

Explanatory Statement

Court Procedures Amendment Rules 2014 (No 2) Subordinate Law SL2014 - 9

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 conducted a consultative review of the rules which has resulted in the amendments contained in the *Court Procedures Amendment Rules 2014 (No 2)*.

Rule 53, which sets out the contents of the statement of claim for employment, death and personal injury claims, has been amended to include a new paragraph 53(2)(g) to require *a statement as to which jurisdiction the plaintiff claims to be the Territory or State of connection for the purposes of s182D of the Workers Compensation Act 1951*. Similarly, the relevant prescribed statement of claim Form 2.4 (Statement of claim – employment death or personal injury) has also been amended to add a new paragraph 8 stating that *The plaintiff contends that the Territory or State of connection for the purposes of s182D of the Workers Compensation Act 1951 applicable to this claim is: [set out Territory or State]*. The effect of s182D of the Workers Compensation Act is to apply the same law to the assessment of damages as applies to the workers compensation entitlements. The inclusion of a statement to that effect in the plaintiff's statement of claim will ensure that the plaintiff has considered the issue and the defendant is on notice of the requirement to plead relevant facts if it disagrees with the plaintiff's contention (see *Ruskic v Greenwich Contractors Pty Limited* [2013] ACTSC 263).

The rules under Part 3.11 - Legal Profession have been amended and new rules introduced, to provide for more comprehensive rules in relation to admission to the legal profession. These rules provide a mechanism for the approval of academic institutions and practical legal training providers, and the monitoring and review by the admissions board of the relevant courses of study. The new rules also establish a requirement for notice to be given to the admissions board by the approved institutions of any material change to the curriculum for an approved course of study.

Amendments to Rules 6250 and 6251 give power to the Supreme Court registrar and the Magistrates Court registrar to bring detainees before the Court in civil proceedings. A further amendment to Rule 6251 gives the Magistrates Court registrar power in relation to subpoenas for production under the *Domestic Violence and Protection Orders Regulation 2009*.

The rules will commence on 1 July 2014.