

**Queensland**



**Subordinate Legislation 1994 No. 27**

*Supreme Court Act 1921*

**SUPREME COURT RULES AMENDMENT  
ORDER (No. 2) 1994**

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**Short title**

1. This order in council may be cited as the *Supreme Court Rules Amendment Order (No. 2) 1994*.

**Amended rules**

2. The *Rules of the Supreme Court* are amended as set out in this order.

**Amendment of Order 39**

3. Order 39, rule 12—

*omit, insert—*

**‘Trying of questions in different ways and at different times**

**‘12.(1)** In this rule—

“**question**” means a question or issue, whether of fact or law, or partly of fact and partly of law, that arises in a proceeding (whether or not the question or issue is raised by the pleadings or by the agreement of the parties to the proceeding).

**‘(2)** A Judge may at any time make an order providing for—

- (a) a question to be tried separately; or
- (b) when, in relation to the rest of the proceeding, a question that is to be tried separately is to be tried; or
- (c) how a question that is to be tried separately is to be tried; or
- (d) where a question that is to be tried separately is to be tried; or
- (e) the amendment of an order made under this subrule.

**‘(3)** If a question has been tried separately under this rule, a Judge may make an order or give a direction that is appropriate, including for example—

- (a) dismissing the proceeding, or the whole or a part of a claim for relief that is a part of the proceeding; or
- (b) giving judgment in the proceeding.

**‘(4)** However, if an assessment of damages is made, it must be on a final

basis for the proceeding.

‘(5) Except with leave of the Court of Appeal, an appeal does not lie from an order made or a direction given under subrule (3) unless the order or direction disposes of the proceeding.’.

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#### ENDNOTES

1. Made by the Governor in Council on 3 February 1994.
2. Notified in the Gazette on 4 February 1994.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Justice and Attorney-General.