

# Uniform Civil Procedure (Fees) and Other Legislation Amendment Regulation (No. 2) 2024

## 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 (Fees) and Other Legislation Amendment Regulation (No. 2) 2024* (the Amendment Regulation) made under the *Supreme Court of Queensland Act 1991* (SCQ Act).

In my opinion, the Amendment Regulation, 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 SCQ Act provides that the Governor in Council may make rules of court under the SCQ Act for certain matters 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).

Section 85(2) of the SCQ Act provides that a rule 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 SCQ Act).

Section 92 of the SCQ Act provides that the Governor in Council may make regulations under the SCQ Act, including to prescribe fees and costs for the Supreme Court, District Court, Magistrates Courts or Planning and Environment Court. The regulation prescribing these matters is the *Uniform Civil Procedure (Fees) Regulation 2019* (UCPF Regulation).

The Amendment Regulation:

- amends rules 386 and 692 of the UCPR to provide that, unless a court orders otherwise or the parties otherwise agree, such costs are not assessed and recoverable until the proceeding ends;
- expands the application of the automatic approval for reduced filing fees under section 8 of the UCPF Regulation to, in effect, include a party to a proceeding who has been given legal assistance under the Civil Law Legal Aid Scheme (CLLA Scheme), by amending section 8 to provide that a registrar must also approve an application for a reduced fee where the applicant has been given aid or other legal assistance under the *Public Trustee Act 1978* for the proceeding;
- rectifies the unintended omission of an adjustment to certain fee units under the UCPF Regulation pursuant to the *Justice and Other Legislation Amendment Act 2023* by adjusting the fee units under items 3 and 4 of schedule 2, part 1 of the UCPF Regulation to absorb the removal of fees from the *Appeals Cost Fund Act 1973*; and
- makes minor, technical drafting amendments to the UCPR.

## Human Rights Issues

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

## Conclusion

I consider that the *Uniform Civil Procedure (Fees) and Other Legislation Amendment Regulation (No. 2) 2024* is compatible with the HR Act 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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