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UPDATE 133

AUGUST 2024

QUEENSLAND CIVIL PRACTICE

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Material Code 42609337

Print Post Approved PP255003/04518

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Initially, the authors would like to acknowledge and welcome the latest member of their team, William Isdale. William has a broad civil practice, with a focus on commercial and regulatory matters. He appears in all State and Federal Courts and Tribunals.

Prior to being called to the Bar, William worked as an Associate at MinterEllison (focusing on commercial and regulatory work for financial services clients), and as a Senior Legal Officer at the Australian Law Reform Commission (working on the Corporations and Financial Services Inquiry).

The author team has updated a number of chapters of the UCPRs and the most significant issues are referred to below.

Matthew Williams has updated Sch 1A Rules for proceedings under Corporations Act or ASIC Act.

Rule 5.2 – Affidavit accompanying statutory demand (Corporations Act, s 459E(3)) – Form 7

For a comprehensive analysis of the law applicable to an application to set aside a demand on account of an alleged deficiency in the affidavit accompanying the demand (and in the demand itself), see *ACN 114 733 569 Ltd v Income2Wealth Pty Ltd* [2023] QSC 73 per Ryan J. Of note is her first point that “Disputes involving statutory demands are to be resolved on the basis of the commercial justice of the matter, rather than on the basis of technical difficulties”. See [UCPR.Sch1A.5.2.20].

New author William Isdale has thoroughly reviewed and amended Chapter 8 – Preservation of rights and property.

Introduction to r 250

It is noted that, r 250(1) sets out the circumstances in which the court may make an order for the inspection, detention, custody or preservation of property. An “issue” for the purposes of rule can be either “a factual or a legal issue in a proceeding justifying making orders”: *Macdonald v Teys Australia Distribution Pty Ltd* [2013] QDC 139. See [UCPR.250.10].

Ex parte applications: principles

The author refers to *Mineralogy Pty Ltd v Western Australia* [2020] QSC 344, where Martin J said that the case law supported the following as a summary of the obligations upon an applicant in an ex parte application:

- a) An applicant must make a full and fair disclosure of all the material facts.
- b) The material facts are those which the judge needs to know in dealing with the application.
- c) The applicant must make proper enquiries about the facts before making the application.

- d) How far an applicant must go in making these enquiries will depend upon all the circumstances of the case.
- e) The applicant must identify the crucial points for and against the application and not rely on general statements and the mere exhibiting of numerous documents.
- f) The applicant must identify any likely defences – factual or legal – and make the judge aware of them.
- g) The applicant must inform the court of the legal authorities that bear one way or the other upon the matters under debate.

See [UCPR.259.20].

Freezing orders - Principles

Reference is made to *Zabusky v Van Leeuwen* [2011] QSC 270, where Daubney J considered that observations of Gleeson CJ in *Patterson v BTR Engineering (Aust) Ltd* (1989) 18 NSWLR 319, were apposite to a s 260A order. See [UCPR.260A.30].

Author Bridget Cullen has updated Chapter 10 Supervision.

Source of court's power to dispense with trial by jury

It is noted that, Brown J, in *Quinlan v ERM Power Ltd* [2023] QSC 80, made orders dispensing with disclosure obligations pursuant to r 367, to the extent that was necessary to protect the applicant's claim to the privilege against self-incrimination.

Discretion in relation to amendments

Considerations which have been taken into account by the courts in refusing leave to grant an amendment include where an amendment would result in a trial date needing to be vacated, and where a proper explanation has not been offered for the delay in seeking to amend at a late juncture, an application for leave to amend may be refused. See [UCPR.375.40].

Amendment of originating process

In *La Costa D Oro Pty Ltd v Karananos* [2021] QSC 167, Williams J, in granting leave to the plaintiff to amend the claim and statement of claim, emphasised the importance of r 5 in determining whether to grant leave: "The proposed pleading seeks to identify the real issues in dispute between the parties so they can be efficiently and expeditiously dealt with, without the potential for multiple proceedings or on-going disputes between the parties." See [UCPR.377.10] and [UCPR.382.10].

Matthew Williams also reviewed and amended Chapter 15 Probate and Chapter 16 Orders.

Application for probate in solemn form

Reference is made to *Aronis v Aronis* [2019] QSC 292, where Holmes CJ had occasion to consider the standard to which the court ought to be satisfied before it makes an order under r 640. See [UCPR.640.10].

Setting aside or varying a judgment

As to the principles applicable to an allegation of fraud (in the context of r 667(2)(b) UCPR, but also generally), the author points to *Courtney v Chalfen* [2023] QSC 126 per Muir J at [46].

Further it is noted that, even where the party with the benefit of the relevant order consents to it being set aside, “it remains a matter for the court to decide whether it still has jurisdiction in the matter and, if so, whether it ought exercise the discretion conferred by r 667(2)(e)”: *Trappando Pty Ltd v Sunshine Group Australia Pty Ltd* [2024] QSC 100. The judgment also addresses the considerations relevant to the exercise of that discretion. See [UCPR.667.10].