

TABLING NOTE FOR SUBORDINATE LEGISLATION
SUBORDINATE LEGISLATION NO. 24 OF 2017
LOCAL COURT (CIVIL JURISDICTION) AMENDMENT RULES 2017

Purpose

The *Local Court (Civil Jurisdiction) Amendment Rules 2017* amend the *Local Court (Civil Jurisdiction) Rules* concerning the forms and processes for the filing of appearances in the Local Court, particularly where parties may be represented by a 'law practice' as defined in the *Legal Profession Act*.

Summary of key provisions

- Rule 1.09 is amended to include a definition for 'law practice' (by reference to the definition in the *Legal Profession Act*) and the following rules are amended to replace references to 'legal practitioner' with 'law practice' to reflect the new definition: rules 3.05(2)(f), 6.07(1)(d) and (e), 7.02(2)(d), 7.02(3), 7.08(2)(d), 7.08(2), 7.11(2)(c), 7.11(2)(c), 7.11(3), 7.13(1)(b), 7.13(2), 8.02(1)(d), 8.02(2), and 22.12(1)(a) and (b).
- Rule 6.06 is repealed and replaced with a new Rule 6.06 which requires that an address for service must be within 50km of the appropriate Registry. An email address may also be included in the address for service and rule 6.07(1)(e) is also amended with reference to an email.
- Rules 7.01(1), 7.05, 7.07(1), 7.09(a) and 8.01 are amended to clarify that the plaintiff must also file and serve the documents specified in rule 16.02 together with their statement of claim, originating application or notice of defence.
- Rule 7.06(1) and (2) are amended to limit the time in which a statement of claim remains valid for service from 12 months to 6 months.
- Rule 16.01(1) is amended to specify that parties must give discovery of documents at the time of filing their statement of claim, originating application or notice of defence.
- Rule 32.01(2) is amended to limit the time in which a Registrar must fix a date for a conciliation conference from 35 days to 21 days.
- Rule 38.04 is repealed and replaced with a new Rule 38.04 to specify that the costs for work done are to be in accordance with the relevant costs set out in the Appendix.
- Rule 38.05 is amended to omit a reference to Rule 38.04 which is not required.
- Rule 38.08 is repealed.

Legislative Authority

Section 48 of the *Local Court Act*.

NORTHERN TERRITORY OF AUSTRALIA
LOCAL COURT (CIVIL JURISDICTION) AMENDMENT RULES 2017

Subordinate Legislation No. 24 of 2017

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 24 of 2017

Local Court (Civil Jurisdiction) Amendment Rules 2017

I, John Allan Lowndes, Chief Judge, and the Judges specified below, under section 48(1) of the *Local Court Act*, make the following rules.

Dated 29 May 2017

J. A. LOWNDES
Chief Judge

J. M. R. NEILL
Judge

T. P. FONG LIM
Judge

A. WOODCOCK
Judge

J. W. A. BIRCH
Judge

1 Citation

These Rules may be cited as the *Local Court (Civil Jurisdiction) Amendment Rules 2017*.

2 Rules amended

These Rules amend the *Local Court (Civil Jurisdiction) Rules*.

3 Rule 1.09 amended

Rule 1.09

insert (in alphabetical order)

law practice, see section 4 of the *Legal Profession Act*.

4 Rule 3.05 amended

(1) Rule 3.05(2)(f)

omit

legal practitioner who

insert

law practice that

(2) Rule 3.05(2)(f)

omit

a legal practitioner

insert

a law practice

5 Rule 6.06 replaced

Rule 6.06

repeal, insert

6.06 Address for service

(1) The address for service of a plaintiff is:

(a) if the plaintiff sues in person – an address within 50 kilometres of the registry at which the originating process is filed, as stated in the originating process; or

-
- (b) if the plaintiff sues by a law practice – the business address in Australia of the law practice.
- (2) The address for service of a defendant is:
- (a) if the defendant defends in person – an address within 50 kilometres of the registry at which the notice of defence or notice of admission is filed, as stated in the notice of defence or notice of admission; or
- (b) if the defendant defends by a law practice – the business address in Australia of the law practice.
- (3) If the business address of the law practice mentioned in subrule (1)(b) or (2)(b) is more than 50 kilometres from the appropriate registry, the law practice must instead provide the address of a law practice within 50 kilometres of the registry.
- (4) A party, a party's law practice, or an agent of a law practice, may include in the address for service a number for facsimile transmission, or an email address, by which service of documents may be effected.

6 Rule 6.07 amended

- (1) Rule 6.07(1)(d) and (e)
- omit*
- legal practitioner
- insert*
- law practice
- (2) Rule 6.07(1)(e), after "transmission"
- insert*
- or email

7 Rule 7.01 amended

Rule 7.01(1), after "claim"

insert

, together with a list of documents as specified in rule 16.02,

8 Rule 7.02 amended

(1) Rule 7.02(2)(d)

omit, insert

(d) if the plaintiff sues by a law practice:

(i) state the name, the business address in Australia and the telephone, facsimile and reference numbers of the law practice; and

(ii) if the law practice is the agent of another law practice (the ***principal law practice***) – state the name, business address, telephone, facsimile and reference numbers of the principal law practice; and

(2) Rule 7.02(2)(a) to (c) and (e)(i) to (iii), at the end

insert

and

(3) Rule 7.02(3)

omit, insert

(3) A statement of claim may, in addition to stating a business address for a law practice, also state the postal address of the law practice.

9 Rule 7.05 amended

Rule 7.05, after "8A"

insert

, and a copy of the list of documents as specified in rule 16.02,

10 Rule 7.06 amended

Rule 7.06(1) and (2)

omit

12

insert

6

11 Rule 7.07 amended

Rule 7.07(1)

omit

Division.

insert

Division, together with a list of documents as specified in rule 16.02.

12 Rule 7.08 amended

(1) Rule 7.08(1)(d)

omit, insert

(d) if the applicant is represented by a law practice:

(i) state the name, the business address in Australia and the telephone, facsimile and reference numbers of the law practice; and

(ii) if the law practice is the agent of another law practice (the ***principal law practice***) – state the name, business address, telephone, facsimile and reference numbers of the principal law practice; and

(2) Rule 7.08(2)

omit, insert

(2) An originating application between parties may, in addition to stating a business address for a law practice, also state the postal address of the law practice.

13 Rule 7.09 amended

(1) Rule 7.09(a), at the end

insert

and

(2) After Rule 7.09(a)

insert

(ab) a copy of a list of documents as specified in rule 16.02; and

14 Rule 7.11 amended

(1) Rule 7.11(2)(c)

omit, insert

(c) if the respondent is represented by a law practice:

(i) state the name, the business address in Australia and the telephone, facsimile and reference numbers of the law practice; and

(ii) if the law practice is the agent of another law practice (the ***principal law practice***) – state the name, business address, telephone, facsimile and reference numbers of the principal law practice; and

(2) Rule 7.11(2)(a) and (b), at the end

insert

and

(3) Rule 7.11(3)

omit, insert

(3) A notice of intention to appear may, in addition to stating a business address for a law practice, also state the postal address of the law practice.

15 Rule 7.13 amended

(1) Rule 7.13(1)(b)

omit, insert

(b) if the applicant is represented by a law practice:

(i) state the name, the business address in Australia and the telephone, facsimile and reference numbers of the law practice; and

(ii) if the law practice is the agent of another law practice (the ***principal law practice***) – state the name, business address, telephone, facsimile and reference numbers of the ***principal law practice***; and

-
- (2) Rule 7.13(1)(a),(c) and (d), at the end

insert

and

- (3) Rule 7.13(2)

omit, insert

- (2) An originating application may, in addition to stating a business address for a law practice, also state the postal address of the law practice.

16 Rule 8.01 amended

Rule 8.01, after "defence"

insert

, together with a list of documents as specified in rule 16.02,

17 Rule 8.02 amended

- (1) Rule 8.02(1)(d)

omit, insert

(d) if the defendant acts by a law practice:

- (i) state the name, the business address in Australia and the telephone, facsimile and reference numbers of the law practice; and
- (ii) if the law practice is the agent of another law practice (the **principal law practice**) – state the name, business address, telephone, facsimile and reference numbers of the principal law practice; and

- (2) Rule 8.02(1)(a) to (c) and (e), at the end

insert

and

- (3) Rule 8.02(2)

omit, insert

- (2) A notice of defence may, in addition to stating a business address for a law practice, also state the postal address of the law practice.

18 Rule 16.01 amended

Rule 16.01(1)

omit

all words from "Not" to "filed,"

insert

At the time of filing their respective statement of claim, originating application or notice of defence,

19 Rule 22.12 amended

Rule 22.12(1)(a) and (b)

omit

legal practitioner

insert

law practice

20 Rule 32.01 amended

Rule 32.01(2)

omit

35

insert

21

21 Rule 38.04 replaced

Rule 38.04

repeal, insert

38.04 Costs generally to be allowed at 100% of the Supreme Court costs

- (1) Subject to these Rules, costs for work done are allowable in accordance with the relevant costs set out in the Appendix.
- (2) For subrule (1), the value of the claim is immaterial.

22 Rule 38.05 amended

Rule 38.05

omit

Subject to rule 38.04 and unless

insert

Unless

23 Rule 38.08 repealed

Rule 38.08

repeal

24 Expiry of Rules

These Rules expire on the day after they commence.