

**SUPREME COURT OF THE AUSTRALIAN CAPITAL TERRITORY AND ACT
MAGISTRATES COURT**

Notice to Practitioners

Court Procedures Rules 2006 – Amendment 2016 (No 1)

The Rule-Making Committee (currently comprising of the Chief Justice, Justice Refshauge, Chief Magistrate Walker, and Magistrate Campbell) may make rules in relation to the practice and procedure of the ACT courts and their registries under section 7 of the *Court Procedures Act 2004*. The Courts and the Joint Rules Advisory Committee conducted a consultative review of the rules which has resulted in the amendment contained in the *Court Procedures Amendment Rules 2016 (No 1)*.

Change of Name – Public Trustee and Guardian

The *Public Trustee and Guardian Act 1985* changed the name of the public trustee to the public trustee and guardian. Accordingly, the note to rule 1618 (1) and other rules have been amended to reflect that change.

Advice to Public Trustee and Guardian on compromise

New rule 1618A provides that when an amount is paid into court under rule 1617 in relation to a person with a mental disability following approval of a compromise of that person's claim, and the amount is to be paid out of the court to the public trustee and guardian under to section 25 of the *Public Trustee and Guardian Act 1985*, the Court must note that the claimant is a person with a mental disability and direct the claimant's solicitor to serve a copy of the principal affidavit in support of the application to approve the compromise and medical documents filed in the proceeding on the public trustee and guardian.

Application under s 150 of the *Road Transport (Third-Party Insurance) Act 2008*

New paragraph 6006(2)(c) has been amended to provide that an application under section 150 of the *Road Transport (Third-Party Insurance) Act 2008* is to be made by an Application in Proceeding.

Rules 6250(2)(a) and 6251(2)(a), which sets out the jurisdiction exercisable by the registrars of the Supreme Court and Magistrates Court respectively, has been amended to provide that the registrars will have jurisdiction to hear and decide an application mentioned in new rule 6006(2)(c) if the application is not opposed.

A Practice Note has also been made to regulate the process for commencing certain personal injury claims urgently under section 150 of the *Road Transport (Third-Party Insurance) Act*.

Appearance of prisoners at Court

A new paragraph 6250(3)(ha) gives power to the registrar of the Supreme Court to issue a summons directing an offender to appear before the court under section 106 of the *Crimes (Sentence Administration) Act 2005*.

Expert Code of Conduct

Schedule 1 Expert witness code of conduct ('the code') has been amended to reflect the harmonised national code for expert witnesses as drafted by the Harmonisation of Rules Committee of the Council of Chief Justices and approved by the Council. The code is similar to the previous code contained in Schedule 1. The code applies to any expert witness engaged or appointed to provide an expert's report for use as evidence or to give opinion evidence in a proceeding or proposed proceeding. The content of a report prepared by an expert witness under the code has been expanded. The code provides that any supplementary report must be provided immediately rather than as soon as possible. The code also provides that if an expert witness is directed by the court to confer with any other expert witness, the witness is to comply with directions of the court in a timely way and try to reach agreement with the other expert witness or witnesses on any issue on which they disagree, or try to identify and clarify the reasons why they disagree.

Forms

Forms 3.23, 3.24 and 3.25 have been amended to reflect the change of name of the public trustee and guardian. Form 3.28 "Application for adoption order" has been amended to replace all reference to 'adoptive father' and 'adoptive mother' with 'adoptive parent'.

Commencement

The rules and new forms will commence on 1 July 2016. The rules and forms can be accessed and downloaded through the Courts' website – www.courts.act.gov.au or through the ACT Government legislation register – www.legislation.act.gov.au.



GRANT KENNEALY
Acting Registrar

ACT Supreme Court

29 June 2016



AMANDA NUTTALL
Registrar

ACT Magistrates Court

29 June 2016