

Uniform Civil Procedure (Corporations Proceedings) Amendment Rule 2018

Explanatory notes for SL 2018 No. 193

Made under the

Supreme Court of Queensland Act 1991

General Outline

Short title

Uniform Civil Procedure (Corporations Proceedings) Amendment Rule 2018

Authorising law

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

Policy objectives and the reasons for them

Under section 85 of the Act, the Governor in Council may make rules of court for the Supreme, District and Magistrates Courts, with the consent of the Rules Committee (a committee of magistrates and judges established by the Chief Justice of Queensland under the Act), including practice and procedure rules for Queensland courts or their registries. The rules of court for civil law matters are contained in the *Uniform Civil Procedure Rules 1999* (UCPR).

The *Uniform Civil Procedure (Corporations Proceedings) Amendment Rule 2018* (Amendment Rule) harmonises the UCPR Schedules 1A and 1B with the *Federal Court (Corporations) Rules 2000* (Cth) (FCCR), with minor variations to ensure consistency of Queensland definitions, processes and powers of registrars.

Achievement of policy objectives

The Amendment Rule harmonises UCPR Schedules 1A and 1B with the FCCR. It includes changes made by the *Federal Court (Corporations) Amendment (Publication of Notices) Rules 2017* (Cth), to restore notice of external administration events in relation to a body, to be published once in a daily newspaper circulating generally in the State or Territory where the body has its principal, or last known, place of business. The requirement for newspaper advertising is being restored as not all insolvency notices are capable of being published on the Australian Securities and Investments Commission's website.

The Amendment Rule also incorporates changes made by the *Federal Court (Corporations) Amendment (Insolvency Law Reform) Rules 2017* (Cth) to reflect the insolvency law reform that occurred under the *Insolvency Law Reform Act 2016* (Cth) and changes made by the *Federal Court (Corporations) Amendment Rules 2008 (No. 2)* (Cth) which made consequential changes as a result of the enactment of the *Cross-Border Insolvency Act 2008* (Cth). This gives effect to the Model Law on Cross-Border Insolvency of the United Nations Commission on International Trade Law (the Model Law). The Model Law outlines a system of insolvency procedures to be used in cases where the insolvent party has assets in more than one country, or when there are foreign creditors present in a domestic insolvency proceeding.

Consistency with policy objectives of authorising law

The Amendment Rule is consistent with the objectives of the Act.

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

There are no implementation costs for the Amendment Rule.

Consistency with fundamental legislative principles

The Amendment Rule is consistent with fundamental legislative principles.

Consultation

The Rules Committee has consented to the Amendment Rule.

The Department of Justice and Attorney-General has self-assessed the Amendment Rule to be excluded from further regulatory impact analysis under exclusion category (j) of the *Queensland Government Guide to Better Regulation* as it is a regulatory proposal relating to the administration of courts and tribunals.