

Uniform Civil Procedure (Offers to Settle) Amendment Rule 2023

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 Yvette D'Ath MP, Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence, provide this human rights certificate with respect to the *Uniform Civil Procedure (Offers to Settle) Amendment Rule 2023* (Amendment Rule) made under the *Supreme Court of Queensland Act 1991* (the 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(1)(a) of the Act empowers the Governor in Council to make rules of court, including rules for the practices and procedures of the Supreme Court, the District Court or the Magistrates Courts or their registries. Section 85(2) of the 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.

Chapter 9, part 5 of the *Uniform Civil Procedure Rules 1999* (UCPR) encourages the parties to civil matters to attempt to resolve their cases before trial, by imposing costs consequences on:

- a defendant who rejects an offer to settle by the plaintiff, if the plaintiff obtains an order that is no less favourable than the offer; or
- a plaintiff who rejects an offer to settle by the defendant, if the plaintiff does not obtain an order that is more favourable than the offer.

The Amendment Rule will:

- amend rules 360 and 361 to clarify the costs implications for parties to a proceeding resulting from offers to settle;
- insert a new rule 361A to outline the costs implications resulting from an offer to settle where the plaintiff's proceeding is dismissed; and
- provide transitional arrangements for the Amendment Rule.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

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

Conclusion

I consider that the *Uniform Civil Procedure (Offers to Settle) Amendment Rule 2023* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

YVETTE D'ATH MP
Attorney-General and Minister for Justice and
Minister for the Prevention of Domestic and Family Violence

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