

EXPLANATORY STATEMENT

Subordinate Law No. 10 of 1996

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 three, 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.

The amending rules relate to the taking of evidence otherwise than at trial outside Australia.

The amendments to Order 39 of the Supreme Court Rules which omit references to various provisions of the Evidence Act 1905 of the Commonwealth are necessary because of the repeal of those provisions in Parts 111B and 111C of that Act by the Foreign Evidence (Transitional Provisions and Consequential Amendments) Act 1994. The omitted references are replaced with references to provisions of the Foreign Evidence Act 1994 of the Commonwealth and the Evidence Act 1971 (A.C.T.) which provide for the taking of evidence outside Australia in respect of proceedings in Australian courts.

The remaining amendments are of a purely drafting nature.