

# **Uniform Civil Procedure and Other Rules Amendment Rule 2022**

Explanatory notes for SL 2022 No. 88

Made under the

*Magistrates Courts Act 1921*

*Supreme Court of Queensland Act 1991*

## **General Outline**

### **Short Title**

*Uniform Civil Procedure and Other Rules Amendment Rule 2022*

### **Authorising law**

Section 57C of the *Magistrates Courts Act 1921* (the MC Act)

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

### **Policy objectives and the reasons for them**

Section 85 of the SC Act empowers the Governor in Council to make rules including rules for the practices and procedures of the Supreme Court, the District Court or the Magistrates Courts or their registries or another matter mentioned in Schedule 1. The rules of court are contained in the *Uniform Civil Procedure Rules 1999* (UCPR). Schedule 1, item 21 (Costs) of the SC Act specifically refers to the assessment of costs.

Section 85(2) of the SC Act provides that a rule made by the Governor in Council under section 85 of the Act 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 Act).

Under section 57C(1) of the MC Act, the Governor in Council may, with the consent of the Chief Magistrate, make rules of court providing for the practices and procedures of a proceeding in a court under the *Domestic and Family Violence Protection Act 2012*, or a registry of a court in relation to a proceeding under that Act. The rules of court are contained in the *Domestic and Family Violence Protection Rules 2014* (DFVP Rules).

The UCPR and DFVP Rules include scales of costs that are used to assess costs under the UCPR and DFVP Rules in relation to the award and assessment of legal costs for court proceedings.

Following a review by the Rules Committee, it is proposed to adjust the scales of costs for the Supreme, District and Magistrates Courts under the UCPR in line with a formula developed for the indexation of scales of costs in the federal courts which reflects movements in the consumer price index and wage price index. Given that the relevant monetary amounts were last increased in 2018, the adjustment includes movements in these indexes for 2019, 2020, 2021 and 2022.

As the DFVP Rules scale of costs is based on schedule 2, part 3 of the UCPR, this scale of costs is also updated.

## **Achievement of policy objectives**

The proposed amendments adjust the scales of costs in the UCPR and DFVP Rules to reflect movements in the consumer price index and wage price index since the relevant monetary amounts were last increased in 2018.

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

The *Uniform Civil Procedure and Other Rules Amendment Rule 2022* (Amendment Rule) is consistent with the policy objectives of the authorising law.

## **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 ensures that the prescribed scales of costs maintain their value having regard to movements in the consumer price index and wage price index. There are no implementation costs for the Amendment Rule.

## **Consistency with fundamental legislative principles**

The Amendment Rule is consistent with the fundamental legislative principles.

## **Consultation**

In the course of reviewing the scales of costs, the Rules Committee conducted consultation with legal stakeholders.

The Rules Committee has consented to the Amendment Regulation.

The Chief Magistrate has consented to the amendments to the DFVP Rules.

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