

Uniform Civil Procedure (Subpoenas) Amendment Rule 2018

Explanatory notes for SL 2018 No. 128

Made under the

Supreme Court of Queensland Act 1991

General Outline

Short title

Uniform Civil Procedure (Subpoenas) Amendment Rule 2018

Authorising law

Section 85 of the *Supreme Court of Queensland Act 1991*.

Policy objectives and the reasons for them

Section 89 of the *Supreme Court of Queensland Act 1991* (SCQ Act) provides for the establishment of a Rules Committee (a committee of Magistrates and Judges established by the Chief Justice of Queensland). Under section 85 of the SCQ Act, the Governor in Council, with the consent of the Rules Committee, may make rules of court for the practices and procedures of the Supreme Court, the District Court and the Magistrates Courts or their registries.

The *Uniform Civil Procedure (Subpoenas) Amendment Rule 2018* (Amendment Rule) harmonises chapter 11, part 4 of the *Uniform Civil Procedure Rules 1999* (UCPR) with part 24 of the *Federal Court Rules 2011* (Cth) (FCR) relating to subpoenas.

Achievement of policy objectives

The Amendment Rule aligns the subpoena rules in the UCPR and the FCR, with minor variations to ensure consistency with existing definitions and processes under the UCPR.

The Amendment Rule includes new rules in relation to changing the date or time for attendance or production; copies of documents to be produced; the court to give directions about documents or things produced to the court; and parties to inspect documents or things. The Amendment Rule does not include the specific Federal

Court rule requiring the court's leave to issue a subpoena in accordance with local court practice.

Consistency with policy objectives of authorising law

The Amendment Rule is consistent with the objectives of the Act.

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

There are no implementation costs for the Amendment Rule.

Consistency with fundamental legislative principles

The Amendment Rule is consistent with fundamental legislative principles.

Consultation

In the course of deciding whether to adopt the Federal Court Rules relating to subpoenas, the Rules Committee consulted legal stakeholders.

The Rules Committee has consented to the Amendment Rule.

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