

SUPREME COURT OF TASMANIA

CIRCULAR TO PRACTITIONERS

No. 5 of 2010

28 June 2010

Supreme Court Amendment Rules 2010 Supreme Court Forms Amendment Rules 2010

These amendment rules will be gazetted on 30 June and relate to a number of items, most notably:

- the liability of a litigation guardian for costs;
- the inspection of discovered documents;
- subpoenas; and,
- pre-judgment and post-judgment interest rates.

Rule 62A Liability of a litigation guardian for costs:

This rule alters the situation regarding the costs liability of a litigation guardian so that a litigation guardian is not, unless otherwise ordered, personally liable for any costs order against the party for whom the litigation guardian acts.

This amendment takes effect on 30 June 2010.

Rule 390 Inspection of documents referred to in a list:

This rule has been amended so that a party to litigation can require a party making discovery to provide copies of requested documents where the requesting party undertakes to pay the reasonable costs copying the documents.

This amendment takes effect on 30 June 2010.

Rule 499 Compliance with subpoena

Rule 500C Disposal of Documents and things produced

Form 37 Subpoena:

These rules and forms have been amended to reflect alterations made to equivalent rules of the Federal Court. The amendments provide for the destruction of copy documents produced in response to a subpoena.

This amendment takes effect on 30 June 2010.

Rule 5A Prescribed rates of interest for administration proceedings, pre-judgment interest and post-judgment interest:

Previously the prescribed rate in Tasmania had not distinguished between pre-judgment and post-judgment interest and the interest has been calculated over a calendar year. The amendment provides that the rate of pre-judgment interest will be the cash rate plus 4% and the rate of post-judgment interest will be the cash rate plus 6%, with the cash rate being adjusted on a six monthly basis rather than annually. The rate of interest for administration proceedings will be the cash rate and will be adjusted annually. The amendments reflect national recommendations for the harmonisation of court rules.

This amendment takes effect on 1 July 2010.

Terminology changes

Forms 32, 33, 35, 41, 42, 60, 61, 62 have been amended to reflect the use of the term “Associate Judge” in place of “Master” and also to amend “the Honourable Mr. Justice” to “the Honourable Justice”. The amended forms will be available from the Court’s website from 30 June 2010.

These changes take effect on 30 June 2010.

E A Knight
REGISTRAR