



Queensland

Uniform Civil Procedure and Another Rule Amendment Rule (No. 1) 2012

Explanatory Notes for SL 2012 No. 150

made under the

Supreme Court of Queensland Act 1991

General outline

Short title

Uniform Civil Procedure and Another Rule Amendment Rule (No. 1) 2012

Authorising law

Section 85 of the *Supreme Court of Queensland Act 1991*.

Policy objectives and the reasons for them

The principal objective of the *Civil Proceedings Act 2011* is to provide a uniform and consistent approach to civil proceedings across the Supreme, District and Magistrates Courts.

The enactment of the *Civil Proceedings Act 2011* has resulted in various references in the *Uniform Civil Procedure Rules 1999* requiring amendment to reflect both the consolidation of civil proceedings into the *Civil Proceedings Act 2011*, and consequential amendments to other Acts including the *Supreme Court of Queensland Act 1991*, the *District Court of Queensland Act 1967* and the *Magistrates Courts Act 1921*.

The amendment rule also makes consequential and other minor technical amendments to the *Criminal Practice Rules 1999*.

Achievement of policy objectives

The amendment rule amends the *Uniform Civil Procedure Rules 1999* to make consequential amendments resulting from the commencement of the civil proceedings provisions of the *Civil Proceedings Act 2011*.

The amendment rule also provides for:

- greater consistency across the Supreme, District and Magistrates Courts in the procedures for objection to, or transfer of, a district for a civil proceeding;
- the omission of references to judicial registrars for Supreme and District Courts in recognition of there being no judicial registrars appointed for those courts; and
- the making of minor technical amendments to the *Uniform Civil Procedure Rules 1999* and the *Criminal Practice Rules 1999*.

Consistency with policy objectives of authorising law

The amendment rule is consistent with the main objects of the authorising legislation.

Inconsistency with policy objectives of other legislation

The amendment rule is not inconsistent with any policy objectives of any other legislation.

Benefits and costs of implementation

The amendment rule will ensure consistency between the *Civil Proceedings Act 2011*, the *Supreme Court of Queensland Act 1991* and the *Uniform Civil Procedure Rules 1999* to produce a more cohesive system of justice for civil proceedings.

The court procedures for change of venue will be consistent across the Supreme, District and Magistrates Courts, which will be more efficient for legal practitioners, self-represented litigants, and court staff.

Any implementation costs will be met from existing agency resources.

Consistency with fundamental legislative principles

The amendment rule does not conflict with fundamental legislative principles.

Consultation

The Rules Committee has consented to the amendments, as required under *Supreme Court of Queensland Act 1991*.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.

© State of Queensland 2012