



Australian Capital Territory

Court Procedures Amendment Rules 2012 (No 1)

Subordinate Law SL2012-24

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

Dated 25 June 2012.

T J HIGGINS

Chief Justice

R REFSHAUGE

Judge

L WALKER

Chief Magistrate

L CAMPBELL

Magistrate



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made under the

Court Procedures Act 2004

Contents

		Page
1	Name of rules	1
2	Commencement	1
3	Legislation amended	1
4	New rule 282 (2A)	1
5	Rule 673 (1)	1
6	New rule 1200A	2

J2011-928

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Contents

	Page	
7	Rules 1200A to 1203	2
8	New rule 1205	3
9	Division 2.12.3	3
10	Division 2.12.4	3
11	Rule 1240	4
12	Rule 2016	4
13	Rule 3606	4
14	Rule 3606, note	4
15	Rule 4733 (k)	4
16	Rule 6013	5
17	Rule 6121 (c)	6
18	Rule 6124	6
19	Rule 6126 (2) (c)	6
20	Rule 6700 (3) (b), note 2	6
21	Schedule 1 heading, reference	6
22	Schedule 5, part 5.1, items 19 to 21	7
23	Schedule 5, part 5.4, items 9 to 11	7
24	Dictionary, definitions of <i>accompanying affidavit</i> and <i>appointed expert</i>	7
25	Dictionary, definition of <i>code of conduct</i>	7
26	Dictionary, definition of <i>expert</i>	7
27	Dictionary, definition of <i>expert medical evidence</i>	7
28	Dictionary, definition of <i>expert report</i>	8
29	Dictionary, definition of <i>expert witness</i>	8
30	Dictionary, definition of <i>Wrongs Act</i>	8

1 Name of rules

These rules are the *Court Procedures Amendment Rules 2012 (No 1)*.

2 Commencement

These rules commence on 1 July 2012.

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 New rule 282 (2A)

after the notes, insert

(2A) If the court approves a settlement, compromise or acceptance of an amount paid into court, the court may enter judgment for the amount of the settlement, compromise or payment into court.

5 Rule 673 (1)

omit

division 2.12.4

substitute

division 2.12.3

6 New rule 1200A

in division 2.12.1, before rule 1200, insert

1200A Purposes—pt 2.12

The purposes of this part are as follows:

- (a) to ensure the court has control over the giving of expert evidence;
- (b) to restrict expert evidence in a proceeding to that which is reasonably necessary to resolve the proceeding;
- (c) to avoid unnecessary costs associated with parties retaining different experts;
- (d) to ensure expert witnesses are bound by a code of conduct;
- (e) if practicable and without compromising the interests of justice—to enable expert evidence to be given on an issue in a proceeding by a single expert agreed to by the parties or appointed by the court;
- (f) if necessary to ensure a fair trial of a proceeding—to allow for 2 or more experts to give evidence on an issue in the proceeding.

7 Rules 1200A to 1203

renumber as rules 1200 to 1204

8 New rule 1205

in division 2.12.1, insert

1205 Court may give directions in relation to expert evidence

The court may, on its own initiative or on a party's application, give 1 or more of the following directions in relation to expert evidence:

- (a) a direction about the time for service of an expert report;
- (b) a direction that expert evidence—
 - (i) may not be adduced on an issue; or
 - (ii) may not be adduced on an issue without the leave of the court; or
 - (iii) may be adduced only in relation to a stated issue;
- (c) a direction limiting the number of expert witnesses who may be called to give evidence on an issue;
- (d) a direction providing for the appointment and instruction of 1 expert witness for the parties in relation to a stated issue;
- (e) a direction providing for the appointment and instruction of a court-appointed expert witness in relation to a stated issue;
- (f) a direction requiring an expert witness who has prepared 2 or more expert reports in relation to a proceeding to prepare a single report that reflects the witness's evidence in chief;
- (g) any other direction in relation to expert evidence that the court considers appropriate.

9 Division 2.12.3

omit

10 Division 2.12.4

renumber as division 2.12.3

11 Rule 1240

substitute

1240 Application—div 2.12.3

This division applies subject to any direction given by the court under rule 1205 or rule 1211.

12 Rule 2016

omit

13 Rule 3606

omit

the course of professional training in law in the Legal Workshop

substitute

a course of professional training in law

14 Rule 3606, note

after

(see Legal Profession Act, s 21).

insert

For example, the practical legal training requirements of the Graduate Diploma of Legal Practice offered by the College of Law Ltd are acceptable.

15 Rule 4733 (k)

omit

16 Rule 6013*substitute***6013 Application in proceeding—orders by consent without attendance**

- (1) This rule applies if, at least 2 days before the return date for an application in a proceeding or a later date set by the court for hearing the application, a document is filed in the court that—
 - (a) states that each party to the application—
 - (i) agrees to the adjournment of the application; or
Note See approved form 6.3 (Agreement to adjournment of application) [AF2006-411](#).
 - (ii) consents to the orders sought in the application; or
 - (iii) consents to the orders sought in the application, amended to vary a time mentioned in an order sought for taking a step in the proceeding; and
 - (b) is signed by each party's solicitor.
- (2) For subrule (1) (a) (ii) or (iii), a copy of the application may be endorsed with the consent of each party's solicitor.
- (3) The court may, without any of the parties attending before the court—
 - (a) if the parties agree to an adjournment—adjourn the hearing to—
 - (i) the date agreed by the parties; or
 - (ii) a date decided by the court; or
 - (b) if the parties consent to the orders sought in the application—make the orders sought by consent; or

- (c) if the parties consent to the orders sought in the application as amended—make the orders sought, as amended, by consent; or
 - (d) direct the parties to attend before the court on a stated date.
- (4) If the court adjourns the hearing to a date decided by the court, the registrar must tell the parties the adjourned date for the hearing.
- (5) If the court directs the parties to attend before the court on a stated date, the registrar must tell the parties the stated date.

17 Rule 6121 (c)

omit

18 Rule 6124

omit

19 Rule 6126 (2) (c)

omit

20 Rule 6700 (3) (b), note 2

omit

div 2.12.4

substitute

div 2.12.3

21 Schedule 1 heading, reference

omit

(see r 1200)

substitute

(see r 1201)

22 Schedule 5, part 5.1, items 19 to 21*substitute*

21	1240	Application—div 2.12.3
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23 Schedule 5, part 5.4, items 9 to 11*substitute*

11	1240	Application—div 2.12.3
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24 Dictionary, definitions of *accompanying affidavit* and *appointed expert**omit***25 Dictionary, definition of *code of conduct****omit*

rule 1200

substitute

rule 1201

26 Dictionary, definition of *expert**substitute****expert***, in relation to a proceeding—see rule 1202.**27 Dictionary, definition of *expert medical evidence****omit*

28 Dictionary, definition of *expert report*

omit

rule 1201

substitute

rule 1202

29 Dictionary, definition of *expert witness*

omit

rule 1201

substitute

rule 1202

30 Dictionary, definition of *Wrongs Act*

omit

Endnotes

1 Notification

Notified under the Legislation Act on 28 June 2012.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
