



Queensland

Uniform Civil Procedure Rules and Other Legislation Amendment and Repeal Regulation (No. 1) 2018

Subordinate Legislation 2018 No. 127

made under the

Childrens Court Act 1992

Industrial Relations Act 2016

Magistrates Courts Act 1921

Motor Accident Insurance Act 1994

Personal Injuries Proceedings Act 2002

Supreme Court of Queensland Act 1991

Workers' Compensation and Rehabilitation Act 2003

Contents

		Page
Part 1	Preliminary	
1	Short title	6
Part 2	Amendment of Childrens Court Rules 2016	
2	Rules amended	6
3	Amendment of r 100 (When court may order costs for non-participant complying with subpoena)	6
Part 3	Amendment of Criminal Practice (Fees) Regulation 2010	
4	Regulation amended	6
5	Amendment of sch 1 (Fees)	7
Part 4	Amendment of Criminal Practice Rules 1999	
6	Rules amended	7
7	Replacement of r 10 (Electronic transmission of documents) . . .	7
	10 Electronic filing, giving or issuing of documents	7
8	Amendment of r 17 (Service of application)	8

Contents

9	Amendment of r 19 (Lawyer withdrawing from acting for accused person)	9
10	Amendment of r 20 (Director of public prosecutions)	9
11	Amendment of r 23 (Service of application)	10
12	Amendment of r 25 (Application for bail)	10
13	Amendment of r 26 (Application to revoke bail)	10
14	Amendment of r 27 (Application by surety for discharge)	11
15	Amendment of r 28 (Application for bench warrant)	11
16	Amendment of r 29 (Subpoenas)	11
17	Amendment of r 30 (Medical, hospital and government records)	12
18	Replacement of r 35 (Travelling expenses)	13
	35 Travelling expenses	13
19	Insertion of new r 40A	13
	40A Service by email	13
20	Amendment of r 42 (Application for direction or ruling)	14
21	Omission of r 43 (Hearing of application)	14
22	Replacement of rr 55 and 56	14
	55 Production, custody and disposal of exhibits and other documents	15
	56 Inspection and obtaining copies of exhibits	15
23	Replacement of r 57 (Access to court files)	17
	57 Access to court files	17
24	Amendment of r 61 (Recording proceedings on indictment)	20
25	Amendment of r 62 (Verdict and judgment record)	21
26	Insertion of new ch 14A	22
	Chapter 14A Serious drug offence certificates	
	62A Definition for chapter	22
	62B Issue of certificate in first instance	22
	62C Amendment of certificate	23
27	Replacement of r 75 (Application for leave to be present)	24
	75 Application for leave to be present	24
28	Amendment of r 82 (Referring point of law)	25
29	Amendment of r 97 (Appeal record book)	25
30	Amendment of r 98 (Parties' access to documents and exhibits held by registrar)	25
31	Amendment of r 99 (Publication of pre-sentence and psychiatric reports)	

	26
32	Amendment of r 100 (Returning exhibits)	26
33	Amendment of r 108 (Application for leave to adduce evidence)	27
34	Amendment of sch 6 (Dictionary)	27
Part 5	Amendment of Domestic and Family Violence Protection Rules 2014	
35	Rules amended	28
36	Amendment of r 52 (Assessing costs in a proceeding)	28
37	Amendment of sch 1 (Costs in a proceeding)	28
38	Amendment of sch 2 (Dictionary)	35
Part 6	Amendment of Industrial Relations (Tribunals) Rules 2011	
39	Rules amended	36
40	Amendment of r 70 (Costs)	36
Part 7	Amendment of Motor Accident Insurance Regulation 2004	
41	Regulation amended	36
42	Amendment of s 29 (Costs if mandatory final offer accepted—Act, s 51C)	37
Part 8	Amendment of Personal Injuries Proceedings Regulation 2014	
43	Regulation amended	37
44	Amendment of s 11 (Costs if mandatory final offer is accepted—Act, s 40)	37
Part 9	Amendment of Uniform Civil Procedure Rules 1999	
45	Rules amended	37
46	Amendment of r 4 (Dictionary)	37
47	Amendment of r 17 (Contact details and address for service) ..	38
48	Amendment of r 19 (Originating process must be signed)	38
49	Amendment of r 20 (Copy of originating process for court)	39
50	Amendment of r 97 (Disclosure)	39
51	Omission of r 209 (Application of pt 1)	39
52	Insertion of new ch 7, pt 1AA	39
	Part 1AA Preliminary	
	209 Application of chapter	39
53	Amendment of rr 242 and 243	40
54	Renumbering of ch 7, pts 1AA–2	40
55	Amendment of r 467 (Request for trial date)	40
56	Amendment of r 522N (Particular rules do not apply to employment claims)	41

Contents

57	Amendment of r 555 (Privilege)	41
58	Amendment of r 661 (Filing an order)	41
59	Amendment of r 691 (Australian lawyer's costs)	41
60	Amendment of r 860 (Employer to make payments)	42
61	Insertion of new ch 22, pt 1, div 1AA	42
	Division 1AA Preliminary	
	959A Definition for part	42
	959B Service providers	42
62	Amendment of r 961 (Layout)	42
63	Amendment of r 963 (Alterations)	43
64	Amendment of r 967 (How documents may be filed)	43
65	Amendment of r 968 (Filing documents personally)	44
66	Amendment of r 969 (Filing documents by post)	44
67	Insertion of new r 969A	44
	969A Electronically filing documents	45
68	Omission of r 971 (Filing fees)	46
69	Amendment of r 972 (Court fees if state-related party)	46
70	Replacement of ch 22, pt 1, div 4 (Electronic court documents)	46
	Division 4 Particular provisions for electronically filed documents	
	975A Application of particular provisions to electronically filed documents	46
	975B Retention and status of document electronically filed	48
	975C Electronic filing of sworn or affirmed documents	48
	975D Particular sworn or affirmed documents taken to be filed	49
	975E Approvals of principal registrar	49
71	Amendment of r 978 (Issue of documents)	50
72	Insertion of new r 978A	50
	978A Issuing documents electronically	50
73	Insertion of new ch 24, pt 7	51
	Part 7 Transitional provision for Uniform Civil Procedure Rules and Other Legislation Amendment and Repeal Regulation (No. 1) 2018	
	1002 Existing service providers	51
74	Replacement of schs 1–3	51
	Schedule 1 Scale of costs—Supreme Court and District Court	51
	Schedule 2 Scale of costs—Magistrates Courts	59
	Part 1 General	

	1	Costs allowed for counsel and solicitor or clerk	59
	2	Costs of unnecessary step	59
	Part 2	Costs (up to \$50,000)	
	Part 3	Costs (over \$50,000)	
75		Amendment of sch 4 (Dictionary)	74
Part 10		Amendment of Workers' Compensation and Rehabilitation Regulation 2014	
76		Regulation amended	75
77		Amendment of s 132 (Costs—proceeding before industrial magistrate or industrial commission)	75
Part 11		Repeal	
78		Repeal	75

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Uniform Civil Procedure Rules and Other Legislation Amendment and Repeal Regulation (No. 1) 2018*.

Part 2 Amendment of Childrens Court Rules 2016

2 Rules amended

This part amends the *Childrens Court Rules 2016*.

3 Amendment of r 100 (When court may order costs for non-participant complying with subpoena)

(1) Rule 100(5)(c)(i), ‘schedule 2’—

omit, insert—

schedule 1

(2) Rule 100(5)(c)(ii), ‘schedule 3’—

omit, insert—

schedule 2

Part 3 Amendment of Criminal Practice (Fees) Regulation 2010

4 Regulation amended

This part amends the *Criminal Practice (Fees) Regulation 2010*.

5 Amendment of sch 1 (Fees)

- (1) Schedule 1, item 1, ‘56(1)’—

omit, insert—

56(2)

- (2) Schedule 1, item 2, from ‘court’—

omit, insert—

document or thing under rule 29(8A)(a) or a court
file or document under rule 57(3)

- (3) Schedule 1, item 3, ‘57(1)(b)’—

omit, insert—

57(3) or (5)

**Part 4 Amendment of Criminal
Practice Rules 1999**

6 Rules amended

This part amends the *Criminal Practice Rules 1999*.

**7 Replacement of r 10 (Electronic transmission of
documents)**

Rule 10—

omit, insert—

**10 Electronic filing, giving or issuing of
documents**

- (1) Unless otherwise stated in these rules—

(a) a document required to be filed or given
under the Code or these rules may be filed
or given electronically; and

(b) a document issued under the Code or these
rules may be issued electronically; and

- (c) a document required by subpoena to be produced to the court under these rules may be produced to the court electronically.
- (2) For a document filed electronically under the Code or these rules, the day on which the document is taken to have been filed is—
 - (a) if the whole of the document is received by the registry before 4.30p.m. on a day the registry is open for business—that day; or
 - (b) otherwise—the next day the registry is open for business.
- (3) A document issued electronically under the Code or these rules—
 - (a) must include an image of the seal of the court; and
 - (b) is valid even if the document does not include a signature.
- (4) A paper copy of an electronically issued document is taken for all purposes, including, for example, service, to be—
 - (a) a copy of the electronically issued document; and
 - (b) stamped with the court’s seal.

8 Amendment of r 17 (Service of application)

- (1) Rule 17(1), after ‘clear’—
insert—
business
- (2) Rule 17(2), after ‘facsimile’—
insert—
or electronic
- (3) Rule 17—

insert—

(3) However, an application mentioned in subrule (2) may be heard and decided by the court only if it is proved that the application has been received by the entity or the entity has actual knowledge of it.

(4) In this rule—

electronic transmission means a transmission made electronically.

9 Amendment of r 19 (Lawyer withdrawing from acting for accused person)

Rule 19(4), after ‘direction,’—

insert—

or otherwise as soon as reasonably practicable,

10 Amendment of r 20 (Director of public prosecutions)

(1) Rule 20(2)—

omit, insert—

(2) If the indictment contains only ex officio counts, the director of public prosecutions must state that fact on the indictment.

(2) Rule 20(7)—

omit, insert—

(7) Any act or decision that must or may be done or taken under this rule by the director of public prosecutions may be done or taken by—

(a) the deputy director of public prosecutions;
or

(b) a Crown prosecutor.

(8) Notice of an act done or decision taken by the director of public prosecutions, deputy director of

public prosecutions or a Crown prosecutor may be given by a member of the staff of the office of the director of public prosecutions.

(9) In this rule—

committal charge means a charge for an offence for which the accused person was committed.

11 Amendment of r 23 (Service of application)

Rule 23(2), after ‘clear’—

insert—

business

12 Amendment of r 25 (Application for bail)

(1) Rule 25(2), after ‘clear’—

insert—

business

(2) Rule 25(5)—

omit, insert—

(5) This rule does not apply to an application for bail, or to vary it, made by a party to the trial judge after the jury is sworn under the *Jury Act 1995*, section 50.

13 Amendment of r 26 (Application to revoke bail)

(1) Rule 26(3), after ‘clear’—

insert—

business

(2) Rule 26—

insert—

(5) This rule does not apply to an application to

revoke bail made by a party to the trial judge after the jury is sworn under the *Jury Act 1995*, section 50.

14 Amendment of r 27 (Application by surety for discharge)

Rule 27(3), after ‘clear’—

insert—

business

15 Amendment of r 28 (Application for bench warrant)

Rule 28(3), ‘justice’—

omit, insert—

registrar

16 Amendment of r 29 (Subpoenas)

(1) Rule 29(1)(c), ‘under these rules’—

omit, insert—

to a court

(2) Rule 29—

insert—

(2A) However, a subpoena may be issued in relation to an appeal only with the leave of the court hearing the appeal.

(3) Rule 29(7)—

omit, insert—

(7) A person may apply to the court to—

(a) inspect a document or thing produced under subrule (5); or

(b) copy a document produced under subrule (5).

(4) Rule 29—

insert—

(8A) If the application is granted, the person may, on payment of the fee prescribed by regulation—

(a) for an application under subrule (7)(a)—
inspect the document or thing; or

(b) for an application under subrule (7)(b)—
copy the document.

(5) Rule 29(9), ‘serving’—

omit, insert—

obtaining the issue of

(6) Rule 29—

insert—

(10) Subrule (11) applies if a document or thing is not tendered or admitted into evidence—

(a) if the proceeding for which it was produced is heard—by the end of the hearing; or

(b) otherwise—by the end of the period during which the proceeding was listed for hearing.

(11) The proper officer must, as soon as practicable, return the document or thing to the person required to produce it.

17 Amendment of r 30 (Medical, hospital and government records)

Rule 30(6)—

insert—

Note—

Rule 57A deals with court records.

18 Replacement of r 35 (Travelling expenses)

Rule 35—

omit, insert—

35 Travelling expenses

- (1) A person must comply with a subpoena only if—
 - (a) an amount sufficient to meet the person's reasonable travelling expenses in complying with the subpoena, or a ticket or other travel document needed to comply with it, is tendered—
 - (i) when the subpoena is served; or
 - (ii) within a reasonable time before attendance under the subpoena is required; or
 - (b) other reasonable travel arrangements are made by, and at the cost of, the party who served the subpoena.
- (2) Subrule (1) does not apply if the person on whom the subpoena must be served notifies the party who served the subpoena that the person does not require financial or other assistance to comply with the subpoena.

19 Insertion of new r 40A

Chapter 8, part 2—

insert—

40A Service by email

- (1) Despite rules 37, 39 and 40, a person on whom a subpoena must be served under 1 of those rules may instead be served by—
 - (a) if the subpoena was issued electronically—
the subpoena being emailed to the person; or

- (b) if the subpoena was issued in any other way—an imaged copy of the subpoena being emailed to the person.
- (2) However, compliance with a subpoena served under this rule may be enforced, and a proceeding may be taken for noncompliance with the subpoena, only if it is proved that—
 - (a) the subpoena, or an imaged copy of the subpoena, has been received by the person on whom the subpoena must be served; or
 - (b) the person on whom the subpoena must be served has actual knowledge of the subpoena.
- (3) In this rule—

imaged copy, of a subpoena, means a copy of the subpoena in electronic form, created by scanning or otherwise imaging the subpoena in its paper form.

20 Amendment of r 42 (Application for direction or ruling)

Rule 42(3) and (4), after ‘clear’—

insert—

business

21 Omission of r 43 (Hearing of application)

Rule 43—

omit.

22 Replacement of rr 55 and 56

Rules 55 and 56—

omit, insert—

55 Production, custody and disposal of exhibits and other documents

- (1) A trial judge may make an order the trial judge considers appropriate about the production at trial, custody or disposal of any of the following items—
 - (a) an exhibit;
 - (b) a jury note;
 - (c) a document marked for identification, other than a jury note.
- (2) If an order to the contrary is not made under subrule (1) or rule 100(1) about the custody or disposal of the item, the proper officer of the court—
 - (a) for a concluded trial, may—
 - (i) if the item is a jury note—destroy the item; or
 - (ii) otherwise—return the item to the party who tendered it; or
 - (b) otherwise—must hold the item in safekeeping.

56 Inspection and obtaining copies of exhibits

- (1) A party to a trial may inspect or obtain, other than for the purpose of publication, a copy or certified copy of an exhibit tendered at the trial unless the proper officer of the court or the trial judge considers it may risk—
 - (a) the exhibit's security; or
 - (b) a person's safety or wellbeing, including, for example, the person's mental health.
- (2) A person other than a party to the trial may, on payment of the fee prescribed by regulation,

inspect or obtain, other than for the purpose of publication, a copy or certified copy of an exhibit tendered at the trial unless the proper officer of the court or the trial judge considers the inspection or copying may risk—

- (a) the exhibit's security; or
 - (b) a person's safety or wellbeing, including, for example, the person's mental health.
- (3) However, the trial judge may order that an exhibit—
- (a) not be inspected or copied unless allowed by a further order of a court; or
 - (b) be sealed and not opened unless allowed by a further order of a court.
- (4) If the trial judge is not available to hear an application for a further order, the application may be heard by—
- (a) for the Supreme Court—a judge nominated by the Chief Justice; or
 - (b) for the District Court—a judge nominated by the Chief Judge of the District Court; or
 - (c) for a Magistrates Court—a magistrate sitting at the place the trial was conducted.
- (5) This rule does not apply in relation to—
- (a) a document marked for identification; or
 - (b) a witness statement or deposition tendered at a committal.
- (6) A person must not publish, or make available for publication, a copy or certified copy of an exhibit obtained under this rule.

Note—

See rule 56A in relation to the copying of exhibits for publication.

- (7) To remove any doubt, it is declared that subrule (6) does not limit rule 56A.

23 Replacement of r 57 (Access to court files)

Rule 57—

omit, insert—

57 Access to court files

- (1) For the purposes of this rule, the *court file* for a proceeding consists of each of the following for the proceeding—
- (a) the indictment;
 - (b) any particulars in writing provided to the court;
 - (c) the order sheet;
 - (d) the transmission sheet;
 - (e) any application in writing filed or made to the court;
 - (f) any affidavit filed or provided to the court;
 - (g) any written submissions or outline of submissions filed or provided to the court;
 - (h) any order or draft order of a judge or magistrate of the court;
 - (i) any other document required or permitted to be filed under these rules or an Act;
 - (j) any other document directed to be filed, or placed on the file held by the registry, by the court;
 - (k) the verdict and judgment record.
- (2) To remove any doubt, it is declared that the *court file* for a proceeding does not include any of the following for the proceeding—

- (a) a transcript, other than a transcript that has been directed to be placed on the file held by the registry;
 - (b) an exhibit;
 - (c) a document marked for identification;
 - (d) a pre-sentence report or other report to the court, other than a report that has been directed to be placed on the file held by the registry;
 - (e) the appeal record book;
 - (f) a document that, under a practice direction, does not form part of the court file;
 - (g) any other document put on or with the file held by the registry.
- (3) A person may, on payment of the fee prescribed by regulation, search for, obtain a copy or certified copy of, or inspect all or part of a document on the court file for a proceeding.
- (4) Subrule (3) does not apply to any part of a document for a proceeding that contains or reveals details of a jury for the proceeding.
- (5) If a court file contains a document mentioned in subrule (4) for a proceeding, a person may, on payment of the fee prescribed by regulation, obtain from the proper officer of the court a copy or certified copy of the document, other than the parts of the document that contain or reveal details of a jury.
- (6) Subrules (3) and (5)—
- (a) apply subject to—
 - (i) any order restricting access to the court file for a proceeding; and
 - (ii) the court file being required for the court's use; and

-
- (b) do not apply in relation to a document ordered to be sealed; and
 - (c) do not apply in relation to a document, other than any of the following documents for the proceeding, that contains or reveals the identity of a protected person—
 - (i) the order sheet;
 - (ii) any order or draft order of a judge or magistrate of the court;
 - (iii) the verdict and judgment record; and
 - (d) do not apply in relation to any of the following documents until the proceeding is a concluded trial—
 - (i) an application under the Criminal Code, section 590AA;
 - (ii) an outline of argument, affidavit or other document filed in relation to an application mentioned in subparagraph (i).
- (7) If a party files a document that contains or reveals the identity of a protected person, including in court, the party must notify the court of that fact at the time of presenting the document for filing.
- (8) If a person mentioned in subrule (3) or (5) is a party to the proceeding to which the court file relates or the party's lawyer for the proceeding—
- (a) subject to paragraph (b), this rule applies to the person without the requirement that the person pay the prescribed fee; and
 - (b) subrule (6)(c) and (d) does not apply.
- (9) Subrules (3) and (5) do not apply if making the copy or certified copy available may risk a person's safety or wellbeing, including, for example, the person's mental health.

- (10) For subrule (6), the question of whether subrule (3) or (5) applies must be decided by—
- (a) if a person requests the question be decided by a judge or magistrate of the court—a judge or magistrate of the court; or
 - (b) if the proper officer of the court considers the question should be decided by a judge or magistrate of the court—a judge or magistrate of the court; or
 - (c) otherwise—the proper officer of the court.
- (11) In this rule—
- protected person*** means a person whose identity is subject to a restriction on publication under—
- (a) the *Child Protection Act 1999*, section 189, 192(b) or 194; or
 - (b) the *Criminal Law (Sexual Offences) Act 1978*, section 10; or
 - (c) the *Youth Justice Act 1992*, section 301; or
 - (d) another Queensland Act or a law of the Commonwealth.

24 Amendment of r 61 (Recording proceedings on indictment)

- (1) Rule 61, heading, ‘on indictment’—
omit.
- (2) Rule 61(1), ‘of the following particulars about the proceeding’—
omit, insert—
- only of the following particulars about the proceeding on the order sheet
- (3) Rule 61(1)(a)—
insert—

-
- (v) the date of the appearance;
- (4) Rule 61(1)(d) to (i)—
omit, insert—
- (d) whether any request was made to the judge for a redirection by the judge to the jury;
 - (e) whether, and how many, redirections were given by the judge to the jury;
 - (f) the verdict;
 - (g) the judgment;
 - (h) the sentence;
 - (i) any other order.
- (5) Rule 61(2)—
omit, insert—
- (2) The judge for the proceeding must ensure a separate record is kept of the jury details on the form used for that purpose.
- (6) Rule 61(4)—
omit, insert—
- (4) On the final decision of the transmitted charge, the judge must ensure the order sheet for the transmitted charge is endorsed with the particulars mentioned in subrule (1)(a)(i) to (iii), (c) and (h).

25 Amendment of r 62 (Verdict and judgment record)

Rule 62—

insert—

- (3A) If requested in writing by a lawyer acting for any of the persons, the proper officer must give a copy of the record to the lawyer as soon as practicable and, in any case, within 2 clear business days of

the request.

26 Insertion of new ch 14A

After rule 62—

insert—

Chapter 14A Serious drug offence certificates

62A Definition for chapter

In this chapter—

serious drug offence certificate means a serious drug offence certificate issued under the *Penalties and Sentences Act 1992*, section 161G.

62B Issue of certificate in first instance

- (1) The director of public prosecutions must provide a serious drug offender or, for a serious drug offender who is legally represented, the offender's legal representative, with a draft serious drug offence certificate for the purposes of the *Penalties and Sentences Act 1992*, part 9C before the offender's sentencing hearing.
- (2) The director of public prosecutions is to provide an electronic copy of the draft serious drug offence certificate to the sentencing judge's associate before the sentencing hearing.
- (3) The director of public prosecutions is to provide 1 copy of the draft certificate to the court at the sentencing hearing.
- (4) The *Penalties and Sentences Act 1992*, section 161H(a), (b), (c) and (e) applies to the draft certificate as if a reference in any of those

paragraphs to a serious drug offence certificate were a reference to the draft certificate.

(5) In this rule—

serious drug offence see the *Penalties and Sentences Act 1992*, section 4.

serious drug offender means a person who is—

- (a) convicted of a serious drug offence; and
- (b) yet to be sentenced for the offence.

62C Amendment of certificate

- (1) If a court is required to amend a serious drug offence certificate under the *Penalties and Sentences Act 1992*, section 161I, the director of public prosecutions must comply with rule 62B in relation to the amended certificate.
- (2) If a draft amended serious drug offence certificate is provided by the proper officer of the court for consideration, the parties are to be guided by rule 382(1) to (4) of the *Uniform Civil Procedure Rules 1999*.
- (3) If a party identifies an error in an issued serious drug offence certificate, the party must give to the proper officer and each other party—
 - (a) a draft serious drug offence certificate with proposed amendments to correct the error; and
 - (b) a notice—
 - (i) explaining the proposed amendments; and
 - (ii) stating whether the proposed amendments are agreed between the prosecution and defence.
- (4) If a serious drug offence certificate must, under

the *Penalties and Sentences Act 1992*, section 161K, be amended following an appeal—

- (a) the parties must notify the proper officer of the court that issued the certificate; and
 - (b) the proper officer may arrange for the proceeding in which the certificate was issued to be brought back before the court.
- (5) In this rule—

proper officer, of a court, see the *Penalties and Sentences Act 1992*, section 4.

27 Replacement of r 75 (Application for leave to be present)

Rule 75—

omit, insert—

75 Application for leave to be present

- (1) This rule applies if—
 - (a) an appeal is on a ground involving a question of law alone; and
 - (b) the appellant wishes to seek the leave of the court under the Criminal Code, section 671D to be present at the hearing of the appeal.
- (2) If the notice of appeal or notice of application for leave to appeal includes an indication that the appellant or applicant wishes to be present at the hearing of the appeal, the notice is taken to also be an application for leave to be present at the hearing.
- (3) The appellant or applicant must give sufficient reasons to the Court of Appeal registrar in writing, at least 2 clear business days before the appeal is listed to be heard, explaining—

- (a) why the appellant or applicant should be permitted to attend in person; and
- (b) why the appellant's or applicant's attendance by video link would not suffice.

28 Amendment of r 82 (Referring point of law)

Rule 82—

insert—

- (4) The Attorney-General must also give a copy of the filed notice of reference to Legal Aid Queensland.
- (5) The purpose of giving a copy of the filed notice of reference to Legal Aid Queensland under subrule (4) is to permit Legal Aid Queensland to consider whether it should appear on its own behalf on the reference pursuant to the *Legal Aid Queensland Act 1997*, section 47.

29 Amendment of r 97 (Appeal record book)

Rule 97—

insert—

- (8) Once the appeal is completed, a party may, upon paying an amount equal to the amount paid for the preparation and copying of the book, obtain a copy of the appeal record book.

30 Amendment of r 98 (Parties' access to documents and exhibits held by registrar)

- (1) Rule 98(1), '(5)'—

omit, insert—

(7)

- (2) Rule 98—

insert—

- (5A) This rule does not apply to a document the inspection of which would not be allowed under these rules if the document were not held by the registrar for an appeal, unless the registrar or a judge decides that inspection of the document is necessary for the appeal.
 - (5B) The registrar or a judge may decide to make a document or a copy of a document available to a party's lawyer, but not the party.
- (3) Rule 98(5A) to (6)—
renumber as rule 98(6) to (8).

31 Amendment of r 99 (Publication of pre-sentence and psychiatric reports)

Rule 99—

insert—

- (2) If a pre-sentence report or psychiatric report is published to a party's lawyer under this rule, the lawyer must ensure the report is not disclosed to the party.

32 Amendment of r 100 (Returning exhibits)

Rule 100—

insert—

- (3) For the purposes of this rule, an exhibit includes a document marked for identification, other than a jury note.
- (4) After the court has given its final decision on an appeal, any jury note for the appeal must be destroyed.

33 Amendment of r 108 (Application for leave to adduce evidence)

Rule 108(1)—

omit, insert—

- (1) If a party to an appeal wants to adduce evidence at the hearing of the appeal, the party must apply to the court for leave to adduce evidence.

34 Amendment of sch 6 (Dictionary)

Schedule 6—

insert—

concluded trial means a trial for which—

- (a) a verdict of not guilty has been returned or a finding of not guilty has been made; or
- (b) the jury has been discharged or the trial has otherwise concluded without a verdict or finding; or
- (c) a verdict of guilty has been returned or a finding of guilty has been made and an appeal has not been started within the appeal period.

electronically means by electronic or computer-based means.

serious drug offence certificate, for chapter 14A, see rule 62A.

Part 5 **Amendment of Domestic and Family Violence Protection Rules 2014**

35 Rules amended

This part amends the *Domestic and Family Violence Protection Rules 2014*.

36 Amendment of r 52 (Assessing costs in a proceeding)

Rule 52(3), note—

omit, insert—

Note—

The scale of costs set out in schedule 1, part 2 is based on the scale of costs for Magistrates Courts that apply under the *Uniform Civil Procedure Rules 1999*, schedule 2, part 3.

37 Amendment of sch 1 (Costs in a proceeding)

(1) Schedule 1, authorising provision, ‘rule 52’—

omit, insert—

rule 52(3)

(2) Schedule 1, part 2—

omit, insert—

Part 2 **Costs**

\$

**(including
GST)**

General care and conduct

§

**(including
GST)**

- 1 In addition to an amount that is to be allowed under another item of this schedule, the amount that is to be allowed for a solicitor's care and conduct of a proceeding is the amount the clerk of the DFVP court or a costs assessor considers reasonable, having regard to the circumstances of the proceeding, including, for example—
 - (a) the complexity of the proceeding; and
 - (b) the difficulty and novelty of any question raised in the proceeding; and
 - (c) the importance of the proceeding to the party; and
 - (d) the amount involved; and
 - (e) the skill, labour, specialised knowledge and responsibility involved in the proceeding on the part of the solicitor; and
 - (f) the number and importance of the documents prepared or perused, without regard to the length of the documents; and
 - (g) the time spent by the solicitor; and
 - (h) research and consideration of questions of law and fact.

Clerk of the DFVP court's, or costs assessor's, discretion

- 2 For a matter for which a cost is not provided for in this schedule, the amount to be allowed is the cost the clerk of the DFVP court or a costs assessor considers reasonable.

Costs on quarter-hourly basis

	\$ (including GST)	
3	If, under an item of this schedule, costs in relation to a matter are allowable on a quarter-hourly basis, the amount to be allowed is—	
	(a) for less than a quarter-hour spent on the matter—the cost of 1 quarter-hour; or	
	(b) for part of a quarter-hour after the first quarter-hour spent on the matter—a proportionate amount of the cost of 1 quarter-hour.	
Drafting documents		
4	Drafting a document—for each 100 words	17.90
Producing documents		
5	Producing a document in final form—for each 100 words	4.30
Preparing exhibit certificates		
6	Preparing an exhibit certificate—for each exhibit, including a paginated book	3.35
Copying documents		
7	Copying a document—for each page	0.20
Perusing documents		
8	Perusing a document—for each 100 words	4.30
Examining or comparing documents		
9	Examining a document or comparing documents, if perusal is unnecessary—	
	(a) by a solicitor—for each quarter-hour	63.55
	(b) by an employee—for each quarter-hour	18.75
Serving documents		

	\$ (including GST)
10 Serving on a person 1 or more documents at the same time—	
(a) personal service, by a solicitor or a solicitor’s employee, if personal service is required for 1 or more of the documents served	37.10
However, if the clerk of the DFVP court or a costs assessor considers another amount is reasonable (having regard, for example, to the distance travelled, the time involved, and the number of attendances necessary to effect service), the amount the clerk or the costs assessor considers reasonable.	
(b) ordinary service	23.30
(c) service by post	16.95
(d) service by facsimile—	
(i) for the first page	7.70
(ii) for each extra page	0.90
(e) service by email	7.70
Attendances	
11 Attendance, if capable of being done by an employee—	
(a) to file or deliver a document, obtain an appointment, insert an advertisement, or settle an order; or	
(b) to search; or	
(c) to do something of a similar nature	23.30
12 Attendance by telephone that does not involve the exercise of skill or legal knowledge	15.60
13 Attendance in a DFVP court by a solicitor who appears without a barrister—for each quarter-hour	70.50

	\$ (including GST)
14 Attendance for a hearing held at a place other than the town where the solicitor lives or carries on business—	
(a) by the solicitor—	
(i) for the time spent in attendance at the hearing or trial—for each quarter-hour	64.50
(ii) for the time the solicitor is absent from the solicitor’s place of business, including time used in travelling to or from the hearing, other than in attendance at the hearing—	
(A) for an absence of 4 hours or less	484.50
(B) for an absence of more than 4 hours—for each quarter-hour to a maximum of 8 hours	31.30
(iii) the expenses the clerk of the DFVP court or a costs assessor considers reasonable for each day of absence, including Saturdays and Sundays	
(iv) the actual expenses of transport to and from the hearing or trial the clerk of the DFVP court or a costs assessor considers reasonable	
(b) by the solicitor’s employee—the amount the clerk of the DFVP court or a costs assessor considers reasonable.	
However, if the solicitor’s absence is to attend more than 1 hearing at the same place, the costs are to be divided proportionately.	
15 Attendance at a call-over or mention, to be apportioned if the attendance is for more than 1 proceeding	42.50
16 Other attendances—	

	\$ (including GST)
(a) by a solicitor, involving skill or legal knowledge— for each quarter-hour	64.50
(b) by an employee—for each quarter-hour	18.75

However, the costs allowed under this item are to be reduced by 25% in relation to time necessarily spent at court before an appearance in court.

Correspondence

17 (1) Correspondence sent—

(a) written message or letter (20 words or less)	12.95
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This includes a letter forwarding documents without explanation.

(b) short letter (21 to 100 words)	25.95
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(c) any other letter—for each 100 words	22.50
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This covers any form of written communication including ordinary post, facsimile, email, text or other form of electronic transmission.

This includes the charges of the communication provider, other than charges for sending the correspondence by registered post, international post or courier or serving the correspondence personally.

For a circular letter, the first is to be allowed under this item. For each circular letter after the first, the charge under item 7 applies.

(2) Correspondence received—

(a) receiving any correspondence, including by electronic means, and filing, including reading a message (20 words or less) and, for an electronic communication, printing 1 page for filing	12.95
--	-------

	\$ (including GST)
For printing additional pages received electronically for filing, the charge under item 7 applies.	
(b) perusing correspondence—	
(i) for the first 100 words	17.30
(ii) for each 100 words or part thereafter	8.65
(c) if perusing the document is not reasonably necessary, scanning the document—for each page	4.35
(3) Agency correspondence—	
(a) for sending correspondence to the agent by the principal, or to the principal by the agent—costs under item 17(1)	
(b) for receiving correspondence from the agent by the principal, or from the principal by the agent—costs under item 17(2).	

If engagement of the agent was normal and reasonable in the circumstances, costs may be charged under this item by the principal and the agent.

Correspondence between offices of the same firm of solicitors may be charged if it is analogous to agency correspondence and the engagement of an agent was not reasonable in the circumstances.

Note—

The word count for agency correspondence is based on the body of the correspondence, as defined in schedule 2.

Electronic conduct of proceedings

18 (1) Examining an electronic document or comparing electronic documents, including emails, if perusal is unnecessary—for each 100 words	0.85
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	\$ (including GST)
(2) Preparing a document for disclosure, or to be exchanged electronically, by—	
(a) barcoding the document—for each page	0.50
(b) electronically scanning or imaging the document—for each page	0.50
(c) entering data about the document in a database, including delimiting the document to decide start and end pages, and carrying out quality control of the data, for example, to check for missing data and check spelling—for each document	4.30
(3) To the extent a proceeding is conducted electronically, the costs to be allowed, including the costs of any electronic service provider, are the costs the clerk of the DFVP court or a costs assessor considers have been reasonably incurred and paid.	

38 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

body, of correspondence, does not include an address, salutation or other text that is generic to correspondence.

Part 6 **Amendment of Industrial Relations (Tribunals) Rules 2011**

39 **Rules amended**

This part amends the *Industrial Relations (Tribunals) Rules 2011*.

40 **Amendment of r 70 (Costs)**

Rule 70(2)—

omit, insert—

- (2) The court or commission, in making the order, may have regard to—
 - (a) for a proceeding before the commission—the costs payable on the scale of costs for Magistrates Courts under the *Uniform Civil Procedure Rules 1999*, schedule 2; or
 - (b) for a proceeding before the court or the full bench—the costs payable on the scale of costs for the Supreme Court and District Court under the *Uniform Civil Procedure Rules 1999*, schedule 1; or
 - (c) any other relevant factor.

Part 7 **Amendment of Motor Accident Insurance Regulation 2004**

41 **Regulation amended**

This part amends the *Motor Accident Insurance Regulation 2004*.

42 Amendment of s 29 (Costs if mandatory final offer accepted—Act, s 51C)

Section 29(3), definitions *item 1 costs* and *item 5 costs*, ‘schedule 3’—

omit, insert—

schedule 2

Part 8 Amendment of Personal Injuries Proceedings Regulation 2014

43 Regulation amended

This part amends the *Personal Injuries Proceedings Regulation 2014*.

44 Amendment of s 11 (Costs if mandatory final offer is accepted—Act, s 40)

Section 11(3), definitions *item 1 costs* and *item 5 costs*, ‘schedule 3’—

omit, insert—

schedule 2

Part 9 Amendment of Uniform Civil Procedure Rules 1999

45 Rules amended

This part amends the *Uniform Civil Procedure Rules 1999*.

46 Amendment of r 4 (Dictionary)

Rule 4(1), ‘schedule 4’—

omit, insert—

schedule 3

47 Amendment of r 17 (Contact details and address for service)

(1) Rule 17(1)(a)—

insert—

(vi) the email address (if any) of the plaintiff or applicant; or

Notes—

1 The email address may be relevant for ordinary service.

2 See also chapter 4, part 4.

(2) Rule 17(1)(b)—

insert—

(vii) the email address of the solicitor and, if the solicitor practises in a firm of solicitors, the email address of the firm.

(3) Rule 17(2) and (3)—

omit.

(4) Rule 17(4) to (6)—

renumber as rule 17(2) to (4).

48 Amendment of r 19 (Originating process must be signed)

Rule 19—

insert—

(2) This rule applies subject to rule 975A(1).

49 Amendment of r 20 (Copy of originating process for court)

Rule 20—

insert—

(2) This rule applies subject to rule 975A(3).

50 Amendment of r 97 (Disclosure)

(1) Rule 97(1), ‘Chapter 7, parts 1 and 2’—

omit, insert—

Chapter 7, parts 2 and 3

(2) Rule 97(2), ‘chapter 7, part 1 or 2’—

omit, insert—

chapter 7, part 2 or 3

51 Omission of r 209 (Application of pt 1)

Rule 209—

omit.

52 Insertion of new ch 7, pt 1AA

Chapter 7, before part 1—

insert—

Part 1AA Preliminary

209 Application of chapter

(1) This chapter applies to the following types of proceeding—

(a) a proceeding started by claim;

- (b) a proceeding in which the court has made an order under rule 14 ordering the proceeding to continue as if started by claim;
 - (c) if the court directs—a proceeding started by application.
- (2) This chapter applies to all parties, including a party who is a young person and a litigation guardian of a young person.
- (3) This chapter does not affect—
 - (a) the right of a party to inspect a document if the party has a common interest in the document with the party who has possession or control of the document; or
 - (b) another right of access to the document other than under this chapter.

53 Amendment of rr 242 and 243

Rules 242(1)(a) and 243(1)(b), ‘pleadings’—

omit, insert—

proceeding

54 Renumbering of ch 7, pts 1AA–2

Chapter 7, parts 1AA to 2—

renumber as chapter 7, parts 1 to 3.

55 Amendment of r 467 (Request for trial date)

Rule 467(4)(a) and (c), ‘part 1’—

omit, insert—

part 2

56 Amendment of r 522N (Particular rules do not apply to employment claims)

Rule 522N(b), ‘part 1’—

omit, insert—

part 2

57 Amendment of r 555 (Privilege)

Rule 555, ‘part 1’—

omit, insert—

part 2

58 Amendment of r 661 (Filing an order)

Rule 661(2)—

insert—

Note—

See rules 969A and 975A for electronic filing of orders.

59 Amendment of r 691 (Australian lawyer’s costs)

(1) Rule 691(2)(a) to (c)—

omit, insert—

(a) for the Supreme Court and District Court—
schedule 1; or

(b) for Magistrates Courts—schedule 2.

(2) Rule 691(3) and (4), ‘schedule 3’—

omit, insert—

schedule 2

(3) Rule 691—

insert—

(8) Unless the court otherwise orders, the costs are in

accordance with the scale of costs in force when the costs were incurred.

60 Amendment of r 860 (Employer to make payments)

Rule 860(1)(b), note, ‘schedule 4’—

omit, insert—

schedule 3

61 Insertion of new ch 22, pt 1, div 1AA

Chapter 22, part 1, before division 1—

insert—

Division 1AA Preliminary

959A Definition for part

In this part—

imaged document means a document in electronic form created by scanning or otherwise imaging the document in its paper form.

959B Service providers

The principal registrar of a court may approve an entity (a *service provider*) to electronically file documents in the court on behalf of a party to a proceeding in the court.

62 Amendment of r 961 (Layout)

Rule 961—

insert—

- (3) If an imaged document is to be electronically filed—

- (a) the paper form of the document from which the imaged document is created must comply with subrule (1); and
 - (b) the imaged document must be formatted in a way that would result in the document complying with subrule (1)(a)(i) and (iii), (c), (d) and (e)(i) if a paper copy were made of the imaged document.
- (4) If a document, other than an imaged document, is to be electronically filed, the document must be formatted in a way that would result in the document complying with subrule (1)(a)(i) and (iii), (c), (d) and (e)(i) if a paper copy were made of the document.

63 Amendment of r 963 (Alterations)

Rule 963—

insert—

Note for subrules (1) to (3)—

For the application of rule 963 to electronically filed documents, see rule 975A(7).

64 Amendment of r 967 (How documents may be filed)

(1) Rule 967(1)—

omit, insert—

- (1) A document to be filed, other than a document in electronic form, may be—
 - (a) delivered to the registry personally; or
 - (b) sent to the registry by post.

(2) Rule 967—

insert—

- (3) A document may be electronically filed if the

electronic filing of the document, or documents of that class, is approved by the principal registrar of the court in which the document is to be filed.

Note—

For additional requirements for electronically filing a document that is sworn or affirmed, see rule 975C.

65 Amendment of r 968 (Filing documents personally)

Rule 968(3) and (4)—

omit, insert—

- (3) The registrar may refuse to file the document if the document does not comply with these rules or may not otherwise be filed.
- (4) The document is taken to be filed when the registrar records the date of filing on the document and stamps the seal of the court on it.
- (5) Any prescribed fee for filing the document must be paid when the document is given to the registrar.

66 Amendment of r 969 (Filing documents by post)

Rule 969(4) and (5)—

omit, insert—

- (4) The registrar may refuse to file the document if the document does not comply with these rules or may not otherwise be filed.
- (5) The document is taken to be filed when the registrar records the date of filing on the document and stamps the seal of the court on it.

67 Insertion of new r 969A

After rule 969—

insert—

969A Electronically filing documents

- (1) This rule applies to a document to be filed electronically.
- (2) The following may be done by a manual or an electronic process—
 - (a) the recording of the date of filing on the document by the registrar;
 - (b) the applying of the seal of the court to the document.
- (3) The registrar may refuse to file the document if the document does not comply with these rules or may not otherwise be filed.
- (4) The document is taken to be filed when the registrar records the date of filing on the document and applies the seal of the court to it.
- (5) If the document is accepted by the registrar, the day on which the document is taken to have been filed is—
 - (a) if the whole of the document is received by the registry before 4.30p.m. on a day the registry is open for business—that day; or
 - (b) otherwise—the next day the registry is open for business.
- (6) A service provider may electronically file a document on behalf of a party to a proceeding.
- (7) Any prescribed fee for electronically filing a document must be paid in accordance with the requirements of the principal registrar.
- (8) The registrar may give, including electronically, a copy of the filed document to the party to the proceeding who filed the document, or on whose behalf the document was filed.

68 Omission of r 971 (Filing fees)

Rule 971—

omit.

69 Amendment of r 972 (Court fees if state-related party)

Rule 972(1), ‘rule 971’—

omit, insert—

rules 968(5), 969(3)(c) and 969A(7)

70 Replacement of ch 22, pt 1, div 4 (Electronic court documents)

Chapter 22, part 1, division 4—

omit, insert—

Division 4 Particular provisions for electronically filed documents

975A Application of particular provisions to electronically filed documents

- (1) Rule 19 does not apply to an originating process that is electronically filed if it is not reasonably practicable for a person to comply with that rule in relation to the originating process.
- (2) Without limiting subrule (1), it is reasonably practicable for a person to comply with rule 19 in relation to an originating process that is electronically filed if the originating process is an imaged document.
- (3) Rule 20 does not apply to an originating process that is electronically filed.
- (4) Rule 661(2) does not apply to an order of a court

that is electronically filed.

Note for subrules (1) to (4)—

See rule 969A for electronic filing of documents.

- (5) If it is not reasonably practicable for a person to alter an electronically filed document in accordance with rule 963(1) and (2)—
 - (a) the alteration must be made, in accordance with rule 963(1) and (2), to a paper copy of the document; and
 - (b) the altered paper copy of the document must be filed or electronically filed.
- (6) Without limiting subrule (5), it is reasonably practicable for a person to comply with rule 963(1) and (2) in relation to an electronically filed document if—
 - (a) the electronically filed document is an imaged document; and
 - (b) there is an alterable paper form of the electronically filed document; and
 - (c) a further imaged document, created from an altered version of the alterable paper form, can be electronically filed.
- (7) Despite subrules (2) and (6), the registrar may, subject to an order of the court, determine whether or not it is reasonably practicable for a person to comply with rule 19 or 963.
- (8) In this rule—

alterable paper form, of an electronically filed document, means either of the following that is capable of being altered in accordance with rule 963(1) and (2)—

 - (a) the paper form of the imaged document comprising the electronically filed document;

- (b) a paper form of the document from which the imaged document was created.

975B Retention and status of document electronically filed

- (1) A document electronically filed at the registry—
 - (a) may be retained in electronic form by the registry; and
 - (b) is taken for all purposes to be a document in a court file.
- (2) If, under rule 981, a person asks to inspect a document that was electronically filed, the person may inspect the document in either electronic or paper form, at the discretion of the registrar.

975C Electronic filing of sworn or affirmed documents

- (1) A document that is sworn or affirmed may only be filed electronically if the document is sent to the registry—
 - (a) as an imaged document; and
 - (b) in an electronic file format approved, for the purpose of this rule, by the principal registrar of the court for the registry.

Examples of electronic file format—

pdf, jpg, html

- (2) The party or solicitor filing the document must—
 - (a) retain or cause to be retained, until 7 years from the date of filing, the paper form of the document from which the imaged document was created; and
 - (b) produce the paper form of the document if required to do so by the court.

- (3) Subrule (2) does not limit rule 985.

975D Particular sworn or affirmed documents taken to be filed

- (1) Despite any other provision of these rules, a person is taken to have filed an exempt sworn or affirmed document if—
- (a) the person electronically submits to the registrar the prescribed information for the document; and
 - (b) the registrar acknowledges receipt of the required information.
- (2) The person must—
- (a) retain or cause to be retained, until 7 years from the date of filing, the original exempt sworn or affirmed document; and
 - (b) produce the original document if required to do so by the court.
- (3) A sworn or affirmed document is an exempt sworn or affirmed document if the document, or class of documents, is approved by the principal registrar of the court for the proceeding to which the document or class of documents relates.
- (4) In this rule—
- prescribed information***, for a document or class of documents, means information prescribed, for the purpose of this rule, under an approval mentioned in subrule (3), for the document or class of documents.

975E Approvals of principal registrar

- (1) This rule applies to an approval mentioned in rules 967(3), 975C(1)(b) and 975D(3).

- (2) The approval may be given on conditions.
- (3) The approval must be published on the Queensland Courts website.
- (4) However, failure to comply with subrule (3) does not affect the validity of the approval.

71 Amendment of r 978 (Issue of documents)

Rule 978(1), ‘by the court’—

omit, insert—

by the court, other than an electronically issued document,

72 Insertion of new r 978A

After rule 978—

insert—

978A Issuing documents electronically

- (1) Unless otherwise stated in these rules, a document issued under these rules may be issued electronically.
- (2) The electronically issued document must include an image of the seal of the court.
- (3) The electronically issued document is valid even if it does not include a signature.
- (4) A paper copy of an electronically issued document is taken for all purposes, including, for example, service, to be—
 - (a) a copy of the electronically issued document; and
 - (b) stamped with the court’s seal.

73 Insertion of new ch 24, pt 7

Chapter 24—

insert—

**Part 7 Transitional provision
for Uniform Civil
Procedure Rules and
Other Legislation
Amendment and
Repeal Regulation (No.
1) 2018**

1002 Existing service providers

- (1) This rule applies in relation to an entity that was approved as a service provider for a court immediately before the commencement.
- (2) The entity is taken to have been approved as a service provider by the principal registrar of the court under rule 959B.

74 Replacement of schs 1–3

Schedules 1 to 3—

omit, insert—

**Schedule 1 Scale of costs—
Supreme Court and
District Court**

rule 691(2)(a)

\$

(including
GST)

General care and conduct

- 1 In addition to an amount that is to be allowed under another item of this schedule, the amount that is to be allowed for a solicitor's care and conduct of a proceeding is the amount the registrar or a costs assessor considers reasonable, in accordance with any guidelines issued in a practice direction by the Chief Justice and having regard to the circumstances of the proceeding, including, for example—
- (a) the complexity of the proceeding; and
 - (b) whether the proceeding is in the Supreme Court or the District Court; and
 - (c) if the proceeding is in the Supreme Court—whether the proceeding could have been brought in the District Court; and
 - (d) the difficulty and novelty of any question raised in the proceeding; and
 - (e) the importance of the proceeding to the party; and
 - (f) the amount involved; and
 - (g) the skill, labour, specialised knowledge and responsibility involved in the proceeding on the part of the solicitor; and
 - (h) the number and importance of the documents prepared or perused, without regard to the length of the documents; and
 - (i) the time spent by the solicitor; and
 - (j) research and consideration of questions of law and fact.

\$

(including
GST)

Registrar's or costs assessor's discretion

- 2 For a matter for which a cost is not provided for in this schedule, the amount to be allowed is the cost the registrar or a costs assessor considers reasonable.

Costs on quarter-hourly basis

- 3 If, under an item of this schedule, costs in relation to a matter are allowable on a quarter-hourly basis, the amount to be allowed is—
- (a) for less than a quarter-hour spent on the matter—the cost of 1 quarter-hour; or
 - (b) for part of a quarter-hour after the first quarter-hour spent on the matter—a proportionate amount of the cost of 1 quarter-hour.

Drafting documents

- 4 Drafting a document—for each 100 words 22.40

Producing documents

- 5 Producing a document in final form—for each 100 words 5.40

Preparing exhibit certificates

- 6 Preparing an exhibit certificate—for each exhibit, including a paginated book 4.20

Copying documents

- 7 Copying a document—for each page 0.25

Perusing documents

- 8 Perusing a document—for each 100 words 5.40

Examining or comparing documents

	\$ (including GST)
9 Examining a document or comparing documents, if perusal is unnecessary—	
(a) by a solicitor—for each quarter-hour	79.45
(b) by an employee—for each quarter-hour	23.45
Serving documents	
10 Serving on a person 1 or more documents at the same time—	
(a) personal service, by a solicitor or a solicitor’s employee, if personal service is required for 1 or more of the documents served	46.40
However, if the registrar or a costs assessor considers another amount is reasonable (having regard, for example, to the distance travelled, the time involved, and the number of attendances necessary to effect service), the amount the registrar or the costs assessor considers reasonable.	
(b) ordinary service	29.10
(c) service by post	21.20
(d) service by facsimile—	
(i) for the first page	9.65
(ii) for each extra page	1.15
(e) service by email	9.65
Attendances	
11 Attendance, if capable of being done by an employee—	
(a) to file or deliver a document, obtain an appointment, insert an advertisement, or settle an order; or	

	\$ (including GST)
(b) to search; or	
(c) to do something of a similar nature	29.10
12 Attendance by telephone that does not involve the exercise of skill or legal knowledge	19.50
13 Attendance in court, mediation or case appraisal, at a compulsory conference or before the registrar, by a solicitor who appears without a barrister—for each quarter-hour	88.10
14 Attendance for a hearing or trial held at a place other than the town where the solicitor lives or carries on business—	
(a) by the solicitor—	
(i) for the time spent in attendance at the hearing or trial—for each quarter-hour	80.60
(ii) for the time the solicitor is absent from the solicitor's place of business, including time used in travelling to or from the hearing or trial, other than in attendance at the hearing or trial—	
(A) for an absence of 4 hours or less	605.60
(B) for an absence of more than 4 hours—for each quarter-hour to a maximum of 8 hours	39.15
(iii) the expenses the registrar or a costs assessor considers reasonable for each day of absence, including Saturdays and Sundays	
(iv) the actual expenses of transport to and from the hearing or trial the registrar or a costs assessor considers reasonable	

	\$ (including GST)
(b) by the solicitor's employee—the amount the registrar or a costs assessor considers reasonable.	
However, if the solicitor's absence is to attend more than 1 hearing or trial at the same place, the costs are to be divided proportionately.	
15 Attendance at a call-over, to be apportioned if the attendance is for more than 1 proceeding	53.10
16 Other attendances—	
(a) by a solicitor, involving skill or legal knowledge— for each quarter-hour	80.60
(b) by an employee—for each quarter-hour	23.45
However, the costs allowed under this item are to be reduced by 25% in relation to time necessarily spent at court before an appearance in court.	

Correspondence

17 (1) Correspondence sent—	
(a) written message or letter (20 words or less)	16.20
This includes a letter forwarding documents without explanation.	
(b) short letter (21 to 100 words)	32.45
(c) any other letter—for each 100 words	28.15
This covers any form of written communication including ordinary post, facsimile, email, text or other form of electronic transmission.	
This includes the charges of the communication provider, other than charges for sending the correspondence by registered post, international post or courier or serving the correspondence personally.	

\$

(including
GST)

For a circular letter, the first is to be allowed under this item. For each circular letter after the first, the charge under item 7 applies.

(2) Correspondence received—

- | | |
|--|-------|
| (a) receiving any correspondence, including by electronic means, and filing, including reading a message (20 words or less) and, for an electronic communication, printing 1 page for filing | 16.20 |
|--|-------|

For printing additional pages received electronically for filing, the charge under item 7 applies.

- | | |
|---|-------|
| (b) perusing correspondence— | |
| (i) for the first 100 words | 21.60 |
| (ii) for each 100 words or part thereafter | 10.80 |
| (c) if perusing the document is not reasonably necessary, to examine the document, per page | 5.45 |

(3) Agency correspondence—

- | | |
|--|--|
| (a) for sending correspondence to the agent by the principal, or to the principal by the agent—costs under item 17(1) | |
| (b) for receiving correspondence from the agent by the principal, or from the principal by the agent—costs under item 17(2). | |

If engagement of the agent was normal and reasonable in the circumstances, costs may be charged under this item by the principal and the agent.

\$
(including
GST)

Correspondence between offices of the same firm of solicitors may be charged if it is analogous to agency correspondence and the engagement of an agent was not reasonable in the circumstances.

Note—

The word count for agency correspondence is based on the body of the correspondence, as defined in schedule 4.

Electronic conduct of proceedings

- | | | |
|----|--|------|
| 18 | (1) Examining an electronic document or comparing electronic documents, including emails, if perusal is unnecessary—for each 100 words | 1.05 |
| | (2) Preparing a document for disclosure, or to be exchanged electronically, by— | |
| | (a) barcoding the document—for each page | 0.60 |
| | (b) electronically scanning or imaging the document—for each page | 0.60 |
| | (c) entering data about the document in a database, including delimiting the document to decide start and end pages, and carrying out quality control of the data, for example, to check for missing data and check spelling—for each document | 5.40 |
| | (3) To the extent a proceeding is conducted electronically, the costs to be allowed, including the costs of any electronic service provider, are the costs the registrar or a costs assessor considers have been reasonably incurred and paid. | |

Fixed cost items

- | | | |
|----|--|----------|
| 19 | Instructions to sue—claim and statement of claim and service | 1,778.00 |
|----|--|----------|

	\$ (including GST)
20 Costs for obtaining judgment under chapter 9, part 1, division 2	467.40
21 Costs for obtaining an enforcement warrant	467.40

Schedule 2 Scale of costs— Magistrates Courts

rule 691(2)(b)

Part 1 General

1 Costs allowed for counsel and solicitor or clerk

- (1) The costs of or incidental to the attendance of both counsel and a solicitor during a trial are not to be allowed unless a court certifies that the attendance of both counsel and solicitor was necessary.
- (2) The costs of or incidental to the attendance of a clerk with counsel or a solicitor acting as advocate during a trial are to be allowed unless a court certifies the attendance of the clerk was not reasonably required.
- (3) A court may direct that costs to be allowed for counsel or a solicitor acting as advocate are to be less than the costs set out in part 2 or 3.

2 Costs of unnecessary step

A court may disallow the costs of a step taken by

a party in a proceeding if the court considers the step was unnecessary for the proper conduct of the proceeding.

Part 2 Costs (up to \$50,000)

	A Under \$2,500	B \$2,501 to \$5,000	C \$5,001 to \$20,000	D \$20,001 to \$50,000
	\$	\$	\$	\$
	(including GST)			
1 Instructions to sue—claim and statement of claim and service	380.70	719.10	1,125.00	1,249.00
2 Instructions to defend—notice of intention to defend and defence and filing	380.70	719.10	1,125.00	1,249.00
3 Appearance in court in undefended proceedings (or in defended proceedings in which a claim or defence is not proceeded with—additional to costs for instructions to sue but including costs under item 4) to obtain judgment	100.50	167.60	254.10	279.00
4 Obtaining judgment by default	100.50	167.60	254.10	279.00
5 Preparing for trial, up to and including settlement conference—				
(a) including brief for counsel to appear at conference	432.50	1,027.00	1,654.00	1,947.00
(b) if no counsel appears at conference	389.30	973.20	1,509.00	1,784.00

	A Under \$2,500	B \$2,501 to \$5,000	C \$5,001 to \$20,000	D \$20,001 to \$50,000		
	\$	\$	\$	\$		
	(including GST)					
6	Balance of preparing for trial—					
	(a)	including trial brief if counsel engaged	507.10	1,130.00	1,757.00	2,222.00
	(b)	if no counsel at trial	356.90	832.60	1,325.00	1,693.00
7	Preparing for trial, if no settlement conference—					
	(a)	including trial brief if counsel engaged	865.00	2,054.00	3,309.00	4,056.00
	(b)	if no counsel at trial	681.20	1,703.00	2,731.00	3,363.00
8	Counsel's fees—					
	(a)	to settle claim and statement of claim, counterclaim, notice of intention to defend or notice of appeal	—	—	243.30	290.90
	(b)	to settle special affidavit, reply or particulars that the magistrate, registrar or costs assessor is satisfied are reasonably necessary or proper	—	—	156.90	190.30
	(c)	to settle interrogatories or answers to interrogatories that the magistrate, registrar or costs assessor is satisfied are reasonably necessary or proper	—	—	237.90	285.50

	A Under \$2,500	B \$2,501 to \$5,000	C \$5,001 to \$20,000	D \$20,001 to \$50,000
	\$	\$	\$	\$
	(including GST)			
(d) on conference, inspection of works or other site inspection, or a similar attendance that the magistrate, registrar or costs assessor is satisfied is reasonably necessary or proper—each hour	—	—	243.30	290.90
(e) to advise on evidence or for any other opinion	—	—	254.10	307.10
(f) on trial or hearing (other than an application in a proceeding)—first day	821.80	928.80	1,545.00	1,881.00
(g) on each subsequent day of hearing (if the matter occupies 2 or more hours of the day and the appearance is certified for by the court)	546.10	620.70	1,032.00	1,249.00
(h) on each subsequent day of hearing not included in paragraph (g)	268.20	307.10	508.20	632.60

	A Under \$2,500	B \$2,501 to \$5,000	C \$5,001 to \$20,000	D \$20,001 to \$50,000
	\$	\$	\$	\$
	(including GST)			
(i) if a proceeding is heard outside the town where counsel ordinarily practises, a further fee by way of out-of-chambers fee (not less than \$60.00 a day) may be allowed for each day it is not reasonably practicable for counsel to be in attendance at chambers for a total of at least 1 hour, between 8.30a.m. and 5.30p.m.				
(j) on an application in a proceeding	–	–	248.70	290.90
(k) to hear deferred judgment	–	–	129.70	167.60
9 Solicitor on hearing—				
(a) appearance without counsel on hearing—first day	746.20	789.40	1,255.00	1,530.00
(b) appearance without counsel on second and each subsequent day of hearing (if the matter occupies 2 or more hours of the day and the appearance is certified for by the court)	531.00	531.00	865.00	1,049.00
(c) attendance of clerk with solicitor acting as advocate—each day	90.25	268.20	281.10	307.10

	A Under \$2,500	B \$2,501 to \$5,000	C \$5,001 to \$20,000	D \$20,001 to \$50,000
	\$	\$	\$	\$
	(including GST)			
Costs under paragraph (c) are not allowed if the court certifies the attendance of the clerk was not reasonably required.				
10	On hearing with counsel—			
	(a)	attendance of solicitor with counsel (if the attendance is certified for by the court)—each day		
		335.30	396.80	621.80
	(b)	attendance of clerk with counsel—each day		
		90.25	268.20	281.10
	Costs under paragraph (b) are not allowed if the court certifies the attendance of the clerk was not reasonably required.			
11	On hearing with counsel—			
	(a)	counsel’s fees (if no fee is payable under item 8(f))		
		268.20	285.50	475.70
	(b)	solicitor for appearance without counsel		
		268.20	268.20	432.50
12	Applications to the court (other than an application for an adjournment)			
		184.30	319.10	502.80
13	Instructions—			
		184.30	319.10	502.80

	A Under \$2,500	B \$2,501 to \$5,000	C \$5,001 to \$20,000	D \$20,001 to \$50,000
	\$	\$	\$	\$
	(including GST)			
(a) for disclosure, preparing list of documents and making inspection and copies of documents—				
(i) allowance to party requesting disclosure	156.40	240.20	335.30	396.80
(ii) allowance to party making disclosure	156.40	546.10	605.60	730.00
(b) for interrogatories and answers to interrogatories (including preparation, filing and perusing)—				
(i) allowance to party delivering interrogatories	156.40	414.20	435.90	502.80
(ii) allowance to party answering interrogatories	156.40	386.10	402.20	548.40
14 Enforcement hearing—				
(a) counsel’s fees	374.20	425.00	659.70	811.00
(b) if no counsel engaged	268.20	368.80	583.90	702.90
15 Enforcement warrant—				

[s 74]

	A Under \$2,500	B \$2,501 to \$5,000	C \$5,001 to \$20,000	D \$20,001 to \$50,000
	\$	\$	\$	\$
	(including GST)			
(a) costs of preparing warrant and attending issuing and for return—to be marked on warrant (exclusive of court or other fees)	80.60	167.60	254.10	307.10
(b) costs of registration of warrant against land	80.60	167.60	254.10	307.10
16 Warrant (other than enforcement warrant)—costs of preparing warrant and attending issuing and for return	80.60	167.60	254.10	307.10

Part 3 Costs (over \$50,000)

This part applies if the amount recovered or claimed by the plaintiff is over \$50,000.

\$
**(including
GST)**

General care and conduct

\$

**(including
GST)**

- 1 In addition to an amount that is to be allowed under another item of this schedule, the amount that is to be allowed for a solicitor's care and conduct of a proceeding is the amount the registrar or a costs assessor considers reasonable, in accordance with any guidelines issued in a practice direction by the Chief Magistrate and having regard to the circumstances of the proceeding, including, for example—
 - (a) the complexity of the proceeding; and
 - (b) the difficulty and novelty of any question raised in the proceeding; and
 - (c) the importance of the proceeding to the party; and
 - (d) the amount involved; and
 - (e) the skill, labour, specialised knowledge and responsibility involved in the proceeding on the part of the solicitor; and
 - (f) the number and importance of the documents prepared or perused, without regard to the length of the documents; and
 - (g) the time spent by the solicitor; and
 - (h) research and consideration of questions of law and fact.

Registrar's or costs assessor's discretion

- 2 For a matter for which a cost is not provided for in this schedule, the amount to be allowed is the cost the registrar or a costs assessor considers reasonable.

Costs on quarter-hourly basis

	\$ (including GST)	
3	If, under an item of this schedule, costs in relation to a matter are allowable on a quarter-hourly basis, the amount to be allowed is—	
	(a) for less than a quarter-hour spent on the matter—the cost of 1 quarter-hour; or	
	(b) for part of a quarter-hour after the first quarter-hour spent on the matter—a proportionate amount of the cost of 1 quarter-hour.	
Drafting documents		
4	Drafting a document—for each 100 words	17.90
Producing documents		
5	Producing a document in final form—for each 100 words	4.30
Preparing exhibit certificates		
6	Preparing an exhibit certificate—for each exhibit, including a paginated book	3.35
Copying documents		
7	Copying a document—for each page	0.20
Perusing documents		
8	Perusing a document—for each 100 words	4.30
Examining or comparing documents		
9	Examining a document or comparing documents, if perusal is unnecessary—	
	(a) by a solicitor—for each quarter-hour	63.55
	(b) by an employee—for each quarter-hour	18.75
Serving documents		

	\$ (including GST)
10 Serving on a person 1 or more documents at the same time—	
(a) personal service, by a solicitor or a solicitor’s employee, if personal service is required for 1 or more of the documents served	37.10
However, if the registrar or a costs assessor considers another amount is reasonable (having regard, for example, to the distance travelled, the time involved, and the number of attendances necessary to effect service), the amount the registrar or the costs assessor considers reasonable.	
(b) ordinary service	23.30
(c) service by post	16.95
(d) service by facsimile—	
(i) for the first page	7.70
(ii) for each extra page	0.90
(e) service by email	7.70
Attendances	
11 Attendance, if capable of being done by an employee—	
(a) to file or deliver a document, obtain an appointment, insert an advertisement, or settle an order; or	
(b) to search; or	
(c) to do something of a similar nature	23.30
12 Attendance by telephone that does not involve the exercise of skill or legal knowledge	15.60

[s 74]

	\$ (including GST)
13 Attendance in court, mediation or case appraisal, at a compulsory conference or before the registrar, by a solicitor who appears without a barrister—for each quarter-hour	70.50
14 Attendance for a hearing or trial held at a place other than the town where the solicitor lives or carries on business—	
(a) by the solicitor—	
(i) for the time spent in attendance at the hearing or trial—for each quarter-hour	64.50
(ii) for the time the solicitor is absent from the solicitor’s place of business, including time used in travelling to or from the hearing or trial, other than in attendance at the hearing or trial—	
(A) for an absence of 4 hours or less	484.50
(B) for an absence of more than 4 hours—for each quarter-hour to a maximum of 8 hours	31.30
(iii) the expenses the registrar or a costs assessor considers reasonable for each day of absence, including Saturdays and Sundays	
(iv) the actual expenses of transport to and from the hearing or trial the registrar or a costs assessor considers reasonable	
(b) by the solicitor’s employee—the amount the registrar or a costs assessor considers reasonable.	

However, if the solicitor’s absence is to attend more than 1 hearing or trial at the same place, the costs are to be divided proportionately.

	\$ (including GST)
15 Attendance at a call-over, to be apportioned if the attendance is for more than 1 proceeding	42.50
16 Other attendances—	
(a) by a solicitor, involving skill or legal knowledge— for each quarter-hour	64.50
(b) by an employee—for each quarter-hour	18.75

However, the costs allowed under this item are to be reduced by 25% in relation to time necessarily spent at court before an appearance in court.

Correspondence

17 (1) Correspondence sent—	
(a) written message or letter (20 words or less)	12.95
This includes a letter forwarding documents without explanation.	
(b) short letter (21 to 100 words)	25.95
(c) any other letter—for each 100 words	22.50

This covers any form of written communication including ordinary post, facsimile, email, text or other form of electronic transmission.

This includes the charges of the communication provider, other than charges for sending the correspondence by registered post, international post or courier or serving the correspondence personally.

For a circular letter, the first is to be allowed under this item. For each circular letter after the first, the charge under item 7 applies.

(2) Correspondence received—	
------------------------------	--

	\$ (including GST)
(a) receiving any correspondence, including by electronic means, and filing, including reading a message (20 words or less) and, for an electronic communication, printing 1 page for filing	12.95
For printing additional pages received electronically for filing, the charge under item 7 applies.	
(b) perusing correspondence—	
(i) for the first 100 words	17.30
(ii) for each 100 words or part thereafter	8.65
(c) if perusing the document is not reasonably necessary, scanning the document—for each page	4.35
(3) Agency correspondence—	
(a) for sending correspondence to the agent by the principal, or to the principal by the agent—costs under item 17(1)	
(b) for receiving correspondence from the agent by the principal, or from the principal by the agent—costs under item 17(2).	

If engagement of the agent was normal and reasonable in the circumstances, costs may be charged under this item by the principal and the agent.

Correspondence between offices of the same firm of solicitors may be charged if it is analogous to agency correspondence and the engagement of an agent was not reasonable in the circumstances.

\$

(including
GST)

Note—

The word count for agency correspondence is based on the body of the correspondence, as defined in schedule 4.

Electronic conduct of proceedings

- | | | |
|----|--|------|
| 18 | (1) Examining an electronic document or comparing electronic documents, including emails, if perusal is unnecessary—for each 100 words | 0.85 |
| | (2) Preparing a document for disclosure, or to be exchanged electronically, by— | |
| | (a) barcoding the document—for each page | 0.50 |
| | (b) electronically scanning or imaging the document—for each page | 0.50 |
| | (c) entering data about the document in a database, including delimiting the document to decide start and end pages, and carrying out quality control of the data, for example, to check for missing data and check spelling—for each document | 4.30 |
| | (3) To the extent a proceeding is conducted electronically, the costs to be allowed, including the costs of any electronic service provider, are the costs the registrar or a costs assessor considers have been reasonably incurred and paid. | |

Fixed cost items

- | | | |
|----|--|----------|
| 19 | Instructions to sue—claim and statement of claim and service | 1,422.00 |
| 20 | Costs for obtaining judgment under chapter 9, part 1, division 2 | 373.90 |
| 21 | Costs for obtaining an enforcement warrant | 373.90 |

75 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definitions *approved entity*, *electronically file*, *electronic enforcement warrant*, *electronic judgment*, *principal registrar* and *service provider*—

omit.

- (2) Schedule 4—

insert—

body, of correspondence, does not include an address, salutation or other text that is generic to correspondence.

electronically means by electronic or computer-based means.

imaged document, for chapter 22, part 1, see rule 959A.

principal registrar—

- (a) of a Magistrates Court—means the principal clerk of courts appointed under the *Justices Act 1886*, section 22D(1); or
- (b) of the District Court—means the principal registrar of the District Court appointed under the *District Court of Queensland Act 1967*, section 36(1); or
- (c) of the Supreme Court—means the principal registrar of the Supreme Court appointed under the *Supreme Court of Queensland Act 1991*, section 69(1).

service provider, for chapter 22, part 1, see rule 959B.

stamp, in relation to a court seal, includes electronically stamp.

- (3) Schedule 4, definition *address for service*, paragraphs (a) and (c), ‘rule 17(6)’—

omit, insert—

rule 17(4)

- (4) Schedule 4, definition *registrar*, paragraph (d), 'schedules 1 to 3'—

omit, insert—

schedules 1 and 2

- (5) Schedule 4—

renumber as schedule 3.

Part 10 Amendment of Workers' Compensation and Rehabilitation Regulation 2014

76 Regulation amended

This part amends the *Workers' Compensation and Rehabilitation Regulation 2014*.

77 Amendment of s 132 (Costs—proceeding before industrial magistrate or industrial commission)

Section 132(2)(a), 'schedule 3, part 2, scale E'—

omit, insert—

schedule 2, part 2, scale C

Part 11 Repeal

78 Repeal

The General (Appeals Against Decisions of the Mental Health Tribunal) Rules 1986 are repealed.

ENDNOTES

- 1 Made by the Governor in Council on 23 August 2018.
- 2 Notified on the Queensland legislation website on 24 August 2018.
- 3 The administering agency is the Department of Justice and Attorney-General.

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