



Australian Capital Territory

Court Procedures Amendment Rules 2012 (No 2)

Subordinate Law SL2012-43

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

Dated 20 December 2012.

T J HIGGINS

Chief Justice

R REFSHAUGE

Judge

L WALKER

Chief Magistrate

L CAMPBELL

Magistrate



Australian Capital Territory

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made under the

Court Procedures Act 2004

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J2012-470

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1 Name of rules

These rules are the *Court Procedures Amendment Rules 2012 (No 2)*.

2 Commencement

These rules commence on 1 January 2013.

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 22 (2)

after

criminal proceeding

insert

, forensic proceeding

5 Rule 22 (2), note 2

substitute

Note 2 ***Forensic proceeding*** is defined in r 4800.

Note 2A Ch 4 deals with criminal and forensic proceedings and ch 5 deals with appellate proceedings.

6 New rules 407A and 407B

insert

407A Pleadings in human rights proceedings—generally

- (1) This rule applies to a proceeding if a party to the proceeding relies on the *Human Rights Act 2004* for relief.
- (2) The party's pleadings must state—
 - (a) the human right that the party relies on, including—
 - (i) the relevant content of the right; and
 - (ii) any particular aspect of the right that the party relies on; and
 - (b) the facts on which the party relies to assert that the *Human Rights Act 2004* applies to the proceeding; and
 - (c) the relief sought.

407B Pleadings in human rights proceedings—public authorities

- (1) This rule applies to a proceeding to which the *Human Rights Act 2004*, section 40C applies.

Note The *Human Rights Act 2004*, s 40C applies if a person—

- (a) claims that a public authority has acted in contravention of that Act, s 40B (Public authorities must act consistently with human rights); and
 - (b) alleges that the person is or would be a victim of the contravention.
- (2) The plaintiff's pleading must state—
 - (a) the human right the plaintiff alleges was breached in contravention of the *Human Rights Act 2004*, section 40B; and

- (b) the details of the alleged breach; and
- (c) the relief sought.

7 New rule 1205 (2) and (3)

insert

- (2) If the court gives a direction under subrule (1) (e), it may also give a direction about the payment of costs, including—
 - (a) the remuneration of the court-appointed expert witness; and
 - (b) by which party or parties, and in what proportion, the remuneration is to be paid.
- (3) The court may—
 - (a) order a party to give security for the remuneration of the court-appointed expert witness; and
 - (b) order a stay of the proceeding until the security is given.

8 Rule 1241 (1)

substitute

- (1) The plaintiff must serve on each other active party to a proceeding a copy of each expert report obtained by the plaintiff—
 - (a) at least 28 days before a certificate of readiness is filed in the proceeding; or
 - (b) if the proceeding has been assigned to the docket of a judge or the master—in accordance with any direction made by the judge or master.

9 New division 2.13.1 heading

insert

Division 2.13.1 Pre-trial procedures—general

10 Rule 1300 heading

omit

pt 2.13

substitute

div 2.13.1

11 Rule 1300

omit

part

substitute

division

12 Rule 1300

omit

rule 1302

substitute

rule 1322

13 Rule 1300 (as amended)

relocate as rule 1321

14 Rules 1302 and 1303

relocate as rules 1322 and 1323

15 New rule 1304 (1A)

insert

- (1A) The plaintiff must file, and serve on each other active party to the proceeding, a statement (a *statement of particulars*)—
- (a) before, or at the time, a certificate of readiness is filed for the proceeding; or
 - (b) if the proceeding has been assigned to the docket of a judge or the master—in accordance with any direction made by the judge or master.

16 Rule 1304 (2)

omit everything before paragraph (a), substitute

- (2) The statement of particulars must set out the following particulars of the plaintiff's claim:

17 New rule 1305 (1A)

insert

- (1A) The plaintiff must file, and serve on each other active party to the proceeding, in relation to each person for whose benefit the proceeding is brought, a statement (a *statement of particulars*)—
- (a) before, or at the time, a certificate of readiness is filed for the proceeding; or
 - (b) if the proceeding has been assigned to the docket of a judge or the master—in accordance with any direction made by the judge or master.

18 Rule 1305 (2)

omit everything before paragraph (a), substitute

- (2) The statement of particulars in relation to each person must set out the following particulars:

19 New rule 1306 (1A)

before subrule (1), insert

- (1A) This rule applies to—
- (a) a proceeding in the Supreme Court, if the proceeding has not been assigned to the docket of a judge or the master; or
 - (b) a proceeding in the Magistrates Court.

20 Rule 1306 (4)

substitute

- (4) If a certificate of readiness is filed—
- (a) for a proceeding in the Supreme Court—
 - (i) the court must—
 - (A) assign the proceeding to the docket of a judge or the master; and
 - (B) set a date for a directions hearing before the judge or master; and
 - (ii) the registrar must tell the parties the date set for the directions hearing; and
 - (b) for a proceeding in the Magistrates Court—
 - (i) the court must set a date for a listing hearing; and
 - (ii) the registrar must tell the parties the date set for the listing hearing.

21 Rule 1307 (4)*substitute*

- (4) If a certificate of readiness is filed—
- (a) for a proceeding in the Supreme Court—
 - (i) the court must—
 - (A) assign the proceeding to the docket of a judge or the master; and
 - (B) set a date for a directions hearing before the judge or master; and
 - (ii) the registrar must tell the parties the date set for the directions hearing; and
 - (b) for a proceeding in the Magistrates Court—
 - (i) the court must either—
 - (A) set a date for a listing hearing; or
 - (B) set a date for the assessment of damages; and
 - (ii) the registrar must tell the parties the date set.

22 New rule 1307A*insert***1307A Application for directions hearing—Supreme Court**

- (1) This rule applies only to a proceeding in the Supreme Court, if the proceeding has not been assigned to the docket of a judge or the master.

- (2) A party to the proceeding may apply to the court to assign the proceeding to the docket of a judge or the master if—
- (a) the party has served a certificate of readiness under rule 1306 (1); and
 - (b) another active party to the proceeding (the *defaulting party*) has failed to complete and sign the certificate, and return the completed and signed certificate to the first party, within 21 days after the day the certificate was served on the other party.

Note Pt 6.2 (Applications in proceedings) applies to an application for an order under this rule.

- (3) The application must be served on each other active party to the proceeding, together with a copy of the certificate of readiness served on the defaulting party.
- (4) On the filing of the application—
- (a) the court must—
 - (i) assign the proceeding to the docket of a judge or the master; and
 - (ii) set a date for a directions hearing before the judge or master; and
 - (b) the registrar must tell the parties the date set for the directions hearing.
- (5) At the directions hearing, the court—
- (a) must decide whether the proceeding is ready for trial; and
 - (b) may—
 - (i) give the directions it considers appropriate to have the proceeding made ready for trial; or
 - (ii) make an order for costs for or against a party.

- (6) The court may at any time amend or revoke a direction made under this rule.
- (7) The court may amend or revoke a direction made under this rule on application by a party or on its own initiative.

Note Pt 6.2 (Applications in proceedings) applies to an application to amend or revoke a direction.

- (8) The powers of the court under this rule are additional to any other powers of the court under a territory law.

Note A *territory law* includes these rules (see [Legislation Act](#), s 98).

23 Rule 1308 (2), note

substitute

Note See approved form 2.39 (Application for directions hearing under rule 1324) [AF2012-200](#).

24 Rule 1308 (as amended)

relocate as rule 1324

25 Rules 1309, 1310 and 1313

relocate as rules 1325, 1326 and 1327

26 New division 2.13.2

after rule 1313, insert

Division 2.13.2 Pre-trial procedures—Magistrates Court

1320 Application—div 2.13.2

This division applies to a proceeding in the Magistrates Court.

27 Rule 1402 (1)

substitute

- (1) If, under these rules, a particular judicial officer has been allocated to manage a proceeding—
 - (a) the court may direct that all applications in relation to the proceeding, or the hearing of the proceeding, be heard and decided by the judicial officer; and
 - (b) the judicial officer may monitor the proceeding to ensure that the parties comply with any directions given in the proceeding.

28 New rule 1402 (3)

after the note, insert

- (3) If, under these rules, a proceeding has been assigned to the docket of a judge or the master, the judge or master assigned the proceeding—
 - (a) must hear the proceeding and any application in relation to the proceeding, unless the court otherwise orders; and
 - (b) may monitor the proceeding to ensure that the parties comply with any directions given in the proceeding.

29 New rule 1404 (2) (ca)

insert

- (ca) adjourn the application or hearing;

30 New rule 1404 (2A)

insert

- (2A) Without limiting subrule (2), the court may consider, and give directions in relation to, the following matters at a directions hearing:
 - (a) requests for particulars;

- (b) filing further pleadings;
- (c) amending pleadings;
- (d) challenges to any pleading;
- (e) discovery, either in full or limited to particular issues;
- (f) interrogatories;
- (g) alternative dispute resolution, including mediation;
- (h) statements of agreed facts;
- (i) evidence by affidavit;
- (j) service or exchange of expert reports.

Note The court has a general power to make directions about the conduct of a proceeding (see r 1401 (Directions generally)).

31 New rule 4006 (l)

insert

- (l) division 6.8.12 (Service under the Hague Convention).

32 Rule 4020 (1) (b)

omit 1st mention of

or

33 Rule 4731

substitute

4731 Supreme Court criminal proceedings—appearance of accused person

- (1) This rule applies if the Magistrates Court commits an accused person for trial or sentence in the Supreme Court.

- (2) The registrar of the Supreme Court must give the registrar of the Magistrates Court suitable dates for the proceeding to be listed in the Supreme Court.
- (3) On the committal of the accused person, the Magistrates Court must set 1 of the dates (the *appearance date*) for the accused person to appear in the Supreme Court.
- (4) If the accused person is granted bail, the court must require the accused person, as a condition of the bail, to appear before the Supreme Court on the appearance date.

34 Rule 4732 (f) and (i)

omit

35 Rule 4733 (j)

omit

36 Rule 4735A (1)

substitute

- (1) At a directions hearing under rule 4735, the registrar may deal with any matter mentioned in rule 4732 or rule 4733.

37 New rules 4738 and 4739

in division 4.3.4, insert

4738 Supreme Court criminal proceedings—directions

- (1) A party to a proceeding may, at any time, apply to the court for directions about the conduct of the proceeding.

Note Pt 6.2 (Applications in proceedings) applies to an application for directions.

- (2) The court may, at any stage of a proceeding, give any direction about the conduct of the proceeding it considers appropriate, even though the direction may be inconsistent with another provision of these rules.
- (3) The court may give a direction about the conduct of the proceeding on application by a party or on its own initiative.
- (4) In deciding whether to give a direction under this rule, the interests of justice are paramount.
- (5) If a direction under this rule is inconsistent with another provision of these rules, the direction prevails to the extent of the inconsistency.
- (6) The court may at any time amend or revoke a direction made under this rule.
- (7) The court may amend or revoke a direction made under this rule on application by a party or on its own initiative.

Note Pt 6.2 (Applications in proceedings) applies to an application to amend or revoke a direction.

- (8) The powers of the court under this rule are additional to any other powers of the court under a territory law.

Note A *territory law* includes these rules (see [Legislation Act](#), s 98).

4739 Supreme Court criminal proceedings—proceeding already being managed by court

If, under these rules, a proceeding has been assigned to the docket of a judge or the master, the judge or master assigned the proceeding—

- (a) must hear the proceeding and any application in relation to the proceeding, unless the court otherwise orders; and
- (b) may monitor the proceeding to ensure that the parties comply with any directions given in the proceeding.

38 **Division 4.3.6**

omit

39 **New part 4.4**

insert

Part 4.4 Forensic proceedings

Division 4.4.1 Forensic proceedings—preliminary

4800 Definitions—pt 4.4

In this part:

forensic proceeding means a proceeding in relation to an application to carry out a forensic procedure under [the Act](#).

the Act means the [Crimes \(Forensic Procedures\) Act 2000](#).

4801 Forensic proceedings—application of applied civil rules

- (1) The applied civil rules apply to a forensic proceeding as if—
 - (a) a reference to a *proceeding* were a reference to a forensic proceeding; and
 - (b) a reference to an *active party* were a reference to each party to the proceeding; and
 - (c) any other necessary changes were made.
- (2) In this rule:

applied civil rules means division 2.12.1 (Expert evidence generally).

4802 Forensic proceedings—application of applied criminal rules

- (1) The applied criminal rules apply to a forensic proceeding as if—
 - (a) a reference to a *criminal proceeding* were a reference to a forensic proceeding; and
 - (b) a reference to an *accused person* were a reference to—
 - (i) for division 4.4.2—a suspect; or
 - (ii) for division 4.4.3—a serious offender.
- (2) In this rule:

applied criminal rules means the following:

- division 4.1.2 (Criminal proceedings—service)
- rule 4053 (Criminal proceedings—inspection of registry files)
- division 4.3.2 (Supreme Court criminal proceedings—representation).

Division 4.4.2 Forensic proceedings under the Act, pt 2.5**4803 Application—div 4.4.2**

This division applies to a forensic proceeding under [the Act](#), part 2.5 (Forensic procedures on suspect by order of magistrate).

4804 Forensic proceedings—filing of application

An application to carry out a forensic procedure must be filed in the Magistrates Court.

Note Under [the Act](#), pt 2.5, an authorised applicant may apply to a magistrate for—

- (a) an order authorising the carrying out of a forensic procedure on a suspect (see [the Act](#), s 35); or

- (b) an interim order authorising the immediate carrying out of a forensic procedure on a suspect (see [the Act](#), s 42).

4805 Forensic proceedings—personal service

A sealed copy of the application must be served personally on the suspect at least 7 days before the return date for the application.

Note **Return date**, for an application, is defined in the dictionary.

**Division 4.4.3 Forensic proceedings under the Act,
pt 2.7**

4806 Application—div 4.4.3

This division applies to a forensic proceeding under [the Act](#), part 2.7 (Carrying out of certain forensic procedures after conviction of serious offenders).

4807 Forensic proceedings—application and service

- (1) If an application to carry out a forensic procedure on a serious offender is made to the court that is sentencing the offender—
 - (a) notice of the application must be given to the offender at least 7 days before the sentencing; and
 - (b) the application must be made orally at the sentencing.
- (2) If an application to carry out a forensic procedure on a serious offender is made to a court after the sentencing of the offender—
 - (a) the application must be filed with the court; and
 - (b) a sealed copy of the application must be served personally on the offender at least 7 days before the return date for the application.

Note 1 **Return date**, for an application, is defined in the dictionary.

Note 2 Under [the Act](#), pt 2.7, a police officer may apply to any court for an order for the carrying out of an intimate or non-intimate forensic procedure for a serious offender in certain circumstances (see [the Act](#), s 77 (1) and (2)). The application may be made to the court that is sentencing the serious offender or to any other court at a later time (see [the Act](#), s 77 (3)).

Division 4.4.4 Forensic proceedings—general

4808 Forensic proceedings—application not served in time

- (1) This rule applies if—
 - (a) either—
 - (i) an application under rule 4804 is served on a suspect; or
 - (ii) an application under rule 4807 is served on a serious offender; but
 - (b) the application is not served at least 7 days before the return date for the application.

Note **Return date**, for an application, is defined in the dictionary.

- (2) The court may only hear and decide the application on the return date if the court considers it just to hear and decide the application on that date and—
 - (a) the court is satisfied that the suspect or serious offender will suffer no significant prejudice if it hears and decides the application on the return date; or
 - (b) the suspect or serious offender agrees to the court hearing and deciding the application on the return date.

4809 Forensic proceedings—filing and service of supporting affidavit

- (1) For an application under rule 4804 or rule 4807, the supporting affidavit must be filed in the court and a stamped copy then served with the application.

- (2) However, the court may give leave for an affidavit not served as required by subrule (1) to be relied on at the hearing.

Note Pt 6.2 (Applications in proceedings) applies to an application for leave.

4810 Forensic proceedings—costs

- (1) This rule applies if an application under this part is unsuccessful.
- (2) The court may order that the applicant pay the suspect's or serious offender's costs if there are special or exceptional circumstances that justify the order.

40 New parts 6.2A and 6.2B

insert

Part 6.2A Human rights proceedings

Division 6.2A.1 Preliminary

6020 Terms used in Human Rights Act 2004

A term used in the *Human Rights Act 2004* has the same meaning in this part.

Note For example, the following terms are defined in the *Human Rights Act 2004*, dictionary:

- commission
- court
- declaration of incompatibility (see s 32)
- function of public nature (see s 40A)
- human rights (see s 5)
- ICCPR
- international law
- public authority (see s 40).

6021 Application—pt 6.2A

This part applies to a proceeding in the Supreme Court.

Division 6.2A.2 Notice to Attorney-General and commission**6030 Application—div 6.2A.2**

This division applies to a proceeding to which the *Human Rights Act 2004*, section 34 applies.

Note The *Human Rights Act 2004*, s 34, applies—

- (a) if—
 - (i) a question arises in a proceeding in the Supreme Court that involves the application of that Act; or
 - (ii) the Supreme Court is considering making a declaration of incompatibility in a proceeding; and
- (b) the Territory is not a party to the proceeding.

6031 Notice—human rights proceedings

- (1) This rule applies to a party to a proceeding if—
 - (a) the party asserts that the *Human Rights Act 2004* applies in the proceeding; or
 - (b) the party is seeking a declaration of incompatibility in the proceeding.
- (2) The party must, within 7 days after filing the first document making the assertion or seeking the declaration, file in the court a notice stating the relevant matter mentioned in subrule (1).

Note See approved form 6.31 (Notice of a human rights matter) [AF2012-196](#).
- (3) As soon as practicable after the notice is filed, a copy of the notice must be served on—
 - (a) the Attorney-General and the commission; and

- (b) each other active party to the proceeding.
- (4) An affidavit of service of the notice on the Attorney-General and the commission must be filed in the court before the hearing of the proceeding starts or continues.

6032 Notice—direction by court

- (1) The court may, taking into account the issues in a proceeding and their relevance to the *Human Rights Act 2004*—
 - (a) direct a party to give notice of the proceeding to the Attorney-General and the commission; and
 - (b) state the content of the notice.

Note See approved form 6.31 (Notice of a human rights matter) [AF2012-196](#).

- (2) An affidavit of service of the notice on the Attorney-General and the commission must be filed in the court before the hearing of the proceeding starts or continues.

6033 Contents of notice of human rights matter

A notice of a human rights matter must state—

- (a) the human right under the *Human Rights Act 2004* which allegedly applies in the proceeding, including—
 - (i) the relevant content of the right; and
 - (ii) any particular aspect of the right which allegedly applies; and
- (b) the facts on which the party relies to assert that the *Human Rights Act 2004* applies to the proceeding; and
- (c) if the party is seeking a declaration of incompatibility in the proceeding—
 - (i) that a declaration of incompatibility is being sought; and

- (ii) the territory law, or provision of the law, that is allegedly inconsistent with the human right; and
- (iii) the way in which the law or provision is allegedly inconsistent with the human right.

6034 Directions hearing—human rights proceedings

- (1) If a party files a notice under rule 6031—
 - (a) the court must set a date for a directions hearing for the proceeding; and
 - (b) the registrar must tell the parties the date set for the directions hearing.

Note For directions that the court may make at the directions hearing, see r 1401 (Directions generally).

- (2) The date for the directions hearing must be not later than 14 days after the day the notice is served on the Attorney-General and the commission, unless the court otherwise orders.

Division 6.2A.3 Intervention of commission

6040 Human rights commissioner—application for leave to intervene

- (1) This rule applies if the human rights commissioner wishes to intervene in a proceeding under the *Human Rights Act 2004*, section 36.

Note Under the *Human Rights Act 2004*, s 36, the human rights commissioner may intervene in a proceeding before a court that involves the application of that Act with the leave of the court.

- (2) The human rights commissioner must file in the court an application for leave to intervene.

Note See approved form 6.33 (Application for leave to intervene) [AF2012-198](#).

- (3) The application must be supported by an affidavit setting out the reasons why leave should be given.
- (4) As soon as practicable after the application is filed, a copy of the application and the supporting affidavit must be served on—
 - (a) the Attorney-General; and
 - (b) each active party to the proceeding.
- (5) If the court gives the commissioner leave to intervene, the commissioner must—
 - (a) file a notice of intervention; and
Note See approved form 6.32 (Notice of intervention) [AF2012-197](#).
 - (b) serve a copy of the notice on—
 - (i) the Attorney-General; and
 - (ii) each active party to the proceeding.

Part 6.2B Intervention of Attorney-General in proceedings

6045 Attorney-General—notice of intervention

- (1) This rule applies if the Attorney-General wishes to intervene in a proceeding under—
 - (a) the *Administrative Decisions (Judicial Review) Act 1989*, section 19; or
 - (b) the *Court Procedures Act 2004*, section 27; or
 - (c) the *Human Rights Act 2004*, section 35.
- (2) The Attorney-General must file in the court a notice stating that the Attorney-General intervenes in the proceeding.

Note See approved form 6.32 (Notice of intervention) [AF2012-197](#).

- (3) As soon as practicable after the notice is filed, a copy of the notice must be served on each active party to the proceeding.

41 Rule 6250 (2) (d) to (f)

substitute

- (d) in relation to a directions hearing under rule 1323 (Directions hearing—category C proceedings) or rule 1324 (Directions hearing—category A, category B and category D proceedings);
- (e) in relation to a listing hearing under rule 1325 (Listing hearing);
- (f) in relation to the setting down under rule 1326 (Special fixture) of a proceeding for trial as a special fixture;

42 New rule 6250 (2) (ra) and (rb)

insert

- (ra) in relation to a matter mentioned in rule 4732 (Supreme Court criminal proceedings—appearance when committed for sentence) or rule 4733 (Supreme Court criminal proceedings—appearance when committed for trial);
- (rb) in relation to the giving of directions under rule 4738 (Supreme Court criminal proceedings—directions);

43 New rule 6250 (3) (aa)

insert

- (aa) under the following provisions of the *Bail Act 1992*:
- section 19 (Court bail—general), in relation to an unopposed application
 - section 33 (Continuation of bail and undertakings);

44 New rule 6250 (3) (da)

insert

(da) under the *Crimes (Sentencing) Act 2005*, section 41 (Pre-sentence reports—order);

45 Rule 6251 (2) (d) to (f)

substitute

- (d) in relation to a directions hearing under rule 1323 (Directions hearing—category C proceedings) or rule 1324 (Directions hearing—category A, category B and category D proceedings);
- (e) in relation to a listing hearing under rule 1325 (Listing hearing);
- (f) in relation to the setting down under rule 1326 (Special fixture) of a proceeding for trial as a special fixture;

46 Rule 6400, note

substitute

Note The following rules do not apply to a criminal proceeding:

- r 6412 (Service of originating process by post—Magistrates Court)
- r 6413 (Doubtful service—Magistrates Court)
- r 6421 (Service by filing)
- div 6.8.5 (Service—particular cases)
- r 6460 (Substituted service)
- r 6461 (Informal service)
- r 6462 (Service on agent)
- r 6463 (Service under contract)
- div 6.8.9 (Service outside Australia—general)
- div 6.8.10 (Service of subpoenas in New Zealand)
- div 6.8.11 (Service of foreign legal process in the ACT)
- div 6.8.12 (Service under the Hague Convention).

47 Rule 6480, definition of *medical expert*

substitute

medical expert means a health practitioner registered under the [Health Practitioner Regulation National Law \(ACT\) Act 2010](#).

48 Schedule 6, rule 1.4, note

omit

- foreign country (see s 9)
- officer, in relation to a body corporate (see s 82A)

substitute

- foreign company (see s 9)

49 Schedule 6, rule 2.11

omit

50 Schedule 6, rule 3.4 (3)

omit

in accordance with rule 2.11 (Publication of notices)

51 Schedule 6, rule 5.6 (2)

omit

in accordance with rule 2.11 (Publication of notices)

52 Schedule 6, rule 5.10 (2) (a)

omit

in accordance with rule 2.11 (Publication of notices)

53 Schedule 6, rule 5.11 (4)

omit

54 Schedule 6, rule 6.2 (4)

omit

55 Schedule 6, rule 7.9 (3)

omit

56 Schedule 6, rule 12.1A

omit

Federal Court Rules, order 50 (Case stated and questions reserved)

substitute

Federal Court Rules 2011 (Cwlth), part 38 (Cases stated and questions reserved)

57 Schedule 6, rule 15.1

omit

Federal Court Rules, order 50 (Case stated and questions reserved)

substitute

Federal Court Rules 2011 (Cwlth), part 38 (Cases stated and questions reserved)

58 Schedule 6, rule 15A.6 (1) (b)

omit

in accordance with rule 2.11

substitute

in a daily newspaper circulating generally in the State or Territory of the defendant's principal, or last known, place of business

59 Schedule 6, rule 15A.6 (2)

omit

rule 2.11

substitute

subrule (1) (b)

60 Schedule 6, rule 15A.7 (1) (d)

omit

in accordance with rule 2.11

substitute

in a daily newspaper circulating generally in the State or Territory of the defendant's principal, or last known, place of business

61 Schedule 6, rule 15A.7 (2)

omit

rule 2.11

substitute

subrule (1) (d)

62 Schedule 6, rule 15A.7 (3) (d)

omit

in accordance with rule 2.11

substitute

in a daily newspaper circulating generally in the State or Territory of the defendant's principal, or last known, place of business

63 Schedule 6, rule 15A.7 (4)

omit

rule 2.11

substitute

subrule (3) (d)

64 Schedule 6, rule 15A.9 (4) (b)

omit

in accordance with rule 2.11

substitute

in a daily newspaper circulating generally in the State or Territory of the defendant's principal, or last known, place of business

65 Schedule 6, rule 15A.9 (5)

omit

rule 2.11

substitute

subrule (4) (b)

66 Dictionary, definitions of *category A proceeding*, *category B proceeding*, *category C proceeding* and *category D proceeding*

substitute

category A proceeding, for division 2.13.1 (Pre-trial procedures—Magistrates Court)—see rule 1321.

category B proceeding, for division 2.13.1 (Pre-trial procedures—Magistrates Court)—see rule 1321.

category C proceeding, for division 2.13.1 (Pre-trial procedures—Magistrates Court)—see rule 1321.

category D proceeding, for division 2.13.1 (Pre-trial procedures—Magistrates Court)—see rule 1321.

67 Dictionary, definition of *civil proceeding*

substitute

civil proceeding does not include—

- (a) a criminal proceeding; or
- (b) a forensic proceeding.

68 Dictionary, new definitions

insert

docket, of a judge or the master, means the list of proceedings for which the judge or master has responsibility for case management.

forensic proceeding, for part 4.4 (Forensic proceedings)—see rule 4800.

the Act, for part 4.4 (Forensic proceedings)—see rule 4800.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 21 December 2012.

2 Republications of amended laws

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