

LEGAL AFFAIRS — SUPREME COURT AMENDMENT RULES (NO. 2) 2020

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

I refer to the *Supreme Court Amendment Rules (No.2) 2020*, 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)
 - (i) Alignment of the Court Order 11A with a recommendation of the Council of Chief Justices of Australia and New Zealand's (COCJ) Rules Harmonisation Committee and endorsed by the COCJ in respect of the Hague Service Convention rules.
 - (ii) Amendments were made to Orders 58, 59, 67, 69 and 75 to fully recognise the Court's transition to mandatory electronic filing, and to reflect minor changes to the Court's preference for the Chief Justice or the Principal Registrar to make certain directions rather than the Senior Master.
 - (iii) Various amendments were made to Order 70 following a request by the Select Committee into Elder Abuse to implement recommendation 33 of the Statutory Review of the Guardianship and Administration Act 1990 (2015):
 - 33. That the Chief Justice is asked to consider amending the Rules of the Supreme Court 1971 to make it clear that a guardianship order or an administration order only renders a person incapable of making decisions for themselves if the order encompasses the subject matter of the proceedings.
- (b) There has been consultation with the Court's Civil Practice Committee, District Court of Western Australia, State Administrative Tribunal, Office of the Public Trustee, Commonwealth Attorney-General's Department and the COCJ Harmonisation of Rules Committee.
- (c) No.
- (d)–(f) Not applicable.