

EXPLANATORY STATEMENT

Subordinate Law No. 30 of 1997

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 amend the Supreme Court Rules by repealing Rule 2 of Order 22 (proscribing joinder of other causes of action with an action for the recovery of land without leave of the Court) and by omitting subrule 15(5) of Order 60 (entitling each party to an appeal to a copy of a transcript of the proceedings).

Rule 2 of Order 22 is an exception to the general rule contained in Rule 1 of Order 22 which authorises the joinder in one action of several causes of action at the suit of a single plaintiff against a single defendant. The repealed rule serves no useful purpose and adds unnecessary costs to the conduct of litigation.

Subrule 15(5) of Order 60 is considered to be unnecessary as well as imposing a considerable expense to the Court which has, itself, to pay for any court transcript ordered from an independent agency, Auscript. In practice, the Court will provide transcript where a party is unable to afford it. A successful appellant will usually be able to recover the costs of transcript from the other party.