



Queensland

Attorney-General and Other Legislation Amendment Regulation 2024

Subordinate Legislation 2024 No. 22

made under the

Attorney-General Act 1999
Trust Accounts Act 1973

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Commencement	3
Part 2	Amendment of Attorney-General Regulation 2021	
3	Regulation amended	3
4	Amendment of s 2 (Application for fiat—Act, s 9A)	3
Part 3	Amendment of Trust Accounts Regulation 1999	
5	Regulation amended	5
6	Replacement of pts 1A and 2	5
	Part 2 Supervising entity	
2	Supervising entity for trustees—Act, s 4E	5
7	Amendment of s 10 (Disbursements)	6
8	Amendment of s 28 (Prescribed amount)	6
9	Insertion of new pt 6, div 1A	6
	Division 1A Preliminary	
28A	Definitions for part	6
10	Amendment of s 29 (Prescribed security)	7
11	Amendment of s 30 (When payment may be made)	7
12	Amendment of s 31 (Public notice of intention to make a payment)	7

Contents

13	Amendment of s 32 (Application for payment)	8
14	Amendment of s 33 (Payment to more than 1 person)	8
15	Replacement of pt 6, div 3	8
	Division 3 Application of Act, former s 31 to former trustees	
34	Application of Act, former s 31	8
	Division 4 Expiry	
35	Expiry of part	9

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Attorney-General and Other Legislation Amendment Regulation 2024*.

2 Commencement

Part 3 commences on 1 April 2024.

Part 2 Amendment of Attorney-General Regulation 2021

3 Regulation amended

This part amends the *Attorney-General Regulation 2021*.

4 Amendment of s 2 (Application for fiat—Act, s 9A)

Section 2(3)—

omit, insert—

- (3) The application must be accompanied by the following documents—
 - (a) a copy of the originating process, or proposed originating process, for the proceeding;
 - (b) a certificate signed by counsel stating—
 - (i) that the applicant can not obtain complete relief if the fiat is not granted; and

[s 4]

- (ii) that the originating process, or proposed originating process, is appropriate for the fiat; and
- (iii) if the fiat is to start a proceeding—that it is appropriate to start the proceeding in the Attorney-General’s name; and
- (iv) if the fiat is to continue a proceeding—
 - (A) the stage of the proceeding; and
 - (B) that it is appropriate to continue the proceeding in the Attorney-General’s name;
- (c) an opinion from counsel as to the prospects of success of the proceeding, detailing the facts of the case and explaining the proceeding;
- (d) a certificate signed by the applicant’s solicitor stating that the applicant is an appropriate person to act as relator in the proceeding;
- (e) a document signed by the applicant or the applicant’s solicitor undertaking that—
 - (i) the proceeding is at the sole risk and cost of the applicant; and
 - (ii) the applicant will pay all of the Attorney-General’s costs of the proceeding, including any costs payable by the Attorney-General to a party; and
 - (iii) the applicant indemnifies the Attorney-General for the proceeding; and
 - (iv) the applicant will give the Attorney-General copies of all pleadings and other court documents for the proceeding; and

[s 7]

7 Amendment of s 10 (Disbursements)

- (1) Section 10(2)—
omit.
- (2) Section 10(5), ‘(3) or (4)’—
omit, insert—
(2) or (3)
- (3) Section 10(3) to (5)—
renumber as section 10(2) to (4).

8 Amendment of s 28 (Prescribed amount)

Section 28, from ‘insurance’—
omit, insert—
insurance in an amount not less than \$250,000.

9 Insertion of new pt 6, div 1A

Part 6, before division 1—
insert—

Division 1A Preliminary

28A Definitions for part

In this part—

former, for a provision of the Act, means the provision as in force immediately before the commencement.

Note—

See also section 46(1) of the Act.

former trustee see section 44 of the Act.

10 Amendment of s 29 (Prescribed security)

Section 29, before ‘section’—

insert—

former

11 Amendment of s 30 (When payment may be made)

(1) Section 30(1)(a)—

omit, insert—

(a) a former trustee has given a security to the chief executive under former section 31(2) of the Act; and

(2) Section 30(1)(b) and (c), before ‘trustee’—

insert—

former

(3) Section 30(2) and (3), before ‘trustee’s’—

insert—

former

12 Amendment of s 31 (Public notice of intention to make a payment)

(1) Section 31(2)(a)(i), before ‘trustee’s’—

insert—

former

(2) Section 31(2)(a)(ii) and (iii) and (b), before ‘trustee’—

insert—

former

(3) Section 31(3), from ‘given’—

omit, insert—

published on the department’s website.

[s 13]

13 Amendment of s 32 (Application for payment)

- (1) Section 32(1), ‘a trustee’—
omit, insert—
a former trustee
- (2) Section 32(1)(a)(ii), ‘claimant’s’—
omit, insert—
former

14 Amendment of s 33 (Payment to more than 1 person)

- (1) Section 33(1)(a), before ‘trustee’s’—
insert—
former
- (2) Section 33(2), before ‘trustee’—
insert—
former

15 Replacement of pt 6, div 3

Part 6, division 3—
omit, insert—

**Division 3 Application of Act, former
s 31 to former trustees**

34 Application of Act, former s 31

For former section 31(7) of the Act—

- (a) the prescribed trustees are former trustees;
and
- (b) former section 31 of the Act, to the extent it
would, but for this paragraph, require the
former trustees to lodge with the chief

executive a statement or security from the commencement, does not apply to the former trustees.

Note—

See also section 46 of the Act.

Division 4 Expiry

35 Expiry of part

This part expires on 1 April 2026.

ENDNOTES

- 1 Made by the Governor in Council on 21 March 2024.
- 2 Notified on the Queensland legislation website on 22 March 2024.
- 3 The administering agency is the Department of Justice and Attorney-General.

© State of Queensland 2024