

Uniform Civil Procedure (Service Outside Australia) Amendment Rule 2019

Explanatory notes for SL 2019 No. 50

made under the

Supreme Court of Queensland Act 1991

General Outline

Short title

Uniform Civil Procedure (Service Outside Australia) Amendment Rule 2019

Authorising law

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

Policy objectives and the reasons for them

Section 89 of the 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 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 rules of court for civil law matters are contained in the *Uniform Civil Procedure Rules 1999* (UCPR).

The objective of the *Uniform Civil Procedure (Service Outside Australia) Amendment Rule 2019* (Amendment Rule) is to amend the UCPR to incorporate harmonised rules for service outside of Australia originating from the Council of Chief Justices' Rules Harmonisation Committee (harmonised rules). The harmonised rules provide for the service of originating process and other documents outside Australia (excluding the service in New Zealand of documents which may be served under division 2, part 2 of the *Trans-Tasman Proceedings Act 2010* (Cth)).

Achievement of policy objectives

The policy objective is achieved by amending the UCPR to incorporate the harmonised rules, with minor drafting differences (including differences in terminology and court processes) that are of a technical nature and do not affect the substance of the harmonised rules.

The Amendment Rule also includes a minor amendment to note 3 at chapter 4, part 7, division 3, subdivision 1 of the UCPR to reference the website of the Hague Conference on Private International Law for country specific information on the Hague Convention.

Consistency with policy objectives of authorising law

The Amendment Rule is consistent with the policy 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 costs associated with the implementation of the Amendment Rule.

Consistency with fundamental legislative principles

The Amendment Rule is consistent with fundamental legislative principles.

Consultation

The Department of Justice and Attorney-General has self-assessed the Amendment Regulation 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.