

SUPREME COURT RULES (Amendment No. 253) 1991

NEW SOUTH WALES



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1. These rules are made by the Rule Committee on 15 April 1991.
2. The Supreme Court Rules 1970 are amended as follows—
 - (a) Part 12 rule 5 (a) (xxix)—
Omit “.” and insert instead “;”
 - (b) Part 12 rule 5 (a)
After paragraph (xxix) insert—
(xxx) the National Trust of Australia (New South Wales) Act 1990.
3. The Supreme Court Rules 1970 are further amended as follows—
Part 1A rule 3
Omit the rule.
4. The Supreme Court Rules 1970 are further amended as follows—
 - (a) Part 22 rule 2
Omit “(1)”
 - (b) Part 22 rule 3 (5) (a)
Omit “paragraph” and insert instead “subrule”
 - (c) Part 22 rule 3 (7)
Omit “paragraph (4)” and insert instead “subrule (5)”
5. The Supreme Court Rules 1970 are further amended as follows—
 - (a) Part 1 rule 3
In the matter relating to Part 77, insert, next under
“Confiscation of Proceeds of Crime Act 1989”—
in the column in the column in the column
“Statute”— “Division”— “Rules”—
“Debits Tax Act 1990 31 96, 97”

(b) Part 77

After Division 30 insert—

DIVISION 31—*Debits Tax Act 1990*

Assignment of business

96. Proceedings in the Court under the Debits Tax Act 1990 (the “subject Act”) are assigned to the Administrative Law Division.

Commencement of proceedings

97. Proceedings in the Court under Schedule 3 to the subject Act (which relates to transitional provisions) shall be commenced by summons.

6. The Supreme Court Rules 1970 are further amended as follows—

(a) Part 1 rule 3

Under the matter relating to Part 73 insert—

DIVISION 1—*Adoption of Children Act 1965*—rr. 1—13

DIVISION 2—*Adoption Information Act 1990*—rr. 14—16.

(b) Part 73

Under the heading to the Part insert—

DIVISION 1—*Adoption of Children Act 1965*—rr. 1—13

(c) Part 73 rule 1

Omit “Part” and insert instead “Division”.

(d) Part 73

After Division 1 insert—

DIVISION 2—*Adoption Information Act 1990*

Assignment of business

14. Proceedings in the Court under the Adoption Information Act 1990 (the “subject Act”) are assigned to the Equity Division.

Application

15. (1) An application for an order under section 14 of the subject Act shall be made by motion on notice in the proceedings which relate to the information sought by the applicant.

(2) The applicant need not serve the notice of motion on my person unless the Court otherwise directs.

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- (3) The applicant shall file an affidavit setting out—
- (a) facts showing the applicant's entitlement to the prescribed information sought;
 - (b) the information sought;
 - (c) the steps taken by the applicant to obtain the information from information sources other than the Court; and
 - (d) the result of those steps and the reasons given by the other information sources for failing to provide the information.
- (4) The applicant shall exhibit to the affidavit referred to in subrule (1) documents, such as passports, birth certificates and driver's licences, confirming the applicant's identity and relationship for the purpose of clause 11 (1) (a) of the Adoption Information Regulation 1991.

Business in the absence of the public

16. Any application to the Court to which this rule applies shall be determined or dealt with by the Court in the absence of the public.

EXPLANATORY NOTE

(This note does not form part of the rules)

1. The purpose of the amendments contained in paragraph 2 is to assign business under the National Trust of Australia (New South Wales) Act 1990 to the Equity Division.
2. The purpose of the amendment contained in paragraph 3 is to abolish the Court holiday occurring after Easter Monday.
3. The purposes of the amendments contained in paragraph 4 are to omit an unnecessary reference to a subrule in Part 22 rule 2 and to clarify references to subrules in rule 3.
4. The purposes of the amendments contained in paragraph 5 are to assign proceedings under the Debits Tax Act 1990 to the Administrative Law Division and to provide for the commencement by summons of proceedings under Schedule 3 to the Act.
5. The purposes of the amendments contained in paragraph 6 are—
 - (a) to assign proceedings under the Adoption Information Act 1990 to the Equity Division;

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- (b) to prescribe the procedure for making applications under the Act;
 - (c) to provide that applications under the Act are to be dealt with in the absence of the public;
 - (d) to make other provisions of a minor, consequential or ancillary nature.
6. Words and figures underlined in the above rules are intended to be represented in italics when printed.

M. A. BLAY

Secretary of the Rule Committee
