



Australian Capital Territory

# Court Procedures Amendment Rules 2020 (No 3)

Subordinate Law SL2020-20

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

Dated 10 June 2020.

HELEN MURRELL

Chief Justice

MICHAEL ELKAIM

Judge

LORRAINE WALKER

Chief Magistrate

PETER MORRISON

Magistrate

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# Court Procedures Amendment Rules 2020 (No 3)

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[Court Procedures Act 2004](#)

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J2020-239

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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**1 Name of rules**

These rules are the *Court Procedures Amendment Rules 2020 (No 3)*.

**2 Commencement**

These rules commence on 1 July 2020.

*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 Division 6.8.12 heading, new notes**

*before the note, insert*

*Note 1* This division forms part of a scheme to implement Australia's obligations under the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. Under the Convention, the Commonwealth Attorney-General's Department is designated as the central authority (under the Convention, article 2) and certain courts and government departments are, for certain purposes, designated as 'other' or 'additional' authorities (under the Convention, article 18).

*Note 2* This division provides (in sdiv 6.8.12.2) for service in overseas Convention countries of local judicial documents (documents that relate to proceedings in the court) and (in sdiv 6.8.12.3) for default judgment in proceedings in the court after service overseas of such a document. Subdivision 6.8.12.4, on the other hand, deals with service by the court or arranged by the court, in its role as an other or additional authority, of judicial documents emanating from overseas Convention countries.

*Note 3* Information about the Hague Convention, including a copy of the Hague Convention, a list of all Contracting States, details of declarations and reservations made under the Hague Convention by each of those States and the names and addresses of the central and other authorities of each of those States, can be found at the website of the Hague Conference on Private International Law.

**5 Schedule 4, rule 4.12**

*substitute*

**4.12 Costs—transitional**

- (1) In this rule:

*commencement day* means the day the *Court Procedures Amendment Rules 2020 (No 3)*, rule 6 commences.

- (2) A solicitor is entitled to charge and be allowed the costs set out in this schedule for work done or services performed on or after the commencement day.
- (3) However, if work done or services performed by a solicitor after the commencement day was assessed before the commencement day, rule 4.12 as in effect immediately before the commencement day continues to apply to the work and services.
- (4) Rule 4.12 as in effect immediately before the commencement day continues to apply to work done or services performed by a solicitor before the commencement day.

**6 Schedule 4, part 4.2, items 22 to 27**

*substitute*

22	by attendance (including travel and waiting time)—		
	(a) by a solicitor; or	26.73	per 6 minutes
	(b) by a clerk	9.36	per 6 minutes

**7 Schedule 4, part 4.2, items 31 and 32**

*omit*

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## Endnotes

**1 Notification**

Notified under the [Legislation Act](#) on 11 June 2020.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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