiness has been filed in the proceeding.
- (2) This rule does not apply to—
 - (a) a subpoena in a criminal proceeding; or
 - (b) a subpoena in a proceeding under part 3.13 (Workers compensation) that is addressed to a party to the proceeding.

Endnotes

1 Notification

Notified under the Legislation Act on 16 December 2010.

2 Republications of amended laws

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

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