

Queensland



Subordinate Legislation 2000 No. 127

Supreme Court of Queensland Act 1991

UNIFORM CIVIL PROCEDURE AMENDMENT RULE (No. 1) 2000

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Short title

1. This rule may be cited as the *Uniform Civil Procedure Amendment Rule (No. 1) 2000*.

Commencement

2. This rule commences on 1 July 2000.

Rule amended

3. This rule amends the *Uniform Civil Procedure Rules 1999*.

Amendment of r 19 (Originating process must be signed)

4. Rule 19(2)—

omit, insert—

‘(2) For a minor debt claim—

(a) the claim may be signed by an agent; and

(b) if the registrar requires, the agent’s authority must be filed.’.

Amendment of r 22 (Claim)

5. Rule 22(2)—

insert—

‘(c) for a claim filed in the District Court or a Magistrates Court, show the court has jurisdiction to decide the claim.’.

Amendment of r 26 (Content of application)

6. Rule 26—

insert—

‘(8) An application filed in the District Court or a Magistrates Court, or material filed with it, must show that the court has jurisdiction to decide the application.’.

Renumbering of r 31 (Oral applications)**7. Rule 31—**

relocate and *renumber*, in chapter 2, part 5 after rule 32, as rule 32A.

Amendment of r 32 (Applications in a proceeding)**8. Rule 32—**

insert—

‘(6) If all the parties to an application consent to an adjournment of a hearing of the application, they may adjourn the application by noting the adjournment on the court file.’

Renumbering of rr 32 and 32A**9. Rules 32 and 32A—**

renumber as rules 31 and 32.

Amendment of r 35 (General rule)**10. Rule 35—**

insert—

‘(3) For these rules, a division of the Brisbane Magistrates Court is taken to be a district.’

Amendment of r 92 (Amendment as to parties)**11. Rule 92(5), from ‘under’—**

omit, insert—

‘under rules 382 and 384.1’.

¹ Rules 382 (Procedure for amending) and 384 (Serving amendments)

Amendment of r 93 (Litigation guardian of person under a legal incapacity)

12.(1) Rule 93(2), ‘must or’—

omit.

(2) Rule 93(2), after ‘, be done’—

insert—

‘only’.

(3) Section 93(3)—

omit, insert—

‘**(3)** A party’s litigation guardian who is not a solicitor may act only by a solicitor.’.

Amendment of r 95 (Appointment of litigation guardian)

13.(1) Rule 95(1), ‘A person’—

omit, insert—

‘Unless a person is appointed as a litigation guardian by the court, a person’.

(2) Rule 95(2), ‘, on application by any party,’—

omit.

(3) Rule 95(3)—

omit.

Amendment of r 104 (Application of pt 2)

14.(1) Rule 104(1)—

omit.

(2) Rule 104(2), ‘Also, this’—

omit, insert—

‘This’.

Amendment of ch 4, pt 3 hdg (Personal service in particular cases)

15. Chapter 4, part 3, heading, ‘PERSONAL’—

omit.

Amendment of r 111 (Personal service in Magistrates Courts proceedings)

16. Rule 111(3), ‘claim’—

omit, insert—

‘document’.

Amendment of r 136 (Defendant may act by solicitor or in person)

17.(1) Rule 136(1)—

omit, insert—

‘(1) A defendant may defend a proceeding by a solicitor or in person.’.

(2) Rule 136(2), ‘who may act only by a solicitor’—

omit.

(3) Rule 136(3)—

renumber as rule 136(5).

(4) Rule 136—

insert—

‘(3) A defendant may also defend a minor debt claim by an agent.

‘(4) If a defendant defends by an agent, the defendant must file the agent’s authority if the registrar requires it.’.

Amendment of r 138 (Late filing of notice of intention to defend)

18. Rule 138(2)—

omit.

Amendment of r 144 (Conditional notice of intention to defend)

19.(1) Rule 144(4)—

renumber as rule 144(6).

(2) Rule 144—

insert—

‘**(4)** If the defendant does not apply for an order under rule 16² within the 14 days, the conditional notice of intention to defend becomes an unconditional notice of intention to defend.

‘**(5)** Within 7 days after a conditional notice of defence becomes an unconditional notice of intention to defend, the defendant must file a defence.’.

Amendment of r 146 (Formal requirements)

20. Rule 146(1)(c), ‘state’—

omit, insert—

‘be filed and state’.

Omission of r 147 (Filing pleadings)

21. Rule 147—

omit.

Amendment of r 148 (Judgment pleaded)

22. Rule 148(2), ‘the request’—

omit, insert—

‘another party requests a copy of the judgment’.

² Rule 16 (Setting aside originating process)

Amendment of r 168 (Implied denial)

23. Rule 168, heading—

omit, insert—

‘Implied non-admission’.

Amendment of r 217 (Procedure for disclosure by producing documents)

24. Rule 217(4)(a), ‘subrule (1)’—

omit, insert—

‘subrule (2)’.

Omission of r 218 (Procedure for disclosure by delivering copies)

25. Rule 218—

omit.

Amendment of r 237 (Failure to comply with court order)

26. Rule 237(2), ‘or judge’—

omit.

Replacement of r 281 (Application of div 2)

27. Rule 281—

omit, insert—

‘Application of div 2

‘281.(1) This division applies if a defendant in a proceeding started by claim does not file a notice of intention to defend within the time required under rule 137.³

³ Rule 137 (Time for notice of intention to defend)

‘(2) This division also applies if a defendant in a proceeding started by claim files a conditional notice of intention to defend that becomes an unconditional notice of intention to defend and the defendant does not file a defence within the time required under rule 144(5).⁴’.

Amendment of r 284 (Judgment by default—unliquidated damages)

28. Rule 284(4), ‘chapter 13, part 8’—

omit, insert—

‘rule 507⁵’.

Amendment of r 285 (Judgment by default—detention of goods)

29. Rule 285(4), ‘chapter 13, part 8’—

omit, insert—

‘rule 507’.

Amendment of r 288 (Judgment by default—other claims)

30. Rule 288(1)—

omit, insert—

‘**288.(1)** This rule applies if a defendant is in default and the plaintiff is not entitled to apply for judgment under rule 283, 284, 285 or 286.’.

Amendment of r 355 (Withdrawal or end of offer)

31. Rule 355(5), ‘Subrule (3)’—

omit, insert—

‘Subrule (2)’.

⁴ Rule 145 (Conditional notice of intention to defend)

⁵ Rule 507 (Conditional order)

Amendment of r 360 (Costs if offer to settle by plaintiff)

32. Rule 360(2)—

omit, insert—

‘(2) If the plaintiff makes more than 1 offer satisfying subrule (1), the first of those offers is taken to be the only offer for this rule.’.

Amendment of r 361 (Costs if offer to settle by defendant)

33. Rule 361(4), ‘the offers made’—

omit, insert—

‘those offers’.

Amendment of r 382 (Procedure for amending)

34.(1) Rule 382(2)—

omit, insert—

‘(2) If an amendment is made, the document amended must have a notation on it showing—

- (a) the date of the amendment; and
- (b) either—
 - (i) if the amendment was made by leave of the court, the date of the order giving leave; or
 - (ii) if the amendment was made other than by leave of the court, the number of the rule under which it was made.’.

(2) Rule 382(4), ‘and serve’—

omit.

Amendment of r 435 (Exhibits)

35.(1) Rule 435(5) and (6)—

omit, insert—

‘(5) An exhibit to an affidavit must have—

- (a) a letter, number or other identifying mark on it; and
- (b) a certificate in the approved form on it or attached to it.’.

(2) Rule 435(7) and (8)—

renumber as rule 435(6) and (7).

(2) Rule 435—

insert—

‘(8) Generally, exhibits to an affidavit must be bound to the affidavit.

‘(9) However, if an exhibit or exhibits to an affidavit are not bound to the affidavit, the exhibit or exhibits must be bound, if practicable, in an indexed and paginated book and be filed with the affidavit.

‘(10) Also, if an exhibit to an affidavit is comprised of a group of documents, it must be bound in an indexed and paginated book and be filed with the affidavit.’.

Amendment of r 469 (Request for trial date)

36.(1) Rule 469(3), after ‘all parties’—

insert—

‘, other than a party whose signature has been dispensed with by the court’.

(2) Rule 469(4)(c)—

omit, insert—

- ‘(c) answers have been delivered to any interrogatories delivered by or to the party; and’.

(3) Rule 469(4)—

renumber as rule 469(5).

(4) Rule 469—

insert—

‘(4) On the application of a party who signed the request for trial date, the court may dispense with the signature of another party who has been served with the request under subrule (2) and has not signed and returned it within 21 days after service.’.

Amendment of r 488 (Application of pt 6)

37. Rule 488(3)—

omit.

Amendment of r 490 (Procedure for making application)

38. Rule 490—

insert—

‘(3) If the application is made without notice to a party—

- (a) subrule (2) and rules 492 to 495 do not apply; and
- (b) the registrar must set as the date for deciding the application the first date convenient to the court.

‘(4) If the parties resolve all or part of the application before the date for deciding the application, each party must give the court written notice of the extent to which the application is resolved and the orders the parties have agreed to seek.’.

Amendment of r 491 (Court may decide that decision without an oral hearing is inappropriate)

39. Rule 491(2)(a), after ‘parties’—

insert—

‘to the application’.

Amendment of r 492 (Respondent’s response)

40. Rule 492—

insert—

‘(2) If the respondent has not already filed a document that includes the information required by rule 17,⁶ the response must include that information.

‘(3) Also, if the respondent does not serve a response or a notice under rule 494 and there is not otherwise material before the court to acknowledge or establish service, the applicant must, before the date fixed for deciding the application, file an affidavit of service of the application.’.

Amendment of r 493 (Applicant’s reply)

41. Rule 493, ‘The applicant may’—

omit, insert—

‘Unless the applicant files a notice under rule 495(2), the applicant must’.

Amendment of r 497 (Further information)

42. Rule 497(2), after ‘parties’—

insert—

‘to the application’.

Amendment of r 498 (Order)

43. Rule 498, after ‘party’—

insert—

‘to the application’.

Replacement of r 516 (Costs in minor debt claims)

44. Rule 516—

omit, insert—

⁶ Rule 17 (Contact details and address for service)

‘Costs in minor debt claims

‘**516.** The only costs a party may be awarded in relation to a minor debt claim up to judgment are filing fees, a service fee and travelling allowance at the prescribed rate for bailiff’s fees, and a business name or company search fee.’.

Amendment of r 518 (Address for service)

45. Rule 518, ‘136’—

omit, insert—

‘136(3)’.

Amendment of r 519 (Simplified procedures may apply in other cases)

46. Rule 519(5), ‘Rule 514(c)’—

omit, insert—

‘Rule 514(1)(c)’.

Amendment of r 530 (Form and verification)

47. Rule 530(2), ‘seeking the’—

omit, insert—

‘required to’.

Amendment of s 547 (Plaintiff’s statement of loss and damage)

48.(1) Rule 547(1), after ‘and damage’—

insert—

‘, signed by the plaintiff,’.

(2) Rule 547(3)(b)—

insert—

‘(vi) details of the educational level reached by the plaintiff, including any trade or professional qualifications held;’.

Amendment of r 553 (Conference if personal injury damages claim)

49. Rule 553(4), definition “**ready for trial**”, ‘rule 469(4)’—

omit, insert—

‘rule 469(5)’.

Amendment of r 570 (Filing documents)

50. Rule 570(a), ‘conditions’—

omit, insert—

‘terms’.

Amendment of r 599 (Requirements for notice of intention to apply for grant)

51. Rule 599(3)(c)—

renumber as rule 599(3)(b).

Amendment of r 646 (Applications for commission)

52. Rule 646(3), ‘in the approved form and’—

omit.

Amendment of r 647 (Notice)

53. Rule 647(1), ‘or 645’—

omit.

Amendment of r 656 (Combined executors' and trustees' account)

54. Rule 656(2), 'will, goods, or land and goods,'—
omit, insert—
'estate'.

Amendment of r 689 (General rule about costs)

55. Rule 689(1), after 'proceeding'—
insert—
' , including an application in a proceeding, '.

Amendment of r 693 (Application in a proceeding)

56. Rule 693(1)—
omit, insert—

'**693.(1)** The costs of a proceeding do not include the costs of an application in the proceeding, unless the court otherwise orders.'

Amendment of r 759 (Undertaking about appeal book)

57. Rule 759—
insert—

'**(5)** An appellant or cross-appellant (the "**relevant person**") may apply to the registrar for an order exempting the relevant person from compliance with subrules (1) to (4) because of the relevant person's financial position.

'**(6)** The registrar may decide the application summarily and without extensive investigation.

'**(7)** The registrar may, by order, exempt the relevant person from compliance with subrules (1) to (4), to the extent stated in the order if, having regard to the relevant person's financial position, including, for example, the following matters, it is clearly in the interests of justice to exempt the relevant person from compliance with the subrules—

- (a) if the relevant person receives an income-tested pension under the *Social Security Act 1991* (Cwlth), the type and amount of the pension;
- (b) how much the relevant person is paying as rent for his or her accommodation;
- (c) whether any close relatives may be willing to give the relevant person financial help.

‘(8) The relevant person, if dissatisfied with the registrar’s decision on an application under subrule (5) may apply to a judge of appeal for a review of the decision.

‘(9) On an application for a review of the registrar’s decision, the judge conducting the review—

- (a) may consider the application with or without a hearing; and
- (b) may consider—
 - (i) anything the registrar considered under subrule (7); and
 - (ii) the preliminary merits of the appeal to which the application relates; and
- (c) may make the order the judge considers appropriate.’

Amendment of r 781 (Form and contents of case stated)

58. Rule 781—

insert—

‘(2) On receipt of a case stated, the registrar, if satisfied all parties interested in the case have been served with a copy, must set a date for hearing by the Court of Appeal.

‘(3) At the hearing of a case stated—

- (a) the Court of Appeal and the parties may refer to the whole of a document referred to in the case stated; and
- (b) the Court of Appeal may draw any inference from the facts stated in the case.’

Repeal of rr 782-783

59. Rules 782 and 783—

omit.

Renumbering of r 784 (Application of pt 3)

60. Rule 784—

renumber as rule 782.

Replacement of r 785 (Procedure)

61. Rule 785—

omit, insert—

‘Procedure for appeals to District Court from Magistrates Court

‘783.(1) An appeal to the District Court from a Magistrates Court is started by filing a notice of appeal with the registrar of the District Court.

‘(2) The notice of appeal may be filed in any registry of the District Court at which the appeal may be heard and decided under the *District Court Act 1967*.

‘(3) The appellant must also, as soon as practicable, file a copy of the notice of appeal in the registry of the Magistrates Court from which the appeal is brought.

‘(4) On the filing of the copy of the notice of appeal, the registrar of the Magistrates Court must arrange to send immediately to the registrar of the District Court copies of all documents used in or relevant to the proceeding from which the appeal is brought, including, but not limited to, the following documents—

- (a) initiating documents;
- (b) anything in the nature of pleadings;
- (c) affidavits or written statements of evidence;
- (d) transcripts or notes of oral evidence;
- (e) exhibits;

- (f) any documents embodying the formal decision, including the reasons for the decision.

‘Procedure for appeals to a court from other entities

‘784.(1) An appeal to a court from an entity other than a court is started by filing a notice of appeal with the registrar of the court.

‘(2) The appellant must also, as soon as practicable, serve a copy of the notice of appeal on the registrar, secretary or another officer of the entity or, if there is no registrar or officer, on the person or 1 of the persons constituting the entity.

‘(3) On the service of the copy of the notice of appeal, the person served with the copy must arrange to send immediately to the registrar of the court in which the appeal is started copies of all documents used in or relevant to the proceeding from which the appeal is brought, including, but not limited to, the following documents—

- (a) initiating documents;
- (b) anything in the nature of pleadings;
- (c) affidavits or written statements of evidence;
- (d) transcripts or notes of oral evidence;
- (e) exhibits;
- (f) any documents embodying the formal decision, including the reasons for the decision.

‘Application of pt 1 to appeals under this part

‘785. Part 1, other than rules 746, 753, 758, 766(3), 767, 776 and 777, applies to appeals under this part, with necessary changes, and subject to any practice direction of the court in which the appeal is brought.’.

Amendment of r 802 (Enforcing money order in different court)

62.(1) Rule 802(1), after ‘another court’—

insert—

‘under rule 801’.

(2) Rule 802(2), ‘District Court or’—

omit, insert—

‘District Court or a’.

Amendment of r 806 (Outcome of application for end of trial enforcement hearing)

63.(1) Rule 806(2)(a), after ‘summons’—

insert—

‘in the approved form’.

(2) Rule 806(3), ‘If’ to ‘end of trial enforcement hearing’—

omit, insert—

‘If a person to whom an enforcement hearing summons for an end of trial enforcement hearing is directed is served with the summons’.

Amendment of r 807 (Enforcement hearing after order is made)

64.(1) Rule 807(1), ‘or an enforcement debtor’—

omit.

(2) Rule 807(3), from ‘summoning’—

omit, insert—

‘in the approved form.’.

(3) Rule 807(4) and (5)—

omit.

(4) Rule 807(6)—

renumber as rule 807(4).

Replacement of rules 808 and 809

65. Rules 808 and 809—

omit, insert—

‘Person to whom enforcement hearing summons may be directed and service

‘808.(1) An enforcement hearing summons may be directed to—

- (a) an enforcement debtor; or
- (b) if an enforcement debtor is a corporation—an officer of the corporation; or
- (c) if an enforcement debtor is a partnership—a partner or a person who has or had the control or management of the partnership business in Queensland.

‘(2) An enforcement hearing summons for an end of trial enforcement hearing must be served on the person to whom it is directed as soon as practicable after it is issued.

‘(3) Any other enforcement hearing summons must be served on the person to whom it is directed personally or by pre-paid ordinary post at least 14 days before the day set for the enforcement hearing.

‘Requirements under enforcement hearing summons

‘809.(1) The person to whom an enforcement hearing summons is directed must—

- (a) attend before the court issuing the summons, including the court as constituted by a registrar, at the time and place stated in the summons—
 - (i) to give information and answer questions; and
 - (ii) to produce the documents or things stated in the summons; and
- (b) complete a statement on oath of the enforcement debtor’s financial position in the approved form; and
- (c) forward the sworn statement to the enforcement creditor within

14 days after service of the summons or before the day of the enforcement hearing, whichever happens first.

‘(2) If the enforcement debtor receives regular payments, for example, wages or social security benefits, the person to whom the enforcement hearing summons is directed must, in the statement of financial position include—

- (a) the date of receipt of the last 4 payments; and
- (b) if the payments were paid to the enforcement debtor by payment into an account with a financial institution, the account number and any other details necessary to identify the account.

‘(3) An enforcement creditor may, if satisfied with the information provided by a person in a statement of an enforcement debtor’s financial position, give written notice to the person and the court that the person is no longer required to attend the enforcement hearing.’.

Amendment of r 810 (Subpoena)

66. Rule 810—

insert—

‘(3) Rule 419⁷ applies to a person required to attend an enforcement hearing by subpoena.’.

Amendment of r 811 (Conduct money)

67. Rule 811(4), from ‘who is not’—

omit.

Amendment of r 813 (Order for enforcement hearing outside district)

68. Rule 813(3)(c) and (d)—

omit.

⁷ Rule 419 (Conduct money)

Amendment of r 814 (Enforcement hearing warrant)

69. Rule 814(2), ‘or magistrate’—

omit, insert—

‘, a magistrate or the registrar conducting the enforcement hearing’.

Amendment of r 815 (Failure to cooperate at enforcement hearing)

70.(1) Rule 815, heading—

omit, insert—

‘Failure concerning financial position statement or enforcement hearing’.

(2) Rule 815(1), (2) and (3)—

renumber as rule 815(2), (3) and (4).

(3) Rule 815—

insert—

‘815.(1) This rule applies if a person to whom an enforcement hearing summons is directed fails, without lawful excuse, to complete and forward a statement of the enforcement debtor’s financial position as required by rule 809.’.

(4) Rule 815(2), as renumbered, after ‘rule’—

insert—

‘also’.

Amendment of r 817 (Procedure)

71. Rule 817(3)—

omit, insert—

‘(3) A copy of the enforcement warrant must be filed.’.

Amendment of r 819 (Application to set aside enforcement)

72. Rule 819(1)—

omit, insert—

‘**819.(1)** An enforcement debtor or a person served with an enforcement warrant may apply to the court to set it aside or to stay enforcement at any time.’.

Amendment of r 820 (Issue and enforcement of enforcement warrant)

73. Rule 820(3)—

omit, insert—

‘**(3)** The registrar must give the enforcement warrant to the enforcement creditor to be enforced, unless the warrant is an enforcement warrant for the seizure and sale of property.⁸’.

Amendment of r 821 (Renewal of enforcement warrant)

74. Rule 821(2), ‘officer’—

omit, insert—

‘creditor or, if the original warrant was an enforcement warrant for the seizure and sale of property, the enforcement officer’.

Replacement of r 822 (Return of enforcement warrant)

75. Rule 822—

omit, insert—

‘Return of particular enforcement warrant

‘**822.** The registrar or a person who obtains an enforcement warrant for the seizure and sale of property may require the enforcement officer—

- (a) to write on the warrant a statement of the steps the enforcement officer has taken under the warrant; and

⁸ See rule 828 (Property that may be seized under enforcement warrant).

- (b) to send a copy of the statement to the person who obtained the warrant; and
- (c) to file a copy of the statement in the registry.’.

Amendment of r 826 (Enforcement beyond the district)

76. Rule 826(1), after ‘warrant’—

insert—

‘for the seizure and sale of property’.

Amendment of r 828 (Property that may be seized under enforcement warrant)

77. Rule 828—

insert—

‘**(2)** The registrar must give the enforcement warrant to an enforcement officer to be enforced.’.

Amendment of r 829 (Order of selling property)

78.(1) Rule 829(2)—

omit.

(2) Rule 829(3), ‘Also, on the application of an enforcement officer’—

omit, insert—

‘However, on the application of an enforcement officer or enforcement creditor,’.

(3) Rule 829(3) and (4)—

renumber as rule 829(2) and (3).

Amendment of r 832 (Nature of sale)**79.** Rule 832(7)(b)—*omit, insert—*

‘(b) if no bid was made at the auction—for an amount the enforcement officer considers is a reasonable amount for the property; or

(c) in accordance with a court order.⁹’.

Amendment of r 833 (Sale at best price obtainable)**80.** Rule 833(2), after ‘officer’—*insert—*

‘or an enforcement creditor’.

Amendment of r 836 (Accountability for, and distribution of, money received)**81.** Rule 836(1), after ‘warrant’—*insert—*

‘as soon as practicable after receiving the money, whether before or after the seizure of the property’.

Amendment of r 848 (Procedure for issue of enforcement warrant for regular redirection)**82.** Rule 848(2), ‘conditions’—*omit, insert—*

‘terms’.

⁹ See rule 833 (Sale at best price obtainable), particularly subrule (4).

Amendment of r 857 (Attendance of, or information about, the enforcement debtor)

83.(1) Rule 857, ‘do 1 of the following’—

omit.

(2) Rule 857(a)—

omit, insert—

‘(a) order an enforcement hearing under part 2;¹⁰ or’.

Amendment of r 889 (Return of enforcement warrant)

84. Rule 889(1), after ‘required by’—

insert—

‘the registrar or’.

Amendment of r 906 (Procedure)

85. Rule 906(1)—

omit, insert—

‘906.(1) A person applying for an enforcement warrant to enforce an order must file—

- (a) an application attaching the warrant the person wants the court to issue; and
- (b) an affidavit in support of the application stating that the person against whom enforcement is sought was served with the order and that there has not been compliance with the order.’.

¹⁰ Part 2 (Enforcement hearings), particularly, rules 808 (Enforcement hearing summons), 809 (Financial position statement) and 810 (Subpoena)

Amendment of r 907 (Application to set aside enforcement)

86. Rule 907(1), ‘before the warrant is enforced’—
omit.

Replacement of r 910 (Return of enforcement warrant)

87. Rule 910—
omit, insert—

‘Return of enforcement warrant

‘910. The registrar or a person who obtains an enforcement warrant may require the enforcement officer, within the time specified—

- (a) to write on the warrant a statement of the steps the enforcement officer has taken under the warrant; and
- (b) to send a copy of the statement to the person who obtained the warrant; and
- (c) to file a copy of the statement in the registry.’.

Amendment of r 913 (Prerequisites to enforcement warrant for possession)

88. Rule 913(2), after ‘land’—
insert—
‘under a lease or written tenancy agreement’.

Amendment of r 914 (Procedure)

89.(1) Rule 914(1)(a), after ‘land’—
insert—
‘under a lease or written tenancy agreement’.

(2) Rule 914(2)—
omit, insert—

‘(2) An affidavit may contain statements based on information and belief if the person making it states the sources of the information and the grounds for the belief.

‘(3) The affidavit mentioned in subsection (1)(a) must be made not earlier than 2 business days before the date of the application.’.

Amendment of r 928 (Application by registrar)

90. Rule 928(2)—

omit.

Amendment of r 930 (Punishment)

91. Rule 930(2)—

omit, insert—

‘(2) If the respondent is an individual, the court may punish the individual by making an order that may be made under the *Penalties and Sentences Act 1992*.’.

Amendment of r 936 (Enforcement of warrant for defendant’s arrest)

92.(1) Rule 936(2), ‘a person authorised’—

omit, insert—

‘an appropriately qualified person authorised in writing.’.

(2) Rule 936(3), ‘a person authorised by the enforcement officer’—

omit, insert—

‘other person’.

(3) Rule 936—

insert—

‘(4) In this rule—

“**appropriately qualified person**”, for a person who may be authorised to enforce a warrant, includes having the qualifications, experience or

standing appropriate to enforce the warrant.

Example—

An enforcement officer of another court.’.

Amendment of r 947 (Return of enforcement warrant)

93. Rule 947(1), after ‘required by’—

insert—

‘the registrar or’.

Amendment of r 964 (Serial number)

94.(1) Rule 964(3) and (4)—

renumber as rule 964(4) and (5).

(2) Rule 964—

insert—

‘**(3)** The court serial number must start with—

- (a) for the Supreme Court—the letter ‘S’; or
- (b) for the District Court—the letter ‘D’; or
- (c) for a Magistrates Court—the letter ‘M’.’.

Amendment of r 977 (Registrar to keep records)

95. Rule 977—

insert—

‘**(2)** The registrar must not, in relation to a record of the court or another court document (“**court record**”)—

- (a) permit any court record to be taken out of the court, unless the court otherwise orders; or
- (b) issue a subpoena for the production of any court record.

‘(3) However, for an appeal to another court, the registrar may forward to the other court records relevant to the appeal.’.

Amendment of r 978 (Registrar to keep and use seal)

96.(1) Rule 978(3)—

omit.

(2) Rule 978(4), ‘subrule (3)’—

omit, insert—

‘subrule (2)’.

(3) Rule 978(4)—

renumber as rule 978(3).

Amendment of r 981 (Searches)

97.(1) Rule 981(3), after ‘request’—

insert—

‘, unless there is not enough information for the registrar to be able to comply with it’.

(2) Rule 981—

insert—

‘(4) The registrar may also, on payment of the prescribed fee, issue a certificate of the result of the search.’.

Amendment of r 982 (Referral to judge)

98.(1) Rule 982, heading, after ‘**judge**’—

insert—

‘**or magistrate**’.

(2) Rule 982(1) and (2), after ‘a judge’—

insert—

‘or a magistrate’.

(3) Rule 982(3), after ‘judge’—

insert—

‘or magistrate’.

ENDNOTES

1. Made by the Governor in Council on 22 June 2000.
2. Notified in the gazette on 23 June 2000.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Justice and Attorney-General.