



# Supreme Court of Queensland Act 1991

Reprinted as in force on 1 September 2012

Reprint No. 71

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# Information about this reprint

This Act is reprinted as at 1 September 2012. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

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

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to number and renumber provisions and references (s 43).

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

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in the reprint, including table of renumbered provisions**
- **editorial changes made in earlier reprints.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



## Queensland

# Supreme Court of Queensland Act 1991

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# Supreme Court of Queensland Act 1991

[as amended by all amendments that commenced on or before 1 September 2012]

**An Act relating to the Supreme Court of Queensland and, for certain matters including enforcement of orders and rules of court, relating to that court, the District Court and the Magistrates Courts**

## **Part 1                      Preliminary**

### **1            Short title**

This Act may be cited as the *Supreme Court of Queensland Act 1991*.

### **2            Dictionary**

The dictionary in schedule 5 defines particular words used in this Act.

### **3            Act binds all persons**

This Act binds all persons, including the State.

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## **Part 2                      The court**

### **Division 1                      Composition and jurisdiction**

#### **4                      Composition of the court**

The court consists of a Chief Justice, a President of the Court of Appeal, other judges of appeal, a Senior Judge Administrator, and the other judges appointed by the Governor in Council.

#### **5                      Divisions of the court**

- (1) The court is divided into—
  - (a) the office of the Chief Justice; and
  - (b) 2 divisions, namely, the Court of Appeal and the Trial Division.
- (2) The Chief Justice may sit as, and exercise the powers and perform the functions of, a judge in either division of the court.

#### **6                      Acting judges**

- (1) If a judge is or will be on leave, or otherwise absent, or is or will be, for any reason, unable to perform the functions of the office, the Governor in Council, after consultation between the Minister and the Chief Justice, may, by commission, appoint a person who is qualified to be appointed as a judge to act as a judge for the period (not longer than 6 months) stated in the commission.
- (2) If the Chief Justice certifies that it is desirable that 1 or more persons be appointed to act as a judge to assist in ensuring the orderly and expeditious exercise of the jurisdiction and powers of the court in the Trial Division, the Governor in Council may, by commission, appoint 1 or more persons, who is or are qualified to be appointed as a judge to act as a judge

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for the period (not longer than 6 months) stated in the commission or commissions.

- (3) The Governor in Council may, by commission, appoint either of the following persons to act as a judge for up to 1 year—
  - (a) a person who is, or has been, a judge of the Supreme Court of another State or Territory;
  - (b) a person who is, or has been, a judge of the Federal Court of Australia.
- (4) The Governor in Council may decide the remuneration to be paid and provided in relation to a person who acts as a judge (not being less than the remuneration paid and provided to a judge).
- (5) The fact that a person who holds a commission to act as a judge sits and otherwise acts as a judge is sufficient evidence of the person's authority to do so.
- (6) A person who has acted as a judge may attend sittings of the court for the purpose of giving judgment in, or otherwise completing, a proceeding that was heard by the person while the person was acting as a judge, despite the fact that the person is no longer acting as a judge.

## **7 Jurisdiction not affected by vacancies**

The jurisdiction of the court, or of a division of the court, is not affected by a vacancy in any office in the court.

## **8 Business of the court**

- (1) The business of the court—
  - (a) is taken to be conducted in court wherever it is conducted; and
  - (b) is to be conducted in open court.
- (2) However, subject to any Act, the court may, if the public interest or the interests of justice require, by order limit the extent to which the business of the court is open to the public.

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## **9 Court seal**

- (1) The court is to have and use a seal with the words ‘Supreme Court of Queensland’.
- (2) The court may have other seals required for the business and administration of the court.

## **10 Jurisdiction of the court not impaired etc.**

Except as provided in this Act, this Act does not take away, lessen or impair any jurisdiction or power that was, immediately before the commencement of this section, vested in or capable of being exercised by the court or 1 or more judges.

## **11 Effect of repeal of Supreme Court Act 1995**

- (1) The repeal of the *Supreme Court Act 1995* (the **1995 Act**) does not affect the jurisdiction of the Supreme Court that may have been derived from the 1995 Act or any of the Acts referred to in the 1995 Act and the Supreme Court retains all the jurisdiction and power that may have been derived from the 1995 Act or any of the Acts referred to in the 1995 Act.
- (2) The repeal of the 1995 Act does not affect anything done or suffered under the provisions of the 1995 Act before the repeal.
- (3) The repeal of the 1995 Act does not affect the validity or consequences of anything done or suffered, or any right, title, obligation or liability already acquired, accrued or any remedy or proceeding in relation to the thing, right, title, obligation or liability.
- (4) The repeal of the 1995 Act does not affect any principle or rule of law or equity or revive jurisdiction.
- (5) This section does not limit the operation of the *Acts Interpretation Act 1954*, section 20.

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## **Division 2                      Office of Chief Justice**

### **12            Appointment of Chief Justice**

- (1) The Governor in Council may, by commission, appoint a judge to be Chief Justice.

*Note—*

See the *Constitution of Queensland 2001*, section 59 (Appointment of judges) for the oath or affirmation requirement.

- (2) A judge may be appointed as Chief Justice either at the time of the person's appointment as a judge or at any time afterwards.

### **13            Chief Justice continues in office while judge**

- (1) The Chief Justice holds office as Chief Justice while the person holds office as a judge.
- (2) The Chief Justice may resign office as Chief Justice without resigning office as a judge.

### **14            Title of Chief Justice**

The Chief Justice is called the Chief Justice of Queensland.

### **15            Administrative responsibility of Chief Justice**

- (1) Without limiting the responsibilities, functions or powers of the Chief Justice, the Chief Justice, subject to this Act, is responsible for the administration of the Supreme Court and its divisions and the orderly and expeditious exercise of the court's jurisdiction and power.
- (2) Subject to this Act, the Chief Justice has power to do all things necessary or convenient to be done to perform responsibilities under subsection (1).

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## **16 Sittings**

The Chief Justice is to decide—

- (a) when and where the Supreme Court is to sit; and
- (b) the way notice of when and where the Supreme Court is to sit may be given.

## **17 Practice directions**

- (1) The Chief Justice may make practice directions for the Supreme Court.
- (2) Subsection (1) does not affect any inherent or other power to make practice directions.
- (3) To remove any doubt, it is declared that a practice direction is not subordinate legislation.

## **18 Supreme Court precincts**

- (1) Subject to this Act, the Chief Justice has power to do all things necessary or convenient to be done for the control and management of the Supreme Court precincts, including power to obtain, grant, prohibit or limit access to and from the precincts or part of the precincts.
- (2) For subsection (1), a reference to the Supreme Court precincts includes a reference to court precincts part of which are occupied by the Supreme Court.

## **19 Annual report**

- (1) As soon as practicable after the end of each financial year, but within 4 months after the end of the financial year, the Chief Justice must prepare and give to the Minister a written report about the operation of the Supreme Court during the year.
- (2) The Minister must table a copy of the report in the Legislative Assembly within 14 sitting days after receiving the report.

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## **Division 3                      Provisions relating to judges generally**

### **20            Power to act throughout State**

A judge has power to act in any part of the State.

### **21            Retirement of judges**

- (1) A judge must retire on reaching 70 years of age.
- (2) Despite subsection (1), a judge who, before retiring, whether or not because of subsection (1), starts the hearing of a proceeding remains a judge for the purposes of finishing the proceeding.

### **22            Accepting and holding other public offices**

- (1) Subject to this section, a judge may accept and hold another public office.
- (2) A judge who accepts another public office—
  - (a) must immediately notify the Attorney-General in writing; and
  - (b) must immediately resign the other public office if the Governor in Council decides, after consultation between the Attorney-General and the Chief Justice, that the holding of that office, or the conditions on which it is held, would be inconsistent with the proper discharge of the office of a judge.
- (3) A judge may receive remuneration in relation to the acceptance or holding of another public office only with the approval of the Governor in Council.
- (4) In this section—

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*public office* includes—

- (a) an office or appointment granted or made by the Government of the Commonwealth, another State or a Territory; and
- (b) an office or appointment in or in relation to a university or other educational institution, a hospital or a charitable institution.

## **23 Judicial office subject to Constitution of Queensland 2001**

A provision of this Act that provides for a judge or judge of appeal to hold another judicial office while the person holds office as a judge or judge of appeal is subject to the *Constitution of Queensland 2001*, section 61.

*Editor's note—*

*Constitution of Queensland 2001*, section 61 (Removal from office for misbehaviour or incapacity)

## **24 Seniority**

- (1) The Chief Justice is senior to all other judges of the court.
- (2) The President of the Court of Appeal is senior to all other judges of the court apart from the Chief Justice.
- (3) Judges of appeal have seniority after the President of the Court of Appeal, and have seniority in relation to each other according to the dates of their commissions as judges of appeal.
- (4) If the commissions of 2 or more judges of appeal have the same date, the judges of appeal have seniority in relation to each other according to the seniority assigned by their commissions or, in the absence of such an assignment, according to the order of their being sworn in.
- (5) The Senior Judge Administrator has seniority after the judges of appeal.



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- (6) The remaining judges have seniority in relation to each other according to the dates of their commissions.
  - (7) If the commissions of 2 or more judges have the same date, the judges have seniority in relation to each other according to the seniority assigned by their commissions or, in the absence of such an assignment, according to the order of their being sworn in.
  - (8) In subsections (6) and (7), a reference to a judge includes a judge who has ceased to be the Senior Judge Administrator.

## **25 Temporary judicial office holders**

- (1) When—
  - (a) the office of Chief Justice, President of the Court of Appeal or Senior Judge Administrator is vacant; or
  - (b) the Chief Justice, the President of the Court of Appeal or the Senior Judge Administrator is, for any reason, unable to discharge the person's office;the next most senior judge, who is willing, is to act in the office.
- (2) When the Chief Justice, the President of the Court of Appeal or the Senior Judge Administrator is on leave or otherwise absent or is, for any other reason, unable to perform all of the ordinary functions of the person's office, the next most senior judge, who is willing, is to perform the functions of the office that the person is unable to perform.
- (3) While a judge is performing functions of a more senior judicial office, then, to the extent necessary—
  - (a) the judge has all the powers and functions of the office; and
  - (b) this Act and other Acts apply to the judge as if the judge were the holder of the office.

### *Note—*

The same applies if a judge is acting in a more senior judicial office—*Acts Interpretation Act 1954*, section 24B(8).

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- (4) The fact that a judge acts in, or performs functions of, a more senior judicial office is sufficient evidence of the judge's authority to do so.
- (5) Anything done by a judge in purporting to act in, or perform functions of, a more senior judicial office is not invalid merely because the occasion for the judge to act in, or perform functions of, the office had not arisen or had ceased.

## **26 Entitlements of temporary judicial office holders**

- (1) Subject to subsection (2), a judge who acts in, or performs functions of, a more senior judicial office under section 25 or 39 is not entitled to receive additional remuneration for doing so.
- (2) The Governor in Council may decide that a judge who acts in, or performs functions of, a more senior judicial office under section 25 or 39 is to receive specific additional remuneration (not being more than the remuneration of the office concerned) for doing so.

## **27 Protection for administrative acts**

A judge has, in the performance or exercise of an administrative function or power conferred on the judge under an Act, the same protection and immunity as a judge has in a judicial proceeding in the court.

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## **Part 3                      The Court of Appeal**

### **Division 1                      Composition, jurisdiction and powers**

#### **28                      Composition**

The Court of Appeal consists of—

- (a) the President of the Court of Appeal; and
- (b) at least 3, but no more than 5, other judges of appeal.

#### **29                      Jurisdiction and powers**

- (1) Subject to this Act, the Court of Appeal has jurisdiction to hear and determine all matters that, immediately before the commencement of this section, the Full Court had jurisdiction to hear and determine.
- (2) The Court of Appeal has such additional jurisdiction as is conferred on it by or under this Act, another Act or a Commonwealth Act.
- (3) The Court of Appeal may, in proceedings before it, exercise every jurisdiction or power of the court, whether at law or in equity or under any Act, Commonwealth Act or Imperial Act.

#### **30                      Way in which court may be constituted**

- (1) Subject to this Act, any 3 or more judges of appeal constitute, and may exercise all the jurisdiction and powers of, the Court of Appeal.
- (2) More than 1 Court of Appeal may sit at the same time.
- (3) When more than 1 Court of Appeal is sitting at the same time, each may exercise the jurisdiction and powers of the Court of Appeal.

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- (4) A rule of court may provide that the jurisdiction and powers of the Court of Appeal may, in particular kinds of proceedings, be exercised by fewer than 3 judges of appeal.

### **31 Constitution of court if 1 judge of appeal unable to continue**

- (1) If—
- (a) after the Court of Appeal (including the court constituted under this section) has started the hearing, or further hearing, of a proceeding; and
  - (b) 1 of the judges constituting the court dies, resigns as a judge, or is certified as incapable of sitting before the proceeding has been determined;

the hearing and determination of the proceeding may be finished by the remaining judges if at least 2 judges remain.

- (2) A judge is certified as incapable of sitting if the Chief Justice or the President of the Court of Appeal has issued a certificate stating that the judge is incapable of sitting whether temporarily or otherwise.
- (3) The Court of Appeal constituted under this section may have regard to any evidence given or received, and arguments adduced, by or before the Court of Appeal as previously constituted.
- (4) Any question in the proceeding is to be decided in the same way, and the judgement of the Court of Appeal constituted under this section has the same force and effect, as if the court were not constituted under this section.

### **32 Arrangement of business of Court of Appeal**

- (1) Subject to section 15, the President of the Court of Appeal is responsible for the administration of the Court of Appeal and for ensuring the orderly and expeditious exercise of the jurisdiction and powers of the Court of Appeal.

- (2) Subject to this Act, the President has power to do all things necessary or convenient to be done for ensuring the orderly and expeditious exercise of the jurisdiction and powers of the Court of Appeal.

### **33 Annual report**

- (1) As soon as practicable after the end of each financial year, but within 2 months after the end of the financial year, the President of the Court of Appeal must prepare and give to the Chief Justice a written report about the operation of the Court of Appeal during the year.
- (2) The report must be prepared in consultation with the other judges of appeal, other than the judges of appeal who are absent from duty or otherwise unavailable.

## **Division 2 Judges of appeal**

### **34 Appointment**

- (1) The Governor in Council may, by commission, appoint a judge to be a judge of appeal.

*Editor's note—*

See the *Constitution of Queensland 2001*, section 59 (Appointment of judges) for the oath or affirmation requirement.

- (2) A judge may be appointed to be a judge of appeal either at the time of the person's appointment as a judge or at any time afterwards.

### **35 Judge of appeal continues to be judge**

A judge of appeal continues to be a judge, and may, with the consent of the Chief Justice, sit as, and exercise any of the powers of, a judge in the Trial Division.

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**36 Judge of appeal continues in office while judge**

- (1) A judge of appeal holds office as a judge of appeal while the person holds office as a judge.
- (2) A judge of appeal may resign office as a judge of appeal without resigning office as a judge.

**37 Appointment of President**

- (1) The Governor in Council may, by commission, appoint a judge of appeal to be the President of the Court of Appeal.
- (2) A judge of appeal may be appointed as the President of the Court of Appeal either at the time of the person's appointment as a judge of appeal or at any time afterwards.
- (3) To remove any doubt, it is declared that the Governor in Council may act under section 34 and this section to appoint a judge, or a person qualified to be appointed as a judge, as the President of the Court of Appeal.

**38 President continues in office while judge of appeal**

- (1) The President of the Court of Appeal holds office as President while the person holds office as a judge of appeal.
- (2) The President may resign office as President without resigning office as a judge of appeal.

**39 Additional judges of appeal**

- (1) If a judge of appeal is on leave, or otherwise absent, or is, for any reason, unable to perform the functions of the office, the Governor in Council, after consultation between the Minister and the Chief Justice, may, by commission, appoint a judge to act as an additional judge of appeal for such period (not longer than 6 months) as is specified in the commission.
- (2) A judge who is willing to act as an additional judge of appeal for a particular period, or for the purposes of a particular proceeding, may so act if the Chief Justice directs it.

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- (3) While a judge is acting as a judge of appeal—
    - (a) the judge has all the powers and functions of a judge of appeal; and
    - (b) this Act and other Acts apply to the judge as if the judge were a judge of appeal.
  - (4) The fact that a judge sits and otherwise acts as an additional judge of appeal is sufficient evidence of the judge's authority to do so.
  - (5) Anything done by or in relation to a judge while the judge is purporting to act as judge of appeal is not invalid merely because the occasion for the judge to act had not arisen or had ceased.
  - (6) A judge who has acted as an additional judge of appeal may attend sittings of the Court of Appeal for the purpose of giving judgement in, or otherwise completing, a proceeding that was heard by the Court of Appeal while the judge was acting, despite the fact that the judge is no longer a judge of appeal.

#### **40 Disqualification of judge of appeal**

A judge must not sit in judgement on the hearing of an appeal from a judgement given, or an order made, by the judge.

#### **41 Presiding judge of appeal**

- (1) At a sitting of the Court of Appeal at which the Chief Justice is present, the Chief Justice is to preside.
- (2) At a sitting of the Court of Appeal at which the Chief Justice is not present, the President of the Court of Appeal is to preside.
- (3) At a sitting of the Court of Appeal at which neither the Chief Justice nor the President of the Court of Appeal is present, the senior judge of appeal present is to preside.

## **42 Decision**

The decision of the Court of Appeal is to be in accordance with—

- (a) if the judges present at the hearing are equally divided in opinion—the opinion of the judge who, at the start of the hearing, was the most senior judge; or
- (b) otherwise—the opinion of the majority of judges present at the hearing.

## **43 Reserved judgements**

- (1) If a proceeding is set down for judgement, it is not necessary for all or any of the judges of appeal before whom it was heard to be present in court when the judgment is pronounced.
- (2) The opinion of any of the judges of appeal may be reduced to writing and may be made public by any judge of appeal at a sitting of the Court of Appeal at which judgement in the proceeding is pronounced.
- (3) A question in the proceeding is to be decided in the same way, and the judgement of the Court of Appeal has the same effect, as if each judge of appeal whose opinion is so made public had been present in court and declared his or her opinion in person.
- (4) For the purpose of pronouncing judgement under this section, the Court of Appeal may be constituted by a single judge of appeal who need not have been present at the hearing.

## **44 Powers of judge of appeal**

- (1) A judge of appeal may exercise the powers of the Court of Appeal—
  - (a) to give a judgement by consent or make an order by consent; and
  - (b) to dismiss an appeal or other proceeding for want of prosecution or for other cause specified in an Act or a



- rule of court about the practices and procedures of the Court of Appeal; and
- (c) to dismiss an appeal or other proceeding on the application of the appellant, applicant or plaintiff; and
  - (d) to deal with matters incidental to the matters mentioned in paragraphs (a) to (c).
- (2) A judge of appeal may exercise the powers of the Court of Appeal—
- (a) to make an order or give a direction concerning the institution of an appeal or other proceeding in the Court of Appeal; or
  - (b) to make an order or give a direction in an appeal or other proceeding, other than an order or direction involving the determination or decision of the appeal or other proceeding.
- (3) Subsection (2) does not limit the powers that a judge of appeal may exercise under subsection (1).
- (4) The Court of Appeal may discharge or vary—
- (a) a judgement given by a judge of appeal; or
  - (b) an order made or direction given by a judge of appeal.
- (5) Subject to subsection (4), a judgement, order or direction given or made by a judge of appeal has effect as a judgement, order or direction of the Court of Appeal, whether or not the judgement, order or direction is within the powers of the judge of appeal under this section.

## **Part 4                      The Trial Division**

### **Division 1                      Jurisdiction and powers**

#### **45                      Composition, jurisdiction and powers of Trial Division**

- (1) The Trial Division of the court consists of the judges of the court other than the Chief Justice, the President of the Court of Appeal and the other judges of appeal.
- (2) The jurisdiction and powers of the court that are not required to be exercised only by the Court of Appeal may be exercised by the court in the Trial Division.

#### **46                      Single judge to constitute the court**

- (1) All proceedings in the Trial Division are to be heard and disposed of before a single judge.
- (2) For those proceedings, the judge constitutes, and is to exercise all the jurisdiction and powers of, the court.
- (3) The court may be constituted at any place.
- (4) This section does not affect the hearing and disposal of proceedings before a registrar or other officer of the court in accordance with an Act or the rules.
- (5) This section does not affect any right to trial by jury under an Act, the rules or a practice of the court.

#### **47                      Application if original judge unable to continue**

- (1) This section applies if—
  - (a) a judge (the *original judge*) starts the hearing of a civil or criminal proceeding; and
  - (b) before the proceeding has been determined, the original judge dies or resigns as a judge, or is certified as incapable of sitting.

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*Note—*

For the Court of Appeal, see section 31 (Constitution of court if 1 judge of appeal unable to continue).

- (2) For subsection (1), a judge is certified as incapable of sitting if the Chief Justice or Senior Judge Administrator has issued a certificate (an *incapacity certificate*) stating the judge is incapable of sitting, whether temporarily or otherwise.
- (3) A party to the proceeding may apply to the court for directions as to the determination of the proceeding.
- (4) On its own initiative or on an application under this section, the court may—
  - (a) if there is an incapacity certificate stating the original judge is temporarily incapable of sitting—
    - (i) adjourn the proceeding to enable the original judge to complete the hearing and determination of the proceeding; or
    - (ii) order that the proceeding be heard and determined afresh; or
  - (b) in any other case—
    - (i) order that the proceeding be heard and determined afresh; or
    - (ii) make any other order it considers appropriate.
- (5) If the court orders that a proceeding be heard and determined afresh, the court may make an order it considers appropriate to facilitate the hearing and determination.
- (6) Without limiting the orders that may be made under subsection (5), the court may make an order that any order, or ruling or finding made by the original judge, be set aside.
- (7) The court hearing and determining a proceeding afresh because of an order under this section may make the order it considers appropriate about the costs of the first hearing.

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## **Division 2                      Senior Judge Administrator and other judges**

### **48            Appointment of Senior Judge Administrator**

- (1) The Governor in Council may, by commission, appoint a judge to be Senior Judge Administrator.

*Editor's note—*

See the *Constitution of Queensland 2001*, section 59 (Appointment of judges) for the oath or affirmation requirement.

- (2) The appointment of a Senior Judge Administrator may be for a term (not less than 5 years) specified in the commission.
- (3) A judge may be appointed Senior Judge Administrator either at the time of the person's appointment as a judge or at any time afterwards.

### **49            Senior Judge Administrator continues to be judge**

The Senior Judge Administrator continues to be a judge, and may sit as, and exercise any of the powers of, a judge.

### **50            Senior Judge Administrator continues in office while judge**

- (1) Subject to subsection (2), the Senior Judge Administrator holds office as Senior Judge Administrator while the person holds office as a judge.
- (2) A person who is the Senior Judge Administrator vacates the office—
  - (a) if the person is appointed as Chief Justice, President of the Court of Appeal or another judge of appeal; or
  - (b) if the person was appointed as Senior Judge Administrator for a specified term—when the term ends.
- (3) The Senior Judge Administrator may resign office as Senior Judge Administrator without resigning office as a judge.

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## **51 Arrangement of business of Trial Division**

- (1) Subject to section 15, the Senior Judge Administrator is responsible to the Chief Justice for the administration of the court in the Trial Division and for ensuring the orderly and expeditious exercise of the jurisdiction and powers of the court in the Trial Division.
- (2) Subject to this Act and other Acts, the Senior Judge Administrator has power to do all things necessary or convenient to be done for the administration of the court in the Trial Division and for ensuring the orderly and expeditious exercise of the jurisdiction and powers of the court in the Trial Division.

## **52 Annual report**

- (1) As soon as practicable after the end of each financial year, but within 2 months after the end of the financial year, the Senior Judge Administrator must prepare and give to the Chief Justice a written report about the operation of the Trial Division during the year.
- (2) The report must be prepared in consultation with the other judges of the Trial Division, other than the judges who are absent from duty or otherwise unavailable.

## **Division 3 Regions and districts**

### **53 Regions**

- (1) There are to be 4 regions of the court.
- (2) The regions are to be called the Southern Region, the Central Region, the Northern Region and the Far Northern Region.
- (3) The Southern Region is the area of the State other than the Central Region, Northern Region or Far Northern Region.
- (4) The Central Region is the area described in schedule 2.

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- (5) The Northern Region is the area described in schedule 3 other than the Far Northern Region.
- (6) The Far Northern Region is the area of the State that is the Supreme Court district containing Cairns.

#### **54 Central Region**

- (1) One of the judges of the court must be called the Central Judge.
- (2) The Governor in Council may, by commission, appoint a judge of the Trial Division to be the Central Judge.
- (3) A judge may be appointed as the Central Judge when appointed as a judge or at any time afterwards.
- (4) The Central Judge must reside in the Central Region.
- (5) Sittings of the Trial Division must be held within the Central Region.
- (6) Subject to sections 15 and 51, the Central Judge is responsible for the orderly and expeditious exercise within the Central Region of the jurisdiction of the court in the Trial Division.

*Editor's note—*

sections 15 (Administrative responsibility of Chief Justice) and 51 (Arrangement of business of Trial Division)

- (7) To the extent necessary or convenient for the exercise of the court's jurisdiction in the Central Region, a reference to Brisbane in any Act relating to the court, including a reference to a thing being done at Brisbane, is taken, if otherwise appropriate, to be a reference to Rockhampton.

#### **55 Northern Region**

- (1) One of the judges of the court must be called the Northern Judge.
- (2) The Governor in Council may, by commission, appoint a judge of the Trial Division to be the Northern Judge.

- (3) A judge may be appointed as the Northern Judge when appointed as a judge or at any time afterwards.
- (4) The Northern Judge must reside in the Northern Region.
- (5) Sittings of the Trial Division must be held within the Northern Region.
- (6) Subject to sections 15 and 51, the Northern Judge is responsible for the orderly and expeditious exercise within the Northern Region of the jurisdiction of the court in the Trial Division.
- (7) To the extent necessary or convenient for the exercise of the court's jurisdiction in the Northern Region, a reference to Brisbane in any Act relating to the court, including a reference to a thing being done at Brisbane, is taken, if otherwise appropriate, to be a reference to Townsville.

## **56 Far Northern Region**

- (1) One of the judges of the court must be called the Far Northern Judge.
- (2) The Governor in Council may, by commission, appoint a judge of the Trial Division to be the Far Northern Judge.
- (3) A judge of the Trial Division may be appointed as the Far Northern Judge when appointed as a judge or at any time afterwards.
- (4) The Far Northern Judge must reside in the Far Northern Region.
- (5) Sittings of the Trial Division must be held within the Far Northern Region.
- (6) Subject to sections 15 and 51, the Far Northern Judge is responsible for the orderly and expeditious exercise within the Far Northern Region of the jurisdiction of the court in the Trial Division.
- (7) To the extent necessary or convenient for the exercise of the court's jurisdiction in the Far Northern Region, a reference to Brisbane in any Act relating to the court, including a reference

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to a thing being done at Brisbane, is taken, if otherwise appropriate, to be a reference to Cairns.

## **57 Districts**

- (1) There are to be districts of the court.
- (2) Each district is to consist of the Magistrates Court districts prescribed under a regulation.
- (3) Each district is to take its name from the place where the court ordinarily sits in that district.

## **Division 4 Commercial and other lists**

### **58 Court may maintain lists**

In exercising its power to control its own process, the court may maintain lists of particular proceedings by reference to subject matter, including a commercial list.

### **59 No appeal from entry on a list**

There is no appeal from an order entering a proceeding on a list of particular proceedings.

### **60 Commercial list proceeding**

- (1) This section applies to a proceeding on the commercial list.
- (2) If the parties to the proceeding agree, the judgment of the court is final and not subject to appeal.
- (3) The court may order that the proceeding be tried without a jury.



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## Part 5 Removal and remission

### 61 Removal and remission

- (1) If a proceeding is started in another court, but is a proceeding that is required to be heard and determined only by the Court of Appeal—
  - (a) the proceeding is taken to have been duly started when it was started in the other court; and
  - (b) the Court of Appeal may, on application by a party or of its own motion, order that the proceeding be removed into the Court of Appeal; and
  - (c) on an order being made under paragraph (b), the proceeding must be continued and disposed of in the Court of Appeal; and
  - (d) subject to any order under paragraph (b), the proceeding may be continued and disposed of in the other court.
- (2) If a proceeding is started in the Court of Appeal, but is a proceeding that the Court of Appeal considers could be more conveniently heard and determined in another court—
  - (a) the proceeding is taken to have been duly started when it was started in the Court of Appeal; and
  - (b) the Court of Appeal may, on application by a party or of its own motion, order that the proceeding be remitted to the other court; and
  - (c) on an order for remission being made under paragraph (b), the proceeding must be continued and disposed of in the other court; and
  - (d) subject to any order under paragraph (b), the proceeding may be continued and disposed of in the Court of Appeal.
- (3) If a proceeding is pending before the Court of Appeal, the Court of Appeal may, on application by a party or of its own motion, order that the whole or a part of the proceeding be remitted to another court for the determination (by trial or

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otherwise) of the proceeding or any question of fact or law arising in the proceeding.

- (4) Subject to section 62, the Court of Appeal may accept any determination of the other court in whole or part.
- (5) If a proceeding (whether by way of appeal or otherwise), or a proceeding on a stated case (other than a case stated by another court), is started in the other court—
  - (a) the Court of Appeal, if satisfied that special circumstances exist that make it desirable to do so, may, on application by a party or of its own motion, order that the proceeding be removed into the Court of Appeal; and
  - (b) on an order being made under paragraph (a), the proceeding must be continued and disposed of in the Court of Appeal.
- (6) A proceeding may be removed into the Court of Appeal under this section despite any decision or determination in the proceeding being expressed by an Act to be final or without appeal.
- (7) In this section—  
*another court* means the Trial Division or a District Court.

## Part 6 Appeals to Court of Appeal

### 62 Appeal in proceedings in the court

- (1) Subject to this and any other Act, an appeal lies to the Court of Appeal from—
  - (a) any judgement or order of the court in the Trial Division; and
  - (b) without limiting paragraph (a)—

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- (i) a judgement or order of the court in the Trial Division made under this Act; and
  - (ii) any opinion, decision, direction or determination of the court in the Trial Division on a stated case; and
  - (iii) any determination of the court in the Trial Division or the District Court in a proceeding remitted under section 61.
- (2) Subject to an Act, a rule of court may provide that leave to appeal is required in proceedings specified in the rule.

### **63 Leave required to appeal from consent order**

An appeal lies to the Court of Appeal from a judgment or order of the court in the Trial Division given or made by consent only by leave of the judge who gave the judgment or made the order, or, if that judge is not available, another judge of the court in the Trial Division.

### **64 Leave required to appeal in relation to costs**

- (1) An appeal only in relation to costs lies to the Court of Appeal from a judgment or order of the court in the Trial Division only by leave of the judge who gave the judgment or made the order, or, if that judge is not available, another judge of the court in the Trial Division.
- (2) However, if, after an appeal to the Court of Appeal is properly started, the appeal becomes an appeal only in relation to the costs of the original proceeding—
  - (a) subsection (1) does not apply; and
  - (b) the appeal may be heard and determined only by leave of the Court of Appeal.



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## Part 8 Court officers

### 69 Principal registrar, other registrars and officers

- (1) The Governor in Council may appoint a principal registrar.
- (2) The chief executive may appoint registrars (other than the principal registrar) and other officers the chief executive considers appropriate.
- (3) A person appointed under this section is employed under the *Public Service Act 2008*.

### 70 Delegation by registrar

- (1) A registrar may delegate the registrar's functions to an appropriately qualified person who is a public service employee in the Supreme Court Registry.
- (2) In this section—  
*appropriately qualified*, for a public service employee to whom a function may be delegated, includes having the qualifications, experience or standing appropriate for the function.

*Example of standing—*

a person's classification level in the public service

*functions* includes powers.

### 71 Directions

The principal registrar may give directions to the registrars and other officers employed in any office of the Supreme Court Registry.

### 72 Registrar of Magistrates Court

- (1) The registrar of the Magistrates Court for the Magistrates Court district in which the Supreme Court sits may perform the functions and exercise the powers of a registrar, and a

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deputy sheriff, of the Supreme Court for the Supreme Court district constituted under section 57 that is or includes the Magistrates Court district.

- (2) Subsection (1) applies whether or not a registrar or deputy sheriff of the Supreme Court for the Supreme Court district constituted under section 57 has been appointed.

### **73 Sheriff of Queensland, deputy sheriffs and bailiffs**

- (1) The chief executive may appoint a Sheriff of Queensland.
- (2) The chief executive may also appoint deputy sheriffs and bailiffs.
- (3) A person appointed under this section is employed under the *Public Service Act 2008*.

### **74 Powers of sheriff**

- (1) The sheriff or a deputy sheriff has the powers given under an Act and may exercise the powers throughout the State.
- (2) Any power given to the sheriff under an Act may be exercised by a deputy sheriff.

### **75 Power of bailiffs**

- (1) A bailiff is an officer of the sheriff.
- (2) A bailiff is appointed for the State.
- (3) The sheriff, or a deputy sheriff, may delegate any of the sheriff's functions, or deputy sheriff's functions, to a bailiff.
- (4) Subject to the terms of the delegation, a bailiff may perform a function throughout the State.
- (5) In this section—  
*functions* includes powers.  
*perform*, a function, includes exercise a power.

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**76 Enforcement officer's protection from liability**

- (1) A proceeding in relation to an enforcement officer acting in that capacity must be started against 'The Sheriff of Queensland' and not against the enforcement officer.
- (2) If a money order is made against The Sheriff of Queensland in a proceeding mentioned in subsection (1)—
  - (a) the money order debt must be paid by the Treasurer out of the consolidated fund; and
  - (b) the State may recover the money order debt from the relevant enforcement officer unless the liability resulting in the money order was for an act done, or omission made, honestly and without negligence when acting as an enforcement officer.

**77 Associates**

- (1) The Chief Justice may appoint a person nominated by a judge as an associate to the judge.
- (2) An associate is appointed under this Act and not under the *Public Service Act 2008*.
- (3) The Governor in Council is to decide the salary and conditions of appointment for an associate appointed under subsection (1).

## **Part 9 Use of video link facilities**

**78 Purpose of part**

The purpose of this part is to provide for the use of video link facilities for certain proceedings before the Supreme Court.

**79 Definitions for part**

In this part—

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*detainee* means—

- (a) for section 80(1)—someone who is in custody at a correctional institution; and
- (b) otherwise, someone who is—
  - (i) in custody at a correctional institution; and
  - (ii) a party to a proceeding.

*proceeding*, for a provision of this part, other than section 80(1), means a proceeding to which section 80(1) applies.

## **80 Use of video link facilities in proceedings**

- (1) This section applies to a proceeding if—
  - (a) a detainee is entitled or required to be present before the Supreme Court for the proceeding; and
  - (b) the proceeding is—
    - (i) about an offence with which the detainee is charged, including a proceeding for the detainee's bail or remand; or
    - (ii) an appeal under the *District Court of Queensland Act 1967*, section 118 or the Criminal Code, chapter 67 in relation to an offence of which the detainee has been convicted (*appeal proceeding*); and
  - (c) video link facilities are available linking the correctional institution where the detainee is in custody and the court.
- (2) A proceeding for the detainee's bail or remand or an appeal proceeding must be conducted using the video link facilities, unless the court, in the interests of justice, otherwise orders.
- (3) In a proceeding, other than a proceeding for the detainee's bail or remand or an appeal proceeding, the court may order the proceeding be conducted using video link facilities only if all parties consent.



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- (4) The video link facilities may only be used to link the proceeding before the court at the place the court is sitting with the detainee, or the detainee and the detainee's representative, at the correctional institution.

## **81 Detainee taken to be before the court**

- (1) A person present at the part of the correctional institution used for the conduct of a proceeding, when the proceeding is being conducted, is taken to be in the presence of the Supreme Court for all purposes.
- (2) The part of the correctional institution used for the proceeding is taken to be part of the court for the conduct of the proceeding.
- (3) Any entitlement of, or requirement for, the detainee under any law or court order to be present before the court in the proceeding is taken to be satisfied by the detainee's use of video link facilities for the proceeding.

## **82 Way video link facilities must be operated**

- (1) Video link facilities, when used for a proceeding, are to be operated in a way that ensures two-way audio and visual communication between the detainee and the Supreme Court.
- (2) If video link facilities fail during a proceeding, the court may adjourn the proceeding or make another appropriate order, as if the detainee were still in the presence of the court.

## **83 Facilities for private communication**

- (1) The Supreme Court and the correctional institution must make facilities available for private communication between the detainee and the detainee's representative in a proceeding if the representative is at the place where the court is sitting.
- (2) A communication between the detainee and the detainee's representative is as confidential and as inadmissible in any proceeding as it would be if it took place while the detainee

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and the detainee's representative were in each other's presence.

- (3) Subsection (2) does not limit any other protection applying to the communication.

#### **84 Variation or revocation of order**

The Supreme Court may, at any time, vary or revoke an order made under section 80.

## **Part 10 Rules of court for the Supreme Court, the District Court and the Magistrates Courts**

#### **85 Rule-making power**

- (1) The Governor in Council may make rules of court under this Act for—
  - (a) the practices and procedures of the Supreme Court, the District Court or the Magistrates Courts or their registries or another matter mentioned in schedule 1; or
  - (b) the admission of persons to the legal profession under the *Legal Profession Act 2007*, including fees relating to admission; or
  - (c) the assessment of costs for the *Legal Profession Act 2007*, part 3.4, division 7; or
  - (d) any law giving jurisdiction to the Supreme Court, the District Court or the Magistrates Courts, including a law of the Commonwealth.
- (2) A rule may only be made with the consent of the rules committee.
- (3) Rules made under subsection (1)(b) may make provision of a saving or transitional nature for which it is necessary to make

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provision to allow or facilitate the doing of anything to achieve the transition from the operation of—

- (a) the rules applying immediately before the commencement of the *Legal Profession Act 2004*, section 27 to the operation of that Act after the commencement; and
  - (b) other matters about admission dealt with under the *Legal Practitioners Act 1995* before the commencement of the *Legal Profession Act 2004*, section 27 to the operation of *Legal Profession Act 2004* after the commencement.
- (4) Rules of court (other than rules for a matter mentioned in subsection (1)(b) or a matter relevant to criminal jurisdiction or criminal proceedings, other than proceedings in relation to contempt of court) are to be called the *Uniform Civil Procedure Rules*.

## **86 Admission guidelines**

- (1) The admission rules may provide that the Chief Justice may issue guidelines about a matter prescribed under the admission rules.
- (2) A guideline—
  - (a) is a statutory instrument but not subordinate legislation; and
  - (b) has no effect unless the Minister notifies in the gazette the issuing of the guideline.
- (3) The notice is subordinate legislation.
- (4) The registrar must ensure that a copy of any current guideline is available, without charge, for public inspection—
  - (a) at the regional registries at Brisbane, Rockhampton, Townsville and Cairns; and
  - (b) on the court's internet website.
- (5) In this section—

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*admission rules* means rules of court made under this Act for the admission of persons to the legal profession under the *Legal Profession Act 2007*.

*court's internet website* means the internet website administered by the Supreme Court Library for the court and other courts.

*Editor's note—*

The website may be viewed at <[www.courts.qld.gov.au](http://www.courts.qld.gov.au)>.

## **87 Rules committee may approve forms**

The rules committee may approve forms for use under this Act or the *Civil Proceedings Act 2011*.

## **88 Court rules are exempt from RIS requirements and automatic expiry**

- (1) The *Statutory Instruments Act 1992*, parts 5 and 7 do not apply to rules of court.
- (2) In this section—

*rules of court* see *Statutory Instruments Act 1992*, section 12.

*Editor's note—*

*Statutory Instruments Act 1992*, section 12—

### **12 Meaning of rules of court**

*Rules of court*, in relation to a court or tribunal, are rules made by the person or body having power to make rules regulating the practice and procedure of the court or tribunal.

## **89 Rules Committee**

- (1) The Chief Justice is to establish a Rules Committee consisting of the following members—
  - (a) the Chief Justice, or a Supreme Court judge nominated by the Chief Justice;
  - (b) the President or a judge of appeal nominated by the President;

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- (c) 2 Supreme Court judges nominated by the Chief Justice;
  - (d) the Chief Judge or a District Court judge nominated by the Chief Judge;
  - (e) a District Court judge nominated by the Chief Judge;
  - (f) the Chief Magistrate or a magistrate nominated by the Chief Magistrate;
  - (g) a magistrate nominated by the Chief Magistrate.
- (2) The rules committee—
- (a) may advise the Minister about any law giving jurisdiction to the Supreme Court, the District Court or the Magistrates Courts; and
  - (b) has the other functions and powers given to it under this Act or another Act.
- (3) The rules committee may conduct its business and proceedings at meetings in the way it decides.
- (4) However, the chairperson of the rules committee has a deliberative vote and, in the event of an equality of votes, a casting vote.

## Part 11                      Miscellaneous

### 90            Court appearance

- (1) In a proceeding, a party may appear in person or by—
  - (a) a lawyer; or
  - (b) with the leave of the court, another person.
- (2) In this section—

*party* includes a person served with notice of or attending a proceeding although not named in the record.

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## 91 Finance

The court is part of the department for the purposes of the *Financial Accountability Act 2009*.

## 92 Regulation-making power

- (1) The Governor in Council may make regulations under this Act.
- (2) Without limiting subsection (1), the Governor in Council may make regulations under this Act for the following matters—
  - (a) to prescribe fees and costs for the Supreme Court, District Court or Magistrates Courts (the *courts*);
  - (b) to provide how fees, costs and fines are to be received and dealt with in the courts;
  - (c) to provide for electronic representations or equivalents of seals, stamps and signatures for the courts.

# Part 12 Transitional provisions

## 93 Outdated references

In an Act or document, in the context of the Supreme Court and if otherwise appropriate, a reference to a thing mentioned in column 1 of the following table is taken to be a reference to the corresponding thing in column 2 of the table—

**Table**

<b>column 1</b>	<b>column 2</b>
writ of summons	claim
notice of motion, motion, petition or originating summons	application
entry of appearance	notice of intention to defend

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<b>column 1</b>	<b>column 2</b>
chambers	court
action, cause or matter	proceeding
rules of the Supreme Court or Rules of the Supreme Court	Uniform Civil Procedure Rules 1999
Central District	Central Region
Northern District	Northern Region
Far Northern District	Far Northern Region
taxation	assessment of costs
party and party costs	costs on the standard basis
solicitor and client costs	costs on the indemnity basis

#### **94 Transitional—abolition of Circuit Courts**

- (1) On the commencement of this section—
  - (a) an order made by a Circuit Court continues to have effect as an order of the Supreme Court; and
  - (b) anything done or existing in relation to a previous Circuit Court continues, and is taken to be done or existing in relation to the Supreme Court; and
  - (c) a process pending in a previous Circuit Court is to be continued in the Supreme Court.
- (2) In an Act, or another document, if the context permits, a reference to Circuit Courts or a Circuit Court is taken to be a reference to the Supreme Court.

#### **95 Transitional provision for Forensic Disability Act 2011**

The amendment of the *Criminal Practice Rules 1999* by the *Forensic Disability Act 2011* does not affect the power of the Governor in Council to further amend the rules or to repeal them.

## **96 Renumbering of Act**

- (1) On the commencement, the provisions of this Act are amended by numbering and renumbering them in the same way as a reprint may be numbered and renumbered under the *Reprints Act 1992*, section 43.
- (2) Without limiting the *Reprints Act 1992*, section 43(4), each reference in this Act, and each reference in legislation mentioned in schedule 4 to a provision of this Act renumbered under subsection (1), is amended, when the renumbering happens, by omitting the reference to the previous number and inserting the new number.
- (3) This section and schedule 4 expire on the day after the commencement.
- (4) In this section—  
***commencement*** means the commencement of the *Civil Proceedings Act 2011*, section 207.



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## **Schedule 1      Subject matter for rules**

section 85

### **Part 1                      General**

#### **1                      Jurisdiction generally**

Jurisdiction of the courts, including civil, criminal and any appellate jurisdiction.

### **Part 2                      Civil proceedings**

#### **2                      Starting civil proceedings**

Starting civil proceedings in the courts, including, for example, the following—

- (a) originating process;
- (b) where to start proceedings;
- (c) for the Supreme Court—cross-vesting of jurisdiction.

#### **3                      Parties and proceedings**

Parties and proceedings, including, for example, the following—

- (a) several causes of action and parties in a civil proceeding, including reconstitution of proceedings and representative parties;
- (b) multiple civil proceedings;
- (c) interpleader orders;
- (d) civil proceedings by or against a business or person under a legal incapacity;

- (e) third party procedure;
- (f) removal and transfer of proceedings.

#### **4 Notices of intention to defend**

Notices of intention to defend in civil proceedings.

#### **5 Service of documents**

Service of documents for civil proceedings, including, for example, the following—

- (a) the various types of service, including personal service and ordinary service;
- (b) service outside Australia and service of foreign legal process in Queensland.

#### **6 Pleadings**

Pleadings, including, for example, the following—

- (a) matters in pleadings and particulars;
- (b) progress of pleadings;
- (c) particular pleadings, including statements of claim and counterclaims.

#### **7 Disclosure**

In civil proceedings—

- (a) disclosure by parties, including disclosure and inspection of documents and interrogatories; or
- (b) non-party disclosure; or
- (c) admissions; or
- (d) disclosure of experts' reports and other material to which legal professional privilege may attach, including by direction or order of the court.

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**8 Preservation of rights and property**

Preservation of rights and property in civil proceedings, including, for example, the following—

- (a) inspection, detention and preservation of property;
- (b) for the Supreme Court and the District Court—
  - (i) freezing orders, search orders or injunctions; or
  - (ii) receivers; or
  - (iii) sales by court order.

**9 Set off**

How set offs are to be treated in proceedings and by the court.

**10 Ending proceedings early**

- (1) Ending civil proceedings early, including, for example, the following—
  - (a) ending proceedings because of default;
  - (b) summary decisions;
  - (c) discontinuance and withdrawal;
  - (d) alternative dispute resolution processes, including, for example, the following—
    - (i) persons who must pay ADR costs and the way, and time within which, ADR costs are to be paid;
    - (ii) jurisdiction of a case appraiser at a case appraisal;
    - (iii) ability of a mediator or case appraiser to seek independent advice or information;
    - (iv) time within which an ADR process should be finished (which may be a time specified by the court);
    - (v) conduct of an ADR process;
    - (vi) confidentiality of a mediated agreement or case appraiser's decision;

- (vii) applying procedures and other matters similar to those applying to arbitrations under the *Commercial Arbitration Act 1990*;
- (viii) imposing penalties against a party who fails to cooperate in an ADR process;
- (e) conciliation processes, including, for example, the following—
  - (i) experience and qualifications for approval, under the *Magistrates Courts Act 1921*, section 42T, as a conciliator;
  - (ii) the way a conciliator is to be appointed under the *Magistrates Courts Act 1921*, section 42F;
  - (iii) time within which conciliation processes should be finished;
  - (iv) requirements about recording an agreement under the *Magistrates Courts Act 1921*, section 42M;
  - (v) requirements for parties to help conciliators;
  - (vi) ability of a conciliator to seek independent advice or information;
  - (vii) appointment of a replacement conciliator;
  - (viii) abandonment of a conciliation process;
  - (ix) information to be contained in the register to be kept under the *Magistrates Courts Act 1921*, section 42X;
  - (x) form of a conciliation certificate;
- (f) offers to settle and payments by defendants;
- (g) the referral of cases to arbitration.
- (2) In this section—

***conciliation certificate*** means a certificate mentioned in the *Magistrates Courts Act 1921*, section 42L.

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*conciliation process* see the *Magistrates Courts Act 1921*, section 42D.

*conciliator* see the *Magistrates Courts Act 1921*, section 2.

## 11 Court supervision

Court supervision of civil proceedings, including, for example, the following—

- (a) directions about the conduct of proceedings;
- (b) consequences of failing to comply with rules, directions or court orders;
- (c) amendments, both with and without leave;
- (d) continuation of proceedings after delay.

## 12 Evidence

(1) The taking of evidence generally, including, for example, the following—

- (a) the way evidence may be given;
- (b) dispensing with the rules of evidence;
- (c) taking evidence out of court;
- (d) taking evidence for future claims;
- (e) subpoenas;
- (f) affidavits and the exchange of correspondence instead of affidavit evidence;
- (g) the obtaining of evidence by the court, including, for example, the calling of witnesses;
- (h) interpreters and translators.

(2) Expert evidence generally, including, for example, the following—

- (a) conferring immunity from action on experts in relation to reports tendered in evidence;
- (b) matters relating to court experts;

- (c) the appointment by the court of an expert to prepare a report about a dispute before proceedings are started for tendering as evidence in proceedings started later in relation to the dispute;
- (d) defining the duty of an expert witness in relation to the court and the parties;
- (e) prescribing the basis of and conditions for the admissibility of expert evidence.

### **13 Registrars**

Jurisdiction of registrars.

### **14 Trials and other hearings**

Trials and other hearings of civil proceedings, including, for example, the following—

- (a) practice lists;
- (b) listing applications for hearing and setting trial dates;
- (c) the conduct of trials;
- (d) decisions without pleadings or without hearings;
- (e) separate decisions on questions;
- (f) assessors and special referees;
- (g) assessment of damages;
- (h) simplified procedures for particular claims.

### **15 Particular proceedings**

Particular civil proceedings, including, for example, the following—

- (a) the taking of accounts;
- (b) proceedings for damages for personal injury or death;
- (c) the payment of amounts into court;
- (d) for the Supreme Court—

- (i) judicial review proceedings; or
- (ii) proceedings for the issue of a writ of habeas corpus.

## **16 Assessment of accounts**

Assessment of accounts, including—

- (a) the appointment and removal of persons to assess accounts; or
- (b) powers of account assessors; or
- (c) procedures; or
- (d) review of assessments.

## **17 Probate**

For the Supreme Court, probate, including, for example, the following—

- (a) applications for grants of probate or letters of administration and the documents required;
- (b) resealing grants;
- (c) proceedings under the *Public Trustee Act 1978*;
- (d) caveats objecting to grants, orders to administer or resealing of grants;
- (e) contested proceedings.

## **18 Contempt of court**

Contempt of court and proceedings for failure to comply with an order, other than an order for the payment of money.

## **19 Vexatious proceedings**

Restriction of vexatious proceedings within the meaning of the *Vexatious Proceedings Act 2005*.

**20 Trusts**

For the Supreme Court, trusts.

**21 Costs**

Costs in civil proceedings, including, for example, the following—

- (a) security for costs;
- (b) entitlement to recover costs of a proceeding;
- (c) costs of a party in a proceeding;
- (d) assessment of costs, including—
  - (i) the approval of registrars, and the appointment and removal of other persons, to assess costs under the *Uniform Civil Procedure Rules 1999*; or
  - (ii) powers of costs assessors to assess costs; or
  - (iii) procedures; or
  - (iv) review of assessments.

**22 Appeals, applications and cases stated to Court of Appeal**

Appeals, applications and cases stated to the Court of Appeal.

**23 Enforcement of money orders**

Enforcement of orders, including, for example, the following—

- (a) enforcement hearings;
- (b) enforcement warrants, including—
  - (i) enforcement warrants for entry on to and delivery of possession of land; or
  - (ii) enforcement warrants for seizure and sale of property; or



- (iii) enforcement warrants for seizure and delivery of specified goods; or
  - (iv) enforcement warrants for seizure and detention of property; or
  - (v) enforcement warrants for redirection of debts or earnings; or
  - (vi) for the Supreme Court—enforcement warrants for charging orders and stop orders;
- (c) payment of a money order debt by instalments;
  - (d) powers of enforcement officers.

## **24 Reciprocal enforcement of foreign judgements**

The reciprocal enforcement of foreign judgements, including under a Commonwealth law.

## **25 Corporations**

Any law, including a Commonwealth law, under which the Supreme Court exercises jurisdiction in relation to corporations or similar entities.

## **26 Miscellaneous matters**

The following matters—

- (a) documents filed in the registries;
- (b) filing, receipt, service, issue or transmission electronically of approved forms and other documents and material for use in, or in connection with, proceedings, including, electronic representations or equivalents of seals, stamps and signatures and their validity;
- (c) the functions of the registries generally;
- (d) the rules applicable to lawyers acting for parties in proceedings in the court;
- (e) transitional arrangements.

## **Part 3 Criminal proceedings**

### **27 Practice and procedure in criminal jurisdiction**

Practice and procedure in the courts' criminal jurisdiction (including any appellate jurisdiction) generally, including, for example, the following—

- (a) forms for proceedings;
- (b) applications;
- (c) lawyers' and court's duties;
- (d) pre-trial matters, including, for example, subpoenas and pre-trial directions and rulings;
- (e) regulating trial proceedings;
- (f) evidence;
- (g) the custody and inspection of exhibits;
- (h) the recording of proceedings and access to the records;
- (i) appeals, including, appeals to the Court of Appeal and the District Court;
- (j) listing trials, sentences, applications and appeals for hearing, and setting hearing dates;
- (k) filing, receipt, service, issue or transmission electronically of forms and other documents and material for use in, or in connection with, proceedings, including, electronic representations or equivalents of seals, stamps and signatures and their validity.

## **Part 4 Miscellaneous**

### **28 Matter used in proceedings**

The disposal or destruction of matter held by the court that was used in a proceeding and is unclaimed.

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## Schedule 2      Central Region

### section 53

Commencing on the east coast at the mouth of the Kolan River, and bounded from there on the south by the northern watershed of that river westerly to Dawes Range; by that range and the range forming the northern and western watersheds of the Rawbelle River and its tributaries westerly and southerly to their junction with the southern watershed of Ross and Cracow Creeks; by that watershed westerly to the Dawson River; by that river downwards to Bigge's Range; by that range westerly to Carnarvon Range; by that range westerly to the Great Dividing Range; by that range westerly to the Warrego Range; by that range westerly to the Cheviot Range; by that range north-westerly and westerly to the confluence of the Thomson and Barcoo Rivers; by a line due west to the western boundary of the State; on the west by that boundary north to the 24th parallel of south latitude; on the north by that parallel easterly to its intersection with the east boundary of Ingledoun no. 3 block; by part of the east boundary of that block; by the northern boundaries of Ingledoun no. 1 and Walla Munda; by parts of the west and the north boundaries of Diamantina Lakes no. 3; by part of the west and the south boundaries of Diamantina Lakes no. 2; by the south boundary of Diamantina Plains; by the south and part of the east boundaries of Mayne Downs no. 4 to the 24th parallel of latitude; again by that parallel easterly to the range forming the eastern watershed of the Diamantina River and its tributaries; by that range northerly to the ranges forming the southern watershed of the Flinders River and its tributaries; by that range north-easterly to the 21st parallel of latitude; by that parallel easterly to the Great Dividing Range; by that range southerly to its junction with the southern watershed of the Cape River; by that watershed easterly to the confluence of the Belyando and Suttor Rivers; from there by the Suttor River upwards to its head in the Leichhardt Range; from there by that range and the northern watershed of Funnel Creek and its tributaries easterly and southerly to a spur

forming the watershed separating the waters of Marion and Rocky Dam Creeks; from there by that watershed north-easterly to Cape Palmerston on the east coast of the State; from there by a line eastward to the eastern boundary of the State; from there on the east by that boundary southerly to Sandy Cape; and again on the south by a line westerly to the point of commencement; and including all adjacent islands south of the latitude of Cape Palmerston and north of the latitude of Sandy Cape.

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## Schedule 3 Northern Region

### section 53

Commencing on the east coast at Cape Palmerston, and bounded from there on the south by a line east to the eastern boundary of the State; from there on the east, north-east, north, and west by that boundary to the 24th parallel of south latitude; on the south by that parallel easterly to its intersection with the east boundary of Ingledoun no. 3 block; by part of the east boundary of that block; by the northern boundary of Ingledoun no. 1 and Walla Munda; by parts of the west and north boundaries of Diamantina Lakes no. 3; by part of the west and the south boundaries of Diamantina Lakes no. 2; by the south boundary of Diamantina Plains; by the south and part of the east boundaries of Mayne Downs no. 4 to the 24th parallel of latitude; again by that parallel easterly to the range forming the eastern watershed of the Diamantina River and its tributaries; by that range northerly to the range forming the southern watershed of the Flinders River and its tributaries; by that range north-easterly to the 21st parallel of latitude; by that parallel easterly to the Great Dividing Range; by that range southerly to its junction with the southern watershed of the Cape River; by that watershed easterly to the confluence of the Belyando and Suttor Rivers; by the Suttor River upwards to its head in the Leichhardt Range; from there by that range and the northern watershed of Funnel Creek and its tributaries easterly and southerly to its junction with a spur forming the watershed separating the waters of Marion and Rocky Dam Creeks; and from there by that watershed north-easterly to the point of commencement; and including all adjacent islands north of the latitude of Cape Palmerston.

However, the Northern Region does not include any part of the State comprised within the boundaries of the Far Northern Region.

## **Schedule 4      Renumbered cross-references**

section 96

### **Bail Act 1980**

- 1 Section 20(10), definition *practical legal training*

### **Corporations (Ancillary Provisions) Act 2001**

- 1 Section 11(2), definition *corporation rules of court*
- 2 Section 24(1)

### **Criminal Law (Rehabilitation of Offenders) Act 1986**

- 1 Section 9A(1), table, column 1, item 20

### **Criminal Proceeds Confiscation Act 2002**

- 1 Schedule 6, definition *money order*

## **Judicial Remuneration Act 2007**

- 1 Schedule 2, definitions *Chief Justice*, *judge of appeal* and *President of the Court of Appeal*

## **Legal Profession Act 2007**

- 1 Section 29, definition *admission rules*
- 2 Section 714(2)(a)
- 3 Schedule 2, definitions *registrar* and *Uniform Civil Procedure Rules*

## **Terrorism (Preventative Detention) Act 2005**

- 1 Section 73(7) and note
- 2 Section 74(1)(b)
- 3 Section 77(3)

## Schedule 5 Dictionary

### section 2

**approved form** means a form approved by the rules committee under section 87.

**Business Names Register** means the register established and maintained under the *Business Names Registration Act 2011* (Cwlth), section 22.

**Chief Justice** means the Chief Justice of Queensland.

**condition** includes term.

**costs assessor** means—

- (a) a registrar approved to assess costs under the *Uniform Civil Procedure Rules 1999*; or
- (b) a person appointed to assess costs under the *Uniform Civil Procedure Rules 1999*.

**division** means a division of the court.

**enforcement hearing** means a hearing to obtain information to facilitate the enforcement of a money order.

**enforcement officer**, for a court, means the sheriff, a deputy sheriff or a bailiff of the court.

**enforcement warrant** means a warrant to enforce an order (but not an order for the payment of an amount into court).

**Full Court** means the Full Court of the Supreme Court, and includes the Supreme Court sitting as the Court of Criminal Appeal and the court as a court consisting of 2 or more judges.

**judge** means a judge of the court.

**judge of appeal** includes the President of the Court of Appeal.

**lawyer** means an Australian lawyer who, under the *Legal Profession Act 2007*, may engage in legal practice in this State.



**money order** means an order of the court, or part of an order of the court, for the payment of money, including an amount for damages, whether or not the amount is or includes an amount for interest or costs.

**money order debt** means the amount payable under a money order.

**party** means a party to a dispute.

**person under a legal incapacity** means—

- (a) a person with impaired capacity; or
- (b) a young person.

**person with impaired capacity** means a person who is not capable of making the decisions required of a litigant for conducting proceedings or who is deemed by an Act to be incapable of conducting proceedings.

**practice list** means a list to which originating or other applications are assigned for hearing or another purpose, including, for example, case management.

**President** means the President of the Court of Appeal.

**proceeding** means a proceeding in a court (whether or not between parties), and includes—

- (a) an incidental proceeding in the course of, or in connection with, a proceeding; and
- (b) an appeal or stated case.

**registrar** includes the principal registrar.

**remuneration** includes salary, pension, leave of absence (whether annual leave, long leave or leave on account of illness or otherwise) and any other allowance, benefit or entitlement in respect of judicial service, whether paid or provided to a judge or his or her spouse, surviving spouse, child or estate or otherwise.

**rules** means rules of court of the court, and includes rules of court of the Court of Appeal and the Trial Division.

**rules committee** see section 89.

*stated case* means—

- (a) a case stated under an Act or the rules by the court in the Trial Division or a judge; or
- (b) a case stated under an Act by another court or a judge of another court, or a justice or other person, for the opinion, decision, direction or determination of the court.

*Supreme Court precincts* means any land or building, or the part of any land or building, used for the purposes of the court.

*young person* means an individual who is under 18 years.

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## Endnotes

### 1 Index to endnotes

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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 1 September 2012. Future amendments of the Supreme Court of Queensland Act 1991 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

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1992 Act No. 40	14 August 1992	1 October 1992
2	1994 Act No. 24	30 May 1994	31 May 1994
3	1995 Act No. 24	29 May 1995	29 May 1995
4	1996 Act No. 4	7 June 1996	7 June 1996
4A	1996 Act No. 37	1 December 1996	10 March 1997
4B	1997 Act No. 38	3 November 1997	19 November 1997
4C	1997 Act No. 82	5 December 1997	9 December 1997
4D	1998 Act No. 20	1 July 1998	23 July 1998
4E	1998 Act No. 46	27 November 1998	4 December 1998
4F	1999 Act No. 29	1 July 1999	23 July 1999
4G	1999 Act No. 66	1 July 1999	17 December 1999
5	1999 Act No. 66	1 March 2000	3 March 2000
5A	2000 Act No. 16	1 March 2000	8 November 2000
5B	2000 Act No. 58	17 November 2000	1 December 2000

Reprint No.	Amendments to	Effective	Reprint date
5C	2001 Act No. 80	28 February 2002	1 March 2002
5D	2001 Act No. 80	6 June 2002	20 June 2002

  

Reprint No.	Amendments included	Effective	Notes
5E	2002 Act No. 34	16 August 2002	
5F	2002 Act No. 74	1 April 2003	
5G	2003 Act No. 77	8 December 2003	
5H	2004 Act No. 11	1 July 2004	
5I	2004 Act No. 29	22 November 2004	
5J	2005 Act No. 70	8 December 2005	
5K	2005 Act No. 70	6 February 2006	R5K withdrawn, see R6
6	—	6 February 2006	
6A	2007 Act No. 24	1 July 2007	
6B	2007 Act No. 39	21 September 2007	
6C	2007 Act No. 37	1 January 2008	
	2007 Act No. 55		
6D rv	2007 Act No. 55	14 March 2008	R6D rv withdrawn, see R7
7	—	14 March 2008	
7A	2009 Act No. 9	1 July 2009	
7B	2009 Act No. 25	2 November 2009	
7C	2009 Act No. 24	1 December 2009	
7D	—	9 December 2009	prov exp 8 December 2009
7E	2010 Act No. 26	1 September 2010	
7F	2010 Act No. 42	14 October 2010	
7G	2011 Act No. 13	1 July 2011	
7H	2011 Act No. 34	28 May 2012	
7I	2011 Act No. 45	1 September 2012	Act renumbered

## 5 List of legislation

### **Supreme Court of Queensland Act 1991 No. 68**

date of assent 24 October 1991

ss 1–2 commenced on date of assent

remaining provisions commenced 14 December 1991 (1991 SL No. 173)

amending legislation—

### **Justice Legislation (Miscellaneous Provisions) Act 1992 No. 40 pt 1, s 163 sch 1**

date of assent 14 August 1992

commenced on date of assent

### **Statute Law (Miscellaneous Provisions) Act (No. 2) 1992 No. 68 ss 1–3 sch 2**

date of assent 7 December 1992

commenced on date of assent

**Supreme Court Legislation (Miscellaneous Provisions) Act 1993 No. 20 pts 1–2**

date of assent 28 May 1993  
commenced on date of assent

**Justice and Attorney-General (Miscellaneous Provisions) Act 1994 No. 24 ss 1–3(1) sch**

date of assent 10 May 1994  
ss 1–2 commenced on date of assent  
remaining provisions commenced 30 May 1994 (1994 SL No. 168)

**Judicial Legislation Amendment Act 1994 No. 76 pts 1, 6**

date of assent 1 December 1994  
commenced on date of assent

**Courts Legislation Amendment Act 1995 No. 23 pts 1–2**

date of assent 11 April 1995  
ss 1–2 commenced on date of assent  
remaining provisions commenced 29 May 1995 (1995 SL No. 131)

**Justice and Attorney-General (Miscellaneous Provisions) Act 1995 No. 24 pts 1, 12**

date of assent 11 April 1995  
commenced on date of assent

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

date of assent 28 November 1995  
commenced on date of assent

**Courts (Video Link) Amendment Act 1996 No. 4 pts 1–2**

date of assent 9 May 1996  
ss 1–2 commenced on date of assent  
remaining provisions commenced 7 June 1996 (1996 SL No. 118)

**Public Service Act 1996 No. 37 ss 1–2, 147 sch 2**

date of assent 22 October 1996  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 December 1996 (1996 SL No. 361)

**Queensland Law Society Legislation Amendment Act 1997 No. 13 pts 1, 4**

date of assent 15 May 1997  
ss 1–2 commenced on date of assent  
remaining provisions commenced 3 November 1997 (1997 SL No. 362)

**Courts Reform Amendment Act 1997 No. 38 ss 1–2 pt 13**

date of assent 18 July 1997  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 August 1997 (1997 SL No. 235)

**Justice and Other Legislation (Miscellaneous Provisions) Act (No. 2) 1997 No. 82 ss 1–3 sch**

date of assent 5 December 1997  
commenced on date of assent

**Civil Justice Reform Act 1998 No. 20 ss 1–2(1), (3), pt 3**

date of assent 1 May 1998  
 ss 1–2, 11, 21 commenced on date of assent (see s 2(1))  
 s 18 commenced 1 July 1998 (1998 SL No. 122)  
 remaining provisions commenced 1 July 1999 (automatic commencement under  
 AIA s 15DA(2) (1999 SL No. 70 s 2(3)))

**Supreme Court of Queensland Act and Another Act Amendment Act 1998 No. 46 pts 1, 3**

date of assent 27 November 1998  
 commenced on date of assent

**Financial Administration Legislation Amendment Act 1999 No. 29 ss 1–2, 50 sch**

date of assent 16 June 1999  
 ss 1–2, 50 commenced on date of assent  
 remaining provisions commenced 1 July 1999 (1999 SL No. 122 and see 1999 SL  
 No. 119, 1999 SL No. 70 s 2(3))

**Road Transport Reform Act 1999 No. 42 ss 1–2(1), 54(3) sch pt 3 (this Act is amended, see amending legislation below)**

date of assent 2 September 1999  
 ss 1–2 commenced on date of assent  
 remaining amdt commenced 1 December 1999 (s 2(1)) (amdt could not be given  
 effect and om 2000 No. 46 s 3 sch)  
 amending legislation—

**Statute Law (Miscellaneous Provisions) Act 2000 No. 46 ss 1, 3 sch (amends 1999 No. 42 above)**

date of assent 25 October 2000  
 commenced on date of assent

**Justice Legislation (Miscellaneous Provisions) Act (No. 2) 1999 No. 66 pts 1, 8**

date of assent 6 December 1999  
 ss 1–2 commenced on date of assent  
 ss 33–34, 37–41, 47–49 commenced 1 July 1999 (see s 2(2))  
 remaining provisions commenced 1 March 2000 (2000 SL No. 15)

**Mental Health Act 2000 No. 16 ss 1–2, 590 sch 1 pt 2**

date of assent 8 June 2000  
 ss 1–2, 590 commenced on date of assent (see s 2(1))  
 remaining provisions commenced 28 February 2002 (2002 SL No. 27)

**Justice and Other Legislation (Miscellaneous Provisions) Act 2000 No. 58 ss 1–2 sch**

date of assent 17 November 2000  
 commenced on date of assent

**Constitution of Queensland 2001 No. 80 ss 1–2, 94 sch 2**

date of assent 3 December 2001  
 ss 1–2 commenced on date of assent  
 remaining provisions commenced 6 June 2002 (see s 2)

**Justice and Other Legislation (Miscellaneous Provisions) Act 2002 No. 34 s 1, pt 17**

date of assent 16 August 2002  
commenced on date of assent

**Discrimination Law Amendment Act 2002 No. 74 ss 1–2, 90 sch**

date of assent 13 December 2002  
ss 1–2 commenced on date of assent  
s 90 commenced 31 March 2003 (2003 SL No. 51)  
remaining provisions commenced 1 April 2003 (2003 SL No. 51)

**Justice and Other Legislation Amendment Act 2003 No. 77 ss 1, 2(3), pt 25**

date of assent 6 November 2003  
ss 1–2 commenced on date of assent  
remaining provisions commenced 8 December 2003 (2003 SL No. 310)

**Legal Profession Act 2003 No. 97 ss 1, 2(2), 380 sch 1**

date of assent 3 December 2003  
ss 1–2 commenced on date of assent  
remaining provisions never proclaimed into force and rep 2004 No. 11 s 642

**Legal Profession Act 2004 No. 11 ss 1, 2(2), 596 sch 1**

date of assent 31 May 2004  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 2004 (2004 SL No. 106)

**Partnership and Other Acts Amendment Act 2004 No. 29 ss 1, 2(2), 69–70**

date of assent 12 October 2004  
ss 1–2 commenced on date of assent  
remaining provisions commenced 22 November 2004 (2004 SL No. 250)

**Justice and Other Legislation Amendment Act 2005 No. 70 pts 1, 25**

date of assent 8 December 2005  
ss 162–163 commenced 6 February 2006 (2006 SL No. 9)  
remaining provisions commenced on date of assent

**Legal Profession Act 2007 No. 24 ss 1–2, 770 sch 1**

date of assent 28 May 2007  
ss 1–2 commenced on date of assent  
s 770 sch 1 amdts 3 and 4 commenced 1 July 2007 (amdts could not be given effect)  
remaining provisions commenced 1 July 2007 (2007 SL No. 151)

**Justice and Other Legislation Amendment Act 2007 No. 37 pts 1, 32**

date of assent 29 August 2007  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 January 2008 (2007 SL No. 295)

**Land Court and Other Legislation Amendment Act 2007 No. 39 pts 1, 5**

date of assent 29 August 2007  
ss 1–2 commenced on date of assent  
remaining provisions commenced 21 September 2007 (2007 SL No. 236)



**Judicial Remuneration Act 2007 No. 55 ss 1–2(1), 54 sch 1**

date of assent 9 November 2007  
ss 1–2, 54 commenced on date of assent  
sch 1 amdts 4–5 commenced 1 January 2008 (see s 2(2))  
remaining provisions commenced 14 March 2008 (2008 SL No. 62)

**Financial Accountability Act 2009 No. 9 ss 1, 2(2), 136 sch 1**

date of assent 28 May 2009  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 2009 (2009 SL No. 80)

**Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009 No. 24 ss 1–2, ch 9 pt 28**

date of assent 26 June 2009  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 December 2009 (2009 SL No. 252)

**Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009 No. 25 pt 1, s 83 sch**

date of assent 11 August 2009  
ss 1–2 commenced on date of assent  
remaining provisions commenced 2 November 2009 (2009 SL No. 241)

**Civil and Criminal Jurisdiction Reform and Modernisation Amendment Act 2010 No. 26 pts 1, 20**

date of assent 13 August 2010  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 September 2010 (2010 SL No. 236)

**Justice and Other Legislation Amendment Act 2010 No. 42 s 1, pt 34**

date of assent 14 October 2010  
commenced on date of assent

**Forensic Disability Act 2011 No. 13 ch 1 pt 1, ch 14 pt 18**

date of assent 19 May 2011  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 2011 (2011 SL No. 121 item 1)

**Business Names (Commonwealth Powers) Act 2011 No. 34 ss 1, 2(b), 31 sch 1**

date of assent 28 October 2011  
ss 1–2 commenced on date of assent  
remaining provisions commenced 28 March 2012 (2012 SL No. 58)

**Civil Proceedings Act 2011 No. 45 ss 1–2, pt 28**

date of assent 6 December 2011  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 September 2012 (2012 SL No. 146)

## 6 List of annotations

**This reprint has been renumbered—see tables of renumbered provisions in endnote 8.**

**Long title** amd 1997 No. 38 s 102; 1998 No. 20 s 12; 1999 No. 66 s 34

### **Dictionary**

**prov hdg** sub 1995 No. 58 s 4 sch 1

**s 2** orig s 2 om R3 (see RA s 37)

Note—prev s 2 contained definitions for this Act. Definitions are now located in schedule 2 (Dictionary).

pres s 2 ins 1998 No. 20 s 14

### **Words and expressions used in Supreme Court Act, pt 13**

**s 2A** ins 1995 No. 58 s 4 sch 1

amd 1997 No. 82 s 3 sch

om 2011 No. 45 s 180

### **Act binds all persons**

**s 3** sub 2011 No. 45 s 180

## **PART 2—THE COURT**

**pt hdg** sub 2011 No. 45 s 181

### **Division 1—Composition and jurisdiction**

**div hdg** sub 2001 No. 80 s 94 sch 2; 2011 No. 45 s 181

#### **Composition of the court**

**s 4** prev s 4 om 2011 No. 45 s 180

pres s 4 ins 2011 No. 45 s 181

#### **Divisions of the court**

**s 5** prev s 5 om 1997 No. 38 s 104

pres s 5 ins 2011 No. 45 s 181

#### **Acting judges**

**s 6** prev s 6 om 2011 No. 45 s 180

pres s 6 ins 2011 No. 45 s 181

#### **Jurisdiction not affected by vacancies**

**s 7** prev s 7 om 2001 No. 80 s 94 sch 2

pres s 7 ins 2011 No. 45 s 181

#### **Business of the court**

**s 8** prev s 8 om 2001 No. 80 s 94 sch 2

pres s 8 ins 2011 No. 45 s 181

#### **Court seal**

**s 9** sub 2011 No. 45 s 181

#### **Jurisdiction of the court not impaired etc.**

**s 10** prev s 10 om 1997 No. 38 s 105

pres s 10 ins 2011 No. 45 s 181

**Effect of repeal of Supreme Court Act 1995**

**s 11** amd 1997 No. 38 s 106  
sub 2011 No. 45 s 181

**Division 2—Office of Chief Justice**

**div hdg** sub 2011 No. 45 s 181

**Appointment of Chief Justice**

**s 12** ins 1993 No. 20 s 3  
sub 2001 No. 80 s 94 sch 2; 2011 No. 45 s 181

**Chief Justice continues in office while judge**

**s 12A** ins 2001 No. 80 s 94 sch 2  
om 2011 No. 45 s 181

**Chief Justice continues in office while judge**

**s 13** sub 2011 No. 45 s 181

**Administrative responsibility of Chief Justice**

**s 13A** ins 1997 No. 38 s 107  
om 2011 No. 45 s 181

**Title of Chief Justice**

**s 14** amd 1997 No. 38 s 108; 2000 No. 58 s 2 sch  
sub 2011 No. 45 s 181

**Administrative responsibility of Chief Justice**

**s 15** sub 2011 No. 45 s 181

**Sittings**

**s 16** amd 1997 No. 38 s 109  
sub 2011 No. 45 s 181

**Practice directions**

**s 17** prev s 17 om 1997 No. 38 s 110  
pres s 17 ins 2011 No. 45 s 181

**Supreme Court precincts**

**s 18** prev s 18 om 1997 No. 38 s 110  
pres s 18 ins 2011 No. 45 s 181

**Annual report**

**s 19** prev s 19 om 1997 No. 38 s 110  
pres s 19 ins 2011 No. 45 s 181

**Division 3—Provisions relating to judges generally**

**div hdg** sub 2011 No. 45 s 181

**Power to act throughout State**

**s 20** prev s 20 om 1997 No. 38 s 110  
pres s 20 ins 2011 No. 45 s 181

**Retirement of judges**

**s 21** amd 1997 No. 38 s 111  
sub 2011 No. 45 s 181

Endnotes

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**Accepting and holding other public offices**

s 22      amd 1997 No. 38 s 112  
          sub 2011 No. 45 s 181

**Judicial office subject to Constitution of Queensland 2001**

s 23      amd 1997 No. 38 s 113; 2002 No. 34 s 66  
          sub 2011 No. 45 s 181

**Seniority**

s 24      prev s 24 om 1997 No. 38 s 114  
          pres s 24 ins 2011 No. 45 s 181

**Temporary judicial office holders**

s 25      prev s 25 om 2001 No. 80 s 94 sch 2  
          pres s 25 ins 2011 No. 45 s 181

**Entitlements of temporary judicial office holders**

s 26      amd 1997 No. 38 s 115  
          sub 2011 No. 45 s 181

**Protection for administrative acts**

s 27      sub 2011 No. 45 s 181

**Protection for administrative acts**

s 27AA    ins 1999 No. 66 s 35  
          om 2011 No. 45 s 181

**Division 4—Judicial registrars**

div hdg    ins 1998 No. 20 s 15  
          om 2007 No. 37 s 153

**Judicial registrars**

27A      ins 1998 No. 20 s 15  
          om 2007 No. 37 s 153

**Independence of judicial registrars**

27B      ins 1998 No. 20 s 15  
          om 2007 No. 37 s 153

**Rehearing after judicial registrar's decision**

27C      ins 1998 No. 20 s 15  
          om 2007 No. 37 s 153

**Conditions of appointment**

27D      ins 1998 No. 20 s 15  
          om 2007 No. 37 s 153

**Retirement of judicial registrars**

27E      ins 1998 No. 20 s 15  
          om 2007 No. 37 s 153

**Preservation of rights**

27F      ins 1998 No. 20 s 15  
          om 2007 No. 37 s 153

**PART 3—THE COURT OF APPEAL****Composition**

s 28 amd 2011 No. 45 s 182

**Way in which court may be constituted**

s 30 amd 1995 No. 58 s 4 sch 1; 1997 No. 38 s 116

**Constitution of court if 1 judge of appeal unable to continue**

s 31 amd 2005 No. 70 s 162; 2011 No. 45 s 183

**Arrangement of business of Court of Appeal**

s 32 amd 1995 No. 58 s 4 sch 1; 1997 No. 38 s 117; 2011 No. 45 s 184

**Annual report**

s 33 ins 1997 No. 38 s 118

**Appointment**

s 34 amd 2001 No. 80 s 94 sch 2

**Judge of appeal continues to be judge**

s 35 amd 1997 No. 38 s 119

**Appointment of President**

s 37 amd 1997 No. 38 s 120; 2001 No. 80 s 94 sch 2; 2011 No. 45 s 185

**Holding office as Chief Justice and President**

s 38 prev s 38 om 1997 No. 38 s 121

**Additional judges of appeal**

s 39 amd 1997 No. 38 s 122

**Disqualification of judge of appeal**

s 40 (prev s 70) renum and reloc 2011 No. 45 s 194

**Decision**

s 42 sub 2005 No. 70 s 163

**Reserved judgments**

s 43 amd 2011 No. 45 s 186

**Powers of judge of appeal**

s 44 prev s 44 amd 2001 No. 80 s 94 sch 2; 2007 No. 55 s 54 sch 1  
om 2011 No. 45 s 187  
pres s 44 amd 1995 No. 58 s 4 sch 1; 1997 No. 38 s 123

**Remuneration of new judges of appeal after Courts Reform Amendment Act 1997**

s 44A ins 1997 No. 38 s 124  
om 2007 No. 55 s 54 sch 1

**Division 3—Management of the Court of Appeal**

div hdg prev div 3 hdg om 1997 No. 38 s 125

## **PART 4—THE TRIAL DIVISION**

### **Composition, jurisdiction and powers of Trial Division**

- s 45**      prev s 45 om 2011 No. 45 s 187  
            pres s 45 amd 1992 No. 40 s 163 sch 1

### **Division 2—Senior Judge Administrator and other judges**

- div hdg**    amd 1997 No. 38 s 126

#### **Single judge to constitute the court**

- s 46**      prev s 46 amd R4 (see RA s 38)  
            om 1997 No. 38 s 125  
            pres s 46 amd 1998 No. 20 s 16; 2007 No. 37 s 154; 2011 No. 45 s 188

#### **Application if original judge unable to continue**

- s 47**      prev s 47 om 1997 No. 38 s 125  
            pres s 47 ins 2011 No. 45 s 189

#### **Appointment of Senior Judge Administrator**

- s 48**      orig s 48 om 1994 No. 24 s 3(1) sch  
            prev s 48 (prev s 49) renum 1995 No. 23 s 7  
            om 1997 No. 38 s 125  
            pres s 48 amd 1997 No. 38 s 127; 2001 No. 80 s 94 sch 2

#### **Staff of Court of Appeal**

- s 49**      prev s 49 amd 1996 No. 37 s 147 sch 2  
            om 1997 No. 38 s 125

#### **Power of President to direct staff**

- s 50**      prev s 50 om 1997 No. 38 s 125

#### **Arrangement of business of Trial Division**

- s 51**      prev s 51 sub 1994 No. 24 s 3(1) sch  
            om 1997 No. 38 s 125  
            pres s 51 amd R1 (see RA s 37); 1997 No. 38 s 128; 2011 No. 45 s 190

#### **Annual report**

- s 52**      orig s 52 om 1994 No. 24 s 3(1) sch  
            prev s 52 sub 1994 No. 24 s 3(1) sch  
            om 1997 No. 38 s 125  
            pres s 52 sub 1997 No. 38 s 129

### **Division 3—Regions and districts**

- div hdg**    ins 2011 No. 45 s 191

#### **Regions**

- s 53**      orig s 53 om 1994 No. 24 s 3(1) sch  
            prev s 53 amd 1992 No. 40 s 163 sch 1  
            om 1997 No. 38 s 125  
            pres s 53 ins 2011 No. 45 s 191

#### **Central Region**

- s 54**      prev s 54 om 1997 No. 38 s 125  
            pres s 54 ins 2011 No. 45 s 191

**Northern Region**

s 55 ins 2011 No. 45 s 191

**Far Northern Region**

s 56 ins 2011 No. 45 s 191

**Districts**

s 57 ins 2011 No. 45 s 191

**Division 4—Commercial and other lists**

div hdg ins 2011 No. 45 s 191

**Court may maintain lists**

s 58 ins 2011 No. 45 s 191

**No appeal from entry on a list**

s 59 ins 2011 No. 45 s 191

**Commercial list proceeding**

s 60 ins 2011 No. 45 s 191

**Removal and remission**

s 61 amd 1992 No. 40 s 163 sch 1; 1997 No. 38 s 130

**Appeal in proceedings in the court**

s 62 prev s 62 om 1997 No. 38 s 129  
pres s 62 amd 1995 No. 58 s 4 sch 1; 1997 No. 38 s 131; 2011 No. 45 s 192

**Leave required to appeal from consent order**

s 63 prev s 63 om 1997 No. 38 s 129  
pres s 63 ins 2011 No. 45 s 193

**Leave required to appeal in relation to costs**

s 64 prev s 64 om 1997 No. 38 s 129  
pres s 64 ins 2011 No. 45 s 193

**PART 7—REGISTRY**

pt hdg prev pt 7 hdg om 1997 No. 38 s 132  
pres pt 7 hdg ins 1998 No. 20 s 17  
sub 2011 No. 45 s 195

**Registry**

s 65 prev s 65 om 1997 No. 38 s 129  
pres s 65 ins 2011 No. 45 s 195

**Process returnable in office where issued but effective throughout State**

s 66 prev s 66 om 1997 No. 38 s 129  
pres s 66 ins 1998 No. 20 s 17  
sub 2011 No. 45 s 195

**Control**

s 67 prev s 67 om 1997 No. 38 s 129  
pres s 67 ins 1998 No. 20 s 17  
sub 2011 No. 45 s 195

**Registration of Acts**

**s 68** ins 1998 No. 20 s 17  
amd 2007 No. 37 s 156  
sub 2011 No. 45 s 195

**Division 1—Preliminary**

**div hdg** ins 1998 No. 20 s 17  
om 2011 No. 45 s 195

**Division 2—Procedural**

**div hdg** ins 1998 No. 20 s 17  
om 2011 No. 45 s 195

**Subdivision 1—Constitution of District Court by judicial registrar**

**sdiv hdg** ins 1998 No. 20 s 17  
amd 2007 No. 37 s 155  
om 2011 No. 45 s 195

**Subdivision 2—Removal of proceedings**

**sdiv hdg** ins 1998 No. 20 s 17  
om 2011 No. 45 s 195

**Division 3—Conferences**

**div hdg** ins 1998 No. 20 s 17  
om 2011 No. 45 s 195

**Division 4—Orders**

**div hdg** ins 1998 No. 20 s 17  
om 2011 No. 45 s 195

**Division 5—Enforcement**

**div hdg** ins 1998 No. 20 s 17  
om 2011 No. 45 s 195

**Subdivision 1—Enforcement generally**

**sdiv hdg** ins 1998 No. 20 s 17  
om 2011 No. 45 s 195

**Subdivision 2—Enforcement warrants**

**sdiv hdg** ins 1998 No. 20 s 17  
om 2011 No. 45 s 195

**Subdivision 3—Offences**

**sdiv hdg** ins 1998 No. 20 s 17  
om 2011 No. 45 s 195

**Subdivision 4—Non-attendance**

**sdiv hdg** ins 1999 No. 66 s 42  
om 2011 No. 45 s 195

**Division 5A—Costs assessors**

**div hdg** ins 2007 No. 39 s 38  
om 2011 No. 45 s 195



**Division 6—Miscellaneous**

**div hdg** ins 1998 No. 20 s 17  
om 2011 No. 45 s 195

**PART 8—COURT OFFICERS**

**pt hdg** ins 1995 No. 23 s 6  
sub 2011 No. 45 s 195

**Principal registrar, other registrars and officers**

**s 69** ins 1998 No. 20 s 17  
sub 2011 No. 45 s 195

**Delegation by registrar**

**s 70** ins 1998 No. 20 s 17  
amd 1999 No. 66 s 36  
sub 2011 No. 45 s 195

**Directions**

**s 71** prev s 71 om 1997 No. 38 s 132  
pres s 71 ins 1998 No. 20 s 17  
sub 2011 No. 45 s 195

**Registrar of Magistrates Court**

**s 72** prev s 72 amd 1992 No. 40 s 163 sch 1; 1995 No. 23 s 5  
om 1997 No. 38 s 132  
pres s 72 ins 1998 No. 20 s 17  
sub 2011 No. 45 s 195

**Sheriff of Queensland, deputy sheriffs and bailiffs**

**s 73** prev s 73 om 1997 No. 38 s 132  
pres s 73 ins 1998 No. 20 s 17  
sub 2011 No. 45 s 195

**Powers of sheriff**

**s 74** prev s 74 om 1997 No. 38 s 132  
pres s 74 ins 1998 No. 20 s 17  
sub 2011 No. 45 s 195

**Power of bailiffs**

**s 75** prev s 75 om 1997 No. 38 s 132  
pres s 75 ins 1998 No. 20 s 17  
sub 2011 No. 45 s 195

**Enforcement officer's protection from liability**

**s 76** prev s 76 om 1997 No. 38 s 132  
pres s 76 ins 1998 No. 20 s 17  
amd 2002 No. 34 s 67  
sub 2011 No. 45 s 195

**Associates**

**s 77** prev s 77 om 1997 No. 38 s 132  
pres s 77 ins 1998 No. 20 s 17  
sub 2011 No. 45 s 195

**PART 8B—PROVISION FROM LEGAL PRACTITIONERS ACT 1995**

**pt hdg** ins 1998 No. 20 s 18  
om 2011 No. 45 s 196

**PART 9—USE OF VIDEO LINK FACILITIES**

**pt hdg** ins 1996 No. 4 s 4

**Purpose of part**

**s 78** prev s 78 om 1997 No. 38 s 132  
pres s 78 ins 1996 No. 4 s 4

**Definitions for part**

**s 79** prev s 79 om 1997 No. 38 s 132  
pres s 79 ins 1996 No. 4 s 4

**Use of video link facilities in proceedings**

**s 80** prev s 80 om 1997 No. 38 s 132  
pres s 80 ins 1996 No. 4 s 4  
amd 1997 No. 38 s 138; 2002 No. 34 s 68

**Detainee taken to be before the court**

**s 81** prev s 81 om 1997 No. 38 s 132  
pres s 81 ins 1996 No. 4 s 4

**Way video link facilities must be operated**

**s 82** prev s 82 om 1997 No. 38 s 132  
pres s 82 ins 1996 No. 4 s 4

**Facilities for private communication**

**s 83** orig s 83 om 1997 No. 38 s 132  
prev s 83 ins 1998 No. 20 s 17  
amd 1999 No. 66 s 37  
om 2011 No. 45 s 195  
pres s 83 ins 1996 No. 4 s 4

**Variation or revocation of order**

**s 84** orig s 84 om 1997 No. 38 s 132  
prev s 84 ins 1998 No. 20 s 17  
sub 1999 No. 66 s 38  
om 2011 No. 45 s 195  
pres s 84 ins 1996 No. 4 s 4

**Division 1—Preliminary**

**div hdg** ins 1995 No. 23 s 6  
om 2011 No. 45 s 195

**Division 2—Important terms**

**div hdg** ins 1995 No. 23 s 6  
om 2011 No. 45 s 195

**Division 3—Establishment of ADR processes**

**div hdg** ins 1995 No. 23 s 6  
om 2011 No. 45 s 195

**Division 4—Party unable to pay share of costs**

**div hdg** ins 1995 No. 23 s 6  
om 2011 No. 45 s 195

**Division 5—What to do when ADR process is finished**

**div hdg** ins 1995 No. 23 s 6  
om 2011 No. 45 s 195

**Division 6—Confidentiality, protection and immunity**

**div hdg** ins 1995 No. 23 s 6  
om 2011 No. 45 s 195

**Division 7—Miscellaneous**

**div hdg** ins 1995 No. 23 s 6  
om 2010 No. 42 s 201

**PART 10—RULES OF COURT FOR THE SUPREME COURT, THE DISTRICT COURT AND THE MAGISTRATES COURTS**

**pt hdg** prev pt 10 hdg om R1 (see RA s 37)  
pres pt 10 hdg ins 1995 No. 23 s 6  
sub 1998 No. 20 s 19  
amd 2011 No. 45 s 197

**Rule-making power**

**s 85** orig s 85 om 1997 No. 38 s 132  
prev s 85 ins 1998 No. 20 s 17  
om 2011 No. 45 s 195  
ins 1995 No. 23 s 6  
amd 1995 No. 58 s 4 sch 1  
exp 30 May 1996 (see s 118(5))  
AIA s 20A applies (see s 118(4))  
om R4 (see RA s 37)  
pres s 85 ins 1998 No. 20 s 20  
amd 2000 No. 16 s 590 sch 1 pt 2; 2004 No. 11 s 596 sch 1; 2005 No. 70 s 164  
amd 2007 No. 24 s 770 sch 1 amds 1, 2 and 5 (amds 3 and 4 could not be given effect)  
(2B), (2C) and (2D) exp 8 December 2009 (see s 118(2D))  
amd 2011 No. 45 s 199

**Admission guidelines**

**prov hdg** amd 1996 No. 37 s 147 sch 2  
**s 86** orig s 86 amd 1996 No. 37 s 147 sch 2  
om 1997 No. 38 s 132  
prev s 86 ins 1998 No. 20 s 17  
amd 1999 No. 66 s 39  
om 2011 No. 45 s 195  
pres s 86 ins 2011 No. 45 s 200

**Rules committee may approve forms**

**s 87** orig s 87 om 1997 No. 38 s 132  
prev s 87 ins 1998 No. 20 s 17

Endnotes

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om 2011 No. 45 s 195  
pres s 87 ins 1998 No. 20 s 20  
amd 2011 No. 45 s 201

**Court rules are exempt from RIS requirements and automatic expiry**

**s 88** orig s 88 om 1992 No. 40 s 163 sch 1  
prev s 88 om 1997 No. 38 s 132  
ins 1998 No. 20 s 17  
om 2011 No. 45 s 195  
pres s 88 ins 1998 No. 20 s 21  
amd 1998 No. 46 s 5; 2011 No. 45 s 202

**Rules Committee**

**s 89** orig s 89 amd 1996 No. 37 s 147 sch 2  
om 1997 No. 38 s 132  
prev s 89 ins 1998 No. 20 s 17  
amd 2004 No. 29 s 70  
om 2011 No. 45 s 195  
pres s 89 ins 1998 No. 20 s 21  
amd 2011 No. 45 s 203

**PART 11—MISCELLANEOUS**

**pt hdg** (prev pt 9 hdg) reloc 1995 No. 23 s 8

**Court appearance**

**s 90** orig s 90 om 1997 No. 38 s 132  
prev s 90 ins 1998 No. 20 s 17  
amd 2011 No. 34 s 32 sch 1  
om 2011 No. 45 s 195  
pres s 90 sub 2011 No. 45 s 205

**Finance**

**s 91** orig s 91 sub 1994 No. 24 s 3(1) sch  
om 1997 No. 38 s 132  
prev s 91 ins 1998 No. 20 s 17  
amd 2011 No. 34 s 32 sch 1  
om 2011 No. 45 s 195  
pres s 91 ins 1997 No. 38 s 140  
sub 2011 No. 45 s 205

**Regulation-making power**

**s 92** orig s 92 amd 1992 No. 40 s 163 sch 1  
om 1997 No. 38 s 132  
prev s 92 ins 1998 No. 20 s 17  
om 2011 No. 45 s 195  
pres s 92 sub 1994 No. 76 s 24  
amd 1998 No. 20 s 23; 2011 No. 45 s 206

**PART 12—TRANSITIONAL PROVISIONS**

**pt hdg** sub 2011 No. 45 s 207

**Outdated references**

**s 93** orig s 93 om 1994 No. 24 s 3(1) sch  
prev s 93 om 1997 No. 38 s 132  
ins 1998 No. 20 s 17  
om 2011 No. 45 s 195  
pres s 93 sub 2011 No. 45 s 207

**Enforcement warrant**

**s 93A** ins 1998 No. 20 s 17  
amd 1999 No. 66 s 40  
om 2011 No. 45 s 195

**Securities held by enforcement officer**

**s 93B** ins 1998 No. 20 s 17  
amd 1999 No. 66 s 41  
om 2011 No. 45 s 195

**Redirection of joint funds**

**s 93C** ins 1998 No. 20 s 17  
om 2011 No. 45 s 195

**State debts**

**s 93D** ins 1998 No. 20 s 17  
amd 1999 No. 29 s 50 sch  
om 2011 No. 45 s 195

**Redirection of partnership debts**

**s 93E** ins 1998 No. 20 s 17  
om 2011 No. 45 s 195

**Account with financial institution**

**s 93F** ins 1998 No. 20 s 17  
om 2011 No. 45 s 195

**Enforcement against the third person**

**s 93G** ins 1998 No. 20 s 17  
om 2011 No. 45 s 195

**Employment protection if enforcement warrant for redirection of earnings**

**s 93H** ins 1998 No. 20 s 17  
om 2011 No. 45 s 195

**Attendance of individuals**

**s 93I** ins 1999 No. 66 s 42  
om 2011 No. 45 s 195

**Attendance of corporation**

**s 93J** ins 1999 No. 66 s 42  
om 2011 No. 45 s 195

**Noncompliance is contempt of court**

**s 93K** ins 1999 No. 66 s 42  
om 2011 No. 45 s 195

**Issue of warrant for defendant's arrest**

s 93L ins 1999 No. 66 s 42  
om 2011 No. 45 s 195

**Ordinary protection and immunity allowed**

s 93LA ins 2007 No. 39 s 38  
om 2011 No. 45 s 195

**Preservation of confidentiality**

s 93LB ins 2007 No. 39 s 38  
om 2011 No. 45 s 195

**Preservation of privilege**

s 93LC ins 2007 No. 39 s 38  
om 2011 No. 45 s 195

**Proceeding if grant of representation when originating process issues**

s 93M (prev s 93I) ins 1998 No. 20 s 17  
renum 1999 No. 66 s 43  
om 2011 No. 45 s 195

**Proceeding if no grant of representation when originating process issues**

s 93N (prev s 93J) ins 1998 No. 20 s 17  
renum 1999 No. 66 s 43  
om 2011 No. 45 s 195

**Delegation by registrar**

s 93O ins 1999 No. 66 s 44  
om 2011 No. 45 s 195

**Transitional—abolition of Circuit Courts**

s 94 prev s 94 ins 1995 No. 23 s 6  
om 2011 No. 45 s 195  
pres s 94 ins 2011 No. 45 s 207

**Transitional provision for Forensic Disability Act 2011**

s 95 orig s 95 om 1994 No. 24 s 3(1) sch  
prev s 95 ins 1995 No. 23 s 6  
om 2011 No. 45 s 195  
pres s 95 ins 2011 No. 45 s 207

**Renumbering of Act**

s 96 orig s 96 om 1994 No. 24 s 3(1) sch  
prev s 96 ins 1995 No. 23 s 6  
om 2011 No. 45 s 195  
pres s 96 ins 2011 No. 45 s 207  
exp 2 September 2012 (see s 96(3))

**Case appraisal**

s 97 ins 1995 No. 23 s 6  
om 2011 No. 45 s 195

**Approval of mediators**

**s 98** ins 1995 No. 23 s 6  
amd 1997 No. 38 s 133  
om 2010 No. 42 s 200

**Approval of case appraisers**

**s 99** ins 1995 No. 23 s 6  
amd 1997 No. 38 s 134  
om 2010 No. 42 s 200

**ADR register**

**s 100** ins 1995 No. 23 s 6  
amd 1997 No. 38 s 135  
om 2010 No. 42 s 200

**Parties may agree to ADR process**

**s 101** ins 1995 No. 23 s 6  
om 2011 No. 45 s 195

**Court may consider and order reference to ADR process**

**s 102** ins 1995 No. 23 s 6  
amd 1997 No. 38 s 136; 1999 No. 66 s 45  
om 2011 No. 45 s 195

**Parties must attend at ADR process if Supreme Court orders**

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**ADR convenors to maintain secrecy**

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om 2011 No. 45 s 207

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**s 3** amd 2011 No. 45 s 208(1)

**Preservation of rights and property**

**s 8** amd 2011 No. 45 s 208(2)

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**s 10** amd 2007 No. 55 s 54 sch 1; 2010 No. 42 s 203

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**s 19** ins 2005 No. 70 s 165

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**s 23** amd 1999 No. 66 s 48; 2011 No. 45 s 208(8)–(9)

**Miscellaneous matters**

**s 26** amd 2004 No. 11 s 596 sch 1

**Practice and procedure in criminal jurisdiction**

**s 27** amd 2004 No. 11 s 596 sch 1

**PART 4—MISCELLANEOUS**

**pt hdg** ins 2002 No. 34 s 70

**Matter used in proceedings**

**s 28** ins 2002 No. 34 s 70

**SCHEDULE 2—CENTRAL REGION**

orig sch 2 om R1 (see RA s 40)  
prev sch 2 ins 1995 No. 23 s 9  
amd 1995 No. 58 s 4 sch 1; 1997 No. 82 s 3 sch  
om 1998 No. 20 s 25  
pres sch 2 ins 2011 No. 45 s 209

**SCHEDULE 3—NORTHERN REGION**

ins 2011 No. 45 s 209

**SCHEDULE 4—RENUMBERED CROSS-REFERENCES**

ins 2011 No. 45 s 209  
exp 2 September 2012 (see s 96(3))

**SCHEDULE 5—DICTIONARY**

**sch hdg** ins 1998 No. 20 s 13(1)  
**sch 5** Note—definitions for this Act were originally located in prev s 2.  
(prev s 2) amd 1995 No. 58 s 4 sch 1  
reloc 1998 No. 20 s 13(4)  
amd 1999 No. 42 s 54(3) sch pt 3 (amdt could not be given effect)  
def “**ADR convenor**” ins 1995 No. 23 s 4  
om 2011 No. 45 s 210(1)  
def “**ADR costs**” ins 1995 No. 23 s 4  
om 2011 No. 45 s 210(1)  
def “**ADR dispute**” ins 1995 No. 23 s 4  
om 2011 No. 45 s 210(1)  
def “**ADR process**” ins 1995 No. 23 s 4  
om 2011 No. 45 s 210(1)  
def “**approval**” ins 1997 No. 38 s 103(2)  
om 2010 No. 42 s 204(1)  
def “**approved form**” ins 1998 No. 20 s 13(3)  
def “**authorised auditor**” om 2011 No. 45 s 210(1)  
def “**Business Names Register**” ins 2011 No. 34 s 32 sch 1  
def “**case appraisal**” ins 1995 No. 23 s 4  
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def “**commission**” om 1997 No. 38 s 103(1)  
def “**condition**” ins 1998 No. 20 s 13(3)  
def “**costs assessment**” ins 2007 No. 39 s 40  
om 2011 No. 45 s 210(1)  
def “**costs assessor**” ins 2007 No. 39 s 40  
def “**court**” sub 1998 No. 20 s 13(2)–(3)  
om 2011 No. 45 s 210(1)  
def “**dispute**” ins 1995 No. 23 s 4  
om 2011 No. 45 s 210(1)  
def “**enforcement hearing**” ins 1998 No. 20 s 13(3)  
def “**enforcement officer**” ins 1998 No. 20 s 13(3)  
amd 2011 No. 45 s 210(3)

- def **“enforcement warrant”** ins 1998 No. 20 s 13(3)  
 amd 1999 No. 66 s 49(3)
- def **“exempt property”** ins 1999 No. 66 s 49(2)  
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- def **“judicial registrar”** ins 1998 No. 20 s 13(3)  
 sub 2007 No. 37 s 159  
 om 2011 No. 45 s 210(1)
- def **“lawyer”** ins 2004 No. 11 s 596 sch 1
- def **“mediation”** ins 1995 No. 23 s 4  
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- def **“mediator”** ins 1995 No. 23 s 4  
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- def **“minor claim”** ins 1998 No. 20 s 13(3)  
 om 2009 No. 24 s 1602
- def **“minor debt claim”** ins 1998 No. 20 s 13(3)  
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- def **“money order”** ins 1998 No. 20 s 13(3)  
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- def **“money order debt”** ins 1998 No. 20 s 13(3)
- def **“non-money order”** ins 1999 No. 66 s 49(2)  
 om 2011 No. 45 s 210(1)
- def **“partnership”** ins 1998 No. 20 s 13(3)  
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- def **“party”** ins 1995 No. 23 s 4
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- def **“person with impaired capacity”** ins 1998 No. 20 s 13(3)
- def **“practice list”** ins 1998 No. 20 s 13(3)
- def **“precincts”** om 1997 No. 38 s 103(1)
- def **“referring order”** ins 1995 No. 23 s 4  
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- def **“registrar”** ins 1998 No. 20 s 13(3)  
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- def **“remuneration”** amd 2002 No. 74 s 90 sch
- def **“rules”** amd 1997 No. 38 s 103(4)
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- def **“trial judge”** ins 1998 No. 20 s 13(3)  
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- def **“young person”** ins 1998 No. 20 s 13(3)

## 7 Forms notified or published in the gazette

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