

Civil Proceedings Regulation 2024

Explanatory notes for SL 2024 No. 192

Made under the

Civil Proceedings Act 2011

General Outline

Short Title

Civil Proceedings Regulation 2024

Authorising law

Section 107 of the *Civil Proceedings Act 2011*

Policy objectives and the reasons for them

The *Court Funds Act 1973* provides for the custody and investment of money paid into the Supreme, District and Magistrates Courts, and for the security and management of money, securities and effects of suitors in those courts. In particular, the *Court Funds Act 1973* requires amounts paid to a court to the credit of a cause, matter or an account relating to a proceeding to be paid into the court suitors fund.

On 1 September 2024, the *Justice and Other Legislation Amendment Act 2023* (JOLA Act) will replace the *Court Funds Act 1973* with a new, modernised court funds legislative framework under the *Civil Proceedings Act 2011*.

A new regulation is required to replace the *Court Funds Regulation 2009*, which is due to expire on 31 August 2024, and to support the operation of the new court funds legislative framework under the *Civil Proceedings Act 2011*.

Achievement of policy objectives

The *Civil Proceedings Regulation 2024* (Regulation) updates the provisions of the *Court Funds Regulation 2009* to reflect modern court funds management practices, and includes new provisions to:

- clarify that an order requiring money or securities in court to be paid, delivered or transferred to a person, includes any interest that has accrued on the money or securities, unless the court orders otherwise;
- enable the chief executive to use excess interest which has accumulated in the court suitors fund to make good any deficiency in the fund arising from an administrative error or in another way, or to pay an expense incurred in administering the fund; and

- replace the requirement to advertise inactive accounts in the gazette and a newspaper with a requirement to publish a notice on the Queensland Courts website.

The Regulation commences on 1 September 2024 concurrently with the relevant JOLA Act amendments mentioned above.

Consistency with policy objectives of authorising law

The Regulation is consistent with the policy objectives of the *Civil Proceedings Act 2011*.

Inconsistency with policy objectives of other legislation

The Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The benefit of the Regulation is that it will support the operation of the new court funds legislative framework under the *Civil Proceedings Act 2011*.

There are no costs associated with the Regulation.

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principles.

Consultation

Relevant Heads of Jurisdiction (the Chief Justice, the Chief Judge and the Chief Magistrate), the Bar Association of Queensland (BAQ) and the Queensland Law Society (QLS) were consulted on a draft of the Regulation.

The Heads of Jurisdiction, the BAQ and the QLS did not raise any concerns in relation to the Regulation.