



New South Wales

# Uniform Civil Procedure (Amendment No 91) Rule 2019

under the

Civil Procedure Act 2005

The Uniform Rules Committee has made the following rule of court under the *Civil Procedure Act 2005*.

Rebel Kenna  
Secretary of the Uniform Rules Committee

## Explanatory note

The object of this Rule is to amend the *Uniform Civil Procedure Rules 2005*, following *Hancock v Rinehart* [2016] NSWSC 12, to make it clear:

- (a) that when an objection is made to the production of a document on the ground of privilege, access to the document must not be granted unless and until the objection is overruled, and
- (b) that the production of a document to the court under a claim for privilege does not constitute a waiver of privilege.

## **Uniform Civil Procedure (Amendment No 91) Rule 2019**

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### **1 Name of Rule**

This Rule is the *Uniform Civil Procedure (Amendment No 91) Rule 2019*.

### **2 Commencement**

This Rule commences on the day on which it is published on the NSW legislation website.

### **3 Amendment of Uniform Civil Procedure Rules 2005**

#### **Rule 1.9 Objections to production of documents and answering of questions founded on privilege**

Insert after rule 1.9 (4):

- (4A) If a document is produced, and a person objects to the production of the document on the ground that the document is a privileged document, access to the document must not be granted unless and until the objection is overruled.
- (4B) The production of a document to the court under a claim for privilege does not constitute a waiver of privilege.
- (4C) Subrules (4A) and (4B) extend to documents produced before the commencement of those subrules.