



New South Wales

Uniform Civil Procedure Rules (Amendment No 10) 2006

under the

Civil Procedure Act 2005

The Uniform Rules Committee made the following rules of court under the *Civil Procedure Act 2005* on 5 July 2006.

Jennifer Atkinson
Secretary of the Committee

Explanatory note

The object of these Rules is to include in the *Uniform Civil Procedure Rules 2005* certain provisions that are currently contained in, but are to be omitted from, the *Supreme Court Rules 1970* and the *District Court Rules 1973* in relation to:

- (a) the service within the State of process concerning court proceedings outside the State, and
- (b) the distribution of business between the Divisions of the Supreme Court, and
- (c) the entry of proceedings in the specialist lists of the Supreme Court and the District Court, and
- (d) accounts and inquiries under judgments and orders of the Supreme Court, and
- (e) matters arising under the *Commercial Arbitration Act 1984*, and
- (f) matters arising under Commonwealth intellectual property legislation.

These Rules also make other minor, consequential and ancillary amendments to the *Uniform Civil Procedure Rules 2005*.

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Rule 1 Uniform Civil Procedure Rules (Amendment No 10) 2006

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1 Name of Rules

These Rules are the *Uniform Civil Procedure Rules (Amendment No 10) 2006*.

2 Amendment of Uniform Civil Procedure Rules 2005

The *Uniform Civil Procedure Rules 2005* are amended as set out in Schedule 1.

Schedule 1 Amendments

(Rule 2)

[1] Part 1, Division 4

Insert after Division 3 of Part 1:

Division 4 Distribution of business between Divisions of Supreme Court**1.16 Assignment of business to Divisions** (cf SCR Part 12, rule 1 (1))

Proceedings in the Supreme Court:

- (a) under an Act or instrument referred to in Column 1 of Part 1 or 2 of Schedule 8, or
- (b) under a provision referred to in Column 2 of that Part in respect of such an Act or instrument,

are assigned to the Division of the Court referred to in Column 3 of that Part in respect of that Act, instrument or provision.

1.17 Bulk transfers between Supreme Court Divisions (cf SCR Part 14A, rule 7)

The Supreme Court may of its own motion, by a single order, direct that proceedings of a specified type be transferred between the Common Law Division and the Equity Division.

1.18 Assignment of business to Common Law Division (cf SCR Part 12, rule 1 (3))

The following proceedings in the Supreme Court are assigned to the Common Law Division:

- (a) proceedings for a debt arising under any Act (including any Commonwealth Act) by which any tax, fee, duty or other impost is collected or administered by or on behalf of the State or the Commonwealth,
- (b) proceedings on an appeal or application to the Court:
 - (i) in respect of a decision of a public body (other than a court or tribunal) or public officer (other than an officer of a court or tribunal), or
 - (ii) for the removal into the Court of any matter before a public body (other than a court or tribunal) or public officer (other than an officer of a court or tribunal),

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- (c) proceedings on an appeal or application to the Court in respect of:
 - (i) a decision of a public body constituted or established by or under a Commonwealth Act (other than a court exercising federal jurisdiction within the meaning of section 26 of the *Acts Interpretation Act 1901* of the Commonwealth), or
 - (ii) a decision of a person holding or acting in a public office under a Commonwealth Act (other than an officer of a court referred to in subparagraph (i)),
- (d) subject to section 53 of the *Supreme Court Act 1970*, proceedings that are not assigned to the Equity Division by these rules.

1.19 Assignment of business to Equity Division (cf SCR Part 12, rule 5 (b))

The following proceedings in the Supreme Court are assigned to the Equity Division:

- (a) proceedings on an application for a writ of habeas corpus ad subjiciendum in respect of a minor,
- (b) proceedings for orders for the custody of and access to minors,
- (c) proceedings on an appeal to the Court in a Division in proceedings between husband and wife or parent and child,
- (d) proceedings for orders under and provision by or under any Act that a debenture or bond issued by a corporation constituted by that Act, or a coupon annexed to that debenture or bond, has been lost or destroyed or defaced and directions by or under that Act for advertisement relating to that debenture, bond or coupon,
- (e) proceedings for orders under any provision made by or under any Act for the appointment of a receiver of the income of a corporation which is constituted by that Act and which makes default in payment to the holder of any debenture, or coupon, issued or stock inscribed by that corporation,
- (f) proceedings in relation to any provision in any Act or Commonwealth Act by which a tax, fee, duty or other impost is levied, collected or administered by or on behalf of the State or the Commonwealth (other than proceedings for debt that are assigned to the Common Law Division by rule 1.18 (a)).

1.20 Declarations of right and injunctions (cf SCR Part 12, rule 3)

Proceedings need not be assigned to the Equity Division solely because a declaration of right or an injunction is claimed in the proceedings.

1.21 Removal to Court of Appeal (cf SCR Part 12, rule 2)

- (1) The Supreme Court in a Division may, in relation to proceedings commenced in the Division, make an order that the proceedings be removed into the Court of Appeal:
 - (a) if it makes an order under rule 28.2 for the decision of a question of law, or
 - (b) if, having stated the question to be decided or determined, it is satisfied that special circumstances exist that render it desirable to make an order for their removal into the Court of Appeal.
- (2) If an order is made under subrule (1):
 - (a) the Court of Appeal may order that the whole or any part of the proceedings be remitted to a Division for the determination, by trial or otherwise, of the proceedings or of any question arising in the proceedings, or
 - (b) the proceedings may be continued and disposed of in the Court of Appeal.
- (3) Proceedings may be removed into the Court of Appeal under subrule (1) even if any decision or determination in the proceedings is expressed by any Act or law to be final or without appeal.
- (4) In this rule, *question* includes any question or issue in any proceedings, whether of fact or law or partly of fact and partly of law, and whether raised by pleadings, agreement of parties or otherwise.

[2] Rule 4.2 Documents to be filed to contain certain information

Omit rule 4.2 (1) (b). Insert instead:

- (b) if relevant, the division in which the proceedings are intended to be heard,
- (b1) if relevant, the list in which the proceedings are intended to be entered,

[3] Rule 4.2 (2) (b)

Omit the paragraph. Insert instead:

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- (b) if relevant, the division in which the proceedings are intended to be heard,
- (b1) if relevant, the list in which the proceedings are intended to be entered,

[4] Part 11, heading

Omit the heading. Insert instead:

Part 11 Service of documents outside Australia and service of external process

[5] Part 11, Division 3

Insert after Division 2:

Division 3 Service of external process

11.13 Application (cf SCR Part 57, rule 1)

This Part applies to the service in the State of any document that is required in connection with civil proceedings pending before a court outside the State, where:

- (a) a letter of request from the court has been received by the Principal Registrar of the Supreme Court, and
- (b) either:
 - (i) the request is for service pursuant to a convention, or
 - (ii) the Attorney General certifies that effect ought to be given to the request.

11.14 Requisite documents (cf SCR Part 57, rule 2)

In order that service may be effected in accordance with this Part, the following documents must be delivered to the Principal Registrar of the Supreme Court, unless the Principal Registrar otherwise directs:

- (a) the document to be served and 2 copies of it,
- (b) a copy of the letter of request,
- (c) if the document or letter is not in English, a translation of it in English and a copy of the translation.

11.15 Service (cf SCR Part 57, rule 3)

- (1) The Principal Registrar of the Supreme Court is to request the Sheriff or some other person to serve the document concerned.
- (2) The document may be served in any manner in which originating process in proceedings in the Supreme Court may be served, including substituted service pursuant to rule 10.14.
- (3) Proceedings for an order for substituted service may be commenced only by the Attorney General.

11.16 Affidavit of service (cf SCR Part 57, rule 4)

- (1) After the document has been served or attempts to serve the document have failed, the Sheriff or other person requested to serve the document must make an affidavit of service, and lodge it together with such further copies of the affidavit as the Principal Registrar of the Supreme Court may direct.
- (2) The affidavit must state when, where and how service was effected or attempted, and the costs incurred in connection with the service or attempted service.

11.17 Certificate (cf SCR Part 57, rule 5)

- (1) If the request for service is made pursuant to a convention, the Principal Registrar of the Supreme Court must give either:
 - (a) a certificate complying with subrule (2), or
 - (b) such other certificate as is appropriate to the terms of the relevant convention.
- (2) A certificate referred to in subrule (1) (a):
 - (a) must certify:
 - (i) that the document or a copy of it was served on the person at the time, and in the manner, specified in the certificate, or
 - (ii) if attempts to effect service failed, that service has failed and the reasons for the failure, and
 - (b) must certify the amount of the costs incurred.
- (3) If the request for service is made otherwise than pursuant to a convention, the Principal Registrar of the Supreme Court must give either:
 - (a) a certificate complying with subrule (4), or
 - (b) such other certificate as is appropriate to the terms of the letter of request.

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- (4) A certificate referred to in subrule (3) (a):
 - (a) must annex the letter of request, a copy of the document to be served and of any translation, and a copy of the affidavit under rule 11.16, and
 - (b) must identify the annexures, and
 - (c) must certify:
 - (i) that the manner of service of the document and the proof of service are such as are required by these rules in relation to the service of originating process of the Supreme Court, or
 - (ii) if attempts to effect service failed, that service has failed and the reasons for the failure, and
 - (d) must certify the amount of the costs incurred.
- (5) In each case, the certificate is to be sealed with the seal of the Supreme Court.
- (6) The Principal Registrar of the Supreme Court must send the certificate to the Director-General of the Attorney General's Department or, if the letter of request or any relevant convention so requires, to the appropriate consul or other authority.

[6] Rule 31.10 Plans, photographs and models

Insert "Part 14, rule 2," after "SCR" in the matter appearing after the heading to the rule.

[7] Rule 31.10 (3)

Insert after rule 31.10 (2):

- (3) This rule does not apply to any proceedings entered, or intended to be entered, in:
 - (a) the Commercial List or the Technology and Construction List in the Supreme Court, or
 - (b) the Commercial List or the Construction List in the District Court.

[8] Rule 36.11 Entry of judgments and orders

Insert after rule 36.11 (3):

- (4) This rule does not limit the operation of rule 36.10.

[9] Rule 39.20 Expiry and renewal of writ of execution

Insert "by the court" after "renewed".

[10] Rule 41.2

Omit the rule. Insert instead:

41.2 Deposit of funds

Within one day after money is paid into court, the registrar must deposit the money in the court's bank account.

[11] Existing Parts 45 and 46

Renumber as Parts 49 and 50, renumber rules 45.1–45.24 and 46.1–46.16 as rules 49.1–49.24 and 50.1–50.16, respectively, and update accordingly any references in those Parts to the renumbered rules.

[12] New Parts 45–48

Insert after Part 44:

Part 45 Specialist lists

Division 1 Supreme Court specialist lists

45.1 Entry as indicated by originating process

- (1) If the originating process in proceedings in the Common Law Division of the Supreme Court indicates that the proceedings are intended to be entered in one of the following lists, the proceedings are to be entered in that list:

The Administrative Law List

The Defamation List

The Possession List

The Professional Negligence List

- (2) If the originating process in proceedings in the Equity Division of the Supreme Court indicates that the proceedings are intended to be entered in one of the following lists, the proceedings are to be entered in that list:

The Admiralty List

The Commercial List

The Revenue List

The Technology and Construction List

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- (3) If proceedings are commenced by an originating process under the *Supreme Court (Corporations) Rules 1999*, the proceedings are to be entered in the Corporations List in the Equity Division of the Supreme Court.
- (4) In this Division, the lists referred to in subrules (1), (2) and (3) are referred to as *specialist lists*.

45.2 Entry and removal of proceedings pursuant to order of Supreme Court

Proceedings are to be entered in, or removed from, a specialist list if the Supreme Court so orders.

45.3 The Administrative Law List (cf SCR Part 14D, rule 1)

- (1) The following proceedings in the Supreme Court are to be entered in the Administrative Law List:
 - (a) proceedings for commanding or otherwise requiring a public body or a public officer to perform a public duty,
 - (b) proceedings for prohibiting or otherwise restraining a public body or a public officer from performing or purporting to perform any act,
 - (c) proceedings for determining by declaration or otherwise any matter concerning the powers of a public body or a public officer,
 - (d) proceedings in appeals or applications to the Court in respect of decisions of a public body or a public officer under any enactment specified in the rules for the purposes of this subrule.
- (2) In this rule:

prescribed tribunal means:

 - (a) a specified tribunal within the meaning of section 48 of the *Supreme Court Act 1970*, or
 - (b) a Local Court, or
 - (c) a magistrate, coroner or assistant coroner, or
 - (d) any other tribunal, person or body of persons prescribed, or belonging to a class prescribed for the purposes of this definition.

public body means a body of persons, whether corporate or unincorporate, constituted by or under an Act and required to perform or performing public duties, but does not include a prescribed tribunal.

public officer means a person holding or acting in a public office under the Government of the State or an office created by or under an Act and required to perform or performing public duties, but does not include a prescribed tribunal.

45.4 The Possession List (cf SCR Part 14B, rules 1 and 2)

- (1) Proceedings in the Common Law Division of the Supreme Court in which a claim for possession of land is made are to be entered in the Possession List.
- (2) Subrule (1) does not apply to:
 - (a) proceedings that involve a claim for professional negligence, being proceedings entered in the Professional Negligence List, or
 - (b) proceedings that involve an appeal against, or an application for a stay of, an order made by the Consumer, Trader and Tenancy Tribunal under the *Residential Tenancies Act 1987*.

45.5 The Professional Negligence List (cf SCR Part 14C, rule 1)

- (1) Proceedings in the Common Law Division of the Supreme Court in which a professional negligence claim is made may be entered in the Professional Negligence List.
- (2) In this rule:

professional negligence means the breach of a duty of care or of a contractual obligation in the performance of professional work or in the provision of professional services by a medical practitioner, an allied health professional (for example, a dentist, chemist or physiotherapist), a hospital, a solicitor or a barrister.

professional negligence claim means a claim for damages, indemnity or contribution based on an assertion of professional negligence.

45.6 The Commercial List (cf SCR Part 14, rule 1)

- (1) The following proceedings in the Equity Division of the Supreme Court may be entered in the Commercial List:
 - (a) proceedings arising out of commercial transactions,
 - (b) proceedings in which there is an issue that has importance in trade or commerce.

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- (2) In this rule, *issue* includes any question or issue in any proceedings, whether of fact or law or partly of fact and partly of law, and whether raised by pleadings, agreement of parties or otherwise.

45.7 The Technology and Construction List (cf SCR Part 14A, rule 1)

- (1) The following proceedings in the Equity Division of the Supreme Court may be entered in the Technology and Construction List:
- (a) proceedings relating to or arising out of:
 - (i) the design, carrying out, supervision or inspection of any building or engineering work, or
 - (ii) the performance by any building or engineering expert of any other services with respect to any building or engineering work, or
 - (iii) any certificate, advice or information given or withheld with respect to any building or engineering work, or
 - (iv) the *Building and Construction Industry Security of Payment Act 1999*,
 - (b) proceedings relating to or arising out of, or the determination of which involves, the design, acquisition, disposal or operation of technology in commercial transactions or in transactions involving Government,
 - (c) proceedings on a claim for rectification, setting aside or cancellation of any agreement with respect to matters mentioned in paragraph (a) or (b).

- (2) In this rule:
building or engineering expert includes a builder, engineer, architect, designer and quantity surveyor.

building or engineering work includes:

- (a) any intended building or engineering work, and
- (b) any building or engineering work in the course of construction or completion or which has been substantially or fully completed, and
- (c) any associated work.

45.8 Proceedings under particular Acts and instruments (cf SCR Part 12, rule 1)

Proceedings in the Supreme Court:

- (a) under an Act or instrument referred to in Column 1 of Part 1 or 2 of Schedule 8, or

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- (b) under a provision referred to in Column 2 of that Part in respect of any such Act or instrument,
are to be entered in the list (if any) referred to in Column 4 of that Part in respect of that Act, instrument or provision.

Division 2 District Court specialist lists

45.9 Entry as indicated by originating process

- (1) If the originating process in proceedings in the District Court indicates that the proceedings are intended to be entered in one of the following lists (or, where the originating process contains no such indication, if the defence so indicates) the proceedings are to be entered in that list:

The Child Care List

The Coal Miners' Workers Compensation List

The Construction List

The Commercial List

The Defamation List

The Professional Negligence List

The Property Relationships List

The Special Statutory Compensation List

- (2) In this Division, the lists referred to in subrule (1) are referred to as *specialist lists*.

45.10 Entry and removal of proceedings pursuant to order of District Court

Proceedings are to be entered in, or removed from, a specialist list if the District Court so orders.

45.11 The Construction List (cf DCR Part 24A, rules 1, 2 and 3)

- (1) The following proceedings in the District Court may be entered in the Construction List:
- (a) proceedings relating to or arising out of:
- (i) the design, carrying out, supervision or inspection of any building or engineering work, or
 - (ii) the performance by any building or engineering expert of any other services with respect to any building or engineering work, or

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- (iii) any certificate, advice or information given or withheld with respect to any building or engineering work, or
 - (iv) the *Building and Construction Industry Security of Payment Act 1999*,
 - (b) proceedings relating to or arising out of, or the determination of which involves, the design, acquisition, disposal or operation of technology in commercial transactions or in transactions involving Government,
 - (c) proceedings on a claim for rectification, setting aside or cancellation of any agreement with respect to matters mentioned in paragraph (a) or (b).
- (2) In this rule:
- building or engineering expert*** includes a builder, engineer, architect, designer and quantity surveyor.
- building or engineering work*** includes:
- (a) any intended building or engineering work, and
 - (b) any building or engineering work in the course of construction or completion or which has been substantially or fully completed, and
 - (c) any associated work.

45.12 The Commercial List (cf DCR Part 24B, rules 2 and 3)

- (1) The following proceedings in the District Court may be entered in the Commercial List:
 - (a) proceedings arising out of commercial transactions,
 - (b) proceedings in which there is an issue that has importance in trade or commerce.
- (2) This rule does not apply to proceedings that may be entered in the Construction List.
- (3) In this rule, ***issue*** includes any question or issue in any proceedings, whether of fact or law or partly of fact and partly of law, and whether raised by pleadings, agreement of parties or otherwise.

45.13 The Professional Negligence List (cf SCR Part 14C, rule 1)

- (1) Proceedings in the District Court in which a professional negligence claim is made may be entered in the Professional Negligence List.

- (2) In this rule:

professional negligence means the breach of a duty of care or of a contractual obligation in the performance of professional work or in the provision of professional services by a medical practitioner, an allied health professional (for example, a dentist, chemist or physiotherapist), a hospital, a solicitor or a barrister.

professional negligence claim means a claim for damages, indemnity or contribution based on an assertion of professional negligence.

45.14 Proceedings under particular Acts and instruments

Proceedings in the District Court:

- (a) under an Act or instrument referred to in Column 1 of Part 1 or 2 of Schedule 9, or
- (b) under a provision referred to in Column 2 of that Part in respect of such an Act or instrument,

are to be entered in the list (if any) referred to in Column 3 of that Part in respect of that Act, instrument or provision.

Part 46 Accounts and inquiries

Division 1 General

46.1 Application of Part (cf SCR Part 49, rule 1)

- (1) This Part applies to accounts, inquiries and other matters under an order in the same way as it applies to accounts, inquiries and other matters under a judgment.
- (2) In the application of this Part to accounts, inquiries and other matters under an order:
 - (a) references in this Part to a judgment extend to an order, and
 - (b) references in this Part to the giving of judgment extend to the making of an order.

46.2 Account: summary order (cf SCR Part 48, rule 1)

- (1) If a party claims an account or makes a claim which involves taking an account, the court may, on application by that party at any stage of the proceedings:
 - (a) order that an account be taken, and
 - (b) order that any amount certified on taking the account to be due to any party be paid to him or her.

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- (2) The court may not make an order under subrule (1) (a):
 - (a) against a defendant who has not filed an appearance, unless he or she is in default of appearance, or
 - (b) if it appears that there is some preliminary question to be determined.

46.3 Account or inquiry at any stage (cf SCR Part 48, rule 2)

The court may make orders for the taking of any account or the making of any inquiry.

46.4 Account: directions (cf SCR Part 48, rule 3)

If the court makes an order for the taking of an account, the court, by the same or a subsequent order:

- (a) may give directions concerning the manner of taking or vouching the account, and
- (b) without limiting paragraph (a), may direct that in taking the account the relevant books of account are taken to be evidence of the matters contained in them.

46.5 Account: form and verification (cf SCR Part 48, rule 4)

- (1) The items on each side of an account must be numbered consecutively.
- (2) Unless the court otherwise orders, an accounting party must verify his or her account by affidavit and the account must be made an exhibit to the affidavit.

46.6 Account: filing and service (cf SCR Part 48, rule 5)

Unless the court otherwise orders, an accounting party must file his or her account and verifying affidavit.

46.7 Account: notice of charge or error (cf SCR Part 48, rule 6)

- (1) If a party seeks to charge an accounting party with an amount beyond that in respect of which the accounting party by his or her account admits receipt, he or she must give to the accounting party notice of the charge, stating, so far as he or she is able, the amount that he or she seeks to charge, with brief particulars.
- (2) If a party alleges that any item in the account of an accounting party is erroneous in amount or otherwise, he or she must give to the accounting party notice of the allegation, stating the grounds for alleging the error.

46.8 Account: allowances (cf SCR Part 48, rule 7)

In taking an account under a judgment, all just allowances must be made.

46.9 Delay (cf SCR Part 48, rule 8)

If it appears to the court that there is delay in the prosecution of any account, inquiry or other matter under a judgment, the court may make such orders as it thinks fit for staying or expediting the proceedings or for the conduct of the proceedings.

**Division 2 Equity Division of the Supreme Court:
General**

46.10 Application (cf SCR Part 49, rule 1)

This Division applies to proceedings in the Equity Division of the Supreme Court, other than proceedings entered in the following lists:

- (a) the Admiralty List,
- (b) the Commercial List,
- (c) the Probate List,
- (d) the Protective List,
- (e) the Technology and Construction List.

46.11 Motion to proceed (cf SCR Part 49, rule 2)

If a judgment contains directions as to any account, inquiry or other matter under the judgment, any party may, after entry of the judgment, move the Supreme Court to proceed under the judgment.

46.12 Notice of judgment (cf SCR Part 49, rule 3)

- (1) This rule applies to a judgment in proceedings for:
 - (a) the administration of the estate of a deceased person, or
 - (b) the execution of a trust, or
 - (c) the sale of property.
- (2) If the Supreme Court gives a judgment:
 - (a) affecting the rights or interests of a person who is not a party, or
 - (b) for the taking of an account or the making of an inquiry,

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the Court may, by the judgment or by subsequent order:

- (c) give directions for service of notice of the judgment on any person interested, or
 - (d) if it appears to be impracticable to serve notice of the judgment on any person interested, dispense with service on him or her.
- (3) Without limiting subrule (2) (c), the Supreme Court may direct that notice be served personally or in some other manner.
- (4) If, under this rule, notice of a judgment is served on a person, or the Supreme Court dispenses with service of notice of a judgment on a person:
- (a) subject to paragraph (b), he or she is bound by the judgment to the same extent as if he or she were a party at the time when the judgment was given, except where the judgment has been obtained by fraud or non-disclosure of material facts,
 - (b) the Court may, on application by him or her on notice of motion filed within the time limited by subrule (5), discharge or vary the judgment or order,
 - (c) he or she may attend the accounts, inquiries or other matters under the judgment.
- (5) Notice of a motion under subrule (4) (b) must be filed:
- (a) if notice of the judgment has been served on the applicant, within 28 days after the date of service, and
 - (b) if the Supreme Court has dispensed with service of notice of the judgment on him or her, within 28 days after the date of the order dispensing with service.

46.13 Directions (cf SCR Part 49, rule 4)

On the hearing of a motion to proceed under a judgment, the Supreme Court may give directions as to the conduct of the proceedings, including directions as to the material that may be used as evidence.

46.14 Representation of parties (cf SCR Part 49, rule 5)

On the hearing of a motion to proceed under a judgment or subsequently, the Supreme Court:

- (a) may require parties whose interests are similar to be represented by the same solicitor and nominate a solicitor to represent them, or

- (b) may require that parties represented by the same solicitor be separately represented.

46.15 Costs of attendance (cf SCR Part 49, rule 6)

The Supreme Court may order, on terms, that the costs to be incurred by any party of and incidental to his or her attendance on the account, inquiry or other matter under the judgment are to be paid out of the estate or property to which the proceedings relate.

46.16 Settlement of instrument (cf SCR Part 49, rule 7)

If the judgment directs the settlement of an instrument, the Supreme Court may give directions for the preparation and service of a draft instrument and of objections to the draft.

46.17 Interest on debts (cf SCR Part 49, rule 8)

- (1) This rule applies to the taking of an account of the debts of a deceased person pursuant to a direction in a judgment.
- (2) If any of the debts carries interest at any rate, interest is to be allowed on that debt at that rate.
- (3) In the case of a debt to which subrule (2) does not apply, interest is to be allowed on the debt at the relevant rate of interest prescribed by Schedule 5 for the purposes of section 101 of the *Civil Procedure Act 2005* from the date when the judgment takes effect on so much of the debt as is from time to time unpaid.
- (4) Subrules (2) and (3) do not apply if the estate is insolvent or if the Supreme Court otherwise orders.
- (5) If a creditor establishes his or her debt and the debt does not carry interest, interest is to be allowed on such amount as is, for the time being, outstanding under the debt at the relevant rate of interest prescribed by Schedule 5 for the purposes of section 101 of the *Civil Procedure Act 2005*, out of any assets which may remain after satisfying:
 - (a) the costs of the proceedings, and
 - (b) the debts which have been established, and
 - (c) the interest on such of those debts as by law carry interest.

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46.18 Interest on legacies (cf SCR Part 49, rule 9)

- (1) If an account of legacies is directed by any judgment, interest is, subject to section 84A of the *Wills, Probate and Administration Act 1898*, to be allowed at the rate prescribed for the purposes of subsection (1) of that section from a date of one year after the testator's death.
- (2) Subrule (1) has effect subject to any directions in the will and unless the Supreme Court otherwise orders.

Division 3 Equity Division of the Supreme Court: administration accounts and inquiries etc

46.19 Application (cf SCR Part 49, rule 10)

- (1) This Division applies to proceedings for the administration of the estate of a deceased person in respect of which the Supreme Court by judgment directs:
 - (a) the taking of any account of debts or other liabilities of the estate of the deceased, or
 - (b) the making of any inquiry for persons entitled to any interest in the estate on intestacy or otherwise.
- (2) This Division applies to proceedings for the execution of a trust in respect of which the Supreme Court by judgment directs:
 - (a) the taking of any account of debts or other liabilities of the trust, or
 - (b) the making of any inquiry for persons entitled to any interest in the trust property.
- (3) This Division applies, with the necessary modifications, to any other proceedings in respect of which the Supreme Court by judgment directs:
 - (a) the taking of any account of debts or other liabilities of the trust, or
 - (b) the making of any inquiry.

46.20 Advertisements (cf SCR Part 49, rule 11)

- (1) On the hearing of the motion to proceed or subsequently, the Supreme Court may direct the issue of advertisements for creditors and other claimants.
- (2) For the purposes of determining what direction, if any, to make under subrule (1), the Supreme Court may have regard to any advertisement previously issued.

- (3) If the Supreme Court directs the issue of advertisements for creditors or other claimants, the Court may specify the time within which, and the person on whom, a claimant must serve particulars of his or her claim.
- (4) An advertisement for creditors or other claimants must state the time and name of the person specified under subrule (3) and an address for service of that person and must contain such other matters as the Supreme Court may direct.
- (5) An advertisement for creditors or other claimants must be prepared by the party prosecuting the judgment and signed by the registrar.

46.21 Particulars of claim (cf SCR Part 49, rule 12)

- (1) Subject to such provisions as may appear in the advertisement, particulars of a claim served in response to an advertisement must specify the nature and extent of, and full particulars of, the claim, and must state the name and an address for service of the claimant.
- (2) A claimant who does not serve particulars of claim, in accordance with the advertisement and in accordance with subrule (1), on the person and within the time stated in the advertisement is not entitled to prove his or her claim except with the leave of the Supreme Court.

46.22 Notice of judgment (cf SCR Part 49, rule 13)

- (1) If a claimant serves particulars of his or her claim in response to an advertisement under a judgment, the person on whom it is served must, within 7 days after service of the particulars of claim, serve notice of the judgment on the claimant.
- (2) On service of notice of a judgment under subrule (1), the provisions of rule 46.12 (1), (4) and (5) apply as if the notice had been served under that rule.

46.23 Examination of claims (cf SCR Part 49, rule 14)

The Supreme Court:

- (a) may appoint a person to examine and list claims for the purposes of an account or inquiry under a judgment, and
- (b) may fix a date for adjudication on the claims.

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46.24 Account: list of claims (cf SCR Part 49, rule 15)

- (1) In the case of an account of debts or other liabilities, the person appointed under rule 46.23 (a):
 - (a) must examine the claim of each claimant and consider whether it ought to be allowed, and
 - (b) at least 7 days before the date for adjudication on the claims, must file lists of:
 - (i) claims served in response to any advertisement, and
 - (ii) other claims received by any of the personal representatives or trustees concerned, and
 - (iii) debts and liabilities for which claims have not been received but which are or may still be due and which have come to the knowledge of any of the personal representatives or trustees concerned.
- (2) A list filed under subrule (1) must specify, in relation to each alleged debt or liability included in the list, whether, in the belief of the party making the list, the debt or liability ought to be allowed, and the reasons for the belief.

46.25 Inquiry: list of claims (cf SCR Part 49, rule 16)

- (1) In the case of an inquiry for persons entitled to any interest in the estate of a deceased person on intestacy or otherwise, or entitled to any interest in trust property, the person appointed under rule 46.23 (a):
 - (a) must examine the claim of each claimant and consider whether it is valid, and
 - (b) at least 7 days before the date for adjudication on the claims, must file lists of:
 - (i) claims served in response to any advertisement, and
 - (ii) other claims received by, or which have come to the knowledge of, any of the personal representatives or trustees concerned.
- (2) A list filed under subrule (1) must specify, in relation to each claim included in the list, whether, in the belief of the party making the list, the claim is valid, and the reasons for the belief.

46.26 Verification of list (cf SCR Part 49, rule 17)

The Supreme Court may direct a person appointed under rule 46.23 (a), and any of the personal representatives or trustees concerned, to verify by affidavit a list filed under rule 46.24 or rule 46.25.

46.27 Adjudication (cf SCR Part 49, rule 18)

- (1) On the adjudication on the claims, the Supreme Court:
 - (a) may allow any claim, with or without proof, or
 - (b) may direct that any claim be investigated in such manner as the Court thinks fit, or
 - (c) may require any claimant to attend and prove his or her claim or to furnish further particulars or evidence of his or her claim or to produce any security relating to his or her claim, or
 - (d) may disallow any claim.
- (2) A claimant need not make an affidavit or attend in support of his or her claim unless the Supreme Court so directs under subrule (1) (c).
- (3) If the Supreme Court so directs, a party must file a list of the claims allowed.

46.28 Notice to prove claim (cf SCR Part 49, rule 19)

- (1) This rule applies if the Supreme Court requires a claimant to attend and prove his or her claim pursuant to rule 46.27 (1) (c).
- (2) The Supreme Court must appoint a party to give notice in accordance with subrule (3) and must determine the times and documents to be specified in the notice.
- (3) The party so appointed must serve on the claimant a notice requiring him or her:
 - (a) to serve on the party serving the notice an affidavit in support of his or her claim within such time, not less than 7 days after the date of service of the notice, as may be specified in the notice, and
 - (b) to attend before the Supreme Court for adjudication on the claim at such time as may be specified in the notice, and
 - (c) to produce to the Supreme Court, at such time as may be specified in the notice, such documents as may be specified or described.
- (4) If a claimant does not comply with a notice served on him or her under subrule (3), the Supreme Court may disallow his or her claim.

Part 47 Matters arising under the Commercial Arbitration Act 1984

Division 1 General

47.1 Definitions (cf SCR Part 72A, rule 1)

In this Part:

arbitrator includes an umpire.

award includes an interim award.

the court has the same meaning as *the Court* has in the *Commercial Arbitration Act 1984*.

47.2 Preliminary point of law (cf SCR Part 72A, rule 3)

An application to the Supreme Court for a determination under section 39 (1) of the *Commercial Arbitration Act 1984* must be made within 14 days after the date on which the consent or all the consents in writing was or were given to the party who wishes to apply to the Court under that subsection.

47.3 Interlocutory orders (cf SCR Part 72A, rule 4)

In proceedings on an application for an order under section 47 of the *Commercial Arbitration Act 1984*, the court may refuse to make the order if the court considers that the arbitrator has power to make the order.

47.4 Time for applications and appeals (cf SCR Part 72A, rule 5)

- (1) An appeal to the Supreme Court under section 38 (4) (a) of the *Commercial Arbitration Act 1984* must be instituted within 28 days after the material date.
- (2) An application to the Supreme Court for an order under section 38 (4) (b) of the *Commercial Arbitration Act 1984* must be made within 28 days after the material date.
- (3) An application to the court for an order under section 42 or 43 of the *Commercial Arbitration Act 1984* must be made within 28 days after the material date.
- (4) In this rule *material date*, in relation to an application or appeal, means:
 - (a) in the case of an award that includes a statement of the reasons for making the award, the date on which the arbitrator gives notice of the award to the applicant or appellant, and

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- (b) in the case of an award that does not include such a statement, the date on which the arbitrator gives notice of the reasons for making the award to the applicant or appellant.

47.5 Application for leave under section 38 (4) (b) to appeal (cf SCR Part 14, rule 4, Part 72A, rule 6)

- (1) The plaintiff must file with or subscribe to the originating process on an application for leave under section 38 (4) (b) of the *Commercial Arbitration Act 1984* a statement:
 - (a) describing the nature of the case with particularity sufficient for an understanding of the matters referred to in paragraphs (b), (c), (d) and (e), and
 - (b) identifying the question of law, and
 - (c) of the circumstances and manner in which the determination of the question of law could substantially affect the rights of one or more parties to the arbitration agreement, and
 - (d) if applicable, of the manifest error of law on the face of the award, and
 - (e) if applicable, of the error of law made by the arbitrator and of why the determination of the question may add, or be likely to add, substantially to the certainty of commercial law.
- (2) This rule does not apply to proceedings that are entered in the Commercial List in the Supreme Court.

47.6 Subpoena (cf SCR Part 72A, rule 7)

- (1) Part 33 applies to the issue of a subpoena under section 17 (1) of the *Commercial Arbitration Act 1984* in the same way as it applies to the issue of a subpoena in proceedings in the court.
- (2) A subpoena for production before an arbitrator may, with the leave of the court or the arbitrator, require production on any day.
- (3) Unless the court otherwise orders, a subpoena requiring production of any document or thing before an arbitrator must permit the person named, instead of attending and producing it before the arbitrator, to produce the document or thing:
 - (a) to a person, and at a place, nominated in writing by the arbitrator and stated in the subpoena, and

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- (b) by hand or by post,
so that the person nominated receives it not later than 2 days before the first date on which production before the arbitrator is required.
- (4) If a document or thing is produced in accordance with subrule (3) the person nominated:
 - (a) if required to do so, must give a receipt to the person producing the document or thing, and
 - (b) must produce the document or thing as the nature of the case requires or as the arbitrator may direct.
- (5) Subrule (3) does not apply to so much of a subpoena as requires a person to attend to give evidence.

47.7 Order for examination of witness (cf SCR Part 72A, rule 8)

- (1) Rule 24.3 applies to an arbitration under the *Commercial Arbitration Act 1984* in the same way as it applies to proceedings in the court.
- (2) If any order is made pursuant to rule 24.3 as so applied, the other provisions of Part 24 apply as if:
 - (a) a reference in that Part to proceedings included a reference to the arbitration proceedings, and
 - (b) the provisions of rule 24.14 (4), (5) and (6) were omitted.
- (3) Unless the court otherwise orders, the examiner must send the transcript of evidence, any document that constitutes an audio-visual recording and the exhibits to the registrar.
- (4) On receiving the transcript of evidence, the registrar must file it in the proceedings on the examination.
- (5) The court may make orders for the transmission to the arbitrator of the transcript of evidence, document, any exhibit or copy of any exhibit and any such transcript, document, exhibit or copy is taken to have been taken or received (as the case requires) in the course of the arbitration proceedings.

47.8 Leave to enforce award (cf SCR Part 72A, rule 9)

- (1) The originating process for leave under section 33 of the *Commercial Arbitration Act 1984* must join the party who seeks enforcement of the award as plaintiff and the party against whom the enforcement is sought as defendant.

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- (2) Section 9 of the *International Arbitration Act 1974* of the Commonwealth applies to proceedings in which a person seeks leave under section 33 of the *Commercial Arbitration Act 1984* to enforce an award in the same way as it applies to proceedings in which a person seeks the enforcement of a foreign award by virtue of the Commonwealth Act.

47.9 Leave to appeal (cf SCR Part 72A, rule 10)

An appeal does not lie from a direction or decision in proceedings in the court under the *Commercial Arbitration Act 1984* except by leave of the court to which the appeal is to be made.

Division 2 Offer of compromise

47.10 Application of Division (cf SCR Part 72A, rule 11)

This Division applies except so far as is otherwise agreed in writing by the parties to the arbitration agreement.

47.11 Interim awards (cf SCR Part 72A, rule 12)

- (1) Unless the parties otherwise request, the arbitrator in any arbitration proceedings:
- (a) must make an interim award dealing with all questions of liability and the relief to be granted, and
 - (b) must, before making any provision in an award with respect to the costs of the arbitration, give the parties an opportunity to be heard on the question of the costs of the arbitration.
- (2) Subrule (1) does not apply if an offer has been accepted in accordance with this Division.

47.12 Mode of making offer (cf SCR Part 72A, rule 13)

- (1) An offer of compromise is made to a party under this Division by serving a notice of the offer on the party.
- (2) A notice of offer must be in writing and bear a statement to the effect that the offer is made in accordance with this Division.

47.13 Application (cf SCR Part 72A, rule 14)

Any party may make to any other party an offer to compromise any claim to which the arbitration agreement applies on the terms specified in the notice of offer.

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47.14 Time for making or accepting offer (cf SCR Part 72A, rule 15)

- (1) An offer may be made at any time before the time prescribed by subrule (8) in respect of the claim to which it relates.
- (2) A party may make more than one offer.
- (3) An offer may be expressed to be limited as to the time it is open to be accepted but the time expressed must not be less than 28 days after it is made.
- (4) An offeree must, within 3 days after service, serve a written acknowledgment of receipt on the offeror.
- (5) An offeree may accept the offer by serving notice of acceptance in writing on the offeror before:
 - (a) the expiration of the time specified in accordance with subrule (3) or, if no time is specified, the expiration of 28 days after the offer is made, or
 - (b) the time prescribed by subrule (8) in respect of the claim to which the offer relates,whichever is sooner.
- (6) An offer may not be withdrawn during the time it is open to be accepted.
- (7) An offer is open to be accepted within the period referred to in subrule (5) even if during that period the party to whom the offer (the *first offer*) is made makes an offer (the *second offer*) to the party who made the first offer, whether or not the second offer is made in accordance with this Division.
- (8) The time prescribed for the purposes of subrules (1) and (5) is the time when the arbitrator:
 - (a) has made decisions on all questions of liability and the relief to be granted in respect of the claim to which the offer relates, and
 - (b) has communicated the decisions to one or more of the parties.

47.15 Time for payment (cf SCR Part 72A, rule 16)

An offer providing for the payment of a sum of money, or for the doing of any other act, is, unless the notice of offer otherwise provides, taken to provide for the payment of that sum or the doing of that act within 28 days after acceptance of the offer.

47.16 Withdrawal of acceptance (cf SCR Part 72A, rule 17)

- (1) A party who accepts an offer may, by serving a notice of withdrawal on the offeror, withdraw the acceptance if:
 - (a) the offer provides for payment of a sum of money or the doing of any other act, and
 - (b) the sum is not paid to the offeree, or the act is not done, within 28 days after acceptance of the offer or within such other time as the offer provides.
- (2) On withdrawal of an acceptance all steps in the arbitration taken in consequence of the acceptance have such effect only as the arbitrator may direct.
- (3) On withdrawal of an acceptance the arbitrator:
 - (a) may give directions under subrule (2), and
 - (b) may give directions for restoring the parties as nearly as may be to their positions at the time of the acceptance, and
 - (c) may give directions for the further conduct of the arbitration.

47.17 Offer without prejudice (cf SCR Part 72A, rule 18)

An offer made in accordance with this Division is taken to have been made without prejudice, unless the notice of offer otherwise provides.

47.18 Disclosure of offer to arbitrator (cf SCR Part 72A, rule 19)

- (1) No statement of the fact that an offer has been made may be contained in any document delivered to the arbitrator before the time prescribed by subrule (4).
- (2) If an offer has not been accepted, no communication with respect to the offer may be made to the arbitrator before the time prescribed by subrule (4).
- (3) Subrules (1) and (2) do not apply if a notice of offer provides that the offer is not made without prejudice.
- (4) The time prescribed for the purposes of subrules (1) and (2) is the time when the arbitrator:
 - (a) has made decisions on all questions of liability and the relief to be granted in respect of the claim to which the offer relates, and
 - (b) has communicated the decisions to one or more of the parties.

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47.19 Failure to comply with accepted offer (cf SCR Part 72A, rule 20)

If a party to an accepted offer fails to comply with the terms of the offer, then, unless the court otherwise orders, the other party is entitled, as he or she may elect, to:

- (a) such judgment or order as is appropriate to give effect to the terms of the accepted offer, or
- (b) if the party in default is the claimant, an order that the arbitration be stayed, or
- (c) if the party in default is opposing the claim, an order declaring that:
 - (i) the compromise constituted by the acceptance of the offer is of no effect, and
 - (ii) the claimant is at liberty to proceed with the arbitration.

47.20 Costs where offer not accepted (cf SCR Part 72A, rule 21)

In any exercise of discretion as to costs, the arbitrator must consider whether the offeror was at all material times willing and able to carry out the offeror's part of what was proposed in the offer.

Part 48 Matters arising under Commonwealth intellectual property legislation

Division 1 Intellectual property cases generally

48.1 Application (cf SCR Part 81, rule 1)

This Part applies to intellectual property cases in the Supreme Court.

48.2 Definitions (cf SCR Part 81, rule 2)

- (1) In this Part:

Commissioner means:

- (a) in relation to proceedings under the *Designs Act 2003* of the Commonwealth, the Registrar within the meaning of that Act, or
- (b) in relation to proceedings under the *Patents Act 1990* of the Commonwealth, the Commissioner within the meaning of that Act, or

- (c) in relation to proceedings under the *Trade Marks Act 1995* of the Commonwealth, the Registrar within the meaning of that Act.

intellectual property Act means the *Circuit Layouts Act 1989* of the Commonwealth, the *Copyright Act 1968* of the Commonwealth, the *Designs Act 2003* of the Commonwealth, the *Patents Act 1990* of the Commonwealth or the *Trade Marks Act 1995* of the Commonwealth.

intellectual property case means:

- (a) any proceedings for infringement of EL rights subsisting under the *Circuit Layouts Act 1989* of the Commonwealth, or
- (b) any proceedings for infringement of copyright under the *Copyright Act 1968* of the Commonwealth, or
- (c) any proceedings for infringement of a monopoly in a design registered under the *Designs Act 2003* of the Commonwealth, or
- (d) any proceedings for infringement of a patent granted under the *Patents Act 1990* of the Commonwealth, or
- (e) any proceedings for infringement of a trade mark registered under the *Trade Marks Act 1995* of the Commonwealth, or
- (f) any other proceedings under any of those Acts, whether or not the cause of action in those proceedings is joined with any other cause of action.
- (2) These rules apply to proceedings under the *Patents Act 1990* of the Commonwealth as if a reference in that Act to an **applicant** were a reference to a **plaintiff** and as if a reference in that Act to a **respondent** were a reference to a **defendant**.

48.3 Expressions in this Part (cf SCR Part 81, rule 3)

- (1) Unless the contrary intention appears, expressions used in this Part have the same meanings, in relation to proceedings taken under an intellectual property Act, as they have in that Act.
- (2) A reference in any of the intellectual property Acts to a counter-claim (sometimes spelled counterclaim) is taken to be a reference to a statement of cross-claim or cross-summons, as the case requires.

Note. See rule 9.1 (3) as to the application of these rules to cross-claims and cross-summonses.

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48.4 Mode of commencement (cf SCR Part 81, rule 5)

The requirements of these rules for a statement of claim or summons do not apply to an application for an order under an intellectual property Act if the application is required to be and is made under that Act in a petition, counter-claim or other document.

48.5 Applications: service and date of hearing (cf SCR Part 81, rule 9)

- (1) Unless the Supreme Court otherwise orders, the summons by which an application under an intellectual property Act is made to the Court:
 - (a) must be served on the Commissioner, and
 - (b) must not be heard before 14 days after service on the parties and the Commissioner.
- (2) Unless the Supreme Court otherwise orders, where:
 - (a) rule 48.11, 48.12, 48.13 or 48.14 applies to the proceedings, and
 - (b) the proceedings are commenced by summons, the proceedings must not be heard before 14 days after the requirements as to service contained in the applicable rule have been complied with.

48.6 Mode of giving notice to Commissioner (cf SCR Part 81, rule 10)

Notice of any application to the Supreme Court under an intellectual property Act is to be given to the Commissioner by serving on the Commissioner the originating process by which proceedings on the application are commenced.

48.7 Appearance of Commissioner (cf SCR Part 81, rule 11)

- (1) In an intellectual property case, the Commissioner:
 - (a) may appear and be heard, and
 - (b) may file a statement in writing signed by the Commissioner giving particulars of:
 - (i) any proceedings before the Commissioner in relation to the matter in issue, and
 - (ii) the grounds of a decision, determination or direction given or made by the Commissioner in respect of those proceedings, and

- (iii) the practice of the Commissioner's Office in like cases,
and, as soon as practicable, serve it on all active parties.
- (2) The Supreme Court may make such use of a statement filed under subrule (1) (b) as the Court thinks just.

48.8 Commissioner: notice of objection (cf SCR Part 81, rule 12)

Unless the Supreme Court otherwise orders, if the Commissioner elects or is required by the Court to appear in proceedings before the Court, the Commissioner must give reasonable notice to all active parties:

- (a) of the grounds of any objection the Commissioner proposes to take, and
- (b) of any evidence the Commissioner proposes to place before the Court.

48.9 Statement of facts (cf SCR Part 81, rule 16)

- (1) The Supreme Court may direct each party to lodge a statement of the facts alleged to establish infringement, validity and absence of infringement and validity.
- (2) Subrule (1) does not affect any requirement of an intellectual property Act or of these rules for the giving or delivery of particulars.

Division 2 The Patents Act 1990 of the Commonwealth

48.10 Amendment of patent etc: section 105 (cf SCR Part 81, rule 17)

- (1) An application for an order under section 105 (1) of the *Patents Act 1990* of the Commonwealth may not be made until after the applicant has given the Commissioner a notice of intention to apply, accompanied by an advertisement that states:
 - (a) the identity of the proceedings in which the application will be made, and
 - (b) the particulars of the amendment sought, and
 - (c) the applicant's address for service, and
 - (d) that a person intending to oppose the application who is not a party to the proceedings must, not later than 28 days after publication of the advertisement, give written notice of that intention to the Commissioner and to the active parties.

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- (2) Unless the Supreme Court otherwise orders, the Commissioner must publish the advertisement once in the Australian Official Journal of Patents referred to in section 222 of the *Patents Act 1990* of the Commonwealth.

Note. The Australian Official Journal of Patents is published by IP Australia (an agency of the Commonwealth Government).

- (3) A person who gives notice under subrule (1) (d) is entitled to be heard in opposition to the application, subject to any direction of the Supreme Court as to costs.
- (4) The application may be instituted by filing a notice of motion in the relevant proceedings no later than 50 days after the date of publication of the advertisement.
- (5) The notice of motion, together with a copy of the patent, patent request or complete specification, as appropriate, showing in ink of contrasting colour the amendment sought, must be served on the Commissioner, each active party and each person who has given notice under subrule (1) (d).
- (6) On the hearing of the motion, the Supreme Court may give such directions as it thinks fit for the conduct of proceedings on the motion, including any one or more of the following:
- (a) a direction requiring the applicant to give, to each party or other person opposing the application, a statement of the grounds relied on for the amendment,
 - (b) a direction requiring a party or other person opposing the application to give to the applicant a statement of the grounds relied on in opposition to the amendment,
 - (c) a direction determining that the motion will be heard with the relevant proceedings or separately and, if separately, fixing the date for hearing the motion,
 - (d) a direction determining the manner in which evidence will be adduced and, in the case of evidence by affidavit, fixing the times within which the affidavits must be served.

48.11 Infringement proceedings: section 120 (1) (cf SCR Part 81, rule 18)

- (1) The originating process in proceedings under section 120 (1) of the *Patents Act 1990* of the Commonwealth must be served:
- (a) on the defendant in the proceedings, and
 - (b) if the plaintiff is an exclusive licensee, on the patentee, and
 - (c) on the Commissioner.

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- (2) If the application relates to an innovation patent, the originating process or its supporting affidavit must state the date when the innovation patent was granted under the *Patents Act 1990* of the Commonwealth.
 - (3) Particulars of infringements complained of:
 - (a) must give at least one instance of each type of infringement alleged, and
 - (b) in proceedings for infringement of a standard patent, must specify which of the claims of the complete specification of that patent are alleged to be infringed.
 - (4) A defendant relying on a defence under section 144 (4) of the *Patents Act 1990* of the Commonwealth must give particulars of:
 - (a) the date of, and the parties to, a contract on which the defendant intends to rely for the defence, and
 - (b) the provision of the contract that the defendant asserts is void.

48.12 Non-infringement declarations: section 125 (1) (cf SCR Part 81, rule 19)

The originating process in proceedings under section 125 (1) of the *Patents Act 1990* of the Commonwealth must be served:

- (a) on the nominated person, or the patentee, as the case requires, and
- (b) on the Commissioner.

48.13 Relief from unjustified threat: section 128 (1) (cf SCR Part 81, rule 20)

The originating process in proceedings under section 128 (1) of the *Patents Act 1990* of the Commonwealth must be served:

- (a) on the person making the threat, and
- (b) on the Commissioner.

48.14 Compulsory licences, revocation etc (cf SCR Part 81, rule 21)

- (1) The originating process in proceedings under section 133 (1), 134 (1) or 138 (1) of the *Patents Act 1990* of the Commonwealth must be served:
 - (a) on the patentee, and
 - (b) as a further defendant—on any person who claims an interest in the patent as exclusive licensee, and
 - (c) on the Commissioner.

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- (2) A plaintiff in proceedings to which subrule (1) applies must comply with Chapter 12 of the *Patents Regulations 1991* of the Commonwealth.
- (3) If an application under section 133 (1) or 138 (1) of the *Patents Act 1990* of the Commonwealth relates to an innovation patent, the originating process or its supporting affidavit must state the date when the innovation patent was granted under that Act.
- (4) An application for leave under section 137 (4) of the *Patents Act 1990* of the Commonwealth may be made by motion in the proceedings pending in the Supreme Court.

48.15 Particulars of invalidity (cf SCR Part 81, rule 22)

- (1) A party who disputes the validity of a patent must deliver, with the pleading or other document in which the party disputes the validity of registration, particulars of the grounds of invalidity on which the party relies.
- (2) If one of the grounds referred to in subrule (1) is that the invention is not a patentable invention because of information about the invention in a document or through the doing of an act, the particulars must specify:
 - (a) in the case of a document, the time when, and the place where, the document is alleged to have become publicly available, and
 - (b) in the case of an act:
 - (i) the name of the person alleged to have done the act, and
 - (ii) the period in which, and the place where, the act is alleged to have been done publicly, and
 - (iii) a description that is sufficient to identify the act, and
 - (iv) if the act relates to apparatus or machinery, whether the apparatus or machinery exists and, if so, where it can be inspected.
- (3) If:
 - (a) one of the grounds referred to in subrule (1) is that the invention, so far as claimed in any claim of the complete specification of the patent, is not useful, and
 - (b) it is intended, in connection with that ground, to rely on the fact that an example of the invention which is the subject of any such claim cannot be made to work, either at all or as described in the specification,

the particulars must identify each such claim and state that fact and must include particulars of each such example, specifying the respect in which it is alleged that it does not work as described.

- (4) Except by leave of the Supreme Court, evidence is not admissible in proof of a ground of invalidity of which particulars have not been given.

48.16 Experiments (cf SCR Part 81, rule 23)

- (1) The Supreme Court may give directions:
- (a) for the service on the other parties, by any party desiring to submit experimental proof, of particulars of the experiments proposed and of the facts which the party claims to be able to establish by the experiments, and
 - (b) for the conduct of, and the persons who may attend, the experiments.
- (2) In any proceedings for infringement or the revocation of a patent, the Supreme Court may direct that evidence with respect to any experiment made is not admissible unless the experiment has been made substantially in accordance with directions given under subrule (1).

Division 3 The Trade Marks Act 1995 of the Commonwealth

48.17 Particulars of infringements (cf SCR Part 81, rule 37)

Particulars of the infringements of a registered trade mark:

- (a) must specify the manner in which the trade mark is alleged to be infringed, and
- (b) must give at least one instance of each type of infringement alleged.

48.18 Counter-claim to proceedings for infringement (cf SCR Part 81, rule 38)

- (1) The defendant in any proceedings for infringement of a registered trade mark may apply by way of counter-claim for an order:
- (a) that the Register be rectified, or
 - (b) directing the Registrar to remove the trade mark from the Register.
- (2) There must be delivered with the counter-claim particulars of the grounds on which the order is sought.

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48.19 Judgment in absence of defendant (cf SCR Part 81, rule 38B)

- (1) Unless the Supreme Court otherwise orders, a judgment based on infringement of a trade mark may not be given or entered against a defendant in his or her absence unless the plaintiff files an affidavit that the proceedings are not in contravention of section 128 of the *Trade Marks Act 1995* of the Commonwealth.
- (2) Unless the Supreme Court otherwise orders, a judgment based on section 129 of the *Trade Marks Act 1995* of the Commonwealth may not be given or entered against a defendant in his or her absence unless the plaintiff files an affidavit that the proceedings are not in contravention of section 129 (5) of that Act.

48.20 Evidences for purposes of regulation 8.2 of the Trade Marks Regulations 1995 (cf SCR Part 81, rule 38C)

Unless the Supreme Court otherwise orders, the evidence in support of an application to which regulation 8.2 of the *Trade Marks Regulations 1995* of the Commonwealth (which relates to certain applications for rectification of the Register) applies must include evidence sufficient to enable the Court to comply with the regulation.

Division 4 The Designs Act 2003 of the Commonwealth

48.21 Particulars of infringements (cf SCR Part 81, rule 39)

Particulars of infringements of the monopoly in a registered design:

- (a) must specify the manner in which the design is alleged to be infringed, and
- (b) must give at least one instance of each type of infringement alleged.

48.22 Particulars of invalidity (cf SCR Part 81, rule 40)

- (1) A person who:
 - (a) applies under section 93 of the *Designs Act 2003* of the Commonwealth for the revocation of the registration of a design, or
 - (b) applies under section 120 of that Act for the rectification of the Register, or

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- (c) disputes, in any proceedings, the validity of a registered design,
must, in the pleading or other document that disputes the validity of the registered design, give particulars of the grounds of invalidity on which the person relies.
- (2) If one of those grounds is previous publication or user, the particulars must state the time and place of the previous publication or user alleged, and, in the case of previous user, the particulars:
- (a) must specify the name of the person who is alleged to have made the previous user, and
 - (b) must specify the period during which the previous user is alleged to have continued, and
 - (c) must contain a description sufficient to identify the previous user.
- (3) Except by leave of the Supreme Court, evidence is not admissible in proof of a ground of invalidity of which particulars have not been given.
- (4) The Supreme Court may extend the time for delivering particulars under this rule and may allow particulars so delivered to be amended.

48.23 Application for compulsory licence: section 90 (cf Federal Court Rules, Order 58, rule 23)

An application for the grant of a compulsory licence under section 90 of the *Designs Act 2003* of the Commonwealth must state the facts intended to be relied on to show that:

- (a) products embodying the design have not been made in Australia, to the extent that is reasonable in the circumstances of the case, and
- (b) the registered owner of the design has given no satisfactory reason for failing to exercise the exclusive rights in the design, and
- (c) the applicant has tried for a reasonable period, but without success, to obtain from the registered owner of the design an authorisation to do, on reasonable terms and conditions, any of the things mentioned in section 10 (1) (a)–(e) of that Act in relation to the design.

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Division 5 The Circuit Layouts Act 1989 of the Commonwealth

48.24 Applications concerning infringement of EL rights

In proceedings for infringement of EL rights (within the meaning of the *Circuit Layouts Act 1989* of the Commonwealth), particulars of the infringement must specify the manner in which it is alleged that the EL rights have been infringed and must give at least one instance of each type of infringement alleged.

[13] Part 49, Division 3 (as renumbered by item [11])

Omit “or judicial registrar” from the heading to the Division.

[14] Rule 49.8 (as renumbered by item [11])

Omit “, or an application under section 18FB (2) of the *District Court Act 1973* for the varying or setting aside of a judgment or order of the judicial registrar of the District Court (also referred to in this Division as an *appeal*),” from rule 49.8 (1).

[15] Rule 49.8 (3) (as renumbered by item [11])

Omit “or judicial registrar”.

[16] Rule 49.8 (4) (as renumbered by item [11])

Omit “or District Court”.

[17] Rule 49.10 (as renumbered by item [11])

Omit rule 49.10 (1). Insert instead:

(1) An appeal under this Division:

- (a) does not operate as a stay of execution or stay of proceedings under the decision of the associate Judge of the Supreme Court, and
- (b) does not invalidate any intermediate act or proceedings, except so far as the Supreme Court (or, subject to any direction of the Supreme Court, the associate Judge) may direct.

[18] Rule 49.13 (as renumbered by item [11])

Omit “or judicial registrar”.

[19] Rule 50.4 (as renumbered by item [11])

Insert “Part 14, rule 3,” after “SCR” in the matter appearing after the heading to the rule.

[20] Rule 50.4 (as renumbered by item [11])

Insert at the end of the rule:

- (2) This rule does not apply to proceedings that are entered in the Commercial List in the Supreme Court.

[21] Rule 50.9 (as renumbered by item [11])

Insert “Part 14, rule 3,” after “SCR” in the matter appearing after the heading to the rule.

[22] Rule 50.9 (as renumbered by item [11])

Insert at the end of the rule:

- (2) This rule does not apply to proceedings that are entered in the Commercial List in the Supreme Court.

[23] Rule 50.10 (as renumbered by item [11])

Insert “Part 14, rule 3,” after “SCR” in the matter appearing after the heading to the rule.

[24] Rule 50.10 (as renumbered by item [11])

Insert after rule 50.10 (4):

- (5) This rule does not apply to proceedings that are entered in the Commercial List in the Supreme Court.

[25] Rule 50.11 (as renumbered by item [11])

Insert “Part 14, rule 3,” after “SCR” in the matter appearing after the heading to the rule.

[26] Rule 50.11 (as renumbered by item [11])

Insert after rule 50.10 (3):

- (4) This rule does not apply to proceedings that are entered in the Commercial List in the Supreme Court.

[27] Schedule 1 Application of rules

Omit “Parts 31, 32 and 33” from Column 4 of the matter relating to a Local Court.

Insert instead “Parts 31 and 32”.

[28] Schedule 2 Local rules that prevail over these rules

Omit the matter relating to Parts 14, 14A, 81 and 83 from the matter relating to the *Supreme Court Rules 1970*.

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[29] Schedules 8 and 9

Insert after Schedule 7:

Schedule 8 Assignment of business in the Supreme Court

(Rules 1.16 and 45.8)

Part 1 Legislation of New South Wales

Column 1	Column 2	Column 3	Column 4
Act or instrument	Provisions	Division	List
<i>Administrative Decisions Tribunal Act 1997</i>	Section 118 or 119	Common Law	Administrative Law
<i>Adoption Act 2000</i>		Equity	
<i>Agricultural Tenancies Act 1990</i>		Common Law	
<i>Apiaries Act 1985</i>	Section 45	Equity	
<i>Associations Incorporation Act 1984</i>	Section 40, 54, 55B or 58	Equity	
<i>Australian Mutual Provident Society (Demutualisation and Reconstruction) Act 1997</i>		Equity	
<i>Bishopsgate Insurance Australia Limited Act 1983</i>	Section 7	Equity	
<i>Building and Construction Industry Long Service Payments Act 1986</i>		Common Law	Administrative Law
<i>Business Names Act 2002</i>		Common Law	Administrative Law
<i>Casino Control Act 1992</i>	Section 33, 34 or 155	Common Law	Administrative Law
<i>Charitable Fundraising Act 1991</i>		Equity	

Column 1	Column 2	Column 3	Column 4
Act or instrument	Provisions	Division	List
<i>Children and Young Persons (Care and Protection) Act 1998</i>		Equity	
<i>Children (Care and Protection) Act 1987</i>		Equity	
<i>Children (Criminal Proceedings) Act 1987</i>		Common Law	
<i>Commercial Arbitration Act 1984</i> , except in relation to arbitration proceedings that are appropriate for assignment to the Technology and Construction List		Equity	Commercial
<i>Commercial Arbitration Act 1984</i> , in relation to arbitration proceedings that are appropriate for assignment to the Technology and Construction List		Equity	Technology and Construction
<i>Community Land Development Act 1989</i>		Equity	
<i>Community Land Management Act 1989</i>		Equity	
<i>Community Services (Complaints, Reviews and Monitoring) Act 1993</i>		Equity	
<i>Community Welfare Act 1987</i>		Common Law	
<i>Companies Act 1961</i>	Section 9 or 166B	Common Law	Administrative Law
<i>Companies (Acquisition of Shares) (New South Wales) Code</i>		Equity	
<i>Companies (Application of Laws) Act 1981</i>		Equity	

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Schedule 1 Amendments

Column 1	Column 2	Column 3	Column 4
Act or instrument	Provisions	Division	List
<i>Companies (New South Wales) Code</i>		Equity	
<i>Competition Policy Reform (New South Wales) Act 1995</i>		Common Law or Equity (as appropriate in the circumstances)	
<i>Confiscation of Proceeds of Crime Act 1989</i>		Common Law	
<i>Consumer, Trader and Tenancy Tribunal Act 2001</i>	Section 65, 66 and 67	Common Law	Administrative Law
<i>Conveyancers Licensing Act 2003</i>	All provisions except in relation to proceedings assigned to the Court of Appeal	Common Law	
<i>Co-operative Housing and Starr-Bowkett Societies Act 1998</i>		Equity	
<i>Co-operatives Act 1992</i>		Equity	
<i>Corporations (New South Wales) Act 1990</i>	any "national scheme law" as defined in section 60	Equity	
<i>Crimes Act 1900</i>	Section 172 or 474E	Common Law	
<i>Crimes (Forensic Procedures) Act 2000</i>	Section 74	Common Law	
<i>Criminal Assets Recovery Act 1990</i>		Common Law	
<i>Criminal Procedure Act 1986</i>	Section 30 or Part 5 of Chapter 4	Common Law	
<i>Dividing Fences Act 1991</i>	Section 19 (2) or (3)	Common Law	Administrative Law
<i>Driving Instructors Act 1992</i>	Section 39 (1)	Common Law	Administrative Law
<i>Drug Misuse and Trafficking Act 1985</i>	Section 39R	Common Law	

Column 1	Column 2	Column 3	Column 4
Act or instrument	Provisions	Division	List
<i>Electricity Supply Act 1995</i>		Common Law	
<i>Exotic Diseases of Animals Act 1991</i>		Common Law	
<i>Fair Trading Act 1987</i>	All provisions except in relation to proceedings specified in the Third Schedule to the <i>Supreme Court Act 1970</i> or assigned by Part 75 of the <i>Supreme Court Rules 1970</i>	Common Law or Equity (as appropriate in the circumstances)	
<i>Family Provision Act 1982</i>		Equity	
<i>Felons (Civil Proceedings) Act 1981</i>		Common Law or Equity (whichever the other proceedings to which the proceedings relate have been assigned)	
<i>Fines Act 1996</i>	Section 75 (9)	Common Law	Administrative Law
<i>Forfeiture Act 1995</i>		Equity	
<i>Freedom of Information Act 1989</i>	Section 58A (1)	Common Law	Administrative Law
<i>Funeral Funds Act 1979</i>	Section 74	Equity	
	Part 6	Common Law	Administrative Law
<i>Futures Industry (New South Wales) Code</i>		Equity	
<i>Gas Industry Restructuring Act 1986</i>		Equity	
<i>Gas Supply Act 1996</i>	Section 17	Common Law	
<i>Guardianship Act 1987</i>		Equity	

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Schedule 1 Amendments

Column 1	Column 2	Column 3	Column 4
Act or instrument	Provisions	Division	List
<i>Independent Commission Against Corruption Act 1988</i>		Common Law	Administrative Law
<i>Landlord and Tenant Act 1899</i>		Common Law	
<i>Law Enforcement (Powers and Responsibilities) Act 2002</i>	Division 2 of Part 17	Common Law	
<i>Liquor Act 1982</i>		Common Law	
<i>Listening Devices Act 1984</i>		Common Law	
<i>Loan Fund Companies Act 1976</i>	Section 64	Common Law	Administrative Law
<i>Local Government Act 1993</i>	Section 330 or 485	Common Law	Administrative Law
<i>Married Persons (Equality of Status) Act 1996</i>	Section 13	Equity	
<i>Mental Health Act 1990</i>	Section 174, 281 or 285	Equity	
<i>Mental Health (Criminal Procedure) Act 1990</i>		Common Law	
<i>Mining Act 1992</i>	Section 319	Common Law	
<i>Minors (Property and Contracts) Act 1970</i>		Equity	
<i>Motor Accidents Act 1988</i>		Common Law	
<i>Motor Accidents Compensation Act 1999</i>		Common Law	
<i>Motor Dealers Act 1974</i>	Section 38 (2), 38 (3B) (a) or Part 5A	Common Law	Administrative Law
	Other than proceedings under section 38 (2), 38 (3B) (a) or Part 5A	Common Law	

Column 1	Column 2	Column 3	Column 4
Act or instrument	Provisions	Division	List
<i>Murray–Darling Basin Act 1992</i>	Section 27	Common Law	Administrative Law
<i>Mutual Recognition (New South Wales) 1992</i>		Common Law	
<i>National Companies and Securities Commission (State Provisions) Act 1981</i>		Equity	
<i>National Electricity (NSW) Law</i>	Section 46 or 48	Common Law	Administrative Law
<i>National Trust of Australia (New South Wales) Act 1990</i>		Equity	
<i>Native Title (New South Wales) Act 1994</i>		Common Law	Administrative Law
<i>New South Wales Crime Commission Act 1985</i>		Common Law	
<i>Nurses and Midwives Act 1991</i>	Section 67	Common Law	
<i>Offshore Minerals Act 1999</i>	Section 49 (2), 136 (2), 196 (2), 351, 354 (1) or 355 (1)	Equity	
<i>Ombudsman Act 1974</i>	Section 21A, 35A or 35B	Common Law	Administrative Law
<i>Parliamentary Electorates and Elections Act 1912</i>		Common Law	
<i>Petroleum (Submerged Lands) Act 1982</i>	Section 8 or 73	Common Law	Administrative Law
<i>Pipelines Act 1967</i>	Section 33 or 52	Common Law	Administrative Law
<i>Police Integrity Commission Act 1996</i>		Common Law	Administrative Law
<i>Powers of Attorney Act 2003</i>		Equity	

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Schedule 1 Amendments

Column 1	Column 2	Column 3	Column 4
Act or instrument	Provisions	Division	List
<i>Price Exploitation Code (New South Wales) Act 1999</i>		Common Law or Equity (as appropriate in the circumstances)	
<i>Prisoners (Interstate Transfer) Act 1982</i>	Section 16	Common Law	
<i>Professional Standards Act 1994</i>	Section 15	Common Law	
<i>Property (Relationships) Act 1984</i>		Equity	
<i>Protected Estates Act 1983</i>		Equity	
<i>Protection of the Environment Operations Act 1997</i>		Common Law	
<i>Public Notaries Act 1997</i>	Section 6 or 10	Common Law	
<i>Real Property Act 1900</i>		Equity	
<i>Registered Clubs Act 1976</i>	Section 42 (1)	Common Law	
<i>Residential Tenancies Act 1987</i>		Common Law	
<i>Restraints of Trade Act 1976</i>		Equity	
<i>Restricted Premises Act 1943</i>		Common Law	
<i>Retail Leases Act 1994</i>	Section 62B (1) or (2), 76A, 77 (2) or (4)	Equity	
<i>Retirement Villages Act 1999</i>	All sections other than section 183 (1)	Equity	
<i>Royal Commission (Police Service) Act 1994</i>	Section 11B	Common Law	Administrative Law
<i>Royal Commissions Act 1923</i>	Section 18B	Common Law	Administrative Law

Column 1	Column 2	Column 3	Column 4
Act or instrument	Provisions	Division	List
<i>Rural Assistance Act 1989</i>	Section 54	Common Law	Administrative Law
<i>Securities Industry Act 1975</i>		Equity	
<i>Securities Industry (Application of Laws) Act 1981</i>		Equity	
<i>Securities Industry (New South Wales) Code</i>		Equity	
<i>State Owned Corporations Act 1989</i>	Clause 9 of Schedule 10	Equity	
<i>State Records Act 1998</i>	Section 42, 45 or 72	Equity	
<i>Status of Children Act 1996</i>		Equity	
<i>Strata Schemes (Freehold Development) Act 1973</i>		Equity	
<i>Strata Schemes (Leasehold Development) Act 1986</i>		Equity	
<i>Strata Schemes Management Act 1996</i>	Section 200	Equity	
<i>Summary Offences Act 1988</i>	Section 25 or 26	Common Law	Administrative Law
<i>Supreme Court Act 1970</i>	Section 70	Common Law	
<i>Surveying Act 2002</i>		Common Law	Administrative Law
<i>Taxation Administration Act 1996</i>	Part 10	Equity	
<i>Testator's Family Maintenance and Guardianship of Infants Act 1916</i>		Equity	
<i>Totalizator Act 1997</i>	Section 39 or 46	Common Law	Administrative Law

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Schedule 1 Amendments

Column 1	Column 2	Column 3	Column 4
Act or instrument	Provisions	Division	List
<i>Totalizator Agency Board Privatisation Act 1997</i>	Section 44	Common Law	Administrative Law
<i>Travel Agents Act 1986</i>	Section 39	Common Law	
<i>Trustee Companies Act 1964</i>		Equity	
<i>Uncollected Goods Act 1995</i>	Section 18	Equity	
<i>Victims Support and Rehabilitation Act 1996</i>		Common Law	
<i>Warnervale Airport (Restrictions) Act 1996</i>	Section 13	Equity	
<i>Witness Protection Act 1995</i>	Section 17, 19 or 34 (2)	Common Law	
<i>Workers Compensation Act 1987</i>		Common Law	

Part 2 Legislation of the Commonwealth

Column 1	Column 2	Column 3	Column 4
Act or instrument	Provisions	Division	List
<i>Admiralty Act 1988</i>		Equity	Admiralty
<i>Australian Securities and Investments Commission Act 2001</i>		Equity	
<i>Circuit Layouts Act 1989</i>		Equity	
<i>Commonwealth Electoral Act 1918</i>	Section 383	Common Law	
<i>Copyright Act 1968</i>		Equity	
<i>Corporations Act 2001</i>		Equity	
<i>Crimes (Superannuation Benefits) Act 1989</i>		Common Law	

Column 1	Column 2	Column 3	Column 4
Act or instrument	Provisions	Division	List
<i>Customs Act 1901</i>	Section 205F (1), 206 (6), 207 (2), 221 or 245 (1)	Common Law	
<i>Designs Act 2003</i>		Equity	
<i>Futures Industry Act 1986</i>		Equity	
<i>International War Crimes Tribunals Act 1995</i>		Common Law	
<i>Judiciary Act 1903</i>	Section 39B (1B) (b) or 39B (1C) (d)	Common Law	Administrative Law
<i>Marriage Act 1961</i>		Equity	
<i>Mutual Assistance in Criminal Matters Act 1987</i>		Common Law	
<i>Navigation Act 1912</i>		Equity	Admiralty
<i>Offshore Minerals Act 1994</i>	Section 49 (2), 136 (2), 196 (2), 351, 354 (1) or 355 (1)	Equity	
<i>Patents Act 1990</i>		Equity	
<i>Proceeds of Crime Act 1987</i>		Common Law	
<i>Racial Discrimination Act 1975</i>		Common Law	Administrative Law
<i>Retirement Savings Accounts Act 1997</i>	Section 43, 74, 119, 158 (4), 160, 161 (1), (2), (8) or (10), 162, 163, 166 or 176	Equity	
<i>Service and Execution of Process Act 1992</i>	Section 57 (1), 67 (1), 76 (1), 79 (1), 93 (1), 101 or 105 Section 72 (1) or 86 (except in relation to proceedings before the Court)	Common Law	
<i>Shipping Registration Act 1981</i>		Equity	Admiralty

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Column 1	Column 2	Column 3	Column 4
Act or instrument	Provisions	Division	List
<i>Telecommunications (Interception and Access) Act 1979</i>	Section 107A (3) or (4)	Common Law	
<i>Trade Marks Act 1995</i>		Equity	
<i>Trade Practices Act 1974</i>	Division 1 or 1A of Part V	Common Law or Equity (as appropriate in the circumstances)	

Schedule 9 Assignment of business in the District Court

(Rule 45.14)

Part 1 Legislation of New South Wales

Column 1	Column 2	Column 3
Act or instrument	Provisions	List
<i>Police Act 1990</i>	Section 216A	Special Statutory Compensation List
<i>Police Regulation (Superannuation) Act 1906</i>	Section 21	Special Statutory Compensation List
<i>Sporting Injuries Insurance Act 1978</i>	Section 29	Special Statutory Compensation List
<i>Workers Compensation Act 1987</i>		Coal Miners' Workers Compensation List
<i>Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987</i>	Section 16 or 30	Special Statutory Compensation List
<i>Workers' Compensation (Dust Diseases) Act 1942</i>	Section 8I	Special Statutory Compensation List
<i>Workplace Injury Management and Workers Compensation Act 1998</i>		Coal Miners' Workers Compensation List

Part 2 Legislation of the Commonwealth

Column 1	Column 2	Column 3
Act or instrument	Provisions	List
