



New South Wales

Supreme Court Rules (Amendment No 419) 2012

under the

Supreme Court Act 1970

The Supreme Court Rule Committee has made the following rules of court under the *Supreme Court Act 1970*.

Steven Jupp
Secretary of the Rule Committee

Explanatory note

The *Trans-Tasman Proceedings Act 2010* of the Commonwealth (the *new Commonwealth Act*) makes provision for matters such as the service of Australian initiating documents in New Zealand, the granting of interim relief by Australian courts in support of civil proceedings in New Zealand courts, the issue and service of New Zealand and Australian subpoenas, remote appearances in Australian and New Zealand courts and tribunals and the recognition and enforcement of New Zealand judgments in Australia. Some of the provisions of the new Commonwealth Act relating to the issue and service of subpoenas and remote appearances extend to criminal proceedings as well as civil proceedings.

The new Commonwealth Act will replace the *Evidence and Procedure (New Zealand) Act 1994* of the Commonwealth when its substantive provisions commence. The substantive provisions of the new Commonwealth Act are due to commence in 2012.

On the commencement of the new Commonwealth Act, the *Uniform Civil Procedure Rules (Amendment No 51) 2011* will amend the *Uniform Civil Procedure Rules 2005* to insert provisions relating to the practice and procedure to be followed in civil proceedings in NSW courts with respect to matters arising under the new Commonwealth Act.

The object of these Rules is to amend the *Supreme Court Rules 1970* to apply certain provisions to be inserted in the *Uniform Civil Procedure Rules 2005* relating to the issue and service of subpoenas and remote appearances in relation to criminal proceedings in the Supreme Court.

2012 No 172

Rule 1 Supreme Court Rules (Amendment No 419) 2012

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1 Name of Rules

These Rules are the *Supreme Court Rules (Amendment No 419) 2012*.

2 Commencement

These Rules commence on:

- (a) the day on which section 3 of the *Trans-Tasman Proceedings Act 2010* of the Commonwealth commences, or
- (b) if these Rules are published on the NSW legislation website after that day, the day on which these Rules are published on the website.

3 Amendment of Supreme Court Rules 1970

Part 75 Criminal proceedings

Insert after rule 3 (1) (f):

- (f1) Division 3 of Part 32 and rule 32.13,