



Australian Capital Territory

Supreme Court Rules¹ (Amendment)

Subordinate Law No. 33 of 1997²

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

Dated 5 November 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.

Insertion

3. After rule 8 of Order 10 of the Principal Rules the following rule is inserted in that Order:

Non-personal service

“9. (1) If personal service of a document in an action is not required, the document may be served—

- (a) by leaving a copy at the proper address of the person to be served;
- (b) by sending a copy by pre-paid post addressed to the person to be served at his or her proper address;
- (c) if the address for service of the person to be served includes a reference to the number of an Australian Document Exchange Pty Ltd exchange box—by leaving a copy of the document addressed to that person in that exchange box or at a collection point of that company for transmission to that exchange box; or
- (d) if the address for service of the person to be served includes a reference to a facsimile machine number—by facsimile transmission directed to that number.

“(2) Service of a document in an action shall be deemed to have been effected—

- (a) if a copy was sent by pre-paid post in accordance with paragraph (1) (b)—3 days after it was posted;
- (b) if a copy was left in an exchange box or at a collection point in accordance with paragraph (1) (c)—2 days after it was left; or
- (c) if it was transmitted in accordance with paragraph (1) (d)—1 day after it was transmitted;

unless the contrary is proved.

“(3) In subrule (1)—

‘proper address’, in relation to a person to be served with a document, means—

- (a) if the person has an address for service—that address; or
- (b) if the person does not have an address for service—the address of the person’s last known place of residence or business.”.

Defendant’s address for service

4. Rule 4 of Order 13 of the Principal Rules is amended—

- (a) by omitting paragraphs (1) (a) and (b) and substituting the following paragraphs:
 - “(a) if any other solicitor who has a place of business in the Territory is acting as agent of the first-mentioned solicitor in relation to the action—the address of that place; or
 - (b) in any other case—the address of the solicitor’s place of business in Australia.”; and
- (b) by omitting from paragraphs (2) (a) and (b) “the Territory” and substituting “Australia”.

NOTES

Principal Rules

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

Notification

- 2. Notified in the ACT Gazette on 11 November 1997.