

SUPPLEMENTARY GAZETTE



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ADELAIDE, THURSDAY, 1 DECEMBER 2011

RULES OF COURT

District Court Civil Rules 2006 (Amendment No. 18)

BY virtue and in pursuance of Section 51 of the District Court Act 1991 and all other enabling powers, we, Terence Anthony Worthington, Chief Judge, and Dean Ernest Clayton and Kevin George Nicholson, Judges of the District Court of South Australia, make the following Rules of Court.

1. These Rules may be cited as the District Court Civil Rules 2006 (Amendment No. 18).
2. The District Court Civil Rules 2006 are amended as set out below.
3. This amendment will commence on 1 December 2011, or upon its gazettal, whichever is the later.
4. Rule 58 is amended by inserting in subrule (4)(b)(ii) after the words “Service and Execution of Process Act 1992 (Cth)” the words “or the Trans-Tasman Proceedings Act 2010 (Cth)”;
5. Rule 59(3) is amended by:
 - (1) inserting immediately after “Service and Execution of Process Act 1992 (Cth)” in subrule (3) the words “and 30 working days if service was effected on the defendant under the Trans-Tasman Proceedings Act 2010 (Cth)”;
 - (2) inserting immediately after subrule (3) the following note:

“Note: ‘Working day’ is defined in s 4 of the Trans-Tasman Proceedings Act 2010 (Cth) to mean a day on which documents may be filed in the registry of the court or tribunal for the proceeding.”
6. Rule 287 is amended by deleting subrule (4) and inserting in its place the following:

“(4) An appellant discontinuing an appeal is, subject to any contrary order of the Court, liable to the other parties to the appeal for the costs arising from the appeal.”
7. Rule 315 is deleted and a new rule 315 inserted as follows:

“315—*Trans-Tasman Proceedings Act 2010 (Commonwealth)*

 - (1) In this rule “Act” means the Trans-Tasman Proceedings Act 2010 (Cth);
 - (2) An application under sections 12(2), 13(1)(b), 15(1), 17(1), 35, 48, 67, 72 and 76 must be made by an interlocutory application under rule 131 using the approved form for such an application.
 - (3) Except in proceedings to which rule 2.9 of the Corporations Rules (South Australia) applies, an appearance filed under s 13 of the Act must comply with the requirements of rule 58 and be in the approved form for notices of address for service.

Note- there are no subrules (4) (5) or (6)

Dated 15 November 2011.

T. A. WORTHINGTON, CJ

D. E. CLAYTON, J

K. G. NICHOLSON, J