

LEGAL AFFAIRS — SUPREME COURT AMENDMENT RULES 2022

753. Hon Nick Goiran to the parliamentary secretary representing the Attorney General:

I refer to the *Supreme Court Act 1935 (Supreme Court Amendment Rules 2022*, and I ask:

- (a) what was the catalyst for bringing about these amendments to the rules;
- (b) who was consulted prior to these amendment rules being finalised;
- (c) did any person consulted raise any concerns;
- (d) if yes to (c), what were these concerns;
- (e) have the finalised amendment rules addressed these concerns; and
- (f) if no to (e), why not?

Hon Matthew Swinbourn replied:

- (a) The Supreme Court Amendment Rules 2022 contain minor amendments to the Rules of the Supreme Court 1971, namely to Orders 81F and 81FA.

The catalyst for the amendment to Order 81FA was the establishment of a *Criminal Property Confiscation Act 2000 (CPCA)* ‘Directions List’ which removed the need for an applicant to file a summons for directions as required by Order 81FA rule 7(1).

The amendment to Order 81F was made to bring the Rules in line with current practice. It removed an outdated prohibition on applications under the *Proceeds of Crime Act 2002* (Cth) (PoCA) from being filed electronically since most applications under PoCA were already being filed with the Court electronically.

- (b) Internal consultation within the Supreme Court Judiciary occurred with regards to the establishment of the *CPCA* ‘Directions List’ and the subsequent amendment to Rules of the Supreme Court 1971.
- (c) There were no concerns raised after consultation occurred in relation to the establishment of the *CPCA* ‘Directions List’ and amendment of Orders 81 and 81FA of the Rules of the Supreme Court 1971.
- (d) N/A.
- (e) The finalised amendments addressed the need to reconcile the discrepancy between current court practice and the regulations.
- (f) N/A.