



Queensland

Uniform Civil Procedure (Representative Proceedings) Amendment Rule 2017

Subordinate Legislation 2017 No. 18

made under the

Supreme Court of Queensland Act 1991

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[r 1]

1 Short title

This rule may be cited as the *Uniform Civil Procedure (Representative Proceedings) Amendment Rule 2017*.

2 Commencement

This rule commences on the commencement of the *Limitation of Actions (Child Sexual Abuse) and Other Legislation Amendment Act 2016*, part 3, division 1.

3 Rules amended

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

4 Insertion of new r 74A

Chapter 3, part 1, division 4—

insert—

74A Application of division

This division does not apply to a representative proceeding under the *Civil Proceedings Act 2011*, part 13A.

5 Insertion of new ch 3, pt 1, div 5

Chapter 3, part 1—

insert—

Division 5 Representative proceedings in Supreme Court

77A Application of division

This division applies to a representative proceeding under the *Civil Proceedings Act 2011*, part 13A.

Note—

See rule 4(2) in relation to the meaning in these rules of words and expressions used in the *Civil Proceedings Act 2011*.

77B Starting representative proceeding

A representative proceeding must be started by claim in the approved form.

77C Requirements for giving consent to be group member

- (1) This rule applies to the giving of consent under the *Civil Proceedings Act 2011*, section 103D(2) to be a group member.
- (2) The consent must—
 - (a) be in the approved form; and
 - (b) be filed and served on the representative party for the representative proceeding to which the notice relates.

77D Requirements for giving notice to opt out of representative proceeding

- (1) This rule applies to the giving of notice under the *Civil Proceedings Act 2011*, section 103G(2) to opt out of a representative proceeding.
- (2) The notice must—
 - (a) be in the approved form; and
 - (b) be filed and served on the representative party for the representative proceeding to which the notice relates.

77E Representative party must give list of opt-out group members

- (1) This rule applies if 1 or more group members to

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whom a representative proceeding relates (each an *opt-out group member*) file and serve in the proceeding a notice under rule 77D.

- (2) The representative party for the representative proceeding must, within 14 days after the opt-out date for the proceeding, give each other party to the proceeding a list of the opt-out group members.
- (3) In this rule—
opt-out date, for a representative proceeding, means—
 - (a) if the court fixes a date for the proceeding under the *Civil Proceedings Act 2011*, section 103G(3)—that date; or
 - (b) otherwise—the date fixed by the court for the proceeding under section 103G(1) of that Act.

77F Requirements for particular applications in representative proceedings

- (1) This rule applies to an application for an order under any of the following sections of the *Civil Proceedings Act 2011*—
 - (a) section 103H;
 - (b) section 103S;
 - (c) section 103T;
 - (d) section 103W.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) be accompanied by an affidavit stating, for the group members of the representative proceeding to which the application relates—
 - (i) the identity of the group members; and

- (ii) the whereabouts of the group members;
and
- (iii) the way that is most likely to bring notice of a matter to the attention of the group members.

ENDNOTES

- 1 Made by the Governor in Council on 23 February 2017.
- 2 Notified on the Queensland legislation website on 24 February 2017.
- 3 The administering agency is the Department of Justice and Attorney-General.

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