

Queensland



COURT FUNDS ACT 1973

**Reprinted as in force on 8 August 1997
(includes amendments up to Act No. 17 of 1997)**

Reprint No. 1B

**This reprint is prepared by
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Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 8 August 1997. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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COURT FUNDS ACT 1973

[as amended by all amendments that commenced on or before 8 August 1997]

An Act to amend the law relating to the custody and investment of money paid into the Supreme Court, to provide for the custody and investment of money paid into a District Court, to provide for the security and management of money and effects of suitors in those courts and for related purposes

Short title

1. This Act may be cited as the *Court Funds Act 1973*.

Commencement

2. This Act shall commence on a date appointed by proclamation.

Definitions

4. In this Act—

“**court**” means the Supreme Court or a District Court or Magistrates Court into which an amount that is money in court is paid.

“**interest**” includes dividends or periodical income, and when used in an order of the Court or a Judge thereof means the interest, dividends and other periodical produce on all money referred to in the order.

“**money in Court**” means any sum of money paid into the Court or placed to the credit of any cause, matter or account in the Court, and includes dividends on securities in Court and interest on money lodged in the Court and invested under any Act or rules of the Court.

“**order**”, of a court, includes—

- (a) a judgment of the court, a Supreme Court or District Court judge or a magistrate; and
- (b) a report, certificate or direction of the court, a Supreme Court or District Court judge, a magistrate or an officer of a court prescribed under a regulation.

“registrar” means—

- (a) for the Supreme Court—the registrar or deputy registrar of the court at Brisbane, Rockhampton, Townsville or a district registry of the court; or
- (b) for a District Court or Magistrates Court—the registrar of the court.

“securities” include debentures, stocks and shares.

“securities in Court” means securities standing or deposited in the name or to the credit of the Treasurer on behalf of the Court, or placed to the credit of a cause, matter or account in the Court.

“suits fund” see section 5.

Court Suits Fund

5.(1) A Court Suits Fund (the **“suits fund”**) is established.

(2) Amounts paid to a court to the credit of a cause, matter, or an account relating to a proceeding in the court must be paid into the suits fund at the times and in the way prescribed under a regulation.

(3) Payment, delivery and transfer of amounts from the suits fund must be made in accordance with this Act.

Dealings with money in Court

7.(1) All money in Court shall be dealt with by the Treasurer and the registrar in accordance with and subject to this Act and any rules of the Court.

(2) Subject to this Act, the provisions of the *Financial Administration and Audit Act 1977* that relate to Trust and Special Funds shall apply to the suits fund.

Vesting of money and securities

8. All money and securities that, after the commencement of this Act, are transferred or paid into or deposited in the Court to the credit of any cause, matter or account shall vest in the Treasurer for and on behalf of the Court without any conveyance, assignment or transfer, and shall be held by the Treasurer subject to this Act and any rules of the Court and, subject thereto, in accordance with the orders of the Court duly made with respect thereto.

Interest on money

9. Subject to this Act—

- (a) interest at the prescribed rate shall be paid by the Treasurer in the prescribed manner after the commencement of this Act, on all money paid into the suitors fund; and
- (b) interest at the prescribed rate shall be paid by the Treasurer on all money in Court received after the commencement of this Act, from the date, for the time and in the manner prescribed.

Remittances to Treasurer

10.(1) On or before the fourth day of each month in every year, the registrar shall cause to be remitted to the Treasurer the total amount of money in Court received by the registrar during the last preceding month.

(2) Subject to subsection (1), the registrar may at any time remit to the Treasurer any money in Court.

Investments under order of the Court

11.(1) Money in Court paid in either before or after the commencement of this Act that, by or under any Act or rule of the Court or under any order of the Court, is required to be laid out in any particular investment shall, subject to this Act, be so laid out.

(2) However, money in Court paid in after the commencement of this Act shall not be invested in any investment other than an investment authorised by section 21 of the *Trusts Act 1973*.

Appointment of holder of office to act for Treasurer

12. Any act, instrument or authority required or authorised to be done, signed, executed or exercised by the Treasurer for the purposes of this Act may be done, signed, executed or exercised by the holder of any office appointed by the Treasurer to act for the Treasurer in that behalf.

Validity of acts duly done

13. All acts duly done by the Treasurer or the registrar with reference to money and securities in Court pursuant to this Act or any rules of the Court shall be as valid and effectual as if they had been done pursuant to an order of the Court.

Remittances by post

14. Where pursuant to this Act the registrar is authorised to make a payment of money to a person entitled thereto upon the person's request by transmitting by post to the person, a crossed cheque or other document entitling the person to obtain payment of the sum expressed therein, the posting of a letter containing such cheque or other document, and addressed to the person at the address given by the person in his or her request, shall be deemed to be delivery of the cheque or other document to the person.

Accounts and audit

15.(1) The Treasurer shall cause to be kept such accounts as are prescribed for the purposes of this Act (including accounts that are necessary for carrying into effect the orders of the Court) and, so far as not prescribed, as the Treasurer thinks fit.

(2) The registrar shall cause to be kept for the purposes of this Act such accounts as are prescribed with respect to all money in Court.

(3) The Auditor-General must audit the accounts kept under this Act at least once every year.

Regulation making power

16.(1) The Governor in Council may make regulations under this Act.

(2) A regulation may be made about—

- (a) the deposit, payment, delivery and transfer in, into and out of the Court of money and securities that belong to suitors or are otherwise capable of being deposited in or paid or transferred into the Court or into any financial institution or are under the custody of the Court, and the evidence of such deposit, payment, delivery or transfer;
- (b) the investment of and other dealings with money and securities in Court in pursuance of the orders of the Court, and the execution of the orders of the Court;
- (c) the powers and duties of the Treasurer and the registrar with reference to money and securities in Court;
- (d) the manner in which the Treasurer and the registrar are to deal with money and securities in pursuance of orders of the Court;
- (e) the manner in which effect is to be given to an order of the Court that is to be executed by or through the office of the Treasurer;
- (f) the arrangements generally between the office of the Treasurer and the Court and the officers of the Court;
- (g) the information to be given to and by the Treasurer with reference to Court business;
- (h) the deposit, payment, sale, transfer and delivery with, to or by the Treasurer of money and securities in Court and the proceedings, evidence and duties of persons in relation thereto;
- (i) regulation of the investment of money in Court in securities and the conversion into money of securities in Court;
- (j) the determination of the manner of ascertaining the value of securities ordered to be purchased, sold or otherwise dealt with by the Treasurer;
- (k) the payment and crediting of interest on money in Court;
- (l) the determination of the smallest amount of money in Court that is to be invested in securities unless directed to be invested notwithstanding the smallness of the amount, and the smallest amount of money in Court on which interest in pursuance of this Act is to be credited to an account to which money in Court

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belongs;

- (m) the determination of the time at which interest on money in Court is to begin and cease and the manner of computing such interest;
- (n) dealing with interest on securities standing to the account of the Treasurer on behalf of the Court;
- (o) dealing with accounts on which the balance of money and securities together is less than \$20, and providing for the periodical publication of a list of accounts not dealt with for a period of 6 years and dealing with those accounts;
- (p) the manner of framing and expressing orders of the Court and proceedings relating to the business of the Treasurer pursuant to this Act;
- (q) abrogation of any general orders of the Court in relation to matters pursuant to this Act;
- (r) proof of the existence of an order of the Court and of the matters contained therein that shall be sufficient to authorise the transfer on sale or otherwise or the delivery out of securities or other things deposited with any financial institution or other person.

(3) The transfer or delivery out of securities or other things by an officer of any financial institution or other person upon production of such proof.

Transitional

17.(1) On the commencement of this section, the Treasurer must transfer amounts held to the credit of the Supreme Court Suitors' Fund and the District Courts Suitors' Fund ("**former funds**") immediately before the commencement, to the Courts Suitors Fund (the "**new fund**").

(2) An amount payable, but unpaid, from a former fund before the commencement may be paid from the new fund.

(3) This section expires 6 months after it commences.

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 8 August 1997. Future amendments of the Court Funds Act 1973 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes an arabic letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	31 August 1994
1A	to Act No. 58 of 1995	24 June 1996

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Court Funds Act 1973 No. 73

date of assent 19 December 1973

ss 1–2 commenced on date of assent

remaining provisions commenced 17 June 1974 (proc pubd gaz 8 June 1974 p 846)

as amended by—

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

s 4 sch 1 amdt 7 commenced 12 April 1996 (automatic commencement under AIA s 15DA(2)) (see also 1995 No. 58 s 2(1) sch 1)

remaining provisions commenced on date of assent

Justice Legislation (Miscellaneous Provisions) Act 1996 No. 79 pts 1, 4

date of assent 12 December 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 August 1997 (1997 SL No. 218)

Miscellaneous Acts (Non-bank Financial Institutions) Amendment Act 1997 No. 17 ss 1–2, 74 sch

date of assent 15 May 1997

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1997 (1997 SL No. 163)

7 List of annotations

Repeals and savings

s 3 om R1 (see RA ss 38, 40)

Definitions

prov hdg sub 1995 No. 58 s 4 sch 1

s 4 def “**court**” sub 1996 No. 79 s 10(1)–(2)

def “**order**” sub 1996 No. 79 s 10(1)–(2)

def “**registrar**” sub 1996 No. 79 s 10(1)–(2)

def “**suitors fund**” ins 1996 No. 79 s 10(2)

def “**Treasurer**” om R1 (see RA s 39)

Court Suitors Fund

s 5 amd R1 (see RA s 38)

sub 1996 No. 79 s 11

District Court Suitors’ Fund

s 6 amd R1 (see RA s 38)

om 1996 No. 79 s 11

Dealings with money in Court

s 7 amd 1996 No. 79 s 12

Interest on money

prov hdg amd 1996 No. 79 s 13(1)

s 9 amd 1996 No. 79 s 13(2)

Accounts and audit

s 15 amd 1995 No. 58 s 4 sch 1

Regulation making power

prov hdg sub 1995 No. 58 s 4 sch 1

s 16 amd 1995 No. 58 s 4 sch 1; 1997 No. 17 s 74 sch

Transitional

s 17 prev s 17 om 1995 No. 58 s 4 sch 1

pres s 17 ins 1996 No. 79 s 14

exp 1 February 1998 (see s 17(3))