

Queensland



**MAGISTRATES COURTS
JURISDICTION
AMENDMENT BILL 1993**

Queensland



**MAGISTRATES COURTS
JURISDICTION AMENDMENT BILL 1993**

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	4
2	Commencement	4
PART 2—AMENDMENT OF MAGISTRATES COURTS ACT 1921		
3	Amended Act	4
4	Amendment of s.4 (Jurisdiction of Magistrates Courts)	4
5	Amendment of s.10 (Rules of evidence)	4
6	Amendment of s.11	5
PART 3—AMENDMENT OF PROPERTY LAW ACT 1974		
7	Amended Act	5
8	Amendment of s.147 (Arrears of rent etc.)	6
SCHEDULE		
7		
MINOR AMENDMENTS OF MAGISTRATES COURTS ACT 1921		

1993

A BILL

FOR

**An Act relating to the jurisdiction of Magistrates Courts, and for
other purposes**

The Parliament of Queensland enacts— 1

PART 1—PRELIMINARY 2

Short title 3

Clause1. This Act may be cited as the *Magistrates Courts Jurisdiction Amendment Act 1993*. 4
5

Commencement 6

Clause2. This Act commences on a day to be fixed by proclamation. 7

**PART 2—AMENDMENT OF MAGISTRATES
COURTS ACT 1921** 8
9

Amended Act 10

Clause3. The *Magistrates Courts Act 1921* is amended as set out in this Part and the Schedule. 11
12

Amendment of s.4 (Jurisdiction of Magistrates Courts) 13

Clause4. Section 4(1), (2) and (3)— 14
omit ‘\$20 000’ (wherever occurring), *insert* ‘\$40 000’. 15

Amendment of s.10 (Rules of evidence) 16

Clause5. Section 10(1)— 17
omit, insert— 18

‘Court rules and procedure

‘10.(1) The laws of evidence that apply in the Supreme Court apply in the trial of all questions of fact in the Court.

‘(2) However, in an action for a small debt or any other action in which the amount sued for is not more than \$5 000, the Court—

- (a) is not bound by laws of evidence or procedure usually applicable to court cases; and
- (b) may inform itself of the facts in any way that it considers appropriate.’.

Amendment of s.11

Clause 6.(1) Section 11(3)(i) and (iv)—

omit ‘\$2 400 or upwards’, *insert* ‘more than \$5 000’.

(2) Section 11(3)(ii)—

omit, insert—

‘(ii) in an action for the recovery of possession of land if—

(A) the value of the land is more than \$5 000; or

(B) the annual rental of the land is more than \$5 000; or’.

(3) Section 11(3)(a)—

omit ‘less than \$2 400’, *insert* ‘not more than \$5 000’.

**PART 3—AMENDMENT OF PROPERTY LAW
ACT 1974**

Amended Act

Clause 7. The *Property Law Act 1974* is amended as set out in this Part.

Amendment of s.147 (Arrears of rent etc.)

1

*Clause***8.** Section 147(5)—

2

omit '\$20 000', *insert* '\$40 000'.

3

SCHEDULE	1
MINOR AMENDMENTS OF MAGISTRATES COURTS ACT 1921	2 3
section 3	4
1. Section 2 (definitions “District”, “Justice”, “Magistrates Court” or “Court”, “Minister”, “Prescribed”, “Registrar”, “Rules of Court” and “This Act”)—	5 6 7
<i>omit.</i>	8
2. Section 2—	9
<i>insert—</i>	10
‘ “district” means a district appointed under the <i>Justices Act 1886</i> for the purposes of a Magistrates Court;’.	11 12
3. Section 3—	13
<i>omit, insert—</i>	14
‘Registrars	15
‘ 3. A clerk of the court under the <i>Justices Act 1886</i> is the registrar of each Magistrates Court held at each place for which the clerk is appointed.’.	16 17
4. Section 4(2) to (9)—	18
<i>renumber</i> as sections 4A to 4H respectively.	19
5. Section 10(2)—	20
<i>renumber</i> as section 10A.	21

SCHEDULE (continued)

6. Section 11(2) to (6)—	1
<i>renumber</i> as sections 11AA to 11AE respectively.	2
7. Section 11(6)—	3
<i>insert</i> (as heading) ‘ No appeal in action for small debt etc. ’.	4
8. Section 13(2) (1st and 2nd sentences)—	5
<i>renumber</i> as sections 13A and 13B respectively.	6
9. Section 14(1)—	7
<i>omit</i> ‘, by Order in Council published in the Gazette from time to time	8
make any’,	9
<i>insert</i> ‘make’.	10
10. Section 14(1)(iv)(c)—	11
<i>omit</i> ‘one hundred dollars in amount’, <i>insert</i> ‘2 penalty units’.	12
11. Section 14(2) and (3)—	13
<i>omit</i> .	14
12. After section 14—	15
<i>insert—</i>	16
‘References to Small Debts Court	17
‘ 15. A reference in another Act to a Small Debts Court is a reference to a	18
Magistrates Court.	19

SCHEDULE (continued)

‘Existing rules of court

‘16. A rule of court contained in an order in council in force for the purposes of this Act immediately before the commencement of this section continues to have effect after the commencement, and may be repealed or amended, as if it were a rule of court made under section 14.’.

1
2
3
4
5
6