



New South Wales

# Supreme Court Rules (Amendment No. 342) 2000

1. These rules are made by the Rule Committee on 21 July 2000.
2. The Supreme Court Rules 1970 are amended as follows—

## SCHEDULE J

Omit “after 29 February 2000” 10”

and insert instead in the appropriate columns—

the beginning of 1 March 2000 to the end of 31 August 2000 10

after 31 August 2000 11

3. The Supreme Court Rules 1970 are further amended as follows—

### (a) Part 28

#### Rule 1 (1) (aiii)

Omit the paragraph and insert instead—

(aiii) make an order extending the operation of a caveat under:

- (i) the Real Property Act 1900;
- (ii) the Offshore Minerals Act 1999; or
- (iii) the Offshore Minerals Act 1994 of the Commonwealth;

### (b) Part 77

At the end of the Part insert—

## **Division 56—Offshore Minerals Act 1999**

### **Assignment of business**

148. Proceedings under section 49 (2) or section 136 (2) or section 196 (2) or section 351 or section 354 (1) or section 355 (1) of the Offshore Minerals Act 1999 (“the subject Act”) are assigned to the Equity Division.

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### **Commencement of proceedings under s 354**

149. Proceedings for an order under section 354 (1) of the subject Act shall be commenced by summons joining as a defendant the Minister and each person who is directly affected by the relief sought in the proceedings.

### **Division 57—Offshore Minerals Act 1994 of the Commonwealth**

#### **Assignment of business**

150. Proceedings under section 49 (2) or section 136 (2) or section 196 (2) or section 351 or section 354 (1) or section 355 (1) of the Offshore Minerals Act 1994 of the Commonwealth (“the subject Act”) commenced after 24 August 2000 are assigned to the Equity Division.

### **Commencement of proceedings under s 354**

151. Proceedings for an order under section 354 (1) of the subject Act shall be commenced by summons joining as a defendant the Designated Authority and each person who is directly affected by the relief sought in the proceedings.

(c) **Schedule D Part 1**

Insert in the appropriate order in the appropriate columns—

Act No 28, 1994; Offshore Minerals  
Act 1994 (Commonwealth)—

Section 351 (1) (a)	Removal of caveat	.....
Section 351 (1) (c)	Extending caveat	.....
Section 351 (2)	Non registration of further caveat	.....

Act No 42, 1999; Offshore Minerals  
Act 1999—

Section 351 (1) (a)	Removal of caveat	.....
Section 351 (1) (c)	Extending caveat	.....
Section 351 (2)	Non registration of further caveat	.....

(d) **SCHEDULE H**

Omit the reference to the Offshore Minerals Act 1994 and the material relating to it.

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4. The Supreme Court Rules 1970 are further amended as follows—
- Part 12 rule 4 (1)
- (a) From paragraph (y) omit “.” and insert instead “;”.
- (b) At the end of the subrule add—
- (z) section 74 of the Crimes (Forensic Procedures) Act 2000.
5. The Supreme Court Rules 1970 are further amended as follows—
- (a) Part 12 rule 4 (1)
- (i) From the last paragraph omit “.” and insert instead “;”.
- (ii) At the end of the subrule insert—
- (aa) section 51AA (1) (b) or (2) (d) of the Corporations Act 1989 of the Commonwealth.
- (b) Part 12 rule 5 (b)
- (i) From paragraph (vi) omit “.” and insert instead “;”.
- (ii) After paragraph (vi) insert—
- (vii) in respect of which jurisdiction is conferred by section 51 (2A) of the Corporations Act 1989 of the Commonwealth.
- (c) Schedule H
- In alphabetical order, insert in the appropriate columns—

Judiciary Act 1903	39B (1B) (b)	mandamus, prohibition, injunction
	39B (1C) (d)	mandamus, prohibition, injunction

### EXPLANATORY NOTE

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

1 The object of the amendment contained in paragraph 2 is to change the interest rate payable on judgments from 10% per annum to 11% per annum.

2 The object of the amendments contained in paragraphs 3 (a) and (d) is to allow the Court in an urgent case, on the application of a person who intends to commence proceedings, to make an order extending the operation of a caveat under the Offshore Minerals Act 1999 or the Offshore Minerals Act 1994 of the

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Commonwealth to the same extent as if the applicant had commenced the proceedings and the application were made in the proceedings.

3 The object of the amendments contained in paragraph 3 (b) is to assign proceedings under specified sections of the Offshore Minerals Act 1994 of the Commonwealth and of the Offshore Minerals Act 1999 to the appropriate Division and to require appropriate persons to be joined as defendants.

4 The object of the amendments contained in paragraph 3 (c) is to allow masters to exercise the powers of the Court under sections 351 (1) (a) and (c) and 351 (2) of the Offshore Minerals Act 1994 of the Commonwealth and of the Offshore Minerals Act 1999 (which sections relate to caveats).

5 The object of the amendments contained in paragraph 4 is to assign to the Common Law Division proceedings under section 74 of the Crimes (Forensic Procedures) Act 2000.

6 The object of the amendments contained in paragraph 5 (a) is to assign to the Common Law Division proceedings under section 51AA (1) (b) or (2) (d) of the Corporations Act 1989 of the Commonwealth.

7 The object of the amendments contained in paragraph 5 (b) is to assign to the Equity Division proceedings in respect of which jurisdiction is conferred by section 51 (2A) of the Corporations Act 1989 of the Commonwealth.

8 The object of the amendments contained in paragraph 5 (c) is to assign to the Common Law Division proceedings under section sections 39B (1B) (b) or (1C) (d) of the Judiciary Act 1903.

M A Blay

The Secretary of the Rule Committee

BY AUTHORITY