

Uniform Civil Procedure (Referees) Amendment Rule 2019

Explanatory notes for SL 2019 No. 135

made under the

Supreme Court of Queensland Act 1991

General Outline

Short title

Uniform Civil Procedure (Referees) Amendment Rule 2019

Authorising law

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

Policy objectives and the reasons for them

Section 89 of the Act provides for the establishment of a Rules Committee (a committee of magistrates and judges established by the Chief Justice of Queensland). Under section 85 of the Act, the Governor in Council, with the consent of the Rules Committee, may make rules of court for the practices and procedures of the Supreme Court, the District Court and the Magistrates Courts or their registries. The rules of court for civil law matters are contained in the *Uniform Civil Procedure Rules 1999* (UCPR).

The UCPR currently contain limited provisions about the use of referees by the court.

The objective of the *Uniform Civil Procedure (Referees) Amendment Rule 2019* (the Amendment Rule) is to amend the UCPR to facilitate the increased use of referees in Queensland civil proceedings to assist in the effective and expeditious completion of court business.

Achievement of policy objectives

The policy objective is achieved by amending the UCPR to:

- allow a court to refer any question (whether it is of fact or law or both) to a referee for inquiry and report, except those questions which must be tried by a jury; and

- provide that referees are bound by the rules of natural justice but not the rules of evidence.

The Amendment Rule also inserts new rules relating to the conduct of the inquiry before the referee, the obligations of the parties, directions, the referee's report and the use of the referee's report.

Consistency with policy objectives of authorising law

The Amendment Rule is consistent with the policy 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

The Amendment Rule will facilitate the increased use of referees in Queensland civil proceedings to assist in the effective and expeditious completion of court business. There are no costs associated with the implementation of 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 making of the Amendment. Rule.

The Department of Justice and Attorney-General has self-assessed the Amendment Regulation 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.