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Update Summary

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QUEENSLAND CIVIL PRACTICE

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QCP Currency

Author Bernard Cairns has updated Chapter 1 – Preliminary of the UCPRs.

In addition to case authority being updated throughout, the list of and commentary addressing Civil Litigation Practice Directions has been updated:

- Practice Direction 7 of 2024, Setting Trial Dates: Civil Jurisdiction Brisbane.
- Practice Direction 2 of 2024, Building, Engineering and Construction List. See below.
- Practice Direction 13 of 2023, Supervised Case List for Proceedings involving Self-Represented Parties: Civil Jurisdiction.
- Practice Direction 9 of 2023, Caseflow Management – Civil Jurisdiction.
- Practice Direction No 1 of 2023 Commercial List.
- Practice Direction 18 of 2018, Efficient Conduct of Civil Litigation.
- Practice Direction No 11 of 2012 Supervised Case List.
- Practice Direction 10 of 2011, Use of Technology for the Efficient Management of Documents in Litigation.

Building, Engineering and Construction List

The Building, Engineering and Construction List commenced operation on 4 March 2024 and applies to large and complex building, engineering and construction cases that warrant judicial supervision pending in the Brisbane registry, The Practice Direction is specific that it does not alter the implied obligation of the parties under r 5(3) of the UCPR to proceed expeditiously. Nor does it alter the obligation of a party or legal representative to avoid procedural unfairness.

A designated list judge is allocated for case management. A proceeding is managed through case conferences, which are “more informal” than a directions hearing. The court appoints an initial case conference once a proceeding is entered into the list. If necessary, the list judge will schedule any subsequent case conferences in consultation with the parties. Matters for consideration include:

If an agreement cannot be reached at a case conference the list judge may give appropriate directions or direct the parties to file an interlocutory application with any supporting affidavits and fix a date for hearing. See [UCPR.5.65].

Author Bridget Cullen has updated commentary including Chapter 5 Notices of intention to defend and Chapter 7 Disclosure.

Application of Ch 5

The proceedings to which Ch 5 of the Rules applies was discussed by Her Honour, Justice Brown, confirmed this in *Lin v CNK Global Pty Ltd* [2021] QSC 166. See [UCPR.134.10].

Conditional notice of intention to defend

In *Sportec Pty Ltd v Leatherman Tool Group Inc* [2024] QDC 188, his Honour Justice Porter, KC, found that r 144(7) referred only to personal jurisdiction, and not to subject matter jurisdiction. For the reasons underpinning his decision see [UCPR.144.20].

Preliminary disclosure rules

Rules 208B – 208G are part of the new Ch 7 Pt 1 which introduces a procedure for preliminary disclosure orders in the Supreme, District, and Magistrates Courts. In *Blue Dog Group Pty Ltd v Glaucus Research Group California LLC* [2024] QSC 37, the Queensland Supreme Court considered the preliminary disclosure rules for the first time. See [UCPR.Ch7.Pt1].

Relevant Practice Directions

Current Practice Directions for the Supreme and District Courts have been updated. See UCPR.209.05].

Documents to which disclosure does not apply

It is noted that, while it would be sensible to do so, it is not necessary for communications to be clearly labelled as legal advice in order for privilege to attach where it is clear that the confidential communications fit within the purview of the dominant purpose test. In *McEwan v Deputy Commissioner of Taxation* [2024] QSC 113, his Honour Justice Freeburn dispensed with an argument asserting that clear labelling was required. See [UCPR.212.20].

Author Jessica Lambert has updated Chapter 12 Jurisdiction of the registrar.

Registrar's powers by practice direction

Practice directions in the Supreme Court and the District Court provide for the registrar to constitute the court to determine prescribed applications. In this regard, attention is drawn to the following:

- Practice Direction No 11 of 2024 *Extension of Time for Objections to Costs Statement*. The registrar may constitute the court to hear and decide applications under r 7(1) of the UCPR for an extension of time within which to object to an item in a costs statement under r 706(1) UCPR.
- Practice Direction No 10 of 2024, *Wills Attested by only one Witness*, provides the registrar may constitute the court to hear and decide applications under s 18(2) of the *Succession Act 1981* (Qld), dispensing with the s10(4) requirement that a will be attested by at least two persons.

See [UCPR452.40].

