



15 April 2010

E18
JM;rp

Mr Chris Byron-Scott
Deputy Registrar
Environment, Resources and Development Court
DX 458
ADELAIDE SA

and by email: Chris.Scott@courts.sa.gov.au

Dear Chris

ERD Court Rules

Thank you for your email of 15 March 2010, in which you invited the Society to consider a draft set of new Rules for the Environment, Resources and Development Court.

The draft Rules were provided to the Society's Civil Litigation Committee, Costs Committee, Planning, Environment and Local Government Group and Alternative Dispute Resolution Committee.

We provide the following comments

- the draft Rules appear to be generally consistent with the District Court Rules, although there are some omissions from the definitions (and a few other sections) and variations, primarily in relation to ERD Court type issues.
- there are also some inconsistencies between the ERD Court additions and the District Court existing provisions which have been incorporated into the draft ERD Court Rules, which we expect the ERD Court will work through. (Some of the District Court provisions will need to be amended, as they work in a slightly different manner, e.g. costs issues).
- Clause 8(8) would appear to imply that the Court could 'endeavour to achieve settlement' itself (ie mediate) but Members of the Court are not then disqualified from hearing the matter. This goes against usual practice.

I trust these comments are of assistance to you.

Yours sincerely

Jan Martin
EXECUTIVE DIRECTOR