

1994—No. 139

**SUPREME COURT RULES (AMENDMENT NO. 284) 1994**

NEW SOUTH WALES



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1. These rules are made by the Rule Committee on 18 April 1994.
2. The Supreme Court Rules 1970 are amended as follows:
  - Part 65C rule 4 (4)  
After “attend at”, insert “a registry of the Court or at”.
3. The Supreme Court Rules 1970 are further amended as follows:
  - (a) Part 52 rule 21E  
After subrule (9), insert:
    - (6) Where, by operation of section 18 (5) (a) or (b) of the subject Act, an order for rehearing of proceedings ceases to have effect, the applicant shall pay the costs of every other party incurred by reason of the order for rehearing, unless the Court otherwise orders.
  - (b) Part 72B  
After rule 6 insert:
    7. An application for an order under section 18 (5) (c) may be made by any party and, subject to Part 19, at any time.
4. The Supreme Court Rules 1970 are further amended as follows:
  - Part 38  
After rule 7 insert:

**Proof of service of an affidavit**

7A. (1) An affidavit which has been served may be identified in an affidavit of service by:

    - (a) exhibiting to the affidavit of service a copy of the affidavit served; or
    - (b) including in the affidavit of service a sufficient description of the affidavit served.

(2) A copy of an affidavit which has been served shall not be annexed to an affidavit of service.

5. The Supreme Court Rules 1970 are further amended as follows:

(a) Part 1 rule 3

From the matter relating to Part 73 Division 2, omit “6” and insert instead “7”.

(b) Part 73

After rule 16 insert:

**Business in the absence of the parties**

17. An application to the Court to which this Division applies may be determined or dealt with by the Court without any attendance by or on behalf of the applicant, if the Court is satisfied, on such material as seems to it sufficient (whether or not admissible in evidence), that undue delay or hardship would otherwise be caused.

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**EXPLANATORY NOTE**

*(This note does not form part of the rules)*

1. The object of the amendment contained in paragraph 2 is to allow applicants for admission under the Mutual Recognition Act 1992 of the Commonwealth to take the oath of office at a registry of the NSW, Supreme Court in addition to being able to take it, as is presently the case, at the office of the Supreme Court in the applicant's State or Territory.

2. The object of the amendment contained in paragraph 3 (a) is to provide that a party, who obtained an order for rehearing following an arbitration under the Arbitration (Civil Actions) Act 1983, shall pay the costs of every other party incurred by reason of the order for rehearing, unless the Court otherwise orders.

3. The object of the amendment contained in paragraph 3 (b) is to allow any party to make an application under S. 18 (5) (c) of the Arbitration (Civil Actions) Act 1983 at any time for an order that the award of the arbitrator be reinstated.

4. The object of the amendment contained in paragraph 4 is to reduce unnecessary bulk in Court files by preventing the annexure, to an affidavit of service, of a copy of an affidavit served.

5. The object of the amendment contained in paragraph 5 is to enable an application by a person, for an order under s. 14 of the Adoption Information Act 1990 to receive prescribed information under the Act from records of proceedings in the Supreme Court relating to the adoption of a person, to be heard without the attendance of the applicant.

M. A. Blay,  
Secretary of the Rule Committee

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