

FACT SHEET

Supreme Court Civil Procedure Amendment Bill 2018

The Bill proposes amendments to the *Supreme Court Civil Procedure Act 1932* (the Act) to address a number of anomalies and deficiencies identified by the Supreme Court of Tasmania.

The Bill will correct outdated references to repealed legislation that prevent judges from making and amending rules in relation to the admiralty jurisdiction of the Supreme Court.

It will insert a new section into the Act to provide judges of the Supreme Court with the power to award pre-judgement interest when making a judgement that requires the payment of an amount of money. Comparable powers are currently available to Tasmanian magistrates under section 25(1) of the *Magistrates Court (Civil Division) Act 1992* and to Tasmanian arbitrators under section 33E of the *Commercial Arbitration Act 2011*.

A new Part VII will be inserted into the Act to provide for representative proceedings (class actions) where seven or more persons have claims against the same defendant, those claims are in respect of the same, similar or related circumstances and they give rise to a substantial common question of law or fact. These amendments will clarify the procedural requirements for litigants in representative proceedings, facilitate access to justice, create efficiency for the Court and parties, reduce litigation expenses for individuals and protect defendants from multiple suits.

The Bill will also amend the Act to enable the judges of the Supreme Court to extend the Associate Judge's powers to include hearing applications in relation to pending appeals. The Associate Judge will not have the power to hear and determine appeals or to sit on the Full Court.