

COMPENSATION COURT ACT 1984—RULE

NEW SOUTH WALES



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1. This a rule was made by the Rule Committee on 5 October 1995 and shall take effect on and from 1 November 1995.

2. Part 24, rule 6 of the Compensation Court Rules 1990 is amended as follows:

(a) Subrule (1A)

After subrule (1) insert:

(1A) A party may not, except with the leave of the Court or registrar, request the issue of a subpoena for production more than 6 weeks before the day on which the subpoena is to be made returnable.

(b) Subrules (5A), (5B)

After subrule (5) insert:

(5A) A party may, on or before requesting the issue of a subpoena for production, apply by affidavit for inclusion in the subpoena of a mention date for consideration of the making of an order under subrule (6).

(5B) Where a subpoena for production is issued returnable on a day later than the last day for return, if any, endorsed under subrule (5) (a) (i), the registrar may direct that the subpoena include a mention date for consideration of the making of an order under subrule (6).

(c) Subrule (7) (a)

Omit the paragraph, insert instead:

(a) where the order is made at a mention or hearing, inspection on behalf of that party shall be carried out within:

(i) where the party is present when the order is made—14 days after the making of the order; or

- (ii) where the party is not present when the order is made—14 days after the party is notified in writing of the order by another party;
- (ai) where the order is made other than at a mention or hearing, inspection on behalf of that party shall be carried out within 14 days after the making of the order;

(d) Subrules (9)–(11)

After subrule (8) insert:

- (9) Where a document is produced to the registrar in compliance with a subpoena and no mention date has been included in the subpoena pursuant to subrule (5A) or (5B), the registrar shall make an order under subrule (6) that the parties may inspect the document, and subrule (7) applies to any such order.
- (10) A party may apply to the registrar to rescind or vary any order made under subrule (9), and the registrar may rescind or vary the order as the registrar thinks fit.
- (11) Notwithstanding anything in Part 31, a party may not apply to the Court for any mandatory order, removal or review in relation to any order made under subrule (9) unless the party has applied to the registrar under subrule (10) and the registrar has had a reasonable opportunity to consider the application.

T.J. Doubleday,
Secretary, Rule Committee
Compensation Court of New South Wales.
