

JU302*

Supreme Court Act 1935

Supreme Court Amendment Rules (No. 2) 2013

Made by the judges of the Supreme Court.

1. Citation

These rules are the *Supreme Court Amendment Rules (No. 2) 2013*.

2. Commencement

These rules come into operation as follows —

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on the day on which the *Commercial Arbitration Act 2012* section 40 comes into operation.

3. Rules amended

These rules amend the *Rules of the Supreme Court 1971*.

4. Order 4A amended

After Order 4A rule 11(b) insert:

- (ca) any case involving proceedings to which Order 81D applies;

5. Order 81D replaced

Delete Order 81D and insert:

Order 81D — Arbitration law rules

1. Terms used

In this Order —

arbitration law means —

- (a) the *International Arbitration Act 1974* (Commonwealth);
- (b) the *Commercial Arbitration Act 2012*;
- (c) subsidiary legislation in force under any of the above laws;

arbitrator means a person who, under whatever title, conducts arbitration proceedings under an arbitration law.

2. Application of this Order

This Order applies to proceedings that can be or are commenced in the Court under an arbitration law in relation to arbitration provided for by such a law or provided under such a law.

3. Court documents, headings on

The heading of every document filed in proceedings to which this Order applies must include the title of the arbitration law under which the proceedings are being conducted.

4. Commencing proceedings

- (1) To commence proceedings to which this Order applies in the Court, a person must file —
 - (a) an originating summons; and

- (b) either —
 - (i) an affidavit that states the relevant facts and to which is attached any relevant document; or
 - (ii) a notice of motion for an order that such an affidavit is not needed.
- (2) The documents listed in subrule (1) must be filed within the time limit set by the relevant arbitration law.

5. Subpoena to appear etc. before arbitrator

If, under an arbitration law, the Court issues a subpoena requiring a person —

- (a) to appear before an arbitrator; or
- (b) to produce any thing to an arbitrator; or
- (c) to do both of those,

Order 36B, with any necessary changes, applies to and in relation to the subpoena.

6. Taking evidence for arbitrator

If, under an arbitration law, the Court agrees to a request for assistance in taking evidence, Order 38, with any necessary changes, applies to and in relation to executing the request.

7. Costs of arbitration, assessing

Order 66, with any necessary changes, applies if the Court is required to assess the costs of an arbitration (other than the fees or expenses of an arbitrator).

6. Schedule 2 amended

In Schedule 2 delete Forms 105, 106 and 107.

Dated: 6 March 2013.

Judges' signatures:

Chief Justice MARTIN

Justice MCLURE

Justice MURPHY

Justice PULLIN

Justice HALL

Justice HEENAN

Justice MAZZA

Justice JENKINS

Justice CORBOY

Justice BUSS

Justice PRITCHARD

Justice BEECH

Justice ALLANSON

Justice NEWNES

Justice EDELMAN