



New South Wales

SUPREME COURT RULES (AMENDMENT NO. 314) 1997

1. These rules are made by the Rule Committee on 18 August 1997.
2. The Criminal Appeal Rules are amended as follows:

After rule 67 insert:

67A Evidence by Audio-Visual Method or by Telephone

(1) Part 36 rule 2A and Part 36A rules 7 and 8 of the Supreme Court Rules 1970 apply to proceedings in the Court as they apply to proceedings in the Supreme Court.

(2) Directions under Part 36 rule 2A may not be given if they prevent the attendance at any part of the proceedings by, or relate to the evidence given by:

- (a) an appellant;
- (b) an applicant; or
- (c) a respondent to an appeal by the Attorney-General or by the Director of Public Prosecutions,

without the consent of that appellant, applicant or respondent.

3. The Supreme Court Rules 1970 are amended as follows:

Part 75 rule 2

After subrule (6) insert:

(7) Subject to subrule (8), Part 36 rule 2A applies to proceedings which are specified in the Third Schedule (except clause (d) of the Schedule) and to proceedings to which Division 2 applies.

(8) Directions may not be given under Part 36 rule 2A:

- (a) in respect of the evidence given by a person against whom the proceedings are brought ("an accused"); or
- (b) that prevent an accused from attending any part of the proceedings,

without the consent of that accused.

Part 75 rule 5

omit

“prosecutor” means “plaintiff”

and insert instead

“plaintiff” means “prosecutor”

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

(a) Part 77 rules 8 and 9

Omit the rules and insert instead:

Section 64J (7) (b) application

8. An application to the Court under section 64J (7) (b) of the subject Act (which relates to claims against the Compensation Fund) shall be made by summons joining the Crown as defendant.

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

Part 77 rule 84B

After “12 (1) (b)”, insert “and (b1)”

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

(a) **SCHEDULE H**

In alphabetical order, in the appropriate columns, insert:

Royal Commission (Police 11B Review of decision.
Service) Act 1994

(b) Part 77 rule 84

After subrule (2), insert:

(3) Proceedings under the New South Wales Crime Commission Act 1985 are assigned to the Administrative Law Division.

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

SCHEDULE J

Omit “after 28 February 1997.. 10.5”

and insert instead:

Column 1

Column 2

the beginning of 1 March 1997 to the end of 31 August 1997..... 105

after 31 August 1997 10

EXPLANATORY NOTE

(This note does not form part of the rules)

The object of the amendments contained in paragraphs 2 and 3 (a) is to confirm the power of the Court in criminal proceedings to give directions for evidence to be given, and proceedings on any hearing to be conducted, by an audio-visual method or telephone, subject to certain exceptions. The power is already expressly given by the rules in civil proceedings.

The object of the amendment contained in paragraph 3 (b) is to correct an error in the rule.

The object of the amendment contained in paragraph 4 is to update references in a rule following the amendment of the Property, Stock and Business Agents Act 1941 by the Fair Trading Legislation Amendment Act 1997 and to omit a rule that is rendered redundant by the lastmentioned Act.

The object of the amendment contained in paragraph 5 is to prescribe a master or registrar of the Court for the purposes of s 12 (1) (b1) of the Drug Trafficking (Civil Proceedings) Act 1990, inserted by the Drug Trafficking (Civil Proceedings) Act 1997, as the officer of the Court before whom an examination may be conducted.

The object of the amendment contained in paragraph 6 is to assign to the Administrative Law Division proceedings under section 11B of the Royal Commission (Police Service) Act 1994 and under the New South Wales Crime Commission Act 1985.

The object of the amendment contained in paragraph 7 is to change the interest rate payable on judgments from 10.5% to 10%.

M. A. Blay, The Secretary of the Rule Committee