

Queensland



**DISTRICT COURTS  
LEGISLATION  
AMENDMENT BILL 1996**

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*District Courts Legislation Amendment*

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**1996**

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**A BILL**

**FOR**

**An Act to amend the *District Courts Act 1967*, and for related  
purposes**

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**The Parliament of Queensland enacts—**

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## **PART 1—PRELIMINARY**

2

### **Short title**

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Clause **1.** This Act may be cited as the *District Courts Legislation Amendment Act 1996*.

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## **PART 2—AMENDMENT OF DISTRICT COURTS ACT 1967**

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### **Act amended in pt 2**

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Clause **2.** This part amends the *District Courts Act 1967*.

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### **Replacement of s 10 (Chief Judge and senior judges)**

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Clause **3.** Section 10—

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*omit, insert—*

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#### **‘Chief Judge**

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‘**10.(1)** The Governor in Council may, by commission, appoint a judge as Chief Judge of District Courts.

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‘**(2)** The Governor in Council may, by gazette notice, appoint a judge to act as Chief Judge during any period, or all periods, when the Chief Judge is absent from duty or the State, or is, for another reason, unable to perform the duties of office.’.

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### **Replacement of s 15 (Removal from office)**

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Clause **4.** Section 15—

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	<i>omit, insert—</i>	1
	<b>‘Removal from office</b>	2
	<b>‘15.</b> The Governor may remove a judge for incapacity or misbehaviour on the address of the Legislative Assembly.’.	3 4
	<b>Amendment of s 17 (Acting judge)</b>	5
Clause	<b>5.</b> Section 17(2)—	6
	<i>omit.</i>	7
	<b>Replacement of pt 8 (Appeals to District Courts)</b>	8
Clause	<b>6.</b> Part 8—	9
	<i>omit, insert—</i>	10
	<b>‘PART 8—APPEALS TO DISTRICT COURTS</b>	11
	<b>‘Definitions for pt 8</b>	12
	<b>‘111.</b> In this part—	13
	<b>“appeal”</b> includes a special case or other case stated for the opinion of a District Court.	14 15
	<b>“central district”</b> means the central district of the Supreme Court.	16
	<b>“decision”</b> includes a conviction, determination, judgment and order recorded or made by a court.	17 18
	<b>“northern district”</b> means the northern district of the Supreme Court.	19
	<b>“party”</b> includes a prospective party to a proposed appeal.	20
	<b>‘No appeal lies from Magistrates Court to Supreme Court</b>	21
	<b>‘112.</b> An appeal may not be made from a Magistrates Court to the Supreme Court.	22 23

<b>‘Power of District Court on appeal from Magistrates Court</b>	1
‘113. A District Court has, for an appeal from a Magistrates Court, the same powers as the Supreme Court had for the same type of appeal immediately before the commencement of the <i>District Courts Act 1958</i> , including for an application for leave to appeal.	2 3 4 5
<b>‘Other appeals</b>	6
‘114.(1) This section applies if, under an Act, provision is made for an appeal—	7 8
(a) to a court of general or quarter sessions; or	9
(b) to a judge of the Supreme Court on circuit; or	10
(c) from a decision of justices and no other court of appeal is mentioned.	11 12
‘(2) The appeal lies to a District Court.	13
<b>‘District Court’s jurisdiction</b>	14
‘115.(1) If, under an Act, an appeal may be made to a District Court, jurisdiction to hear and decide the appeal may be exercised by any District Court.	15 16 17
‘(2) Subsection (1) is subject to sections 116 and 117. <sup>1</sup>	18
<b>‘Venue of appeals</b>	19
‘116.(1) An appeal to a District Court about a decision of or a matter before a court must be heard and decided in the district in which the court exercised or is exercising jurisdiction.	20 21 22
‘(2) However, the parties to the proceeding may agree to the appeal being heard and decided at a particular place, including a place outside the district.	23 24
‘(3) This section is subject to a provision of another Act that provides for the place where an appeal to a District Court must or may be heard.	25 26

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<sup>1</sup> Section 116 (Venue of appeals)  
Section 117 (Transfer of appeal hearings)

*District Courts Legislation Amendment*

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‘(4) In this section—	1
<b>“district”</b> means—	2
(a) the northern district; or	3
(b) the central district; or	4
(c) the southern district.	5
<b>“southern district”</b> means the part of the State not included in the northern or central district.	6 7
<b>‘Transfer of appeal hearings</b>	8
‘117.(1) A judge may order that an appeal is to be transferred to a District Court at another place, if it appears to the judge—	9 10
(a) that it is in the interests of justice that the appeal be heard at the other place; or	11 12
(b) that the appeal may be more conveniently heard at the other place and no party to the proceeding objects.	13 14
‘(2) The order may be made on the application of a party to the proceeding, or, if the judge is the judge hearing the appeal, on the judge’s own initiative.	15 16 17
‘(3) The officer that has the appeal record must give the record and all appropriate exhibits to the appropriate officer at the place where the appeal is to be heard.	18 19 20
‘(4) In this section—	21
<b>“heard”</b> includes—	22
(a) heard and decided; and	23
(b) continued and decided.’.	24
<b>Insertion of new s 137</b>	25
Clause 7. After section 136—	26
<i>insert—</i>	27



**‘Continued use of title of senior judge**

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**‘137.(1)** A person holding office as a senior judge immediately before the commencement of the *District Courts Legislation Amendment Act 1996* may continue to use the title senior judge while the person continues to hold office as a judge.

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**‘(2)** This section expires on 31 December 2012.’.

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**PART 3—AMENDMENT OF CRIMINAL JUSTICE  
ACT 1989**

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**Act amended in pt 3**

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Clause **8.** This part amends the *Criminal Justice Act 1989*.

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**Amendment of s 28 (Commission’s report insufficient for judge’s  
removal from Supreme Court)**

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Clause **9.(1)** Section 28, heading—

13

*omit, insert—*

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**‘Commission’s report insufficient for removal of Supreme Court or  
District Court judge’.**

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**(2)** Section 28(1), ‘a judge of the Supreme Court’—

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*omit, insert—*

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‘a Supreme Court or District Court judge’.

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