



Australian Capital Territory

Court Procedures Amendment Rules 2023 (No 1)

Subordinate Law SL2023-15

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

Dated 27 June 2023.

LUCY MCCALLUM

Chief Justice

DAVID MOSSOP

Judge

LORRAINE WALKER

Chief Magistrate

IAN TEMBY

Magistrate



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[Court Procedures Act 2004](#)

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

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1 Name of rules

These rules are the *Court Procedures Amendment Rules 2023 (No 1)*.

2 Commencement

These rules commence on 1 July 2023.

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 rule 75 (5) and (6)

after the example, insert

- (5) If a proceeding is taken to be dismissed in relation to a defendant under subrule (1) or (2), the plaintiff must pay the costs of the defendant.
- (6) Unless the court otherwise orders, subrule (5) does not apply if the proceeding is reinstated under rule 76.

5 Rules 407A and 407B

omit

6 Rule 630

substitute

630 Order for party to answer interrogatories

- (1) The court may, on application by a party to a proceeding, make an order that another party to the proceeding give written answers to interrogatories.

Note Pt 6.2 (Applications in proceedings) applies to an application for an order under this rule.

- (2) An application under subrule (1) must be accompanied by a supporting affidavit that annexes or exhibits the proposed interrogatories.
- (3) If the proposed interrogatories are to be answered by 2 or more people, the proposed interrogatories must contain a note stating which of the proposed interrogatories each person is required to answer.
- (4) Before making an order under subrule (1), the court must have regard to the matters mentioned in rule 632 (3).
- (5) Subrule (4) does not limit the matters to which the court may have regard.
- (6) If a party to a proceeding is ordered to answer interrogatories under subrule (1), the party must serve a stamped copy of any affidavit prepared in accordance with rule 635 on the party who made the application under subrule (1).

7 Rule 633 (1)

omit

served with

substitute

ordered to answer

8 Rule 636 (1)

substitute

- (1) If a party to a proceeding gives answers to interrogatories in accordance with an order of the court (the ***responding party***), another party to the proceeding may tender the answers, or some of the answers, in evidence against the responding party on the hearing of the proceeding.

9 Rule 672 (1) (b)

substitute

- (b) an order of the court for the party to answer interrogatories; or

10 Rule 672 (2)

omit

, interrogatories

11 New division 6.2A.1A

insert

Division 6.2A.1A Pleadings and originating processes

6022 Contents of pleadings or originating processes

- (1) This rule applies if a party to a proceeding relies on the *Human Rights Act 2004* for relief.
- (2) The party's pleading or originating application must state—
 - (a) the human right that the party relies on, including—
 - (i) the relevant content of the right; and
 - (ii) any particular aspect of the right that the party relies on; and
 - (b) the facts on which the party relies to assert that the *Human Rights Act 2004* applies to the proceeding; and
 - (c) if the *Human Rights Act 2004*, section 40C applies in the proceeding—
 - (i) the human right the party alleges was breached in contravention of that Act, section 40B; and
 - (ii) the details of the alleged breach; and

- (d) the relief sought.
- (3) The requirements of this rule are additional to the requirements of—
 - (a) for a proceeding started, or ordered to be continued as if started, by an originating claim—division 2.2.2 (Originating claims); and
 - (b) for a proceeding started, or ordered to be continued as if started, by an originating application—division 2.2.3 (Originating applications).

12 Rule 6250 (2) (v)

omit

13 New part 7.3

insert

Part 7.3 Transitional—interrogatories

7012 Transitional—interrogatories

- (1) This rule applies if a party to a proceeding has served interrogatories under previous rule 630.
- (2) Rules 633, 636 and 672, as in force immediately before the commencement day, continue to apply in relation to the interrogatories.
- (3) This rule expires 2 years after the commencement day.

Note A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

- (4) In this section:

commencement day means the day the *Court Procedures Amendment Rules 2023 (No 1)* commences.

previous rule 630 means rule 630 as in force immediately before the commencement day.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 29 June 2023.

2 Republications of amended laws

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