

Queensland



**JUSTICE AND OTHER
LEGISLATION
(MISCELLANEOUS
PROVISIONS) ACT 2002**

Act No. 34 of 2002

Queensland



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Queensland



Justice and Other Legislation (Miscellaneous Provisions) Act 2002

Act No. 34 of 2002

An Act to amend various Acts administered by the Attorney-General and Minister for Justice, and for other purposes

[Assented to 16 August 2002]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Justice and Other Legislation (Miscellaneous Provisions) Act 2002*.

2 Commencement

(1) Sections 8, 56 and 57¹ commence on a day to be fixed by proclamation.

(2) Section 34² is taken to have commenced on 14 May 2002.

(3) Section 45³ is taken to have commenced on 1 July 1999.

(4) Schedule 6,⁴ to the extent it amends the *Corporations (Queensland) Act 1990*, is taken to have commenced on 1 January 1991.

(5) Schedule 6, to the extent it amends the *Electoral and Other Acts Amendment Act 2002*, is taken to have commenced on 5 June 2002.

(6) Schedule 6, to the extent it amends the *Justices Act 1886*, section 222(2)(b), is taken to have commenced on 17 November 2000.

1 Sections 8 (Insertion of new s 23G), 56 (Amendment of s 119 (Enforcement by imprisonment)) and 57 (Amendment of s 137 (Enforcement order))

2 Section 34 (Amendment of s 86 (Assumption by tribunal of role of warden and Wardens Court under certain Acts))

3 Section 45 (Insertion of new s 19A)

4 Schedule 6 (Other amendments)

PART 2—AMENDMENT OF ATTORNEY-GENERAL ACT 1999

3 Act amended in pt 2

This part amends the *Attorney-General Act 1999*.

4 Insertion of new s 9A

Part 3, after section 9—

insert—

‘9A Relator application

‘An application for the Attorney-General’s fiat under section 7(1)(g) must be made to the Attorney-General in the way prescribed under a regulation.’.

PART 3—AMENDMENT OF CORONERS ACT 1958

5 Act amended in pt 3

This part amends the *Coroners Act 1958*.

6 Amendment of s 22 (No cremation when post-mortem examination directed)

Section 22(2), ‘the *Cremation Act 1913*, or’—

omit.

7 Amendment of s 23 (Orders for burial and certificates of cremation)

Section 23(5)—

omit, insert—

‘(5) This section does not limit or otherwise affect the other provisions of this Act about cremation.’.

8 Insertion of new s 23G

Part 9, after section 23F—

insert—

‘23G When particular provisions do not apply after post-mortem

‘(1) This section applies if—

- (a) a person removes a part of the body of a deceased as part of a post-mortem examination or a special examination of the body made under a coroner’s order under section 18; and
- (b) the removed part of the body (“**remains**”) is not buried or cremated with the body.

‘(2) Sections 20, 21, 23 and 23A to 23F do not apply to the disposal of the remains.

‘(3) For disposing of the remains, the entity possessing the remains may issue a certificate stating a coroner no longer requires the remains to be kept.

‘(4) The certificate authorises the entity or, if the entity gives the remains to someone else for disposal, the person to whom the remains are given for disposal, to dispose, or arrange for the disposal, of the remains by burial or cremation.’.

9 Insertion of new ss 59AA

After section 59A—

insert—

‘59AA National coronial database

‘(1) The Minister may, for the State, enter into an arrangement with a government or non-government entity responsible for maintaining a database about coronial inquiries and investigations for the inclusion in the database of stated information obtained under this Act (“**relevant information**”).

‘(2) The Minister may enter into the arrangement only if satisfied—

- (a) the entity has a legitimate interest in storing relevant information in the database; and
- (b) the entity will make relevant information available only to persons with a legitimate interest in obtaining it; and
- (c) the conditions for making relevant information available to database users are reasonable.

‘(3) The Minister may delegate the Minister’s powers under this section to the chief executive.

‘(4) For this section, each coroner must give the chief executive the reports and other information the chief executive reasonably requires.’.

PART 4—AMENDMENT OF DISTRICT COURT OF QUEENSLAND ACT 1967

10 Act amended in pt 4 and sch 1

This part and schedule 1 amend the *District Court of Queensland Act 1967*.

11 Amendment of s 14 (Retirement of judges)

Section 14(2), ‘attaining 70 years of age’—

omit, insert—

‘retiring, whether or not because of subsection (1)’.

12 Replacement of s 36 (Appointment and salary of registrar and deputy registrars)

Section 36—

omit, insert—

‘36 Registrar, deputy registrars and other officers

‘(1) The Governor in Council may appoint, for the court—

- (a) registrars; and

- (b) deputy registrars; and
- (c) the other officers, including associates;

the Governor in Council considers appropriate.

‘(2) An associate is appointed under this Act and not under the *Public Service Act 1996*.

‘(3) If the *Public Service Act 1996* does not apply to a person appointed under subsection (1), the Governor in Council is to decide the person’s salary and conditions of appointment.’

13 Replacement of s 85 (Procedure where proceedings beyond jurisdiction are commenced in District Court)

Section 85—

omit, insert—

‘85 Procedure if proceeding started in wrong court

‘(1) This section applies if the District Court considers the court does not have jurisdiction to hear and decide a proceeding started in the court.

‘(2) If the District Court considers the Supreme Court has jurisdiction to hear the proceeding, the District Court may, by order, transfer the proceeding to the Supreme Court.

‘(3) Subsection (2) does not apply to a proceeding that may or must be struck out under subsection (4) or (5).

‘(4) If the District Court considers that the party who started the proceeding knew, or should have known, that the court did not have jurisdiction to hear the proceeding, the court may strike out the proceeding and order the party who started the proceeding to pay the costs of the other party to the proceeding.

‘(5) If the District Court does not have jurisdiction and the proceeding may not be transferred under subsection (2) or struck out under subsection (4), the court—

- (a) must strike out the proceeding; and
- (b) may order the party who started the proceeding to pay the costs of the other party to the proceeding.

‘(6) In this section—
“proceeding” includes appeal.’.

14 Insertion of new s 140

Part 12, after section 139—

insert—

‘140 Transitional provision for Justice and Other Legislation (Miscellaneous Provisions) Act 2002

‘An appointment of a person under section 36 as in force immediately before the amendment of that section by the *Justice and Other Legislation (Miscellaneous Provisions) Act 2002*, section 12, continues to have effect as if section 12 had not been enacted.’.

PART 5—AMENDMENT OF ELECTRONIC TRANSACTIONS (QUEENSLAND) ACT 2001

15 Act amended in pt 5

This part and schedule 2 amend the *Electronic Transactions (Queensland) Act 2001*.

16 Insertion of new s 7A

Chapter 1, after section 7—

insert—

‘7A Act does not apply to particular requirements etc.

‘(1) This Act does not apply to—

- (a) a State law mentioned in schedule 1, part 1; or
- (b) a requirement or permission of a kind mentioned in schedule 1, part 2.

‘(2) Subsection (1)(a) and schedule 1, part 1 expire 2 years after this section commences.’.

17 Amendment of s 16 (Requirement to produce document)

Section 16—

insert—

‘(3) For subsection (2)(a), the integrity of information contained in a document is maintained only if the information has remained complete and unaltered, apart from—

- (a) the addition of any endorsement; or
- (b) immaterial change;

arising in the normal course of communication, storage or display.’

18 Insertion of new schedule 1

After section 27—

insert—

‘SCHEDULE 1**‘EXCLUDED STATE LAWS, REQUIREMENTS AND
PERMISSIONS**

section 7A

PART 1—ACTS

Associations Incorporation Act 1981

Bills of Sale and Other Instruments Act 1955

Business Names Act 1962

Charitable Funds Act 1958

Collections Act 1966

Consumer Credit (Queensland) Act 1994

Consumer Credit Code

Cooperatives Act 1997

Disposal of Uncollected Goods Act 1967

Fair Trading Act 1989

Funeral Benefit Business Act 1982

Hire-purchase Act 1959

Land Sales Act 1984

Liens on Crops of Sugar Cane Act 1951

Motor Vehicles Securities Act 1986

Partnership Act 1891

Partnership (Limited Liability) Act 1988

Pawnbrokers Act 1984

Property Agents and Motor Dealers Act 2000

Retirement Villages Act 1999

Second-hand Dealers and Collectors Act 1984

Security Providers Act 1993

Storage Liens Act 1973

Trade Measurement Act 1990

Trade Measurement Administration Act 1990

Travel Agents Act 1988

Traveller Accommodation Providers (Liability) Act 2001

PART 2—EXCLUDED REQUIREMENTS AND PERMISSIONS

‘1. A requirement or permission for a person to file a document with a court or tribunal for a proceeding.

‘2. A requirement or permission for a person to sign a document to be filed with a court or tribunal for a proceeding.

‘3. A requirement or permission for a person to produce a document—

- (a) to a court or tribunal in a proceeding; or
- (b) to a party to a proceeding for the proceeding.

‘4. A requirement or permission for a person to retain a document that has been—

- (a) filed with, or produced to, a court or tribunal in a proceeding; or
- (b) admitted in evidence in a proceeding before a court or tribunal; or
- (c) issued by a court or tribunal for a proceeding.

‘5. A requirement or permission for a document to be served personally or by post.

‘6. A requirement or permission for a document to be attested, authenticated, verified or witnessed by a person other than the author of the document.

‘7. An authorisation under the *Trust Accounts Act 1973*.’.

PART 6—AMENDMENT OF GAS PIPELINES ACCESS (QUEENSLAND) ACT 1998

19 Act amended in pt 6

This part amends the *Gas Pipelines Access (Queensland) Act 1998*.

20 Amendment of s 25 (Qualifications of tribunal members)

(1) Section 25(1), ‘Premier’—

omit, insert—

‘Minister’.

(2) Section 25(2), ‘Premier’—

omit, insert—

‘Minister’.

21 Amendment of s 28 (Vacation of office)

Section 28(1)(a), ‘Premier’—

omit, insert—

‘Minister’.

**PART 7—AMENDMENT OF GUARDIANSHIP AND
ADMINISTRATION ACT 2000****22 Act amended in pt 7**

This part amends the *Guardianship and Administration Act 2000*.

23 Insertion of new ss 230A and 230B

Chapter 10, part 3, before section 231—

insert—

**‘230A Investigations about suitability of applicant to be community
visitor**

‘(1) The chief executive may make investigations about a person to help the chief executive decide whether the person is suitable to be a community visitor.

‘(2) Without limiting subsection (1), the chief executive may ask the commissioner of the police service for a written report about the criminal history of the person.

‘(3) The commissioner must give the report to the chief executive.

‘(4) However, the report is required to contain only criminal history the commissioner has, or has access to.

‘230B Use of information obtained under this part

‘(1) This section applies to the chief executive in considering information about a person received under this part.

‘(2) The information must not be used for any purpose other than assessing the person’s suitability to be a community visitor.

‘(3) When making the assessment, the chief executive must have regard to the following matters relating to the person’s criminal history—

- (a) when the offence was committed or was alleged to have been committed;
- (b) the nature of the offence and its relevance to the person’s proposed duties as a community visitor;
- (c) anything else the chief executive considers relevant to the assessment of the person.’.

PART 8—AMENDMENT OF JUDGES (SALARIES AND ALLOWANCES) ACT 1967

24 Act amended in pt 8

This part amends the *Judges (Salaries and Allowances) Act 1967*.

25 Amendment of s 5 (Establishment of tribunal)

(1) Section 5(3)(b), ‘Courts’—

omit, insert—

‘Court’.

(2) Section 5(3)—

insert—

‘(h) a presiding member of the Land and Resources Tribunal.’.

PART 9—AMENDMENT OF JURY ACT 1995

26 Act amended in pt 9

This part amends the *Jury Act 1995*.

27 Amendment of s 4 (Qualification to serve as juror)

(1) Section 4(3)(e) to (l)—

renumber as section 4(3)(f) to (m).

(2) Section 4(3)—

insert—

‘(e) a person who is or has been a presiding member of the Land and Resources Tribunal;’.

28 Amendment of s 13 (Practice directions)

Section 13, ‘District Courts’—

omit, insert—

‘the District Court’.

29 Amendment of s 14 (Administrative directions)

Section 14, ‘District Courts’—

omit, insert—

‘the District Court’.

PART 10—AMENDMENT OF LAND AND RESOURCES TRIBUNAL ACT 1999

30 Act amended in pt 10

This part amends the *Land and Resources Tribunal Act 1999*.

31 Section 9 (Retirement or resignation of presiding members)

(1) Section 9(1)—

omit, insert—

‘(1) A presiding member must retire when the presiding member would be required to retire if the presiding member were a Supreme Court judge.’.

(2) Section 9(4)—

omit.

(3) Section 9(5)—

renumber as section 9(4).

32 Amendment of s 28 (Appointment to NNTT)

Section 28, ‘the Act’—

omit, insert—

‘this Act’.

33 Amendment of s 39 (General requirements for constituting tribunal for proceeding)

Section 39(2)—

insert—

‘(aa) 2 or more presiding members (also a “**standard panel**”); or’.

34 Amendment of s 86 (Assumption by tribunal of role of warden and Wardens Court under certain Acts)

Section 86(4), definition “designated Acts”—

insert—

‘• the *Offshore Minerals Act 1998*’.

35 Amendment of sch 1 (Requirements for constituting tribunal)

(1) Schedule 1, column 1, 2 and 3 entries for *Mineral Resources Act 1989*—

insert—

‘Substantive jurisdiction

363 actions, suits and presiding member’.
proceedings of the kind
mentioned in the section

(2) Schedule 1—

insert—

‘PETROLEUM ACT 1923

‘For all matters within the tribunal’s jurisdiction, the tribunal is to be constituted by a presiding member.’

**PART 11—AMENDMENT OF MAGISTRATES COURTS
ACT 1921**

36 Act amended in pt 11 and sch 3

This part and schedule 3 amend the *Magistrates Courts Act 1921*.

37 Insertion of new s 5A

After section 5—

insert—

‘5A Proceeding started in wrong court

‘(1) This section applies if a Magistrates Court considers the court does not have jurisdiction to hear and decide a proceeding started in the court.

‘(2) If the Magistrates Court considers the District Court has jurisdiction to hear the proceeding, the Magistrates Court may, by order, transfer the proceeding to the District Court.

‘(3) If subsection (2) does not apply and the Magistrates Court considers the Supreme Court has jurisdiction to hear the proceeding, the Magistrates Court may, by order, transfer the proceeding to the Supreme Court.

‘(4) If the Magistrates Court considers that the party who started the proceeding knew, or should have known, that the court did not have jurisdiction to hear the proceeding, the court may strike out the proceeding and order the party who started the proceeding to pay the costs of the other party to the proceeding.

‘(5) If the Magistrates Court does not have jurisdiction and the matter may not be transferred under subsection (2) or (3) or struck out under subsection (4), the court—

- (a) must strike out the proceeding; and
- (b) may order the party who started the proceeding to pay the costs of the other party to the proceeding.

‘(6) In this section—

“**proceeding**” includes appeal.’.

38 Insertion of new s 57A

Part 7, after section 57—

insert—

‘57A Annual report

‘(1) As soon as practicable after the end of each financial year, but within 4 months after the end of the financial year, the Chief Magistrate must prepare and give to the Minister a written report about the operation of Magistrates Courts during the year.

‘(2) The Minister must table a copy of the report in the Legislative Assembly within 14 sitting days after receiving the report.’.

PART 12—AMENDMENT OF POWERS OF ATTORNEY ACT 1998

39 Act amended in pt 12

This part amends the *Powers of Attorney Act 1998*.

40 Amendment of s 59A (Effect of revocation by joint attorney)

(1) Section 59A, heading—

omit, insert—

‘Effect of power ending’.

(2) Section 59A, ‘under this division’—

omit.

41 Amendment of s 85 (Keep records)

Section 85, from ‘under’—

omit, insert—

‘under the power.⁵’.

42 Amendment of sch 2 (Types of matters)

(1) Schedule 2, section 1(m), (n), (o) and (p)—

omit, insert—

‘(m) undertaking a real estate transaction for the principal;

(n) dealing with land under the *Land Act 1994* or *Land Title Act 1994*;

(o) undertaking a transaction for the principal involving the use of the principal’s property as security (for example, for a loan or by way of a guarantee) for an obligation the performance of which is beneficial to the principal;’.

(2) Schedule 2, section 1(q)—

renumber as schedule 2, section 1(p).

5 See also *Guardianship and Administration Act 2000*, chapter 8 (Adult guardian), part 2 (Investigative powers).

PART 13—AMENDMENT OF PUBLIC TRUSTEE ACT 1978

43 Act amended in pt 13 and sch 4

This part and schedule 4 amend the *Public Trustee Act 1978*.

44 Amendment of s 18 (Accounting)

(1) Section 18(1)—

omit.

(2) Section 18(2), ‘(2) Where by reason of’—

omit, insert—

‘If because of’.

45 Insertion of new s 19A

After section 19—

insert—

‘19A Application of particular amounts

‘(1) This section applies to—

- (a) fees and charges received by the public trustee; and
- (b) interest earned on amounts invested under section 19 and paid into the common fund.

‘(2) The public trustee must apply the amounts—

- (a) first, to pay interest to the estates whose funds formed part of the amounts invested; and
- (b) after paying the interest, towards operating and capital expenses of the public trust office.’.

46 Insertion of new s 25A

After section 25—

insert—

‘25A Budget and performance

‘(1) For each financial year, the public trustee must develop and submit to the Minister a budget not later than the day the Minister directs.

‘(2) During a financial year the public trustee may develop and submit to the Minister amendments of its budget.

‘(3) The public trustee must not spend in a financial year more than the amount allowed in its budget for the financial year, unless the Minister approves a higher amount.’.

47 Insertion of new s 63A

Part 5, after section 63—

insert—

‘63A Adult guardian resources

‘(1) The public trustee must give the adult guardian⁶ the financial and other resources (including professional and administrative services and support) approved by the Minister.

‘(2) The resources must also include any resources the Minister may specify in writing to the public trustee.’.

48 Amendment of s 99A (Public trustee’s register of unclaimed moneys)

Section 99A(3), ‘prescribed under a regulation’—

omit, insert—

‘fixed under section 17⁷’.

49 Amendment of s 124 (Searches)

Section 124, ‘*Land Act 1962*’—

6 The adult guardian is constituted under the *Guardianship and Administration Act 2000* (see section 173 of the Act).

7 Section 17 (Public trustee may fix fees and charges)

omit, insert—

‘Land Act 1994’.

PART 14—AMENDMENT OF QUEENSLAND LAW SOCIETY ACT 1952

50 Act amended in pt 14

This part amends the *Queensland Law Society Act 1952*.

51 Amendment of s 5A (Rules)

(1) Section 5A(9) and (10)—

renumber as section 5A(11) and (12).

(2) Section 5A—

insert—

‘(9) Unless sooner repealed, the indemnity rules continue to have effect until 30 June 2004.

‘(10) Subsection (9) applies despite the *Statutory Instruments Act 1992*, part 7.⁸’.

PART 15—AMENDMENT OF STATE PENALTIES ENFORCEMENT ACT 1999

52 Act amended in pt 15

This part amends the *State Penalties Enforcement Act 1999*.

8 *Statutory Instruments Act 1992*, part 7 (Staged automatic expiry of subordinate legislation)

53 Amendment of s 10 (Director, registrar and other staff of SPER)

Section 10, heading, ‘**Director, registrar**’—

omit, insert—

‘**Registrar**’.

54 Amendment of s 41 (Ways enforcement debtor may deal with enforcement order)

Section 41(c), ‘if the amount is at least the threshold amount—’—

omit.

55 Amendment of s 50 (Making and registration of fine option order)

Section 50(1), ‘may’—

omit, insert—

‘must’.

56 Amendment of s 119 (Enforcement by imprisonment)

(1) Section 119(5) and (6)—

renumber as section 119(6) and (7).

(2) Section 119—

insert—

‘(5) However, if the registrar issues the warrant without first taking action under part 5 for which a civil enforcement fee may be added to an unpaid amount, the unpaid amount for subsection (4) is increased by the amount of the warrant issue fee prescribed under a regulation.’.

57 Amendment of s 137 (Enforcement order)

Section 137(1)(e)(iii), ‘if the amount is at least the threshold amount,’—

omit.

58 Amendment of s 151 (Information from commissioner of police service)

Section 151(4)—

omit, insert—

‘(4) This section applies subject to the *Police Powers and Responsibilities Act 2000*, chapter 11, part 2.’.

59 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions “chief executive (corrective services)” and “commercial agent”—

omit.

(2) Schedule 2—

insert—

‘**“chief executive (corrective services)”** means the chief executive for the *Corrective Services Act 2000*.

“commercial agent” means a commercial agent or commercial subagent under the *Property Agents and Motor Dealers Act 2000*.’.

(3) Schedule 2, definition “arrest and imprisonment warrant”, ‘section 120’—

omit, insert—

‘section 119’.

PART 16—AMENDMENT OF SUPREME COURT ACT 1995

60 Act amended in pt 16 and sch 5

This part and schedule 5 amend the *Supreme Court Act 1995*.

9 *Police Powers and Responsibilities Act 2000*, chapter 11 (Administration), part 2 (Registers)

61 Replacement of s 210 (Officers of the court)

Section 210—

omit, insert—

‘210 Officer of the court

‘(1) The Governor in Council may appoint—

- (a) registrars; and
- (b) deputy registrars; and
- (c) the other officers, including associates;

the Governor in Council considers appropriate.

‘(2) An associate is appointed under this Act and not under the *Public Service Act 1996*.

‘(3) If the *Public Service Act 1996* does not apply to a person appointed under subsection (1), the Governor in Council is to decide the person’s salary and conditions of appointment.’.

62 Amendment of s 221 (Power to award costs)

Section 221, ‘lawfully’—

omit.

63 Amendment of s 286 (Constitution of districts etc.)

Section 286(2)—

omit, insert—

‘(2) The chief justice is to decide—

- (a) when and where the Supreme Court is to sit; and
- (b) the way notice of when and where the Supreme Court is to sit may be given.’.

64 Insertion of new s 302

Part 21, after section 301—

insert—

‘302 Transitional provision for Justice and Other Legislation (Miscellaneous Provisions) Act 2002

‘An appointment of a person under section 210 of this Act as in force immediately before the amendment of that section by the *Justice and Other Legislation (Miscellaneous Provisions) Act 2002*, section 61 continues to have effect as if that section had not been enacted.’.

PART 17—AMENDMENT OF SUPREME COURT OF QUEENSLAND ACT 1991

65 Act amended in pt 17

This part amends the *Supreme Court of Queensland Act 1991*.

66 Amendment of s 23 (Retirement of judges)

Section 23(2), ‘attaining 70 years of age’—

omit, insert—

‘retiring, whether or not because of subsection (1)’.

67 Amendment of s 81 (Amendment for new cause of action or party)

(1) Section 81(3)—

renumber as section 81(4).

(2) *Section 81—*

insert—

‘(3) Despite subsection (2), the rules of court may limit the circumstances in which amendments may be made.’.

68 Amendment of s 116C (Use of video link facilities in proceedings)

Section 116C(1)(b)(ii), ‘the *District Courts Act 1967*’—

omit, insert—

‘the *District Court of Queensland Act 1967*’.

69 Amendment of s 125 (Leave granted to appeal)

Section 125(2), ‘the *District Courts Act 1967*, section 92(2)’—

omit, insert—

‘the *District Court of Queensland Act 1967*, section 118(2)¹⁰’

70 Amendment of sch 1 (Subject matter for rules)

Schedule 1—

insert—

‘PART 4—MISCELLANEOUS

‘25 Matter used in proceedings

‘The disposal or destruction of matter held by the court that was used in a proceeding and is unclaimed.’.

PART 18—AMENDMENT OF TRUSTEE COMPANIES ACT 1968

71 Act amended in pt 18

This part amends the *Trustee Companies Act 1968*.

72 Amendment of sch 2

(1) Schedule 2, part 1—

insert—

¹⁰ Section 118 (Appeal to Court of Appeal in certain cases)

‘Tower Trust Limited’.

(2) Schedule 2, part 2—

insert—

‘TOWER TRUST LIMITED

‘The paid-up capital of the company must be at least \$2 000 000.’.

PART 19—MISCELLANEOUS

73 Repeal

The (Forgery) Act 1833 4 Wm 4 No. 4 (NSW) is repealed so far as it is part of the law of Queensland.

74 Other Acts amended

Schedule 6 amends the Acts it mentions.

SCHEDULE 1**MINOR AMENDMENTS OF DISTRICT COURT OF
QUEENSLAND ACT 1967**

section 10

1 Section 3, definition “district”—*omit, insert—*‘**“district”** means a district of the District Court declared under section 7.’.**2 Section 3, definition “judgment”, ‘a judge’—***omit, insert—*

‘the court’.

3 Section 3, definition “referring court”, ‘that referred the action’—*omit, insert—*

‘at the place where the action was referred’.

4 Section 8B, ‘the registrar’—*omit, insert—*

‘a registrar’.

5 Section 18—*omit.***6 Section 19, ‘District Court’—***omit, insert—*

‘district’.

SCHEDULE 1 (continued)

7 Section 20(2)—

omit.

8 Section 20(3) and (4), 43(1) and 45, ‘the judge’—

omit, insert—

‘a judge’.

9 Sections 21, 29(1), 30, 31(1), 32, 34, 35(2), first mention, 35(4), 40(1), 52(2), 63(2), 64(1) and (3), 68(3), 69(1) and (2), 73, 76, 77(1), (3), (4), (5) and (6), 78, heading, 78(1), 79(1) and (2), 80(1), 81(1), 82(1), 83(1), 84, 86(1), (2) and (5), 87, 89(d)(ii), 92(2)(b), 98(2), 100(1) and (3), 101(1), 105(1), 106(1), 108(2), (3) and (4), 109(1), 110A, 110C(1)(a), 111, definition “appeal”, 114(2), 116(1) and (3), 117(1), 118(2), (3), (9) and (10), 122, 123 and 130, ‘a District Court’—

omit, insert—

‘the District Court’.

10 Section 27, ‘sit either in court or in chambers’—

omit, insert—

‘act’.

11 Sections 28A, 77(1)(b), 130A(1) and 131(2), ‘District Courts’—

omit, insert—

‘the District Court’.

12 Sections 29(1), 30, 31(1), 32, 33, 34, 70, 77(1), (2) and (4), 78(1), 79(1), 80(1), 82(1), 83(1) and 86(3), ‘or a judge thereof’—

omit.

SCHEDULE 1 (continued)

13 Sections 29, 77(3), 78(3), 82(2) and 83(2), ‘or the judge’—

omit.

14 Sections 29(1) and 64(1), ‘or a Circuit Court’—

omit.

15 Section 29(2), ‘or the judge thinks’—

omit, insert—

‘thinks’.

16 Sections 29(2), 30, 32, 82(2) and 83(2), ‘or judge’—

omit.

17 Section 29(2), ‘or the Judge shall think’—

omit, insert—

‘thinks’.

18 Section 32, ‘, or by a judge thereof,’—

omit.

19 Section 35(1), ‘the registrar of a District Court’—

omit, insert—

‘a registrar of the District Court’.

20 Sections 37, 39(1) and 67(1), ‘The registrar’—

omit, insert—

‘A registrar’.

SCHEDULE 1 (continued)

21 Section 40(1), 72(2) and 128, ‘the registrar’—*omit, insert—*

‘a registrar’.

22 Section 41, ‘every Court’—*omit, insert—*

‘each district’.

23 Section 60, heading, ‘District Courts shall have criminal’—*omit, insert—*

‘Criminal’.

24 Sections 60 and 68(1), ‘A District Court shall have’—*omit, insert—*

‘The District Court has’.

25 Section 62—*omit.***26 Section 63(1), from ‘to a District Court,’ to ‘that district,’—***omit, insert—*

‘to the District Court in a place other than the district in which the offence is alleged to have been committed, a Supreme Court judge or a District Court judge may order that the trial be held in that district’.

27 Section 63(3), ‘The judge of a District Court’—*omit, insert—*

‘The District Court judge’.

SCHEDULE 1 (continued)

- 28 Section 63(3), ‘another District Court’—**
omit, insert—
‘another place’.
- 29 Section 64(3), ‘or Circuit Court’—**
omit.
- 30 Section 67(1), ‘to the Court of which’—**
omit, insert—
‘at the place where’.
- 31 Section 67(1), ‘to another Court’—**
omit, insert—
‘at another place’.
- 32 Section 68, heading, ‘District Courts’ civil’—**
omit, insert—
‘Civil’.
- 33 Section 68(1), ‘A District Court shall have’—**
omit, insert—
‘The District Court has’.
- 34 Section 68(4), ‘or judge thereof’—**
omit.

SCHEDULE 1 (continued)

- 35 Section 69(1) and (2), ‘and any judge thereof’—**
omit.
- 36 Section 69(3)—**
omit.
- 37 Section 72(1), ‘any specified District Court’—**
omit, insert—
‘the District Court sitting in a particular district’.
- 38 Section 72(1), ‘that District Court’—**
omit, insert—
‘the District Court sitting at that place’.
- 39 Sections 77(1) and (2) and 78(1) and (2), ‘or the judge’s’—**
omit.
- 40 Sections 77(4) and (5) and 78(4), ‘that District Court’—**
omit, insert—
‘the District Court’.
- 41 Section 77(6)(a), ‘in District Courts’—**
omit, insert—
‘for the District Court’.

SCHEDULE 1 (continued)

42 Section 77(6)(b)(ii), ‘prescribed in’—*omit, insert—*

‘prescribed for’.

43 Section 78(2) and (4), 79(1) and 80(1), ‘a District Court or a judge thereof’—*omit, insert—*

‘the District Court’.

44 Section 78(6)(b)(ii), ‘in the District Courts’—*omit, insert—*

‘for the District Court’.

45 Sections 97(1), 99(3) and 113, ‘A District Court’—*omit, insert—*

‘The District Court’.

46 Part 8, heading, ‘DISTRICT COURTS’—*omit, insert—*

‘THE DISTRICT COURT’.

47 Section 115—*omit.***48 Part 9, heading, ‘DISTRICT COURTS’—***omit, insert—*

‘THE DISTRICT COURT’.

SCHEDULE 1 (continued)

49 Section 128, ‘the bailiff’—*omit, insert—*

‘a bailiff’.

SCHEDULE 2**MINOR AMENDMENTS OF ELECTRONIC
TRANSACTIONS (QUEENSLAND) ACT 2001**

section 15

1 Section 6, ‘the schedule’—*omit, insert—**‘schedule 2’.***2 Schedule—***renumber as schedule 2.*

SCHEDULE 3**MINOR AMENDMENTS OF MAGISTRATES COURTS
ACT 1921**

section 36

- 1 Section 25, ‘Stipendiary’—**
omit.
- 2 Section 26, ‘Stipendiary’—**
omit.
- 3 Section 27(1) and (4)(c), ‘Stipendiary’—**
omit.
- 4 Section 42, ‘Stipendiary’—**
omit.

SCHEDULE 4**MINOR AMENDMENTS OF PUBLIC TRUSTEE
ACT 1978**

section 43

1 Section 6—*insert—*

‘**“chief executive (corrective services)”** means the chief executive for the *Corrective Services Act 2000*.’.

2 Section 69(3), ‘where pursuant to section 74(2),’—*omit, insert—*

‘if, under section 67’.

3 Section 80(1)(d), ‘subject to subsections (3) and (3A),’—*omit.***4 Section 80(2)(f), ‘part 5 of the *Succession Act 1867*’—***omit, insert—*‘the *Succession Act 1981*, part 4’.

SCHEDULE 5**MINOR AMENDMENTS OF SUPREME COURT
ACT 1995**

section 60

- 1 **Section 53, ‘and for every Circuit Court’—**
omit.
- 2 **Part 4, division 26, heading—**
omit.
- 3 **Section 204, ‘a Circuit Court or’—**
omit.
- 4 **Section 208, heading, ‘judges of District Courts’—**
omit, insert—
‘District Court judges’.
- 5 **Section 208, ‘at any Circuit Court or court of gaol delivery or’—**
omit.
- 6 **Section 211(8), ‘District Courts’—**
omit, insert—
‘the District Court’.
- 7 **Section 272, ‘or a Circuit Court’—**
omit.

SCHEDULE 5 (continued)

8 Section 277—

omit.

9 Section 287—

omit, insert—

‘287 Residence of particular judges

‘The far northern judge, northern judge and central judge must respectively reside in the far northern district, northern district and central district.’.

10 Section 296, ‘Criminal Code, sections 627, 660, 661 and 671F.’—

omit, insert—

‘Criminal Code, sections 660 and 671F.¹¹’.

11 Schedules 1 and 2, ‘section 266’—

omit, insert—

‘section 266A’.

11 Criminal Code sections 660 (Costs of prosecution in certain cases) and 671F (Costs of appeal)

SCHEDULE 6**OTHER AMENDMENTS**

section 74

ACTS INTERPRETATION ACT 1954**1 Section 36, definition “instrument”—***omit.***2 Section 36—***insert—*

‘**“CSIRO”** means the Commonwealth Scientific and Industrial Research Organisation.

“instrument” means any document.’.

3 Section 36, definition “District Court judge”, after ‘the District Court’—*insert—*

‘of Queensland’.

SCHEDULE 6 (continued)

ANTI-DISCRIMINATION ACT 1991**1 Section 3A(2), ‘sea.’—***omit, insert—*‘sea.¹²’.**2 Section 64, ‘Occupational Superannuation Standards Act 1987 (Cwlth) or’—***omit.***3 Section 65, ‘Occupational Superannuation Standards Act 1987 or’—***omit.***4 Section 106A(1)(h), ‘Authority’—***omit, insert—*‘*Service*’.**APPEAL COSTS FUND ACT 1973****1 Section 4—***insert—*‘**“assessed”**, in relation to costs, includes taxed.’.

12 See for example the *Crimes at Sea Act 2001*.

SCHEDULE 6 (continued)

2 Section 5(3), ‘(9)’—*omit, insert—*

‘(8)’.

3 Section 6(8)—*omit, insert—*

‘(8) Each member of the board is to be paid the fees and allowances decided by the Governor in Council.’.

4 Section 15(2)—*omit.***5 Section 15(3)—***renumber as section 15(2).***6 Sections 16(1)(a), (b) and (c), 18(1), 23(1)(b) and (c), 24(1)(b) and (c) and 26(2)(c) and (d), ‘taxed’—***omit, insert—*

‘assessed’.

7 Section 26(2)(b), ‘taxation or’—*omit.***BAIL ACT 1980****1 Section 33(4)(b), ‘the State—the further term’—***omit, insert—*

‘the State, the further term’.

SCHEDULE 6 (continued)

- 2 Section 33(4)(c), ‘the State—the first mentioned term’—**
omit, insert—
‘the State, the first mentioned term’.

COMMERCIAL ARBITRATION ACT 1990

- 1 Section 3(6)(a)—**
omit, insert—
‘(a) an arbitration under the *Uniform Civil Procedure Rules 1999*, other than to the extent that those rules expressly provide for the application of this Act to the arbitration; or’.

CORPORATIONS (QUEENSLAND) ACT 1990

- 1 Section 74(3)(a), ‘office’—**
omit, insert—
‘offence’.
- 2 Part 13, division 7, sections 96E and 96F—**
renumber as sections 96F and 96G.

DRUGS MISUSE ACT 1986

- 1 Section 4, definition “intellectually handicapped citizen”—**
omit, insert—
‘“**intellectually impaired person**” means a person who has a disability that—

SCHEDULE 6 (continued)

- (a) is attributable to an intellectual, psychiatric, cognitive or neurological impairment or a combination of these; and
- (b) results in—
 - (i) a substantial reduction of the person's capacity for communication, social interaction or learning; and
 - (ii) the person needing support.'.

2 Section 6(2)(b), "handicapped citizen"—*omit, insert—*

'impaired person'.

3 Section 6(2)(d), 'institution'—*omit, insert—*

'facility'.

**ELECTORAL AND OTHER ACTS AMENDMENT ACT
2002****1 Section 46, 'Section 333(1)(b)'—***omit, insert—*

'Schedule, section 333(1)(b)'.

FINANCIAL TRANSACTION REPORTS ACT 1992**1 Section 6(2)(b), 'Crimes (Confiscation of Profits) Act 1989'—***omit, insert—*

'Crimes (Confiscation) Act 1989'.

SCHEDULE 6 (continued)

- 2 Section 7(1)(b), ‘Crimes (Confiscation of Profits) Act 1989’—**
omit, insert—
‘Crimes (Confiscation) Act 1989’.
- 3 Section 7(7)(b), ‘Crimes (Confiscation of Profits) Act 1989’—**
omit, insert—
‘Crimes (Confiscation) Act 1989’.
- 4 Section 8(2), from ‘sections 64’ to ‘Act 1989’—**
omit, insert—
‘sections 90 and 92¹³ of the Crimes (Confiscation) Act 1989’.

JUDICIAL REVIEW ACT 1991

- 1 Section 3, definition “corporatised corporation”, after ‘Act’—**
insert—
‘1993’.
- 2 Schedule 1, part 1, item 2, ‘District Court Act 1967’—**
omit, insert—
‘District Court of Queensland Act 1967’.
- 3 Schedule 1, part 1, item 6—**
omit, insert—
‘6. Queensland Building Tribunal Act 2000, section 170’.

¹³ *Crimes (Confiscation) Act 1989*, sections 90 (Money laundering) and 92 (Possession etc. of property suspected of being tainted property)

SCHEDULE 6 (continued)

4 Schedule 1, part 2, item 1, ‘District Court Act 1967’—

omit, insert—

‘District Court of Queensland Act 1967’.

JUSTICES ACT 1886**1 Section 97, ‘the keeper of such’—**

omit, insert—

‘the person in charge of the’.

2 Section 97, ‘such keeper’—

omit, insert—

‘the person in charge’.

3 Part 9, division 1, heading, ‘judge of District Courts’—

omit, insert—

‘District Court judge’.

4 Section 222(2)(b), from ‘and the recognisance’—

omit, insert—

‘and the recognisance to the registrar of the court stated in the notice;’.

LEGAL AID QUEENSLAND ACT 1997**1 Section 72, heading, ‘Legal Practitioners Act 1995 and’—**

omit.

SCHEDULE 6 (continued)

2 Section 72, ‘Legal Practitioners Act 1995, part 2 and’—*omit.***3 Schedule, definition “transitional board”, ‘see section 90’—***omit, insert—*

‘**“transitional board”** means the board administratively established by the Governor in Council under the name the Board of Legal Aid Queensland (Transitional).’.

LIMITATION OF ACTIONS ACT 1974**1 Section 40(1), ‘section 5(c) of the *Law Reform (Tortfeasors Contribution, Contributory Negligence, and Division of Chattels) Act 1952*’—***omit, insert—*‘the *Law Reform Act 1995*, section 6(c)¹⁴’.**2 Section 40(4), ‘section 5 of the *Law Reform (Tortfeasors Contribution, Contributory Negligence, and Division of Chattels) Act 1952*’—***omit, insert—*‘the *Law Reform Act 1995*, section 6’.**LOCAL GOVERNMENT ACT 1993****1 Section 1112—***omit, insert—*

¹⁴ *Law Reform Act 1995*, section 6 (Proceedings against, and contribution between, joint and several tortfeasors)

SCHEDULE 6 (continued)

**‘1112 Judges and other office holders not disqualified from
adjudicating**

‘A judge, magistrate or justice or a presiding member of the Land and Resources Tribunal is not disqualified from adjudicating in a proceeding to which a local government is a party only because the person is, or is liable to be, a ratepayer of the local government.’.

PENALTIES AND SENTENCES ACT 1992**1 Section 74(7)(c), ‘give’—**

omit, insert—

‘revoke all fine option orders made for the offender and give’.

2 Section 156A(1)(b)(v)—

renumber as paragraph (iv).

3 Schedule, entry for Criminal Code, item 41—

omit, insert—

‘41. Section 411(1) (Punishment of robbery)’.

PROPERTY LAW ACT 1974**1 Section 259, definition “monetary limit”, paragraph (a), ‘District
Court Act 1967’—**

omit, insert—

‘District Court of Queensland Act 1967’.

SCHEDULE 6 (continued)

2 Section 329(4)(a), ‘District Court Act 1967’—*omit, insert—**‘District Court of Queensland Act 1967’.***REGISTRATION OF BIRTHS, DEATHS AND
MARRIAGES ACT 1962****1 Section 29A, heading—***omit, insert—***‘29A Registration of birth before 1 May 1989 of child not born alive’.****2 Section 29A(1), from ‘before the passing’ to ‘1989’—***omit, insert—**‘before 1 May 1989’.***STATUS OF CHILDREN AMENDMENT ACT 2001****1 Section 6, new section 2—***insert—*

‘**“nominated reporter”** means the person nominated by a laboratory to prepare a parentage testing procedure report in relation to a parentage testing procedure carried out at the laboratory.’.

2 Section 13, new section 11A(1), from ‘A person’ to ‘order’—*omit, insert—**‘The nominated reporter’.*

SCHEDULE 6 (continued)

- 3 Section 13, new section 11A(1), ‘the procedure’—**
omit, insert—
‘a parentage testing procedure under a parentage testing order’.
- 4 Section 13, new section 11A(4) and (5), ‘person who prepared the report’—**
omit, insert—
‘nominated reporter’.
- 5 Section 13, new section 11A(7), ‘person who made the report’—**
omit, insert—
‘nominated reporter’.

VEXATIOUS LITIGANTS ACT 1981

- 1 Section 3(2), ‘or Townsville’—**
omit, insert—
‘, Townsville or Cairns’.
- 2 Section 9(1)(b), ‘Judge of District Courts’—**
omit, insert—
‘District Court judge’.

SCHEDULE 6 (continued)

3 Section 10(6)(b), ‘a District Court’—*omit, insert—*

‘the District Court’.