

TASMANIA

**SUPREME COURT FORMS AMENDMENT RULES
2019**

STATUTORY RULES 2019, No. 52

CONTENTS

1. Short title
2. Commencement
3. Principal Rules
4. Schedule 1 amended (Forms)

SUPREME COURT FORMS AMENDMENT RULES 2019

IN THE SUPREME COURT OF TASMANIA

Dated 5 August 2019.

We, the Honourable Alan Michael Blow, AO, Chief Justice, and the Honourable Helen Marie Wood, the Honourable Stephen Peter Estcourt, AM, the Honourable Robert William Pearce, the Honourable Michael Joseph Brett and the Honourable Gregory Peter Geason, Puisne Judges of the Supreme Court of Tasmania, on the recommendation of the Rule Committee, make the following Rules of Court under the *Supreme Court Civil Procedure Act 1932*.

1. Short title

These Rules of Court may be cited as the *Supreme Court Forms Amendment Rules 2019*.

2. Commencement

These Rules of Court take effect on the day on which the *Supreme Court Civil Procedure Amendment Act 2019* commences.

3. Principal Rules

In these Rules of Court, the *Supreme Court Forms Rules 2000** are referred to as the Principal Rules.

*S.R. 2000, No. 26

Supreme Court Forms Amendment Rules 2019
Statutory Rules 2019, No. 52

r. 4

4. Schedule 1 amended (Forms)

Schedule 1 to the Principal Rules is amended as follows:

(a) by inserting in Part 1 after

Form 22	Affidavit for entry of appearance as litigation guardian
---------	--

the following item:

Form 22A	Notice accompanying the originating process in representative proceedings
Form 22B	Opt-out notice

(b) by inserting the following forms after Form 22 in Part 2:

Supreme Court Forms Amendment Rules 2019
Statutory Rules 2019, No. 52

r. 4

FORM 22A

Rule 335B(2)

**NOTICE ACCOMPANYING THE ORIGINATING PROCESS IN
REPRESENTATIVE PROCEEDINGS**

The applicant [*or plaintiff as the case may be*] brings the proceeding as a representative party under Part VII of the *Supreme Court Civil Procedure Act 1932*.

1. [*Description or other identification of the group members*]
2. [*The nature of claim or claims specified in the originating process*]
3. [*Questions of law or fact specified in the originating process common to the claims of the group members*]

Dated

[*Signature of practitioner for the applicant or plaintiff*]

Supreme Court Forms Amendment Rules 2019
Statutory Rules 2019, No. 52

r. 4

FORM 22B

Rule 335C(2)

OPT-OUT NOTICE

[Name, address and occupation of person opting out]

I, a group member in these representative proceedings, opt out of the proceedings.

I understand that in opting out:

1. I forgo the right to share in any relief obtained by the representative party in the representative proceedings; and
2. I am not entitled to receive any further notification about the conduct or disposition of the proceedings; and
3. to the extent that I have a claim against the *[defendant(s)/respondents(s)]*, any limitation period suspended by the commencement of the representative proceedings recommences to run.

Dated:

[Signature of person opting out or legal representative of person opting out]

Notice to person opting out:

You must, before the opt-out date fixed under section 71 of the *Supreme Court Civil Procedure Act 1932*:

1. file this form in the Supreme Court of Tasmania; and
2. serve a copy of this form on the representative party.

Supreme Court Forms Amendment Rules 2019
Statutory Rules 2019, No. 52

A. M. BLOW
Chief Justice

H. M. WOOD
Puisne Judge

S. P. ESTCOURT
Puisne Judge

R. W. PEARCE
Puisne Judge

M. J. BRETT
Puisne Judge

G. P. GEASON
Puisne Judge

Countersigned,

J. A. CONNOLLY
Registrar

Supreme Court Forms Amendment Rules 2019
Statutory Rules 2019, No. 52

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 14 August 2019.

These Rules of Court are administered in the Department of Justice.

EXPLANATORY NOTE

(This note is not part of the Rules of Court)

These Rules of Court amend the *Supreme Court Forms Rules 2000* to include forms relating to representative proceedings.