

Explanatory Statement

Court Procedures Amendment Rules 2013 (No 2) Subordinate Law SL2013 - 32

Issued by the Authority of the Rule-Making Committee

The Rule-Making Committee (currently comprising the Chief Justice, Justice Refshauge, Chief Magistrate Walker and Magistrate Campbell) may make rules in relation to the practice and procedure of ACT courts and their registries pursuant to section 7 of the *Court Procedures Act 2004*. The Courts and the Joint Rules Advisory Committee have continued a consultative review of the rules which has resulted in the amendments contained in the *Court Procedures Amendment Rules 2013 (No 2)*.

Rule 5140(3) was previously amended (*Court Procedures Amendment Rules 2013 (No 1)*), following the decision in *Bluett v Marsh [2012] ACTCA 34*, to clarify the procedures that may follow after a Supreme Court appeal has been dealt with or dismissed in the absence of a party. Rule 5441(3) has now been amended in the same manner in relation to Court of Appeal matters to ensure consistency across both appeal jurisdictions.

An amendment to rule 6251(3)(d) broadens the jurisdiction of the Registrar of the Magistrates Court to hear civil motions in the domestic violence and protection orders jurisdiction, reflecting the jurisdiction of the Registrar in other civil matters. It also allows for the exercise of jurisdiction in other non-contentious areas.

New rules 6251(3)(g) and (h) have also been introduced to provide jurisdiction for the Registrar of the Magistrates Court to confirm a provisional order under the *Victims of Crime (Financial Assistance) Act 1983* and to register agreements or refuse to register agreements under the *Workers Compensation Act 1951*.

The rules will commence on 1 January 2014.