



New South Wales

Supreme Court Rules (Amendment No 349) 2001

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 21 May 2001.

STEVEN JUPP

Secretary of the Rule Committee

Explanatory note

The object of these Rules is:

- (a) to amend rule 1 of Part 14D of the *Supreme Court Rules* to update the list of proceedings that are to be entered in the Administrative Law List of the Common Law Division, and
- (b) to amend rule 13CA of Part 36 to provide that when expert witnesses have conferred and provided a joint report agreeing on a matter, a party to the proceedings may not adduce expert evidence that is inconsistent with the matter agreed, except with the leave of the Court.

Part 14D provides for Administrative Law proceedings to be entered in the Administrative Law List in the Common Law Division of the Supreme Court. The term ***Administrative Law proceedings*** is defined in rule 1 of Part 14D.

These Rules amend the definition of ***Administrative Law proceedings*** in rule 1, removing some obsolete references from the definition and making it clear that certain proceedings under the *Residential Tribunal Act 1998* and the *Fair Trading Tribunal Act 1998* are Administrative Law proceedings. Some consequential changes are made to Part 12 (Distribution of Business) of the *Supreme Court Rules*.

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Explanatory note

Rule 13CA of Part 36 of the *Supreme Court Rules 1970* provides for the Court to direct expert witnesses to confer, endeavour to reach agreement on outstanding matters and provide the Court with a joint report. These Rules amend rule 13CA as referred to in paragraph (b) above.

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1 Name of Rules

These Rules are the *Supreme Court Rules (Amendment No 349) 2001*.

2 Amendment of Supreme Court Rules 1970

The *Supreme Court Rules 1970* are amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of these Rules.

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Schedule 1 Amendments

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(Rule 2)

[1] Part 12, rule 4 (1)

Omit “section 61 or section 62 of the *Residential Tribunal Act 1998* on a referral or an appeal” from rule 4 (1) (x).

Insert instead “sections 60–62 of the *Residential Tribunal Act 1998* on a matter, referral or appeal”.

[2] Part 12, rule 4 (1)

Insert at the end of rule 4 (1):

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(bb) sections 60–62 of the *Fair Trading Tribunal Act 1998*, other than proceedings on a matter, referral or appeal relating to the *Retirement Villages Act 1999*.

[3] Part 12, rule 5 (a)

Omit “section 61 or section 62 of the *Residential Tribunal Act 1998* on a referral or an appeal” from rule 5 (a) (xxxvii).

Insert instead “sections 60–62 of the *Residential Tribunal Act 1998* on a matter, referral or appeal”.

[4] Part 12, rule 5 (a)

Omit “section 61 or section 62 of the *Fair Trading Tribunal Act 1998* on an appeal or a referral” from rule 5 (a) (xlii).

Insert instead “sections 60–62 of the *Fair Trading Tribunal Act 1998* on a matter, referral or appeal”.

[5] Part 14D, rule 1 (a)

Omit rule 1 (a) (ii) (B). Insert instead:

(B) Part 77 rule 84 (3), 99, 100, 114 or 116,

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Amendments

Schedule 1

[6] Part 14D, rule 1 (a)

Omit rule 1 (a) (iv). Insert instead:

- (iv) proceedings under sections 60–62 of the *Fair Trading Tribunal Act 1998*, other than proceedings on a matter, referral or appeal relating to the *Retirement Villages Act 1999*, and
- (v) proceedings under sections 60–62 of the *Residential Tribunal Act 1998* on a matter, referral or appeal relating to:
 - (i) the *Residential Tenancies Act 1987*, or
 - (ii) the *Retirement Villages Act 1989*, or
 - (iii) the *Residential Parks Act 1998*.

[7] Part 36, rule 13CA

Insert after rule 13CA (5):

- (6) Where, pursuant to this rule, expert witnesses have conferred and have provided a joint report agreeing on any matter, a party affected may not, without leave of the Court, adduce expert evidence inconsistent with the matter agreed.

BY AUTHORITY