

## EXPLANATORY STATEMENT

Subordinate Law 1999 No. 26

Issued by the Authority of the Judges of the  
Supreme Court of the Australian Capital Territory

### SUPREME COURT RULES AMENDMENT

The resident Judges of the Court (of whom there are four, including the Chief Justice) or any two of the resident Judges, may make Rules of Court for regulating the practice and procedure of the Court pursuant to Section 36 of the *Supreme Court Act* 1933.

These amending Rules make a variety of amendments to the *Supreme Court Rules* ('the Rules').

**Commencement** : Parts 1 and 3 commence upon notification in the *Gazette*. Part 2 commences on 1 November 1999. Part 4 is taken to have commenced immediately before the commencement of rule 9 of Subordinate Law No 35 of 1998 which is 1 February 1999.

#### Part 2 – Amendments of Supreme Court Rules

The Rules presently contain many fragmented, and some inconsistent provisions, relating to the service of documents. The amendments contained in Part 2 that relate to service consolidate many of those provisions within Order 2 where they relate to the service of an originating application and within Order 10 where they relate to the service of documents generally in Australia.

New Division 8A of Order 39 provides for the manner in which the evidence of expert witnesses may be given. These provisions correspond with new Order 34A of the *Federal Court Rules*.

The *Schedule* to these amending Rules makes amendments which are consequential upon the amendments in Part 2. Many of the miscellaneous amendments in the Schedule are of a drafting nature and are part of a process of eliminating outmoded, outdated or irrelevant provisions within the Rules.

#### Part 3 – Amendments of Subordinate Law 1995 No 15

These amendments are consequential upon the amendments contained in Rule 9 of these amending Rules which repeals existing Orders 10 and 11 and substitutes in their place, new Order 10.

#### **Part 4 – Amendment of Subordinate Law 1998 No 35**

This amendment corrects an incorrect reference to certain forms contained in the First Schedule.