

Court Procedures Amendment Rules 2026 (No 1)

SL2026-9

Explanatory statement

Background

The *Court Procedures Act 2004* (the Act) governs the practice and procedure of ACT Courts, prescribed tribunals and their registries. Section 9 of the Act establishes the rule making committee. Section 7 of the Act confers power on the rule making committee to:

- make rules relating to the practice and procedure of ACT Courts, prescribed tribunals, and their registries, and
- in relation to any of the other matters mentioned in Schedule 1 to the Act (the subject matter of the rules).

This explanatory statement describes amendments to the *Court Procedures Rules 2006* (the Rules) made by the rule making committee under s 7 of the Act and set out in the *Court Procedures Amendment Rules 2026 (No 1)* (the Amendment Rules).

Detail

The Amendment Rules make amendments to the Rules, to:

- amend rule 6250 (3) (b) to give the Supreme Court Registrar power to excuse accused people on bail from attending court in accordance with s 30 of the *Bail Act 1992* (ACT).
- amend rule 6251 (3) (b) to add to the Magistrates Court Registrar powers to exercise the following further jurisdiction of the Magistrates Court under select provisions of the *Children and Young People Act 2008*:
 - section 391 (Registered family group conferences agreement – registration)
 - section 413 (Emergency action – application for orders)
 - section 430 (Care and protection order—court to consider application and cross-application promptly)
 - section 431 (Interim matters—Court action before adjournment), other than section 431 (2) (e)
 - section 431 (2) (e) if the extension or revocation is consented to or not opposed
 - section 432 (Interim matters—court-ordered meeting)
 - section 433 (Interim matters—interim care and protection orders), other than section 433 (4), if the order is consented to or not opposed
 - section 433 (4)
 - section 435 (Interim care and protection orders—revocation or amendment), other than section 435 (6)
 - section 435 (6) (b) or (c) if the amendment or substitution is consented to or not opposed
 - section 442 (Assessment orders—on application or court’s own initiative) if the order is consented to or not opposed
 - section 446 (Assessment orders—court to consider application promptly)
 - section 450 (Assessment orders—extension application) if the extension is consented to or not opposed

- section 453 (Assessment orders—court to consider extension application promptly)
- section 454 (Assessment orders—criteria for extension)
- section 466 (Care and protection order—extension and amendment applications) if the giving of leave is consented to or not opposed
- section 467 (Care and protection order—revocation applications) if the giving of leave is consented to or not opposed
- section 470 (Care and protection order—court to consider extension, amendment and revocation applications promptly)
- section 542 (Intensive therapy order—Childrens Court to consider application promptly)
- section 563 (Intensive therapy order—Childrens Court to consider extension application promptly)
- section 572 (Intensive therapy order—Childrens Court to consider application for amendment or revocation promptly)
- section 701 (Parties—hearing in party’s or other person’s absence)
- section 702 (Parties—failure to attend proceeding), other than section 702 (2) (b)
- section 702 (2) (b) if the making of orders or directions is for the continuation of interim care and protection orders under section 433
- section 704 (Parties—application to join party) if the order is consented to or not opposed
- section 705 (Parties—filed material to be given to joined parties)
- section 718 (Orders—obligations on people)
- section 876A (Power of court to bring young detainee before it—civil proceeding).

These amendments are to enable the Registrar to case manage applications for care and protection orders.

Pursuant to s 36(1)(i) of the *Legislation Act 2001*, a regulatory impact statement is not required for the Amendment Rules.

Human Rights

The Amendment Rules are procedural and/or administrative in nature.

No human right established by the *Human Rights Act 2004*, is engaged or impacted by the Amendment Rules.