



Australian Capital Territory

Court Procedures Amendment Rules 2023 (No 2)

Subordinate Law SL2023-36

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

Dated 13 December 2023.

LUCY MCCALLUM

Chief Justice

DAVID MOSSOP

Judge

LORRAINE WALKER

Chief Magistrate

IAN TEMBY

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 Rule 50 (2)	1
5 Rule 50 (2), note 4	1
6 Rule 50 (3)	1

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

Contents

	Page	
7	Rule 54	2
8	Rule 70	2
9	Rule 71 (2)	2
10	Rule 102 (4)	2
11	Rule 104 (3)	3
12	Rule 303 (2)	3
13	Rule 303 (2), note 4	3
14	Rule 303 (3)	3
15	Rule 307	3
16	Rule 308 (1) and (2)	4
17	Rule 467 (3)	4
18	New rule 480 (3A)	4
19	Rule 481 (4)	4
20	Rule 768 (2)	5
21	Rule 1312 (1)	5
22	New rule 1312 (1A)	5
23	Rule 2053 (1) (a)	5
24	Rule 2053 (1) (b) and (c)	6
25	Rule 2053 (2) (a)	6
26	Rule 2053 (2) (b) and (c)	6
27	Rule 2334 (2)	6
28	Rule 2356 (2)	7
29	Rule 2554 (3)	7
30	Rule 2749 (4)	7
31	Rule 3608 (3)	8
32	Rule 3621 (3)	8
33	Rule 5015	8
34	Rule 5073	8
35	Rule 5084	9
36	Rule 5101 (2) (b)	9
37	Rule 5104	9
38	Rule 5105 (2)	9
39	Rule 5133 (1) (b)	10

Contents

	Page	
40	Rule 5313	10
41	Rule 5334	10
42	Rule 5403 (3) (b)	10
43	Rule 5406	11
44	Rule 5407 (2)	11
45	Rule 5507	11
46	Rule 5606 (5) (b)	11
47	Rule 5802 (2) (b)	12
48	Rule 5807 (1)	12
49	Rule 5808	12
50	Rule 5832 (2) (b)	12
51	Rule 5835	13
52	Rule 5855 (5), definition of <i>required number</i>	13
53	Rule 5856 (5), definition of <i>required number</i>	13
54	Rule 5857 (2)	13
55	Rule 5857 (3)	14
56	Rule 6104	14
57	Rule 6106 (4)	14
58	Rule 6120 (1) (b)	14
59	Rule 6121 (d)	14
60	Rule 6121 (e)	15
61	Rule 6124 (1)	15
62	Rule 6124 (5)	15
63	Rule 6124 (9)	15
64	Rule 6126 (4) (b)	15
65	Division 6.3.2A heading	16
66	Rule 6131 (2)	16
67	Rule 6131 (as amended)	16
68	Rule 6132 (1) (a)	16
69	Rule 6132 (as amended)	16
70	New rules 6133 and 6134	16
71	Rule 6143 (1) (b)	18
72	Rule 6145 (3)	18

Contents

		Page
73	New rule 6304 (1A)	18
74	Rule 6462 (4)	19
75	Dictionary, note 2	19
76	Dictionary, definition of <i>address for service</i> , paragraph (a)	19
77	Dictionary, definition of <i>electronic lodgment facility</i>	20
78	Dictionary, definition of <i>filed electronically</i>	20

1 Name of rules

These rules are the *Court Procedures Amendment Rules 2023 (No 2)*.

2 Commencement

These rules commence on 1 January 2024.

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 50 (2)

omit

attached to

substitute

filed with

5 Rule 50 (2), note 4

omit

6 Rule 50 (3)

omit

attached

substitute

accompanying

7 Rule 54

omit

attached

substitute

accompanying

8 Rule 70

omit

the original and filed copies of an

substitute

an originating process and any filed copies of the

9 Rule 71 (2)

omit

original

substitute

originating process

10 Rule 102 (4)

omit

original and filed copies of the notice of intention to respond or defence

substitute

notice of intention to respond or defence and any filed copies of the notice or defence

11 Rule 104 (3)

omit

original and

substitute

further defence and any

12 Rule 303 (2)

omit

attached to

substitute

filed with

13 Rule 303 (2), note 4

omit

14 Rule 303 (3)

omit

attached

substitute

accompanying

15 Rule 307

omit

the original and filed copies of a

substitute

a third-party notice and any filed copies of the

16 Rule 308 (1) and (2)

omit

attached

substitute

accompanying

17 Rule 467 (3)

omit

original and filed copies of the further answer to the counterclaim

substitute

further answer to the counterclaim and any filed copies of the further answer

18 New rule 480 (3A)

insert

(3A) The registrar must seal the reply and any filed copies of the reply.

19 Rule 481 (4)

omit

original and

substitute

further reply and any

20 Rule 768 (2)

substitute

(2) In this rule:

address for service means—

- (a) if the receiver has a home or place of business in the ACT—
 - (i) the receiver’s home or business address; and
 - (ii) an email address; or
- (b) in any other case—
 - (i) the address of a place in the ACT; and
 - (ii) an email address.

21 Rule 1312 (1)

omit

bound or stapled together

22 New rule 1312 (1A)

insert

- (1A) If the court book is in paper form, the court book must be bound or stapled together.

23 Rule 2053 (1) (a)

omit

attach to a copy of the order

substitute

prepare

24 Rule 2053 (1) (b) and (c)

omit

attached

25 Rule 2053 (2) (a)

omit

attach to a copy of the order

substitute

prepare

26 Rule 2053 (2) (b) and (c)

omit

attached

27 Rule 2334 (2)

substitute

- (2) The enforcement creditor must serve a sealed copy of the order—
- (a) on the financial institution—
 - (i) personally; or
 - (ii) by pre-paid post; or
 - (iii) by email; and
 - (b) on the enforcement debtor—
 - (i) personally; or
 - (ii) by pre-paid post; or
 - (iii) if the enforcement debtor's address for service includes an email address—by email.

28 Rule 2356 (2)

substitute

- (2) The enforcement creditor must serve a sealed copy of the order—
- (a) on the enforcement debtor’s employer—
 - (i) personally; or
 - (ii) by pre-paid post; and
 - (b) on the enforcement debtor—
 - (i) personally; or
 - (ii) by pre-paid post; or
 - (iii) if the enforcement debtor’s address for service includes an email address—by email.

29 Rule 2554 (3)

omit

fax

substitute

faxed or emailed

30 Rule 2749 (4)

substitute

- (4) The notice may be served on a beneficiary by sending a copy of the notice—
- (a) by pre-paid post, addressed to the beneficiary, at the beneficiary’s address last known to the executor, administrator or trustee; or
 - (b) if the beneficiary has an address for service—to the beneficiary’s address for service.

31 Rule 3608 (3)

omit

The applicant

substitute

If the application is filed in paper form, the applicant

32 Rule 3621 (3)

omit

33 Rule 5015

omit

the original and filed copies of a notice of appeal

substitute

a notice of appeal and any filed copies of the notice

34 Rule 5073

omit

the original and filed copies of an application for leave to appeal

substitute

an application for leave to appeal and any filed copies of the application

35 Rule 5084

omit

the original and filed copies of an application for leave to appeal out of time

substitute

an application for leave to appeal out of time and any filed copies of the application

36 Rule 5101 (2) (b)

omit

be attached to

substitute

accompany

37 Rule 5104

omit

the original and filed copies of the notice of appeal

substitute

a notice of appeal and any filed copies of the notice

38 Rule 5105 (2)

omit

original

substitute

notice of appeal

39 Rule 5133 (1) (b)

substitute

(b) clear and legible; and

(c) if filed in paper form—securely fastened but need not be bound.

40 Rule 5313

omit

the original and filed copies of an application for leave to appeal

substitute

an application for leave to appeal and any filed copies of the application

41 Rule 5334

omit

the original and filed copies of an application for leave to appeal out of time

substitute

an application for leave to appeal out of time and any filed copies of the application

42 Rule 5403 (3) (b)

omit

be attached to

substitute

accompany

43 Rule 5406

omit

the original and filed copies of the notice of appeal

substitute

a notice of appeal and any filed copies of the notice

44 Rule 5407 (2)

omit

original

substitute

notice of appeal

45 Rule 5507

omit

the original and

substitute

the application and any

46 Rule 5606 (5) (b)

omit

3 stamped copies

substitute

a stamped copy

47 Rule 5802 (2) (b)

omit

have attached

substitute

be accompanied by

48 Rule 5807 (1)

omit

have attached

substitute

be accompanied by

49 Rule 5808

omit

attached to

substitute

accompanying

50 Rule 5832 (2) (b)

omit

have attached

substitute

be accompanied by

51 Rule 5835

omit

attached to

substitute

accompanying

52 Rule 5855 (5), definition of *required number*

substitute

required number means—

- (a) if the application is filed in electronic form—1; or
- (b) if the application is filed in paper form—
 - (i) for an application to the Court of Appeal—4; or
 - (ii) for an application to the Supreme Court—1.

53 Rule 5856 (5), definition of *required number*

substitute

required number—see rule 5855 (5).

54 Rule 5857 (2)

omit

be attached to

substitute

accompany

55 Rule 5857 (3)

substitute

- (3) A written case must be—
- (a) clear and legible; and
 - (b) if filed in paper form—securely fastened but need not be bound.

56 Rule 6104

omit

fax or other

57 Rule 6106 (4)

after

subrule (1)

insert

and (2)

58 Rule 6120 (1) (b)

before

required

insert

service is

59 Rule 6121 (d)

omit

if filing a document of that kind electronically in the court is allowed under a practice note—

60 Rule 6121 (e)

omit

in the absence of a practice note under paragraph (d)—with the registrar’s leave,

61 Rule 6124 (1)

omit

court website

substitute

electronic lodgment facility

62 Rule 6124 (5)

omit

63 Rule 6124 (9)

omit

court website

substitute

electronic lodgment facility

64 Rule 6126 (4) (b)

omit

court website

substitute

electronic lodgment facility

65 Division 6.3.2A heading

omit

66 Rule 6131 (2)

substitute

- (2) The signature of the registrar, and the seal or stamp of the court, may be affixed to the document electronically.

67 Rule 6131 (as amended)

relocate as rule 6304A

68 Rule 6132 (1) (a)

omit

court website

substitute

electronic lodgment facility

69 Rule 6132 (as amended)

relocate as rule 6304B

70 New rules 6133 and 6134

in division 6.3.2, insert

6133 Conversion of documents in paper form to electronic form

- (1) This rule applies to a document filed in the court in a proceeding by filing a paper form of the document.
- (2) The registrar may convert the document to an electronic form and record the document in the electronic lodgment facility as if it had been filed electronically.

- (3) If a document is recorded in the electronic lodgment facility under subrule (2), the court must keep the paper form of the document—
 - (a) for 90 days after the day the document was filed; and
 - (b) until the earlier of—
 - (i) the day the document is collected; and
 - (ii) the period mentioned in subrule (4).
- (4) The person who filed the paper form of the document may collect it from the court within 30 days after the period mentioned in subrule (3) (a) ends.
- (5) If the paper form of the document is not collected within the period mentioned in subrule (4), the registrar may destroy the document.
- (6) If the paper form of the document is collected within the period mentioned in subrule (4), the person who filed it must, unless the registrar approves the destruction of the document, keep the document until the later of the following:
 - (a) 2 years after the date of judgment or final order in the proceeding;
 - (b) 2 years after a notice of discontinuance is filed in the proceeding;
 - (c) 2 years after any appeal in the proceeding is determined;
 - (d) 2 years after the date the document was filed.
- (7) The court may direct the person to produce the paper form of the document during the time the document is required to be kept.

6134 Official record of the court

- (1) A document held by the court in electronic form is the official record if the document—
 - (a) is filed, or issued by the court, electronically, and kept by the court in electronic form; or

- (b) is filed in paper form and the registrar converts the document to an electronic form.
- (2) If an electronic form of a document is not held by the court, the paper form of the document is the official record.

71 Rule 6143 (1) (b)

before

the registrar

insert

if the document is filed in paper form—

72 Rule 6145 (3)

substitute

- (3) If the registrar records the filing of the document, the registrar must—
 - (a) if the document is filed in paper form—return any copies of the document filed with the document for sealing or stamping; or
 - (b) if the document is filed in electronic form—give written notice of the acceptance of the document.

73 New rule 6304 (1A)

insert

- (1A) The registrar may stamp a document filed electronically to indicate that it has been filed if—
 - (a) the document has been filed by a party; and
 - (b) a copy of the document must or may be served on another party; but
 - (c) the document is not required to be sealed under these rules.

74 Rule 6462 (4)

after

the ACT

insert

, or by email,

75 Dictionary, note 2

insert

- document

76 Dictionary, definition of *address for service*, paragraph (a)

substitute

- (a) for a person represented by a solicitor in the proceeding—
- (i) if the solicitor has a place of business in the ACT—
 - (A) the business address; and
 - (B) an email address; and
 - (C) if the solicitor gives the court a postbox number at a post office in the ACT—the postbox number; or
 - (ii) in any other case—
 - (A) the solicitor’s business address in Australia; and
 - (B) an email address; and
 - (C) if the solicitor gives the court a postbox number at a post office in Australia—the postbox number; or

77 Dictionary, definition of *electronic lodgment facility*

insert

electronic lodgment facility means an electronic system managed by the court that allows for the electronic lodgment of documents with the court.

78 Dictionary, definition of *filed electronically*

omit

court website

substitute

electronic lodgment facility

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 18 December 2023.

2 Republications of amended laws

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