



Queensland

Uniform Civil Procedure (Access to Exhibits) Amendment Rule 2022

Subordinate Legislation 2022 No. 24

made under the

Supreme Court of Queensland Act 1991

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[s 1]

1 Short title

This rule may be cited as the *Uniform Civil Procedure (Access to Exhibits) Amendment Rule 2022*.

2 Rules amended

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

3 Insertion of new ch 11, pt 9

Chapter 11—

insert—

Part 9 Access to exhibits

448A References to exhibits

A reference in this part to an exhibit, in relation to a proceeding, is a reference to an exhibit tendered in the proceeding.

448B Access to exhibits by parties

- (1) A party to a proceeding may ask the registrar to permit the applicant, on payment of any prescribed fee, to do 1 or more of the following—
 - (a) inspect an exhibit;
 - (b) obtain a copy of an exhibit that is a document;
 - (c) take a photograph of an exhibit that is not a document.
- (2) The registrar must comply with the request, subject to—
 - (a) any court order restricting the inspection, copying or photographing of the exhibit; or
 - (b) the exhibit being required for the court's use.

- (3) Also, a party to a proceeding may apply to the court for an order permitting the applicant to do 1 or more of the following—
 - (a) inspect an exhibit;
 - (b) obtain a copy of an exhibit that is a document;
 - (c) take a photograph of an exhibit that is not a document.
- (4) The court may, on the application, make the orders and give the directions it considers appropriate in relation to the exhibit.

448C Access to exhibits by non-parties

- (1) A person who is not a party to a proceeding may apply to the court for an order permitting the applicant to do 1 or more of the following—
 - (a) inspect an exhibit;
 - (b) obtain a copy of an exhibit that is a document;
 - (c) take a photograph of an exhibit that is not a document.
- (2) The application must—
 - (a) identify the exhibit the subject of the application; and
 - (b) be filed in the proceeding in which the exhibit was tendered; and
 - (c) be supported by an affidavit stating—
 - (i) the reason why the order is sought; and
 - (ii) the use the applicant intends to make of the exhibit, including whether the applicant intends to publish, or otherwise communicate, the exhibit or its subject matter.

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- (3) Also, unless the court orders otherwise, the application and the supporting affidavit must be served on—
 - (a) each party to the proceeding in which the exhibit was tendered; and
 - (b) any other person the applicant has reasonable grounds to believe would be directly affected by the order sought.
- (4) The court may, on the application, make the orders and give the directions it considers appropriate in relation to the exhibit, including, for example, an order imposing a condition restricting the nature and extent of any publication or other use of the exhibit or its subject matter.
- (5) In deciding whether to make an order under subrule (4), the court may have regard to the following matters—
 - (a) whether inspection of the exhibit may help the applicant provide a fair and accurate report of the proceeding;
 - (b) whether access to the exhibit enables the business of the court to be seen to be conducted in open court;
 - (c) whether access to the exhibit is otherwise in, or contrary to, the public interest or the interests of justice.
- (6) Unless the court orders otherwise, an order made under this rule permitting the exhibit to be inspected, copied or photographed is stayed until any prescribed fee for that purpose is paid.

ENDNOTES

- 1 Made by the Governor in Council on 17 March 2022.
- 2 Notified on the Queensland legislation website on 18 March 2022.
- 3 The administering agency is the Department of Justice and Attorney-General.

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