



Australian Capital Territory

# Court Procedures Amendment Rules 2011 (No 1)

Subordinate Law SL2011-6

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We, members of the rule-making committee, make the following rules of court under the *Court Procedures Act 2004*, section 7.

Dated 22 February 2011.

T J HIGGINS

Chief Justice

M F GRAY

President of the Court of Appeal

J BURNS

Chief Magistrate

R REFSHAUGE

Judge

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**Court Procedures Act 2004**

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**1 Name of rules**

These rules are the *Court Procedures Amendment Rules 2011 (No 1)*.

**2 Commencement**

These rules commence on 1 March 2011.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

**3 Legislation amended**

These rules amend the *Court Procedures Rules 2006*.

**4 Rule 4733 (k)**

*substitute*

- (k) appoint the sittings when the trial will be listed for hearing; and
- (l) give any other directions that the court considers appropriate.

**5 Rule 4735**

*substitute*

**4735 Supreme Court criminal proceedings—completion of pre-trial questionnaire**

- (1) After the pre-trial questionnaire is completed by the accused person or the person's solicitor, and filed in the court, the registrar—
  - (a) if the registrar considers that the matter may need to be listed for further case management before the registrar—must set a date for a directions hearing before the registrar, and tell the parties the date; or
  - (b) in any other case—may set a date for arraignment of the accused person before the court, and tell the parties the date.

- (2) In considering whether a matter needs to be listed for further case management, the registrar—
  - (a) may ask the parties to give the court any further information about the matter the registrar considers necessary; and
  - (b) must have regard to the following:
    - (i) the parties' answers in the questionnaire;
    - (ii) any other documents filed in the proceeding;
    - (iii) any other information given by a party to the court.

**4735A Supreme Court criminal proceedings—registrar's directions hearing**

- (1) At a directions hearing under rule 4735, the registrar may—
  - (a) give directions about matters raised in the pre-trial questionnaire, including a direction that the matter be listed before a judge; and
  - (b) ask the parties about the length of the trial; and
  - (c) consider whether it is appropriate for the matter to be dealt with as a reserve trial and, if so, give appropriate directions; and
  - (d) set a date, at least 14 days after the date is set, for arraignment of the accused person before the court; and
  - (e) adjourn the directions hearing to another date.
- (2) The registrar may refer a matter to a judge, if a party does not comply with directions made by the registrar or the court.

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**6 Rule 6601A***substitute***6601A Issuing subpoena to produce—originating claim**

- (1) This rule applies to a proceeding started by—
  - (a) originating claim; or
  - (b) originating application, if the court has ordered that the proceeding continue as if started by originating claim; or
  - (c) an application for arbitration under part 3.13 (Workers compensation).
- (2) An issuing officer must not issue a subpoena to produce in the proceeding without the court's leave unless—
  - (a) the certificate of readiness has been filed in the proceeding; or
  - (b) the court has waived the requirement to file a certificate of readiness in the proceeding; or
  - (c) a date for trial has been set for the proceeding.
- (3) Subrule (2) does not apply to a subpoena in a proceeding under part 3.13 that is addressed to a party to the proceeding.

**6601B Issuing subpoena to produce—originating application**

- (1) This rule applies to a proceeding—
  - (a) started by originating application; or
  - (b) started by originating claim, if the court has ordered that the proceeding continue as if started by originating application.
- (2) An issuing officer may issue a subpoena to produce in the proceeding at any time unless the court otherwise orders.

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## Endnotes

**1 Notification**

Notified under the Legislation Act on 28 February 2011.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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