



Australian Capital Territory

Supreme Court Rules (Amendment)

Subordinate Law No. 31 of 1997

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AUSTRALIAN CAPITAL TERRITORY

Supreme Court Rules¹ (Amendment)

Subordinate Law No. 31 of 1997²

We, Judges of the Supreme Court, make the following Rules of Court under section 36 of the *Supreme Court Act 1933*.

Dated 9 October 1997.

JEFFREY MILES

Chief Justice

T J HIGGINS

Judge

K J CRISPIN

Judge

A G TOWILL

Registrar

Commencement

1. These Rules commence on the day on which they are notified in the *Gazette*.

Principal Rules

2. In these Rules, “Principal Rules” means the Supreme Court Rules.

Application

3. The amendments to the Principal Rules effected by these rules apply only in relation to proceedings in the Court, or in any other court, tribunal or body, instituted after the date of commencement of these Rules.

Heading to Order 37

4. The heading to Order 37 of the Principal Rules is omitted and the following heading substituted:

“ORDER 37

QUESTIONS OF LAW—SPECIAL CASES”.

Heading to Division I of Order 37

5. The heading to Division I of Order 37 of the Principal Rules is omitted.

Substitution

6. Rule 1 of Order 37 of the Principal Rules is repealed and the following rules are substituted:

Interpretation

“1A. (1) In this Order—

‘party having carriage of the proceeding’, in relation to a proceeding from which a case is to be stated for the consideration of the Court, means—

- (a) the party initiating the request for the case to be stated; or
- (b) if the case is to be stated on referral by a Tribunal of its own motion—the person or body who made the decision to which the proceeding before the Tribunal relates;

‘Tribunal’ means a tribunal, court, body or person (including the Supreme Court itself) from which a case may be stated for the consideration of the Supreme Court.

“(2) In this Order, a reference to a case stated for the consideration of the Court includes a reference to a question of law reserved by or referred to the Court for consideration.

Application

“1B. This Order applies to any case stated for the consideration of the Court from proceedings in a Tribunal.

Special case

“1. (1) A case to be stated for the consideration of the Court shall be in the form of a special case.

“(2) A special case shall—

- (a) be divided into consecutively numbered paragraphs;
- (b) state the facts concisely; and
- (c) have annexed all documents necessary to enable the Court to decide the questions raised by the special case.

“(3) The Court may draw from the facts stated and the documents annexed any inference, whether of fact or law, which might have been drawn from them if proved at a trial.”.

Substitution

7. Rules 3 and 4 of Order 37 of the Principal Rules are repealed and the following rule is substituted:

Preparation and filing of special case

“3. A special case shall—

- (a) be prepared in draft by the party having carriage of the proceeding after consultation with each other party;
- (b) contain an address for service of each party;
- (c) be settled by the Tribunal from which the case is stated;
- (d) be signed by each party to the proceedings from which the case is to be stated; and
- (e) be transmitted by the Tribunal from which the case is stated to the Registrar of the Supreme Court for filing.”.

Substitution

8. Rule 6 of Order 37 of the Principal Rules is repealed and the following rules are substituted:

Directions hearings

“6. After a special case is filed under paragraph 3 (e), the Registrar shall—

- (a) set down the special case for a directions hearing; and
- (b) notify each party of the date appointed for the directions hearing.

Insufficient statement of case

“6A. (1) This rule applies where it appears to the Court that a special case filed under paragraph 3 (e) does not state the facts and documents sufficiently to enable the Court to decide the questions arising, or otherwise to hear and determine proceedings on the special case.

“(2) Where this rule applies, the Court may—

- (a) with the consent of each party, amend the special case;
- (b) send the special case back to the party having carriage of the proceedings from which the special case was referred for that party to amend the special case in a manner specified by the Court; or
- (c) in relation to civil proceedings only—receive evidence, make findings of fact, and amend the special case accordingly.”.

Repeal

9. Rule 8 of Order 37 of the Principal Rules is repealed.

Heading to Division II of Order 37

10. The heading to Division II of Order 37 of the Principal Rules is omitted and the following heading substituted:

“ORDER 37A

ISSUES OF FACT WITHOUT PLEADINGS”.

Renumbering (Order 37, rules 9-12)

11. (1) Rules 9 to 12 (inclusive) of Order 37 of the Principal Rules are renumbered as rules of Order 37A of the Principal Rules as amended by these Rules in accordance with the following table:

Existing rule (Order 37)	Renumbered rule (Order 37A)
Rule 9	Rule 1
Rule 10	Rule 2
Rule 11	Rule 3
Rule 12	Rule 4

(2) A reference to a rule of the Principal Rules that has been renumbered by this rule, being a reference—

- (a) in a provision of the Principal Rules as in force immediately before the commencement of this rule, whether or not that provision has commenced;
- (b) in a provision of another law of the Territory made before the commencement of this rule, whether or not that provision has commenced; or
- (c) in any instrument or document;

shall (except as regards the operation of the rule before it was so renumbered) be construed as a reference to that rule as so renumbered.

Repeal

12. Order 60 of the Principal Rules is repealed.

Heading to Order 61

13. The heading to Order 61 of the Principal Rules is omitted and the following heading substituted:

**“ORDER 61
REGISTRAR”.**

Appeals from Registrar’s orders

14. Rule 5 of Order 61 of the Principal Rules is amended by inserting after paragraph (1) (b) the following paragraphs:

- “(ba) The notice of appeal shall be in accordance with Form 76 in the First Schedule.
- (bb) The Registrar shall endorse the notice of appeal with a date for a motions hearing before a judge, being a date within 3 weeks after the date of the decision from which the appeal is brought.”.

Appeals from interlocutory judgments of the Master

15. Rule 5 of Order 61A of the Principal Rules is amended by omitting paragraph (c) and substituting the following paragraphs:

- “(c) The notice of appeal shall be in accordance with Form 77 in the First Schedule.
- (ca) The Registrar shall endorse the notice of appeal with a date for a motions hearing before a judge, being a date within 3 weeks after the date of the decision from which the appeal is brought.”.

Repeal

16. Rules 6, 7 and 8 of Order 61A of the Principal Rules are repealed.

Discontinuance of appeal

17. Rule 9 of Order 61A of the Principal Rules is amended by inserting in subrule (1) “under paragraph 9 (2) (a) of the Act” after “appellant”.

Stay of proceedings

18. Rule 10 of Order 61A of the Principal Rules is amended—

- (a) by omitting “subsection 9 (2)” and substituting “paragraph 9 (2) (a)”; and
- (b) by omitting “, a Judge or Master” and substituting “or the Master”.

Application of other Orders

19. Rule 11 of Order 61A of the Principal Rules is amended by inserting “under paragraph 9 (2) (a) of the Act” after “appeals”.

Substitution

20. Parts 12 and 12A of the Principal Rules are repealed and the following Part is substituted:

“PART 12—APPEALS

“ORDER 81 APPEAL RULES

Interpretation

“1. In this Order, unless the contrary intention appears—

‘appeal’ means an appeal to the Court to which this Order applies by virtue of rule 2;

‘decision’ means a decision of a Tribunal from which an appeal may be brought, and includes any order, direction or judgment of the Tribunal from which an appeal may be brought;

‘Registrar of the Tribunal’ means—

- (a) the Registrar, or other officer, in charge of the administration of the relevant Tribunal, and includes a Deputy Registrar of the Tribunal and any other officer for the time being performing the duties of the Registrar of the Tribunal or a Deputy Registrar of the Tribunal; or
- (b) in relation to an appeal from the Court, or an appeal from a decision of the Registrar of the Court—the Registrar of the Court;

‘relevant Act’, in relation to an appeal, means the Act under which the appeal is brought;

‘Tribunal’ means a tribunal, court, body or person from which an appeal may be brought, and includes—

- (a) the Supreme Court when constituted by the Master, in relation to an appeal from the Court referred to in rule 2; and

- (b) the Registrar of the Supreme Court, in relation to an appeal from the Registrar referred to in rule 2.

Application—appeals from Tribunals and other bodies

“2. (1) This Order applies to appeals to the Court from the tribunals, bodies or persons listed in the first column of the following table brought under the respective corresponding statutory provisions referred to in the second column of the table:

Tribunal	Statutory provision
1. Administrative Appeals Tribunal	<i>Administrative Appeals Tribunal Act 1989</i> Section 46
2. Australian Capital Territory Credit Tribunal	<i>Consumer Credit (Administration) Act 1996</i> Section 94
3. Guardianship and Management of Property Tribunal	<i>Guardianship and Management of Property Act 1991</i> Section 56
4. Magistrates Court	<i>Consumer Credit (Administration) Act 1996</i> Section 95 <i>Magistrates Court Act 1930</i> Part XI, Divisions 1 and 2 <i>Magistrates Court (Civil Jurisdiction) Act 1982</i> Part XIXA
5. Mental Health Tribunal	<i>Mental Health (Treatment and Care) Act 1994</i> Section 141
6. Registrar of the Supreme Court	<i>Criminal Injuries (Compensation) Act 1983</i> Section 28
7. Small Claims Court	<i>Small Claims Act 1974</i> Part III
8. Supreme Court (constituted by the Master)	<i>Supreme Court Act 1933</i> Paragraph 9 (2) (b)
9. Tenancy Tribunal	<i>Tenancy Tribunal Act 1994</i> Section 58

“(2) This Order applies to an appeal subject to the relevant Act, and to any direction of the Court on the application of a party to the appeal.

Institution of appeals

“3. An appeal may be instituted by filing a notice of appeal in accordance with Form 1 in Schedule 14.

Notice of appeal

“4. (1) A notice of appeal shall state—

- (a) the decision of the Tribunal, the member or members constituting the Tribunal, and the date of the decision;
- (b) the order sought; and
- (c) briefly, but specifically—the grounds relied on in support of the order sought.

“(2) A notice of appeal from a decision of the Small Claims Court shall include a request for leave to appeal to the Supreme Court.

“(3) A notice of appeal from a decision of the Guardianship and Management of Property Tribunal on a question other than a question of law shall include a request for leave to appeal to the Court.

“(4) A notice of appeal shall be signed by the appellant or the appellant’s solicitor.

“(5) The Court may allow a notice of appeal to be amended on such terms and conditions as it thinks fit.

“(6) On the hearing of an appeal, the appellant shall not, without the leave of the Court—

- (a) raise any question that is not stated in the notice of appeal; or
- (b) rely on any ground in support of the order sought that is not set out in the notice of appeal.

Appearance

“5. (1) If there is a respondent to an appeal, the notice of appeal shall include an instruction that before taking any other step in the proceeding the respondent shall enter an appearance in the Registry of the Court.

“(2) A respondent to an appeal shall enter an appearance in accordance with Order 13 as if the notice of appeal were an originating application, the appellant were a plaintiff and the respondent were a defendant.

Other parties

“6. (1) Each person shall be joined as a respondent to an appeal who—

- (a) appeared or was granted leave to appear before the Tribunal at the proceeding in which the decision was made; and
- (b) would be affected by the order sought by the notice of appeal, or is interested in maintaining the decision.

“(2) If an unincorporated organisation or association appeared or was granted leave to appear before the Tribunal at a proceeding in which a decision was made—

- (a) a reference in subrule (1) to a person is to be read as a reference to a person or persons acting on behalf of such an organisation or association; and
- (b) paragraph (1) (b) is to be taken to require that the interests of the organisation or association, as ascertained by reference to its objects or purposes, would be affected by the order sought by the notice of appeal or by the maintenance of the decision.

“(3) The Court may order—

- (a) the addition of any person as a party to an appeal; or
- (b) the removal of any person as a party from the appeal.

Lodgment of notice of appeal

“7. A notice of appeal from a Tribunal shall be lodged with the Registry of the Court, subject to rule 8—

- (a) within the time provided by the relevant Act;
- (b) within such further time as the Court allows in accordance with the relevant Act; or
- (c) where no time is provided by the relevant Act—within 21 days after the date of the decision appealed from, or within such further time as the Court allows on application at any time.

Extension of time

“8. (1) Application may be made to the Court for an extension of time within which an appeal may be brought either before or after the expiration of the time referred to in rule 7.

“(2) An application for the extension of time shall be in accordance with Form 2 in the Second Schedule.

“(3) An application for the extension of time shall be accompanied by an affidavit showing—

- (a) the nature of the case in summary form;
- (b) each question involved; and
- (c) the reason why the extension of time should be given.

Date for settling appeal papers

“9. On filing a notice of appeal, the Registrar shall appoint a date for settling the appeal papers by endorsement.

Service of notice of appeal

“10. (1) An appellant shall, within the time specified under subrule (2), serve a copy of the notice of appeal personally on each respondent, and on the Registrar of the Tribunal.

“(2) A copy of a notice of appeal shall be served under subrule (1) within 7 days after the notice is filed, but no later than 5 days before the date endorsed for settling the appeal papers, unless the Court orders otherwise.

“(3) If the Court makes an order under subrule (2), the Registrar shall endorse the notice of appeal with a note of the order made.

Security for costs

“11. (1) No security for the costs of an appeal is required, except where subrule (2) applies.

“(2) In special circumstances, the Court may order that security for the costs of an appeal be given as it thinks fit.

Stay of decision

“12. (1) The institution of an appeal does not operate as a stay of the decision appealed from unless the relevant Act or these rules provide otherwise.

“(2) Where the relevant Act provides for an application to the Court for an order staying or otherwise affecting the operation or implementation of a decision appealed from, that application may be made by motion on notice.

“(3) On application by motion on notice by a person affected by a decision of the Magistrates Court or the Master which is appealed from, the Court may make an order staying or otherwise affecting the operation or implementation of the decision.

“(4) In an urgent case, an application for a stay of proceedings may be made *ex parte*, accompanied by an affidavit setting out the grounds relied on in support of the application.

Documents

“13. (1) Not later than 21 days after service of a notice of appeal on the Registrar of the Tribunal, the appellant shall cause to be sent to the Registrar of the Court—

- (a) a copy of the decision appealed from;
- (b) if the Tribunal has given written reasons for its decision—a copy of the reasons;
- (c) any transcript, or notes, of proceedings in the Tribunal; and
- (d) a list, certified by the Registrar of the Tribunal, of the documents and any other exhibits that were before the Tribunal.

“(2) After being served with a notice of appeal, the Registrar of a Tribunal shall cause to be sent to the Registrar of the Court all documents and exhibits which were before the Tribunal in connection with the proceedings from which the appeal is brought.

“(3) When the documents and exhibits referred to in subrule (2) have been received by the Registrar of the Court, the Registrar shall send a copy of the list referred to in paragraph (1) (d) to each party to the appeal.

“(4) Where an appeal is brought against a decision of the Administrative Appeals Tribunal, the list referred to in paragraph (1) (d) shall—

- (a) specify any documents which were the subject of an order under subsection 34 (2) of the *Administrative Appeals Tribunal Act 1989*;
- (b) specify any documents in respect of which a certificate of the Minister is in force under subsection 26 (7) of that Act;
- (c) specify any documents in respect of which a certificate of the Minister is in force under subsection 35 (4) of that Act; and

- (d) where a document is specified under paragraph (c)—disclose whether an order was made by the Tribunal under subsection 35 (4) of that Act in respect of the document.

“(5) If the Tribunal has not given written reasons for the decision, the appellant shall, if entitled to do so under the relevant Act—

- (a) obtain a statement of written reasons for the decision; and
- (b) send a copy of the statement to the Registrar of the Tribunal and to the Registrar of the Court no later than 10 days after receiving it.

Discontinuance of appeal

“14. (1) An appellant may discontinue the appeal at any time by lodging and serving on each other party to the appeal a notice of discontinuance, subject to subrule (3).

“(2) A notice of discontinuance lodged and served by an appellant under subrule (1) does not affect any other appellant.

“(3) An appeal from a decision of the Magistrates Court shall only be discontinued with leave of the Supreme Court.

“(4) Subject to subrules (2) and (3), if a notice of discontinuance of an appeal is lodged and served under subrule (1), the appeal is to be taken to be abandoned.

“(5) A party lodging a notice of discontinuance is liable to pay the costs of the other parties occasioned by the appeal, unless the Court orders otherwise.

“(6) A party whose costs are payable under subrule (5) may submit a bill of costs to the taxing officer for taxing.

“(7) If the costs payable under subrule (5), as taxed, are not paid within 14 days after service of the certificate of taxation, the party submitting the bill may enter judgment for the taxed costs.

Amendment of notice of appeal

“15. (1) A notice of appeal may be amended without leave by the filing of a supplementary notice before the date appointed by the Registrar of the Court for settling the appeal papers.

“(2) A supplementary notice shall be lodged for filing and served under rules 7 and 10 as if it were a notice of appeal.

Cross-appeals

- “16. (1) This rule applies where a respondent to an appeal desires—
- (a) to appeal from a part of the decision from which the appellant has appealed; or
 - (b) to seek a variation of a part of that decision.

“(2) Where this rule applies, the respondent may institute a cross-appeal by lodging for filing a notice of cross-appeal within 21 days after the service on the respondent of the notice of the appeal.

“(3) The respondent shall serve a copy of a notice of cross-appeal on the appellant and each other party to the appeal.

- “(4) A notice of cross-appeal shall state—
- (a) what part of the decision is cross-appealed from, or is sought to be varied;
 - (b) the order sought; and
 - (c) briefly, but specifically—the grounds relied on in support of the order sought.

Notice of contention

- “17. (1) This rule applies where a respondent—
- (a) desires to contend that a matter of law has been erroneously decided against the respondent in the decision appealed from by the appellant; and
 - (b) does not desire to seek a discharge or variation of a part of the decision.

“(2) Where this rule applies, the respondent shall give notice to the appellant of the respondent’s contention.

“(3) When the appeal papers are settled under rule 18, the appellant shall, at the request of the respondent, include in the appeal papers that part of the record of evidence, and any documents, before the Tribunal which are relevant to the respondent’s contention.

Settling of appeal papers

“18. (1) On settling the appeal papers, the Court may give such directions about the conduct of the appeal as the Court thinks proper.

“(2) Without limiting the generality of subrule (1), on settling the appeal papers, the Court has the following powers:

- (a) to determine what documents and matters were before the Tribunal;
- (b) to determine what documents and matters are to be included in the appeal papers, and the order of inclusion;
- (c) to settle the index of documents to be included in the appeal papers;
- (d) to determine the number of copies of the appeal papers required;
- (e) to direct the joinder of parties;
- (f) to direct the place, time and mode of hearing.

“(3) The Master or the Registrar may exercise the jurisdiction of the Court for the purposes of this rule.

Preparation of appeal papers

“19. (1) The appeal papers shall be prepared, to the satisfaction of the Registrar, as follows:

- (a) the title page shall state the title of the appeal, the name or names of the person or persons constituting the Tribunal, and the names and addresses for service of the parties and their solicitors (if any);
- (b) the index settled under paragraph 18 (2) (c) shall appear after the title page, and shall show the date and page number of each document;
- (c) the appeal papers shall include each document necessary to enable the questions raised by the appeal to be determined by the Court;
- (d) the appeal papers shall be paginated;
- (e) the appeal papers shall be clear, legible and securely fastened, but need not be bound or printed.

“(2) The appellant shall lodge for filing a copy of the appeal papers together with a certificate by the parties (or their solicitors) stating that the copy has been examined, and is correct.

“(3) The appellant shall lodge for filing as many additional copies of the appeal papers as the Registrar directs.

“(4) This rule is subject to any direction of the Court or the Registrar.

Setting down appeal for hearing

“20. When the Registrar is satisfied that an appeal is ready for hearing, the date for hearing the appeal may be fixed by the Registrar—

- (a) on the motion of the Registrar; or
- (b) on application by any party.

“ORDER 81A ORDER NISI TO REVIEW

Interpretation

“1. In this Order—

‘application’ means an application under rule 2 for an order *nisi*;

‘order *nisi*’ means an order *nisi* to review a decision of the Magistrates Court.

Applications

“2. An application for an order *nisi* shall be—

- (a) made orally to the Supreme Court, within 21 days after the decision is made;
- (b) made *ex parte*; and
- (c) supported by an affidavit under rule 3.

Affidavits

“3. The affidavit accompanying an application shall—

- (a) set out the material circumstances, each statutory ground relied on and a concise statement of the matter relied on under each ground; and
- (b) be entitled “In the Supreme Court of the Australian Capital Territory, in the matter of an order *nisi* to review a decision of the *Magistrates Court Act 1930*”, or to similar effect.

Service of applications

“4. The Court may direct that notice of an application be given to a person interested in maintaining the relevant decision of the Magistrates Court.

Parties

“5. A party served with an application is entitled to be heard on the application.

Form of order *nisi*

“6. An order *nisi* shall be in accordance with Form 3 in the Second Schedule.

Service of order *nisi*

“7. Within 7 days after an order *nisi* is made, the order *nisi* and each supporting affidavit shall be—

- (a) served on each person called upon by the order to show cause, or the solicitor accepting service on the person’s behalf;
- (b) if the Court directs—served on any other person as directed; and
- (c) left with the Registrar of the Magistrates Court.

Appearance to order *nisi*

“8. A person served with an order *nisi* shall enter an appearance to oppose the making absolute of the order, or to be heard in that matter, in accordance with Order 13 as if the order were an originating application, the applicant for the order were a plaintiff and the person served with the order were a defendant.

Application to revoke order *nisi*

“9. (1) An application to revoke an order *nisi* shall be made by motion on notice, supported by affidavit.

“(2) An application to revoke an order *nisi*, together with any affidavit referred to in subrule (1), shall be served on—

- (a) the applicant for the order; and
- (b) any person on whom the application for the order was directed to be served under rule 4.”.

Repeal

- 21. Parts 13A, 13B and 13C of the Principal Rules are repealed.

First Schedule

- 22.** The First Schedule to the Principal Rules is amended—
- (a) by omitting Forms 71 and 72 and substituting the Form in Schedule 1 to these Rules;
 - (b) by omitting from Form 77 “O. 61A, r. 5 (d)” and substituting “O. 61A, r. 5 (c)”; and
 - (c) by omitting Forms 78, 79 and 80 and 83 to 86 (inclusive).

Substitution

- 23.** Schedule 14 to the Principal Rules is omitted and the Schedule in Schedule 2 to these Rules substituted.
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SCHEDULE 1

Paragraph 22 (a)

NEW FORM 76 (FIRST SCHEDULE)

FORM 76

O. 61, r. 5 (1) (ba)

NOTICE OF APPEAL

FROM INTERLOCUTORY ORDER OF THE REGISTRAR

In the Supreme Court No. of 19 .
of the Australian Capital Territory

BETWEEN: [name] Plaintiff
and
[name] Defendant

To:
the Registrar
the [*defendant/*plaintiff]
* the solicitor for the [*defendant/*plaintiff], [insert name of solicitor]

On [date], the [*plaintiff/*defendant] intends to appeal against the following decision of the Registrar:

[specify the decision appealed against, and the date and time of the decision]

Date:

-
- * Plaintiff
- * Defendant
- * Solicitor for [*plaintiff/*defendant]

* Strike out where inapplicable

**SCHEDULE 2
NEW APPEALS FORMS**

Paragraph 22 (b)

SCHEDULE 14

**FORM 1
NOTICE OF APPEAL**

O. 81, r. 3

In the Supreme Court
of the Australian Capital Territory

No. of 19 .

On appeal from *[name of the relevant court, tribunal, body or person]*¹

Between: *[name]* Appellant

and

[name] Respondent

1. On *[date]* at *[place]*, the Tribunal, constituted by *[name(s) of member(s) constituting the Tribunal]*, made the following decision:¹
2. The appellant—
 - * appeals from that decision.
 - * applies to the Court for leave to appeal from that decision.
3. The orders sought are:
4. The grounds of the appeal are: *[set out briefly the grounds of the appeal with all necessary or appropriate particulars]*

Date:

Address for service:

.....
Signature of [*appellant/*appellant's solicitor]

Notice to respondent

[respondent's name and address]

Entry of Appearance

Before taking any further step in these proceedings, you must enter an appearance in the Registry.

Settling appeal papers

1. A directions hearing for settling the appeal papers will be held as follows:
 - Time:** *[Date and time to be entered by the Registrar, unless fixed by the Court]*
 - Place:** *[Address of the Court]*
2. If you do not attend to settle the appeal papers, either in person or by your legal representative, directions may be given, and orders made, in your absence.

* **Abridgment of time for service**

The time by which this notice of appeal is to be served has been abridged by the Court as follows:

[specify time for service].

Date:

.....
By the Court
[designation of officer]

* Strike out where inapplicable

NOTE

¹ The court, tribunal, body or person from the decision of which (or of whom) the appeal is to be brought is referred to in this notice as "the Tribunal".

SCHEDULE 2—continued

FORM 2

O. 81, r. 8 (2)

APPEAL

EXTENSION OF TIME

In the Supreme Court

No. of 19 .

of the Australian Capital Territory

On appeal from [name of the relevant court, tribunal, body or person]¹

Between: [name] Appellant

and

[name] Respondent

1. On [date] at [place], the Tribunal, constituted by [name(s) of member(s) constituting the Tribunal], made the following decision:¹
2. A notice of appeal [*will not be/*has not been] filed in the Court within the time specified in the Act under which that decision is made.
3. The appellant applies to the Court for an extension of time in which to bring a notice of appeal from that decision.
4. The grounds of the application appear in the annexed affidavit.

Date:

Address for service:

.....
Signature of [*appellant/*appellant's solicitor]

Hearing date

This application will be heard in the Court on [date] at [place].

Date:

.....

By the Court

[designation of officer]

* Strike out where inapplicable

NOTE

¹ The court, tribunal, body or person from the decision of which (or of whom) the appeal is to be brought is referred to in this notice as “the Tribunal”.

SCHEDULE 2—continued

FORM 3

O. 81A, r. 6

ORDER NISI TO REVIEW
A DECISION OF THE MAGISTRATES COURT

In the Supreme Court
of the Australian Capital Territory

No. of 19 .

On appeal from the Magistrates Court

Between:	[name]	Appellant
	and	
	[name]	Respondent

Before:

1. On [date] at [place], the Magistrates Court made the following decision:
2. [name] has been heard for the appellant, and the affidavit of [name] sworn on [date] and filed in this matter has been read.
3. The respondent is ordered to show cause before the Supreme Court on the [date] why that decision of the Magistrates Court should not be reviewed.
 - * The following orders are also made:
4. The grounds upon which [*this order/*these orders] are made are as follows:

Date:

.....
Registrar

* Strike out where inapplicable

NOTES

Principal Rules

1. Reprinted as at 31 January 1997. See also Subordinate Laws Nos. 8, 9, 20 and 30, 1997.

Notification

2. Notified in the ACT Gazette on 30 October 1997.