

Uniform Civil Procedure and Other Rules Amendment Rule 2022

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (HR Act), I, the Honourable Shannon Fentiman MP, Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, provide this human rights certificate with respect to the *Uniform Civil Procedure and Other Rules Amendment Rule 2022* (Amendment Rule) made under the *Magistrates Courts Act 1921* (MC Act) and the *Supreme Court of Queensland Act 1991* (the SC Act).

In my opinion, the Amendment Rule, as tabled in the Legislative Assembly, is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

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, the Amendment Regulation adjusts the scales of costs for the Supreme, District and Magistrates Courts 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.

Human Rights Issues

The Amendment Rule does not affect or engage a human right.

Conclusion

I consider that the *Uniform Civil Procedure and Other Rules Amendment Rule 2022* is compatible with the HR Act because it does not limit human rights.

SHANNON FENTIMAN MP
Attorney-General and Minister for Justice
Minister for Women and Minister for the
Prevention of Domestic and Family Violence

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