



Queensland

# Uniform Civil Procedure (Fees) and Other Legislation Amendment Regulation 2024

## Subordinate Legislation 2024 No. 4

made under the

*Supreme Court of Queensland Act 1991*

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title .....	3
2	Commencement .....	3
<b>Part 2</b>	<b>Amendment of Supreme Court (Admission) Rules 2004</b>	
3	Rules amended .....	3
4	Amendment of r 11 (Application and affidavit of compliance to be filed in court) .....	3
5	Amendment of r 12 (Notice of intention to apply) .....	3
6	Amendment of r 13 (Documents and fee to be given to board) .	4
7	Amendment of r 14 (Objection to admission) .....	4
8	Amendment of r 15 (Board's recommendation) .....	4
9	Amendment of r 21 (Application for conditional admission to be made unconditional) .....	5
10	Amendment of r 22 (Removal from roll of person conditionally admitted) .....	5
11	Amendment of r 25 (Appeal) .....	5
12	Amendment of r 26 (Court or board may shorten or extend time)	5
<b>Part 3</b>	<b>Amendment of Uniform Civil Procedure (Fees) Regulation 2019</b>	
13	Regulation amended .....	6
14	Amendment of s 19 (Definitions for part) .....	6
15	Insertion of new s 19A .....	6

Contents

---

	19A	References to attending court .....	6
16		Amendment of s 21 (Allowances) .....	6
17		Insertion of new s 21A .....	7
	21A	References to court for working out travelling allowance or accommodation allowance for particular relevant persons	7
18		Amendment of s 24 (Attendance allowance for non-professional witness) .....	8
19		Amendment of s 25 (Attendance allowance for professional witness or expert) .....	8
20		Amendment of sch 4 (Dictionary) .....	9
<b>Part 4</b>		<b>Amendment of Uniform Civil Procedure Rules 1999</b>	
21		Rules amended .....	10
22		Omission of r 208A (Application of part) .....	10
23		Insertion of new r 413A .....	10
	413A	Definitions for part .....	10
24		Insertion of new r 415B .....	10
	415B	Giving notice of way person is to attend to give evidence	11
25		Amendment of r 417 (Costs and expenses of complying with subpoena) .....	11
26		Amendment of r 419 (Conduct money) .....	11
27		Amendment of r 595F (Application for leave to serve subpoena in New Zealand) .....	12
28		Replacement of r 660 (Order) .....	13
	660	Order .....	13
29		Amendment of r 975B (Retention and status of document electronically filed) .....	13
30		Insertion of new ch 22, pt 1, div 6 .....	14
	Division 6	Inspection and copying of filed documents	
	975G	Definition for division .....	14
	975H	Inspection and copying of documents filed in proceedings .....	14
	975I	Application for order permitting inspection of particular documents filed in proceedings .....	16
31		Omission of rr 980 and 981 .....	18
32		Amendment of sch 3 (Dictionary) .....	18

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Uniform Civil Procedure (Fees) and Other Legislation Amendment Regulation 2024*.

### 2 Commencement

Part 2 commences on 1 May 2024.

## Part 2 Amendment of Supreme Court (Admission) Rules 2004

### 3 Rules amended

This part amends the *Supreme Court (Admission) Rules 2004*.

### 4 Amendment of r 11 (Application and affidavit of compliance to be filed in court)

(1) Rule 11(1), ‘28 days’—

*omit, insert—*

42 days

(2) Rule 11(2), ‘14 days’—

*omit, insert—*

21 days

### 5 Amendment of r 12 (Notice of intention to apply)

(1) Rule 12(2), ‘28 days’—

*omit, insert—*

42 days

[s 6]

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- (2) Rule 12(4), ‘14 but not more than 28 days’—  
*omit, insert—*  
21 days, but not more than 42 days,

**6 Amendment of r 13 (Documents and fee to be given to board)**

- (1) Rule 13(2), ‘28 days’—  
*omit, insert—*  
42 days
- (2) Rule 13(3), ‘14 days’—  
*omit, insert—*  
21 days

**7 Amendment of r 14 (Objection to admission)**

- (1) Rule 14(2), ‘10 days’—  
*omit, insert—*  
18 days
- (2) Rule 14(5)(a), ‘3 days’—  
*omit, insert—*  
12 days
- (3) Rule 14(7), ‘1 day’—  
*omit, insert—*  
5 days

**8 Amendment of r 15 (Board’s recommendation)**

- Rule 15(3), ‘2 days’—  
*omit, insert—*  
10 days

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**9 Amendment of r 21 (Application for conditional admission to be made unconditional)**

(1) Rule 21(2), ‘14 days’—

*omit, insert—*

21 days

(2) Rule 21(3), ‘21 days’—

*omit, insert—*

28 days

(3) Rule 21(4), ‘2 days’—

*omit, insert—*

10 days

**10 Amendment of r 22 (Removal from roll of person conditionally admitted)**

Rule 22(1), ‘14 days’—

*omit, insert—*

21 days

**11 Amendment of r 25 (Appeal)**

Rule 25(2), ‘28 days’—

*omit, insert—*

42 days

**12 Amendment of r 26 (Court or board may shorten or extend time)**

Rule 26(2), ‘14 days’—

*omit, insert—*

21 days

[s 13]

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## **Part 3**                      **Amendment of Uniform Civil Procedure (Fees) Regulation 2019**

### **13**      **Regulation amended**

This part amends the *Uniform Civil Procedure (Fees) Regulation 2019*.

### **14**      **Amendment of s 19 (Definitions for part)**

Section 19—

*insert—*

*audio link* see the *Evidence Act 1977*, section 39C.

*audio visual link* see the *Evidence Act 1977*, schedule 3.

### **15**      **Insertion of new s 19A**

After section 19—

*insert—*

#### **19A References to attending court**

A reference in this division or division 2 to attending court includes a reference to attending court by audio link or audio visual link.

### **16**      **Amendment of s 21 (Allowances)**

Section 21(4)—

*omit, insert—*

- (4) The attendance allowance is a payment made towards meeting any loss of earnings or additional expenses incurred by a relevant person if, to

attend court—

- (a) for a relevant person other than an interpreter—
  - (i) the person is necessarily absent from the person’s place of employment, practice or residence for a period; or
  - (ii) if subparagraph (i) does not apply—the person is necessarily unavailable to undertake the person’s usual work for a period; or
- (b) for a relevant person who is an interpreter—the person is necessarily absent from the person’s place of employment, practice or residence for a period.

## 17 Insertion of new s 21A

After section 21—

*insert—*

### **21A References to court for working out travelling allowance or accommodation allowance for particular relevant persons**

- (1) This section applies if—
  - (a) a relevant person is directed, by a notice given under the *Uniform Civil Procedure Rules 1999*, rule 415B, that the person’s attendance to give evidence in accordance with a subpoena is to be made by audio link or audio visual link from a place other than the person’s place of employment, practice or residence; or
  - (b) a relevant person’s attendance to give evidence is otherwise to be made by audio link or audio visual link from a place other than the person’s place of employment, practice or residence.

[s 18]

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- (2) For working out the relevant person's entitlement to a travelling allowance or accommodation allowance under this division, this division applies in relation to the person as if a reference to the court were a reference to the place from which the person's evidence is to be given.

**18 Amendment of s 24 (Attendance allowance for non-professional witness)**

- (1) Section 24, from 'necessary absence' to 'residence'—

*omit, insert—*

the witness's necessary absence

- (2) Section 24—

*insert—*

- (2) In subsection (1), a reference to the non-professional witness's necessary absence to attend court is a reference to the period for which the attendance causes the non-professional witness to be—
- (a) necessarily absent from the witness's place of employment, practice or residence as mentioned in section 21(4)(a)(i); or
- (b) necessarily unavailable to undertake the witness's usual work as mentioned in section 21(4)(a)(ii).

**19 Amendment of s 25 (Attendance allowance for professional witness or expert)**

- (1) Section 25(1), from 'necessary absence' to 'residence'—

*omit, insert—*

the witness's or expert's necessary absence

- (2) Section 25(2), from 'period' to 'residence'—

---

*omit, insert—*

necessary absence of a professional witness or an expert to attend court

- (3) Section 25(3), ‘However, if the person’—

*omit, insert—*

Despite subsections (1) and (2), if the professional witness or expert

- (4) Section 25(3), ‘necessary absence from the person’s place of employment’—

*omit, insert—*

the witness’s or expert’s necessary absence

- (5) Section 25(4), after ‘this section’—

*insert—*

, but only if the necessary absence is an absence mentioned in subsection (5)(a)

- (6) Section 25—

*insert—*

- (5) In this section, a reference to a professional witness’s or expert’s necessary absence to attend court is a reference to the period for which the attendance causes the professional witness or expert to be—

(a) necessarily absent from their place of employment, practice or residence as mentioned in section 21(4)(a)(i); or

(b) necessarily unavailable to undertake their usual work as mentioned in section 21(4)(a)(ii).

## **20 Amendment of sch 4 (Dictionary)**

Schedule 4—



*insert—*

**415B Giving notice of way person is to attend to give evidence**

- (1) This rule applies if, under an Act or an order of the court, a person to whom a subpoena is directed is required or permitted to give evidence by audio link or audio visual link.
- (2) The party on whose behalf the subpoena was issued may give written notice to the person to whom the subpoena is directed that the person's attendance to give evidence in accordance with the subpoena is to be made by audio link or audio visual link.
- (3) The notice must state—
  - (a) whether the person's attendance is to be made by audio link or audio visual link; and
  - (b) the place from which the person's attendance is to be made.
- (4) If notice is given under subrule (2), the subpoena has effect as if the way stated in the notice for the person's attendance to be made were the way stated in the subpoena.

**25 Amendment of r 417 (Costs and expenses of complying with subpoena)**

Rule 417(3)(b), 'normal witness expenses'—

*omit, insert—*

an attendance allowance

**26 Amendment of r 419 (Conduct money)**

(1) Rule 419(1)—

*omit, insert—*

(1) This rule applies if—

[s 27]

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- (a) a subpoena to give evidence or a subpoena for production and to give evidence is directed to a person; and
  - (b) either—
    - (i) the person has not been given a notice under rule 415B in relation to the subpoena; or
    - (ii) the person has been given a notice under rule 415B in relation to the subpoena and the notice directs the person's attendance to give evidence to be made by audio link or audio visual link from a place other than the person's place of employment, practice or residence.
- (1A) Despite rule 414(8), the person need not comply with the requirements of the subpoena unless conduct money has been given or tendered to the person a reasonable period before the day the person is required to attend.
- (2) Rule 419(2), 'normal witness expenses'—  
*omit, insert—*  
an attendance allowance
- (3) Rule 419(1A) and (2)—  
*renumber* as rule 419(2) and (3).

**27 Amendment of r 595F (Application for leave to serve subpoena in New Zealand)**

Rule 595F(3), from 'Despite' to 'search for,'—

*omit, insert—*

Despite rule 975H, a person must not, without the leave of the court,

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**28 Replacement of r 660 (Order)**

Rule 660—

*omit, insert—*

**660 Order**

- (1) An order is made when the person making the order—
  - (a) pronounces the order in court; or
  - (b) pronounces the order while the court is hearing a proceeding, even though the person making the order is not physically present in court; or

*Example—*

an order pronounced during a view, or during a hearing in which the judge participates by telephone or other electronic means

  - (c) for a proceeding under chapter 13, part 6—initials or signs a document setting out the order; or
  - (d) for another proceeding—with the consent of all the parties affected by the order, initials or signs a document setting out the order.
- (2) An order takes effect from the time it is made.
- (3) However, the court may order that an order takes effect at an earlier or later time.

**29 Amendment of r 975B (Retention and status of document electronically filed)**

Rule 975B(2), ‘under rule 981, a person asks’—

*omit, insert—*

under rule 975H, a person may make a request

[s 30]

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### **30 Insertion of new ch 22, pt 1, div 6**

Chapter 22, part 1—

*insert—*

#### **Division 6 Inspection and copying of filed documents**

##### **975G Definition for division**

In this division—

*document filed in a proceeding—*

- (a) means a document filed, under these rules or an order of the court, in a proceeding; but
- (b) does not include a document that is an exhibit tendered in a proceeding.

*Note—*

See chapter 11, part 9 in relation to access to exhibits tendered in a proceeding.

##### **975H Inspection and copying of documents filed in proceedings**

- (1) Subject to subrules (2) and (4), any person may, under this rule, inspect any document filed in a proceeding.
- (2) A person who is not a party to a proceeding may not inspect any of the following documents filed in the proceeding—
  - (a) an originating process, if none of the following have been filed in the proceeding—
    - (i) a notice of intention to defend;
    - (ii) a notice of address for service;

- 
- (iii) an application for an order under rule 16;
  - (b) an affidavit;
  - (c) an exhibit to an affidavit;
  - (d) a witness statement or summary;
  - (e) a document produced as directed by a subpoena;
  - (f) an expert report;
  - (g) a written submission, outline of argument or chronology.
- (3) However, subrule (2) does not apply in relation to a document that—
- (a) has been read or relied on in open court; or
  - (b) has been relied on in an application decided without a hearing.
- (4) No person may inspect a document filed in a proceeding if—
- (a) the court has ordered that the document be confidential or that access to the document be restricted; or
  - (b) publication of the document is otherwise restricted.
- (5) A person may make a request to inspect or obtain a copy of a document filed in a proceeding only if—
- (a) the person is entitled under subrule (1) to inspect the document; or
  - (b) the court has made an order under rule 975I permitting the person to inspect the document.
- (6) A request under subrule (5) must—
- (a) be in the approved form; and

[s 30]

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- (b) be accompanied by the prescribed fee, if—
  - (i) the request is made by a person who is not a party to the proceeding; or
  - (ii) for a request made by a party to the proceeding—the request is for a copy of a document.
- (7) A copy of a document provided under this rule must have the words ‘copy’ or ‘certified copy’, as the case may be, marked on it in the way the registrar decides.

#### **975I Application for order permitting inspection of particular documents filed in proceedings**

- (1) A person may apply to the court for an order permitting the person to inspect a document filed in a proceeding that the person is not otherwise entitled to inspect under rule 975H.
- (2) The application must—
  - (a) identify the document the subject of the application; and
  - (b) be filed in the proceeding in which the document was filed; and
  - (c) be supported by an affidavit stating—
    - (i) the reason the order is sought; and
    - (ii) the use the applicant intends to make of the document, including whether the applicant intends to publish or otherwise communicate the document or its subject matter.
- (3) Also, unless the court orders otherwise, the application and the supporting affidavit must be served on—
  - (a) either—

- (i) if the applicant is a party to the proceeding in which the document was filed—each other party to the proceeding; or
    - (ii) if the applicant is not a party to the proceeding in which the document was filed—each party to the proceeding; and
  - (b) any other person the applicant has reasonable grounds to believe would be directly affected by the order sought.
- (4) The court may make the orders and give the directions it considers appropriate in relation to the document, including, for example, an order imposing a condition restricting the nature and extent of any publication or other use of the document or its subject matter.
- (5) In deciding whether to make an order under subrule (4), the court may have regard to the following matters—
- (a) whether inspection of the document may help the applicant provide a fair and accurate report of the proceeding;
  - (b) whether access to the document enables the business of the court to be seen to be conducted in open court;
  - (c) whether access to the document is otherwise in, or contrary to, the public interest or the interests of justice.
- (6) Unless the court orders otherwise, an order made under this rule permitting the document to be inspected is stayed until any prescribed fee for the inspection is paid.

[s 31]

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**31 Omission of rr 980 and 981**

Rules 980 and 981—

*omit.*

**32 Amendment of sch 3 (Dictionary)**

Schedule 3—

*insert—*

***attendance allowance***, for chapter 11, part 4, see rule 413A.

***audio link***, for chapter 11, part 4, see rule 413A.

***audio visual link***, for chapter 11, part 4, see rule 413A.

***conduct money*** means a sum of money or its equivalent that is sufficient to meet a reasonable estimate of the following allowances under the *Uniform Civil Procedure (Fees) Regulation 2019*, part 3, division 2—

- (a) an accommodation allowance;
- (b) a travelling allowance.

***document filed in a proceeding***, for chapter 22, part 1, division 6, see rule 975G.

ENDNOTES

- 1 Made by the Governor in Council on 15 February 2024.
- 2 Notified on the Queensland legislation website on 16 February 2024.
- 3 The administering agency is the Department of Justice and Attorney-General.

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