



Queensland

# Uniform Civil Procedure and Other Rules Amendment Rule (No. 1) 2006

## Subordinate Legislation 2006 No. 194

made under the

*Supreme Court of Queensland Act 1991*

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## **Part 1 Preliminary**

### **1 Short title**

This rule may be cited as the *Uniform Civil Procedure and Other Rules Amendment Rule (No. 1) 2006*.

### **2 Commencement**

Section 12 is taken to have commenced on 2 July 2006.

## **Part 2 Amendment of Uniform Civil Procedure Rules 1999**

### **3 Rule amended in pt 2**

This part amends the *Uniform Civil Procedure Rules 1999*.

### **4 Amendment of r 281 (Application of div 2)**

Rule 281(1)—

*omit, insert—*

- ‘(1) This division applies if a defendant in a proceeding started by claim has not filed a notice of intention to defend and the time allowed under rule 137<sup>1</sup> to file the notice has ended.’.

### **5 Amendment of r 377 (Amendment of originating process)**

Rule 377(1)(b)—

*omit, insert—*

- ‘(b) if the originating process has not been served and all sealed copies of the originating process, and other documents filed with the originating process, are

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<sup>1</sup> Rule 137 (Time for notice of intention to defend)

returned to the court that issued the originating process—with the leave of the registrar or the court; or

- (c) otherwise—with the leave of the court.’.

## **6 Replacement of r 516 (Costs in minor debt claims)**

Rule 516—

*omit, insert—*

### **‘516 Costs in minor debt claims**

‘The only costs a party may be awarded in relation to a minor debt claim up to judgment are 1 or more of the following costs—

- (a) a filing fee;
- (b) a fee charged by a service provider for electronically filing a document;
- (c) a service fee and travelling allowance at the prescribed rate for bailiff’s fees;
- (d) a business name or company search fee.’.

## **7 Amendment of sch 1A (Rules for proceedings under Corporations Act or ASIC Act)**

Schedule 1A, rule 3.3—

*insert—*

- ‘(2) Unless the court otherwise orders, a meeting of members ordered under the Corporations Act, section 411 must be convened, held or conducted in accordance with—
- (a) the provisions of the Corporations Act, part 2G.2<sup>2</sup> that apply to the members of the company; and
  - (b) the provisions of the plaintiff’s constitution that apply in relation to meetings of members and are not inconsistent with the Corporations Act, part 2G.2.

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<sup>2</sup> Corporations Act, part 2G.2 (Meetings of members of companies)

- ‘(3) Unless the court otherwise orders, a meeting of a class of holders of convertible securities ordered under the Corporations Act, section 411 must be convened, held and conducted—
- (a) in accordance with, and subject to, the applicable provisions of the instrument under which the securities were issued; and
  - (b) as if—
    - (i) the holders were a separate class of members; and
    - (ii) the meeting was a meeting of members convened, held and conducted under subrule (2).’.

## 8 **Amendment sch 4 (Dictionary)**

Schedule 4—

*insert—*

‘***approved entity***, for chapter 22, part 1, division 4, see rule 975B.

***electronically file***, for chapter 22, part 1, division 4 and rule 516, see rule 975B.

***electronic judgment***, for chapter 22, part 1, division 4, see rule 975B.

***service provider***, for chapter 22, part 1, division 4 and rule 516, see rule 975B.’.

## **Part 3** **Amendment of Supreme Court (Legal Practitioner Admission) Rules 2004**

### 9 **Rule amended in part 3**

This part amends the *Supreme Court (Legal Practitioner Admission) Rules 2004*.

**10 Omission of r 20 (Admission of overseas-registered foreign lawyers)**

Rule 20—

*omit.*

**11 Replacement of pt 5 hdg (Repeal and transitional provisions)**

Part 5, heading—

*omit, insert—*

**‘Part 5 Repeal and transitional provisions for SL No. 110 of 2004’.**

**12 Insertion of new r 46**

Part 5, division 7—

*insert—*

**‘46 Particular approved academic requirements or approved practical legal training requirements**

‘(1) Despite rule 6(3)(b),<sup>3</sup> the Chief Justice and the board may approve completion of a recognised academic course under the repealed barristers rules or repealed solicitors rules as approved academic qualifications.

‘(2) Despite rule 7(3),<sup>4</sup> the Chief Justice and the board may approve the requirements of a course in practical legal training mentioned in, or approved under, the repealed solicitors rules, rule 17(2)(d) as approved practical legal training requirements.

‘(3) If an approval is given under subrule (1) or (2), the board must require the registrar to arrange for there to be stated on the court’s internet website—

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<sup>3</sup> Rule 6 (Approved academic qualifications—Australian course)

<sup>4</sup> Rule 7 (Approved practical legal training requirements—Australian course)

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- (a) the recognised academic course completion of which is approved as approved academic qualifications; or
  - (b) the course in practical legal training the requirements of which are approved as approved practical legal training requirements.
- ‘(4) This rule expires 1 year after it commences.’.

**13 Insertion of new pt 6**

After rule 52—

*insert—*

**‘Part 6 Transitional provision for  
Uniform Civil Procedure and  
Other Rules Amendment Rule  
(No. 1) 2006**

**‘53 Conditional admission of overseas-registered  
foreign lawyer under former r 20**

- ‘(1) This rule applies if, immediately before the commencement, an overseas-registered foreign lawyer is conditionally admitted as a legal practitioner for a period on condition that during the period the lawyer engages in legal practice in Australia for a period of, or periods totalling, a particular length (the *Australian practice condition*).
- ‘(2) On commencement of this rule—
- (a) the lawyer is taken to have complied with the Australian practice condition; and
  - (b) the period of the lawyer’s conditional admission ends.
- ‘(3) However, if the lawyer’s conditional admission is subject to another condition that has not been complied with on the commencement of this rule—
- (a) subrule (2)(b) does not apply; and
  - (b) the period of the lawyer’s conditional admission ends on the earlier of the following days—

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- (i) the day the lawyer complies with the other condition;
- (ii) the day the period of the lawyer's conditional admission would have ended if this rule had not been made.'.

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ENDNOTES

- 1 Made by the Governor in Council on 27 July 2006.
- 2 Notified in the gazette on 28 July 2006.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.