

JUDICIARY ACT

HIGH COURT RULES

STATUTORY RULES 1970, No. 17^(a)

1. These Rules shall come into operation on the 1st day of March 1970 but notwithstanding the change in size of paper effected by Rule 4 a document may be accepted for filing until the 1st day of July 1970 if printed on folio foolscap paper if such document otherwise complies with the provisions of Rule 4 of Order 61. Commencement and application.

2. Order 55, Rule 8 is repealed and the following is substituted therefor:—

“ 8.—(1.) The order to show cause and all subsequent proceedings shall be entitled— Title of proceedings.

‘In the matter of an application for (*description of the writ or order sought, e.g. a writ of prohibition*) against (*name of every person and authority to whom the writ or order is proposed to be directed or against whom the information is proposed to be exhibited*).

Ex parte (*name of the applicant*).’

except in the case of an order for the production of a person as a witness which shall be entitled in the proceeding.

“ (2.) (a) Where a writ of *mandamus* or prohibition is sought against an officer of the Commonwealth the officer shall be described in the title by his name and the name of his office.

(b) In all other cases a party respondent may be described in the title by his name or the name of his office or both, or, in the case of a magistrate or justice in a court of summary jurisdiction, as the magistrate or justice at the place where the court is held.

“ (3.) The applicant shall be called—

- (a) in the case of an application for a writ of *mandamus* or relief of a like nature, or of an application for a writ of prohibition—the prosecutor;
- (b) in the case of an application for an information of *quo warranto* or relief of a like nature—the relator; and
- (c) in the case of an application for a writ of *habeas corpus* or *certiorari*—the applicant.”

3. Order 58, Rule 2 is amended—

- (a) by inserting the symbols and figure “ (1.) ” following the figure “ 2.”; and

Use of Seal.

(a) Made under the *Judiciary Act* 1903–1969 as of 15 January 1970; notified in the *Commonwealth Gazette* on 19 February 1970.

(b) by inserting the following sub-rule:—

“(2.) The Seal referred to in the preceding sub-rule shall be in the form represented hereunder.



Requirements
as to
documents.

4. Order 61, Rule 4 is amended by omitting paragraph (c) of sub-rule (1.) and inserting in its stead the following paragraph:—

“(c) be upon paper of the size known as International Paper Size A4, that is to say, measuring approximately 11½ inches by 8½ inches, of good and durable quality and capable of receiving ink writing;”.

Third Schedule.

5. The Third Schedule is amended as follows:—

- (a) In the notes to items 1, 2, 3, 5 and 6, by deleting the words and figures “items 29, 30 or 31 —” and inserting in their place the words and figures “items 30, 31 or 32 —”;
- (b) In the note to item 7, by deleting the figures “31” and inserting in their place the figures “32”;
- (c) In item 33 by deleting the figures “28” and inserting in their place the figures “29”; and
- (d) Item 14 is deleted and the following inserted in its place:—

“14. For searching in a register, index, file or calendar and inspecting documents—per hour or part of an hour 1.00

[NOTE: A search without payment of a fee may be made by or on behalf of a party to a proceeding of the documents filed relating to that proceeding.]”.

G. E. BARWICK, C.J.
EDWARD A. McTIERNAN, J.
DOUGLAS I. MENZIES, J.
W. J. V. WINDEYER, J.
W. F. L. OWEN, J.

(L.S.)

N. GAMBLE
Principal Registrar