

JUSTICE AND OTHER LEGISLATION (MISCELLANEOUS PROVISIONS) BILL 2002

EXPLANATORY NOTES

General Outline

Short Title

The short title of the Bill is the *Justice and Other Legislation (Miscellaneous Provisions) Bill 2002*.

Objectives of the Legislation

The Attorney-General is responsible for the administration of over 100 statutes and, as a result, there is a necessity for a large number of minor or technical amendments to be regularly made to various legislative provisions.

To ensure this occurs, an annual *Justice and Other Legislation (Miscellaneous Provisions) Bill* is prepared so that minor or technical amendments needed can be effected through one statute. This ensures that much needed statutory reform is not delayed and that the time of the Parliament is not wasted on dealing with a number of minor statute amendments.

The amendments contained in the *Justice and Other Legislation (Miscellaneous Provisions) Bill 2002* (“the Bill) have several elements in common:

- they generally relate to statutes administered by the Attorney-General and Minister for Justice;
- they have the purpose of increasing operational efficiency; and
- they do not modify the major underlying policy or direction of the statutes that are being amended.

Justice and Other Legislation (Miscellaneous Provisions) Bill 2002

The *Justice and Other Legislation (Miscellaneous Provisions) Bill 2002* (“the Bill”) amends the following Statutes:—

- Acts Interpretation Act 1954
- Anti-Discrimination Act 1991
- Appeal Costs Fund Act 1973
- Attorney-General Act 1999
- Bail Act 1980
- Commercial Arbitration Act 1990
- Coroners Act 1958
- Corporations (Queensland) Act 1990
- District Court Act 1967
- Drugs Misuse Act 1986
- Electoral and Other Acts Amendment Act 2002
- Electronic Transactions (Queensland) Act 2001
- Financial Transactions Reports Act 1992
- Gas Pipelines Access (Queensland) Act 1998
- Guardianship and Administration Act 2000
- Judges (Salaries and Allowances) Act 1967
- Judicial Review Act 1991
- Jury Act 1995
- Land and Resources Tribunal Act 1999
- Legal Aid Queensland Act 1997
- Limitations of Actions Act 1974
- Local Government Act 1993
- Magistrates Courts Act 1921
- Penalties and Sentences Act 1992
- Powers of Attorney Act 1998
- Property Law Act 1974
- Public Trustee Act 1978
- Queensland Law Society Act 1952

- Registration of Births, Deaths and Marriages Act 1962
- State Penalties Enforcement Act 1999
- Supreme Court Act 1995
- Supreme Court of Queensland Act 1991
- Trustee Companies Act 1968
- Vexatious Litigants Act 1981

Alternatives to the Bill

The alternative to the Bill is not to effect the amendments. If the amendments are not made, the Acts to be amended will contain outdated references to legislation or have cumbersome or inoperative provisions. Generally, the legislation will not work as well as it should. The Bill will reform (in a minor way) the statutes administered by the Department of Justice and Attorney-General.

Estimated costs for government implementation

Any financial impact from the development and implementation of activities or initiatives in the Bill will be met from the department's existing budget allocation.

Consistency with fundamental legislative principles

Does the Bill have sufficient regard for the rights and liberties of individuals?

The proposed amendment to the *Guardianship and Administration Act 2000* allows police to provide the chief executive with a full criminal history of people applying for the position of community visitor. This may be considered as a potential breach of the fundamental legislative principle of having sufficient regard for the rights and liberties of persons with a criminal history.

Rehabilitated offenders have protection under the *Criminal Law (Rehabilitation of Offenders) Act 1986* so that disclosure of their previous criminal history is limited. The proposed amendment overrides the protection but can be justified on the basis that such community visitors will be working with a vulnerable group in the community. The chief

executive needs to ensure that the appointed community visitors have appropriate life histories to work with people with a capacity impairment. The rights of applicants under the proposed amendment have been protected by providing that the chief executive can only use the information obtained through the police checks to assess the applicant's suitability and for no other purpose.

Does the legislation adversely impose obligations retrospectively?

The proposed amendment to the *Public Trustee Act 1978* (the Act) to retrospectively authorise the Public Trustee to deduct moneys from the interest earned from moneys in the Common Fund for operating and capital expenses is to be retrospective from 1 July 1999. This may be considered a potential breach of the fundamental legislative principle of not adversely effecting the rights and liberties of individuals retrospectively. In fact, there is no breach as no rights are adversely affected. Under the Act, the beneficiaries, whose moneys are invested by the Public Trustee in the Common Fund, are entitled to a prescribed rate of return on their investment. Under the amendment to the Act, the interest to the beneficiaries is paid before the Public Trustee appropriates money for operating and capital expenses. There is a general understanding that the Public Trustee must have a mechanism to pay for operating and capital expenses. The amendment is essentially to correct an administrative oversight and to regularise the established practice of the Public Trustee appropriating moneys for the Public Trust Office's operating and capital expenses.

This amendment is necessary as a Regulation expired, which previously gave authority for the deduction of such expenses from the Common Fund, as it became redundant as a result of amendments in 1999 to the *Financial Administration and Audit Act 1977* (FA&A). The amendment will need to be retrospective, as the Regulation was made redundant on 1 July 1999.

CONSULTATION

Community and Government

A consultation draft of the Bill was sent to—

- Officers of other relevant Departments and agencies
- The Chief Justice, the Chief Judge (and other Judges of the District Court of Queensland), the Chief Magistrate and Brisbane Coroner

- The Rules Committee
- The President of the Land and Resources Tribunal
- The President of the Guardianship and Administration Tribunal
- The Adult Guardian
- The Public Trustee
- The Chairperson of the Appeal Costs Fund Board
- The Queensland Anti-Discrimination Commissioner
- The President of the Queensland Law Society
- Association of Australian Owned Funeral Directors
- Australian Funeral Directors
- Queensland Cemeteries and Crematoria Association

The comments of those consulted have informed the drafting of the Bill.

RESULTS OF CONSULTATION

There is complete support for all the amendments.

NOTES ON PROVISIONS

PART 1—PRELIMINARY

Clause 1 sets out the short title of the Act.

Clause 2 provides for commencement. All provisions commence on assent except for provisions set out in this clause. Clause 8 (an amendment to the *Coroners Act 1958*) will commence on proclamation to ensure that the certificate mentioned in the amendment can be in place prior to commencement. Clause 56 and 57 (amendments to the *State Penalties and Enforcement Act 1999*) will commence on proclamation to allow for a regulation to be drafted to prescribe the amount of a warrant issue fee.

Clause 45 (an amendment to the *Public Trustee Act 1978* to allow the Public Trust Office to withdraw their operating and capital expenses from interest earned from investments in the Common Fund) is to be retrospective from 1 July 1999 as explained under the fundamental legislative principles heading above.

Clause 34 (which gives the Land and Resources Tribunal the role of warden and Warden's Court for the *Offshore Minerals Act 1988* is to be retrospective from 14 May 2002. This is the date of introduction for the Bill. This is a transitional provision to provide a clear date for the Land and Resources Tribunal to have jurisdiction for matters under the Act. The retrospective commencement may appear to be a breach of fundamental legislative principles. This is not a breach, as no people's rights are being affected by the retrospective nature of the commencement. There are no matters on foot under the Act.

Schedule 6, to the extent it amends the *Corporations (Queensland) Act 1990* and the *Electoral and Other Acts Amendment Act 2002*, are also to be retrospective. The retrospective commencement may appear to be a breach of fundamental legislative principles. It is not a breach, as the retrospective commencement is only to fix up clerical errors and no people's rights are being affected.

PART 2—AMENDMENT OF THE ATTORNEY-GENERAL ACT 1999

Clause 3 provides that the *Attorney-General Act 1999* is amended by this part.

Clause 4 inserts a new section 9A into the Act. The new section provides that an application for the Attorney-General's fiat must be made in a way prescribed by regulation.

PART 3—AMENDMENT OF THE CORONERS ACT 1958

Clause 5 provides that the *Coroners Act 1958* is amended by this Part.

Clause 6 deletes from section 22(2) the reference to the *Cremation Act 1913*. The *Cremation Act 1913* was repealed in 1996 and its relevant provisions inserted into the *Coroners Act 1958*.

Clause 7 deletes section 23(5) which states that nothing in the section (orders for burial or cremation) derogates or affects the provisions of the *Cremation Act 1913*. The clause also inserts a new section 23(5), which states that the section does not limit the other provisions of the *Coroners Act 1958* about cremation. This is to give effect to the 1996 repeal of the *Cremation Act 1913* and the insertion of its relevant provisions into the *Coroners Act 1958*.

Clause 8 inserts a new section 23G. This section provides that certain sections of the *Coroners Act 1958* which deal with the authority to cremate or bury bodies and the formal pre-requisites to cremation do not apply to parts of a body of the deceased that may be removed as part of a post mortem or special examination under the *Coroners Act 1958* and which are not buried or cremated with the body.

Under the *Coroners Rules 1959* material taken at coronial post mortem has to be kept for such period as the coroner thinks fit. Proposed new section 23G goes on to provide that the entity possessing the body part taken at the coronial post mortem can issue a certificate that the coroner no longer requires the remains to be kept. That certificate is sufficient authority for the subsequent disposal of the body part taken at the coronial post mortem.

Clause 9 inserts a new section 59AA, which facilitates Queensland entering into an arrangement for participation in a coronial database. The Monash University Centre for Coronial Information (MUNCCI) has developed a National Coronial Database. This amendment will allow the execution of the relevant arrangements to facilitate Queensland's full participation in the database.

PART 4—AMENDMENT OF THE DISTRICT COURT ACT 1967

Clause 10 provides that the *District Court Act 1967* is amended by this Part and Schedule 1.

Clause 11 amends section 14(2) to provide that a judge who, before retiring, starts hearing a proceeding, remains a judge to finish the proceedings.

Clause 12 replaces section 36 and provides that the Governor in Council may appoint registrars, deputy registrars and other officers, including associates. Further, the Governor in Council is to decide the salary and conditions of such persons appointed.

Clause 13 replaces section 85 and provides that where proceedings have commenced in the District Court and the District Court considers the Court does not have jurisdiction to hear the proceeding, then it may refer the matter to the Supreme Court. However, if the District Court considers that the party who started the proceeding knew or ought to have known that the court did not have jurisdiction, then the court may strike out the proceeding and order the party to pay the costs of the other party.

Clause 14 inserts a new section 140. The provision is transitional to ensure that an officer's appointment under section 36 continues to have effect as if clause 12 had not been enacted.

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

Clause 15 provides that the *Electronic Transactions (Queensland) Act 2001* is amended by this Part and Schedule 2.

Clause 16 inserts a new section 7A of the Act that restricts the operation of the Act from a State law or a requirement or a permission of a kind referred to in the schedule.

Clause 17 inserts a new section 16(3). This subsection is in identical terms to section 17(3). Section 16 relates to a requirement to produce a

document whilst section 17 relates to a permission to produce a document. Both sections were combined into one section in the model Electronic Transactions Bill. However, that section was divided into the current sections 16 and 17 in the Queensland version. During this process, the integrity requirements in section 17(3) were inadvertently omitted from section 16.

Clause 18 inserts a new Schedule 1 which sets out state laws, requirements and permissions to be excluded from the operation of the Act. The new Schedule 2 is the dictionary.

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

Clause 19 provides that the *Gas Pipelines Access (Queensland) Act 1998* is amended by this Part.

Clause 20 amends section 25 the Act to replace the reference to “Premier” with “Minister”. These amendments are necessary, as the Attorney-General has responsibility for Part 4 of the Act under the Administrative Arrangements Order. Part 4 provides for the establishment and constitution of the Queensland Gas Appeals Tribunal. The amendments provide that the Minister (responsible for Part 4 of the Act under the Administrative Arrangements Order) is to nominate the President and members of the Queensland Gas Appeals Tribunal.

Clause 21 amends section 28 of the Act to provide that the Minister is to receive notification of a member’s resignation.

PART 7—AMENDMENT OF THE GUARDIANSHIP AND ADMINISTRATION ACT 2000

Clause 22 provides that the *Guardianship and Administration Act 2000* is amended by this Part.

Clause 23 Inserts a new section 230A and 230B in the Act. Section 230A allows the chief executive to make inquiries about the appropriateness and competence of people who have applied for appointment as community visitors under the Act. The section allows the chief executive to ask the Commissioner of Police to give a written report about the criminal history of a person who has applied for appointment as a community visitor. The Commissioner must give the report to the chief executive. This provision is necessary to allow the full disclosure of the applicant's criminal history. Section 230B provides that the information provided by the Commissioner can only be used for the purpose of assessing the applicant's suitability to be a community visitor.

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

Clause 24 provides that the *Judges (Salaries and Allowances) Act 1967* is amended by this Part.

Clause 25 amends section 5(3) of the Act to provide that presiding members of the Land and Resources Tribunal are disqualified from being appointed as members of the Salaries and Allowances Tribunal. Since the salary rates of Supreme and District Court judges apply to presiding members, there is a conflict of interest for presiding members to be on the Salaries and Allowances Tribunal. The section is also amended to update its reference to District Court judges.

PART 9—AMENDMENT OF THE JURY ACT 1995

Clause 26 provides that the *Jury Act 1995* is amended by this Part.

Clause 27 inserts a new section 4(3)e of the Act that provides that a person who is or has been a presiding member of the Land and Resources Tribunal is disqualified from serving as a juror.

Clause 28 amends section 13 of the Act to replace a reference to “District Courts” with “the District Court” to reflect the name change of the District Court of Queensland.

Clause 29 amends section 14 of the Act to replace a reference to “District Courts” with “the District Court” to reflect the name change of the District Court of Queensland.

PART 10—AMENDMENT OF THE LAND AND RESOURCES TRIBUNAL ACT 1999

Clause 30 provides that the *Land and Resources Tribunal Act 1999* is amended by this Part.

Clause 31 amends section 9 of the Act to link the retirement age of presiding members to that of Supreme and District Court judges. This amendment restates the status quo and accords with government policy that presiding members’ appointment conditions are to be equivalent to those of Supreme and District Court judges.

Clause 32 corrects a typographical error in section 28 of the Act.

Clause 33 amends section 39(2) of the Act to allow the constitution of a Land and Resources Tribunal panel to be formed by 2 or more presiding members. This panel will be known as a standard panel. Currently, section 39 contains several configurations for a panel but has omitted to include the above panel. This additional panel will strengthen and add flexibility to the hearing process.

Clause 34 amends section 86 of the Act to include the *Offshore Minerals Act 1998* as a designated Act. This will transfer the functions of the Wardens Court under the *Offshore Minerals Act 1998* to the Land and Resources Tribunal. This is consistent with Government policy to create a single dispute resolution forum for all energy resource based projects.

Clause 35 amends Schedule 1 of the Act to allow a presiding member of the Land and Resources Tribunal to have substantive jurisdiction under section 363 of the *Mineral Resources Act 1989* and the *Petroleum Act 1923* (within the Tribunal’s jurisdiction). These amendments mean that the President of the Tribunal will hear any appeals from the presiding member’s decision (section 67 (2) of the Act). Without this amendment,

the President could constitute the tribunal differently, the effect being that an appeal of a decision of the Tribunal goes directly to the Court of Appeal. This appeal process is undesirable as it increases costs to litigants.

PART 11—AMENDMENT OF THE MAGISTRATES COURTS ACT 1921

Clause 36 provides that the *Magistrates Courts Act 1921* is amended by this Part and Schedule 3.

Clause 37 inserts a new section 5A in the Act. This section provides that where proceedings have commenced in the Magistrates Court and the Magistrates Court considers the Court does not have jurisdiction to hear the proceeding, then it may refer the matter to the District Court. However, if the Magistrates Court considers that the party who started the proceeding knew or ought to have known that the court did not have jurisdiction, then the court may strike out the proceeding and order the party to pay the costs of the other party.

Clause 38 inserts a new section 57A in the Act. The section provides a statutory obligation on the Chief Magistrate to prepare an annual report on the operation of the Magistrates Courts and for the Minister to table it in Parliament. Both the Supreme and District Courts already have this obligation. This obligation ensures that the public is informed of the work of the Magistrates Courts.

PART 12—AMENDMENT OF POWERS OF ATTORNEY ACT 1998

Clause 39 provides that the *Powers of Attorney Act 1998* is amended by this Part.

Clause 40 amends section 59A by inserting a new heading that better describes the effect of the section that will cover all cases of a power ending. The words '*under this division*' are omitted from section 59A to

allow the effect of the section to apply to all cases where a joint attorney's power ends.

Clause 41 amends section 85 of the Act to correct a typographical error.

Clause 42 amends schedule 2 section 1 (Financial matter) by inserting new sub-sections (m), (n), (o) that omit the reference to authorised real estate transactions, authorised security transactions and the requirement for the Tribunal's approval to make an unauthorised real estate transaction. The definition of financial matter is returned to the previous definition of financial matter in place before the proclamation of the *Guardianship and Administration Act 2000*.

PART 13—AMENDMENT OF THE PUBLIC TRUSTEE ACT 1978

Clause 43 provides that the *Public Trustee Act 1978* is amended by this Part and Schedule 4.

Clause 44 omits section 18 of the Act, as the provision is an obsolete accounting provision that does not reflect current government accounting practices.

Clause 45 inserts a new section 19A in the Act that provides from interest earned on amounts under section 19 of the Act and paid into the Common Fund and fees and charges received in performing services under the Act, the Public Trustee shall:

- (a) firstly, pay interest to the estates having investments in the Common Fund; and
- (b) after such interest is paid, pay the operating and capital expenses of the Public Trust Office.

This amendment is necessary as a Regulation, which previously gave authority for the deduction of such expenses from the Common Fund, lost effect as a result of amendments in 1999 to the *Financial Administration and Audit Act 1977* (FA&A). The amendment will need to be retrospective, as the Regulation lost effect on 1 July 1999.

Clause 46 inserts a new section 25A in the Act. The section provides for a modern financial accountability measure for the Public Trustee's

spending of the withdrawn money. The Public Trust Office must submit a yearly budget to the Minister for the Minister's approval. The Public Trustee must not spend more than the amount allowed in its budget unless the Minister approves the higher amount.

Clause 47 inserts a new section 63A in the Act. This section provides that the Public Trustee must give the Adult Guardian financial and other resources necessary to perform the Adult Guardian's functions as approved by the Minister. In 1998, this provision was inserted in the *Powers of Attorney Act 1998* to provide the Adult Guardian with a source of funding. At the time of making the provision, it was anticipated that an alternative method of funding would be developed. For that reason, the provision sunset on 21 April 2002. However, due to current fiscal restraints, such alternative funding has not been found. To secure funding for the Adult Guardian so that the rights and interests of people with impaired capacity can continue to be protected, the Government has decided that the Public Trustee should continue to fund the Adult Guardian.

Clause 48 amends section 99A to provide that fees to inspect the Register of Unclaimed Property are to be fixed by the Public Trustee. Currently the section provides that fees may be prescribed by way of regulation. This amendment is necessary to make section 99A consistent with section 17 of the Act. That section provides that the Public Trustee may set fees and charges for services it performs by way of gazette notice.

Clause 49 amends section 124 of the Act to correct a reference to the *Land Act 1994*.

PART 14—AMENDMENT OF THE QUEENSLAND LAW SOCIETY ACT 1952

Clause 50 provides that the *Queensland Law Society Act 1952* is amended by this Part.

Clause 51 amends section 5A of the Act to provide that the *Queensland Law Society (Indemnity) Rule 1987* continues to have effect until 30 June 2004.

PART 15—AMENDMENT OF THE STATE PENALTIES ENFORCEMENT ACT 1999

Clause 52 provides that the *State Penalties Enforcement Act 1999* is amended by this Part.

Clause 53 amends section 10 of the Act to delete the references to “Director” in the heading in section 10 as no such statutory position exists.

Clause 54 amends section 41(c) of the Act to allow the Registrar to grant an instalment plan for an enforcement order for amounts under \$150. This allows the Registrar to assist people who are in financial difficulties to pay a small fine in instalments.

Clause 55 amends section 50 of the Act to make it mandatory for the Registrar to make a fine option order if the chief executive (Department of Corrective Services) approves such an order. Under the existing section 50, the power is discretionary. This amendment is needed for consistency with sections 43 to 45 of the Act.

Clause 56 amends section 119 to insert a new section 119(5) of the Act. This subsection provides that if the registrar issues a warrant for arrest without first taking action under part 5 for which a civil enforcement fee may be added, then the unpaid fine amount is increased by the amount of the warrant issue fee. The fee will be \$75. The amendment makes it clear that the fee will only be added if a civil enforcement fee was not charged under Part 5 of the Act.

Although this appears to be a new fee, it was always intended that such a fee be charged. However, the fee was inadvertently omitted when drafting the SPER Bill. Government funding for SPER was made on the basis that SPER would raise revenue from the charging of this fee. Without this fee, SPER will be under-funded. A similar fee was included in the previous SETONS system under the *Justices Act 1886*.

Clause 57 amends section 137 so it is consistent with section 41(c) of the Act to be amended by this Bill.

Clause 58 amends section 151(4) of the Act to correct a reference to the *Police Powers and Responsibilities Act 2000*.

Clause 59 amends the dictionary in schedule 2 to provide for updated definitions for “chief executive (corrective services)”, “commercial agent” and a new definition for “warrant issue fee”.

PART 16—AMENDMENT OF SUPREME COURT ACT 1995

Clause 60 provides that the *Supreme Court Act 1995* is to be amended by this Part and Schedule 5.

Clause 61 replaces section 210 of the Act provides that the Governor in Council may appoint registrars, deputy registrars and other officers, including associates. Further, the Governor in Council decides the salary and conditions of such persons appointed.

Clause 62 amends section 221 of the Act to omit the word “lawfully” to clarify that the Supreme Court has the power to award costs in all cases brought before it.

Clause 63 replaces section 286(2) of the Act to provide that the Supreme Court is to sit at the times and places decided by the Chief Justice and notified in the way decided by the Chief Justice. This gives the Supreme Court greater flexibility in sitting arrangements and takes into account that practitioners use the internet to access court timetabling.

Clause 64 inserts a new section 302. The provision is transitional to ensure that an officer’s appointment under section 210 continues to have effect as if clause 61 had not been enacted.

PART 17—AMENDMENT OF SUPREME COURT OF QUEENSLAND ACT 1991

Clause 65 provides that the *Supreme Court of Queensland Act 1991* is amended by this Part.

Clause 66 amends section 23 of the Act to provide that a judge who retires at any age may continue in office to finalise any proceedings that are incomplete.

Clause 67 amends section 81 of the Act to allow the rules of court to limit the circumstances in which amendments to pleadings to add a new cause of action or party may be made.

Clause 68 amends section 116C of the Act to update a reference to the *District Court of Queensland Act 1967*.

Clause 69 amends section 125 of the Act to update a reference to the *District Court of Queensland Act 1967*.

Clause 70 amends schedule 1 of the Act to insert a part 4 that provides that rules of the court may be made about the disposal or destruction of matter used in a proceeding and held by the court and is unclaimed. When such a rule is made, the Court will be able to destroy unclaimed exhibits and documents that take up valuable Registry space.

PART 18—AMENDMENT OF THE TRUSTEE COMPANIES ACT 1968

Clause 71 provides that the *Trustee Companies Act 1968* is amended by this Part.

Clause 72 amends Part 1 of Schedule 2 of the Act to make Tower Trust Limited a trustee company in Queensland. The statutory condition of Tower Trust Limited being a trustee company under section 63 of the Act (relating to capital and the liability of shareholders and paid up capital of the company) is that the paid up capital of the company be at least \$2M. This condition is to be inserted in Part 2 of Schedule 2.

PART 19—MISCELLANEOUS

Clause 73 provides for the repeal of the *Forgery Act 1833* 4 Wm 4 No.4 (NSW) so far as it is part of the laws of Queensland. Under clause XX of an Order in Council dated 6 June 1859, all laws in operation as of the date of the Order in Council remain in force until repealed. At that time, the New South Wales (Forgery) Act 1833 was in force. Since the subject matter of this Act is now included in the Queensland Criminal Code, the Act is to be repealed.

Clause 74 provides that Schedule 6 amends the Acts it mentions.

SCHEDULE 1

MINOR AMENDMENTS TO THE DISTRICT COURT ACT 1967

Schedule 1 makes minor amendments to the *District Court Act 1967*. The amendments replace obsolete references to “District Courts” with the term “the District Court of Queensland”.

SCHEDULE 2

MINOR AMENDMENTS TO THE ELECTRONIC TRANSACTIONS (QUEENSLAND) ACT 2001

Schedule 2 renumbers the schedules in the Act.

SCHEDULE 3

MINOR AMENDMENTS TO THE MAGISTRATES COURTS ACT 1921

Schedule 3 omits references to “Stipendiary” in the *Magistrates Courts Act 1921*.

SCHEDULE 4

MINOR AMENDMENTS TO THE PUBLIC TRUSTEE ACT 1978

Schedule 4 updates references to some Acts named in the *Public Trustee Act 1978* and modernises some terms used in the Act.

SCHEDULE 5

MINOR AMENDMENTS TO THE SUPREME COURT ACT 1995

Schedule 5 omits references to the obsolete term “Circuit Court” used in the *Supreme Court Act 1995* and modernises some terms used in the Act.

SCHEDULE 6

OTHER ACTS

Schedule 6 makes discrete technical amendments to a number of Acts.

The amendments to the *Acts Interpretation Act 1954* replace the definition of “instrument” so it accords with the definition used in the *Statutory Instruments Act 1992* and inserts a definition for “CSIRO”.

The amendment to the *Anti-Discrimination Act 1991* updates some titles of Acts referred to in the Act.

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The amendments to the *Appeal Costs Fund Act 1973* allow the Governor in Council to set the fees and allowances of members of the Appeal Costs Board and replaces the term “taxed” with the term “assessed”.

The amendment to the *Bail Act 1980* updates punctuation used in a section of the Act.

The amendment to the *Commercial Arbitration Act 1990* replaces the reference to the Supreme Court Rules with the *Uniform Civil Procedure Rules 1999*.

The amendment to the *Corporations (Queensland) Act 1990* corrects a typographical error and renumbers some provisions.

The amendment to the *Drugs Misuse Act 1986* inserts a new definition of “intellectually impaired person” that is consistent with the definition in the *Guardianship and Administration Act 2000*.

The amendment to the *Electoral and Other Acts Amendment Act 2002* rectifies a drafting error.

The amendment to the *Financial Transaction Reports Act 1992* updates a title of an Act referred to in the Act.

The amendment to the *Judicial Review Act 1991* updates some titles of Acts referred to in the Act.

The amendments to the *Justices Act 1886* updates some terminology used in the Act.

The amendments to the *Legal Aid Queensland Act 1997* amends a section to accord with current drafting style and omits some obsolete references to an Act.

The amendment to the *Local Government Act 1993* adds presiding members of the Land and Resources Tribunal to the list of judiciary that are not disqualified from adjudicating in a proceeding where a local government is a party merely because the adjudicator is a ratepayer of the local government.

The amendment to the *Limitation of Actions Act 1974* updates the title of an Act referred to in the Act.

The amendments to the *Penalties and Sentences Act 1992* are for renumbering purposes and clarify that when a Magistrates Court refers a fine option contravention to the State Penalties Enforcement Registry for collection, it must first revoke the Magistrates Court fine option order.

The amendments to the *Property Law Act 1974* update some titles of Acts referred to in the Act.

The amendments to the *Registration of Births, Deaths and Marriages 1962* update some references to a date used in the Act.

The amendment to the *Vexatious Litigants Act 1981* allows an applicant to file a claim under the Act in the Cairns registry. Currently, the Act only allows applications to be lodged in the Brisbane, Rockhampton or Townsville registries. Other amendments to the Act update a title of an Act referred to in the Act.