

SUPREME COURT OF TASMANIA

CIRCULAR TO PRACTITIONERS

No. 3 of 2009

25 June 2009

**SUPREME COURT AMENDMENT (SUBPOENA) RULES 2009 and
SUPREME COURT AMENDMENT (HAGUE SERVICE CONVENTION)
RULES 2009
SUPREME AMENDMENT (FORMS) RULES 2009**

Supreme Court Amendment (Subpoena) Rules 2009

Supreme Court Amendment (Forms) Rules 2009

These amendment rules commence on 24 June 2009. The amendments (to rules 496A and 499) allow solicitors acting on behalf of the issuing party to rearrange the attendance of the person subpoenaed for the convenience of the court and the person. The amendments reflect national recommendations for the harmonisation of court rules.

Supreme Court Amendment (Hague Service Convention) Rules 2009

Supreme Court Amendment (Forms) Rules 2009

These amendment rules commence on the day on which the *Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*, 1965 (the Hague Service Convention), enters into force in Australia. It is anticipated that this will occur in September 2009.

Australia's proposed accession to the Hague Service Convention necessitates the adoption of certain processes for the service of out-going process to a Hague Service Convention country, and the service of in-coming process from a Hague Convention Country. A list of signatories to the Hague Service Convention can be found at http://hcch.e-vision.nl/index_en.php?act=conventions.listing.

The new processes will appear at part 38A of the *Supreme Court Rules 2000* and at form 83A and 83B of the *Supreme Court (Forms) Rules 2000* and replicate model rules created by a national court rules harmonisation committee.

Existing rules relating to service of foreign process are retained as there are countries with whom Australia has a convention relating to service of foreign process, other than the Hague Service Convention, who are not signatories to the Hague Service Convention.

Elizabeth Knight
REGISTRAR