

# Uniform Civil Procedure (Representative Proceedings) Amendment Rule 2017

Explanatory notes for SL 2017 No. 18

made under the

*Supreme Court of Queensland Act 1991*

## General Outline

### Short Title

*Uniform Civil Procedure (Representative Proceedings) Amendment Rule 2017*

### Authorising law

Section 85 of the *Supreme Court of Queensland Act 1991* (the SCQ Act)

### Policy objectives and the reasons for them

Section 85 of the SCQ Act provides that the Governor in Council may make rules of court for, inter alia, the practices and procedures of the Supreme, District and Magistrates Courts or their registries. Section 85(2) of the SCQ Act provides that a rule may only be made with the consent of the Rules Committee (a committee of magistrates and judges established by the Chief Justice of Queensland under the SCQ Act).

Part 3, Division 1 of the *Limitation of Actions (Child Sexual Abuse) and Other Legislation Amendment Act 2016* (the Act) which received assent on 11 November 2016 amends the *Civil Proceedings Act 2011* (CPA) to introduce a comprehensive statutory regime for the conduct and management of representative proceedings, commonly known as 'class actions', in the Supreme Court of Queensland.

The objective of the *Uniform Civil Procedure (Representative Proceedings) Amendment Rule 2017* (Amendment Rule) is to provide for rules of court to support the new statutory regime for the conduct and management of representative proceedings contained in Part 13A of the CPA.

### Achievement of policy objectives

The policy objective is achieved by making rules for:

- starting a representative proceeding;
- the requirements for giving consent to be a group member if a person is within one of the specified categories of persons required to give consent (i.e. the Commonwealth

or a State and their Ministers, bodies corporate established for public purposes and officers acting in an official capacity);

- the requirements for a group member to give notice to opt out of a representative proceeding; and
- the requirements for particular applications for representative proceedings

The Amendment Rule will commence upon the commencement of Part 3, Division 1 of the Act.

## **Consistency with policy objectives of authorising law**

The Amendment Rule is consistent with the policy objectives of the authorising law by providing for rules to facilitate the efficient and effective exercise of the Supreme Court's jurisdiction and powers.

## **Inconsistency with policy objectives of other legislation**

The Amendment Rule is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The benefit of the Amendment Rule is to enhance the administration of justice and access to justice by facilitating the effective and efficient management of representative proceedings under Part 13A of the CPA in the Supreme Court of Queensland.

The Amendment Rule is not expected to have any significant direct cost implications.

## **Consistency with fundamental legislative principles**

The Amendment Rule is consistent with fundamental legislative principles.

## **Consultation**

The Rules Committee consented to the Amendment Rule.