



Australian Capital Territory

Court Procedures Amendment Rules 2024 (No 2)

Subordinate Law SL2024-37

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

Dated 18 December 2024.

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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1 Name of rules

These rules are the *Court Procedures Amendment Rules 2024 (No 2)*.

2 Commencement

These rules commence on 1 January 2025.

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 4752 (a) (ii)

omit

trial, or

substitute

trial; or

5 Rule 5536 (5), example 4

substitute

4 a levy imposed under the *Victims of Crime (Financial Assistance) Act 2016*

6 Rules 5537 (1) (a) and 5538 (1) (a)

substitute

(a) the solicitor for a convicted person is on the record in an application or appeal under this part in relation to a conviction or sentence; and

7 Rule 6251 (3) (I)

omit

8 Rule 6606 (7)

substitute

- (7) A copy of a document may be—
- (a) a photocopy of the original; or
 - (b) in any of the following electronic formats:
 - (i) .doc;
 - (ii) .docx;
 - (iii) .pdf;
 - (iv) .xls;
 - (v) .xlsx;
 - (vi) .jpg;
 - (vii) .rtf;
 - (viii) .gif;
 - (ix) .tif;
 - (x) .avi;
 - (xi) .mov;
 - (xii) .mp3;
 - (xiii) .mp4; or
 - (c) in any other format the issuing party has indicated will be acceptable.

9 Rule 6607 (4) and (5)

omit

10 New rule 6607A

insert

6607A Addressee declaration on production of subpoenaed document or thing

- (1) This rule applies if an addressee produces a document or thing under a subpoena.
- (2) The addressee must—
 - (a) complete the declaration form in the subpoena to declare whether they want the document or thing being produced to be returned to them when the document or thing is no longer required by the court; and
 - (b) include the completed declaration in the subpoena or copy of the subpoena that accompanies the documents or things produced to the court in response to the subpoena.

11 Rule 6609 (5) to (8)

substitute

- (5) The registrar may allow the parties to inspect at the registry any document or thing produced unless—
 - (a) an objection to inspection has been made under subrule (6) and the objection has not been decided by the court or withdrawn by the person who made the objection; or
 - (b) the court otherwise orders.

- (6) If the addressee, a party or another person having a sufficient interest (the *objector*) objects to a document or thing being inspected by any party to the proceeding, the objector must tell the court about the objection and the grounds of the objection—
- (a) in writing before, on or after the return date; or
 - (b) orally on the return date.

12 Rule 6610

substitute

6610 Return or disposal of subpoenaed documents and things produced

- (1) Unless the court orders otherwise, the registrar may decide to return to the addressee any document or thing produced in the proceeding in response to the subpoena to the addressee if—
- (a) the addressee has declared that they want the document or thing returned to them; and
 - (b) either—
 - (i) it is more than 28 days after the day the proceeding ended; or
 - (ii) it is less than 28 days after the day the proceeding ended and—
 - (A) the registrar has given the issuing party, in writing, at least 14 days notice of the registrar’s intention to return the document or thing; and
 - (B) the 14-day period has ended.

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

- (2) If the registrar decides to return a document or thing under subrule (1), the registrar must give the addressee written notice stating that—
 - (a) the document or thing can be collected from the registry; and
 - (b) the addressee may tell the registrar in writing that the addressee no longer wants the document or thing returned to them; and
 - (c) if the document or thing is not collected from the registry within 28 days after the day the notice is given to the addressee, the registrar may dispose of the document or thing.
- (3) The registrar may dispose of the document or thing in a way the registrar considers appropriate if—
 - (a) the addressee declared that they do not want the document or thing returned to them; or
 - (b) the registrar has given the addressee a notice under subrule (2) and the addressee does not collect the document or thing within the 28-day period.

13 Rule 6614 (1) (d)

before

rule 6608

insert

rule 6607A,

14 Schedule 5, part 5.4, item 49

omit

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 19 December 2024.

2 Republications of amended laws

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

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