

SUPREME COURT OF TASMANIA
CIRCULAR TO PRACTITIONERS

No. 1 of 2017

25 January 2017

SUPREME COURT AMENDMENT RULES 2016

Practitioners are advised that amendments to the *Supreme Court Rules 2000* commenced on 11 January 2017 that provide –

1. new provisions relating to the making and acceptance of offers of compromise, with particular regard to the issue of costs;
2. that the Public Guardian rather than the DPP is the litigation guardian of last resort;
3. that the Supreme Court's vacation period is excluded from the reckoning of time only for limited purposes under the rules, not generally.

OFFERS OF COMPROMISE

Practitioners are further advised that the new rules relating to the form of offers of compromise –

- a) require that a valid offer of compromise include -
 - I. an express offer in settlement of a claim clear of costs; and
 - II. an offer in relation to costs as provided in rule 281(c);
- b) provide that a party may accept an offer of compromise in settlement of the claim but not the terms of the offer relating to costs;
- c) where an offer as to costs is not accepted the rules allow a party to apply to the Court of judge in respect of costs and for costs to be taxed.

Only offers that separately address both the cause of action and the cost of the proceedings constitute a valid offer of compromise.

J A Connolly
REGISTRAR