



Childrens Court Act 1992

Current as at 1 July 2016



Queensland

Childrens Court Act 1992

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Childrens Court Act 1992

An Act to establish the Childrens Court of Queensland and for related purposes

Part 1 Preliminary

1 Short title

This Act may be cited as the *Childrens Court Act 1992*.

3 Definitions

In this Act—

Childrens Court judge means a District Court judge appointed to the Childrens Court.

Childrens Court magistrate means a magistrate appointed to the Childrens Court.

court means the Childrens Court.

judge means a Childrens Court judge.

president means the president of the Childrens Court.

procedure includes practice.

rules means the Childrens Court Rules.

Part 2

The Childrens Court of Queensland

4 Childrens Court established etc.

- (1) The Childrens Court of Queensland is established.
- (2) The court is a court of record.
- (3) The court is to have a seal, which must be judicially noticed.

5 Members and constitution of the Childrens Court

- (1) The members of the Childrens Court are the judicial officers mentioned in subsections (2) and (3).
- (2) If an Act expressly requires the Childrens Court to be constituted by a Childrens Court judge, the court must be constituted by either of the following—
 - (a) a Childrens Court judge;
 - (b) if a Childrens Court judge is not available—a District Court judge.

Examples of when a Childrens Court judge is not available—

- 1 A child is committed to be tried or sentenced before a Childrens Court judge at a place where the Childrens Court sits only a few times in a year. At the time the child would ordinarily be dealt with at the place, there is no Childrens Court judge available, but a District Court judge is available. The District Court judge may constitute the Childrens Court and deal with the child.
 - 2 A child is due to be tried or sentenced before a Childrens Court judge. A Childrens Court judge is present at the place and at the time but, in the judge's capacity as a District Court judge, is needed for the jurisdiction of the District Court. Another District Court judge is available. The other District Court judge may constitute the Childrens Court and deal with the child.
- (3) If the Childrens Court is not required to be constituted by a Childrens Court judge, it may be constituted by—
 - (a) a Childrens Court magistrate; or

- (b) if a Childrens Court magistrate is not available—any magistrate; or
 - (c) if neither a Childrens Court magistrate nor other magistrate is available—2 justices of the peace.
- (4) Subsection (3)(c) does not affect the limitations placed on justices of the peace under the *Justices of the Peace and Commissioners for Declarations Act 1991* or another Act.
- (5) In this section—
available means available having regard to the orderly and expeditious exercise of the jurisdiction of the District Court and Childrens Court.

6 Jurisdiction

- (1) The Childrens Court has the jurisdiction conferred on it by any Act.
- (2) The *Child Protection (International Measures) Act 2003* includes provisions about the exercise of jurisdiction under this Act.

7 Rules of court

- (1) The procedure of the Childrens Court is governed by the Childrens Court Rules.
- (2) The Governor in Council may, with the president's agreement, make rules of court (the ***Childrens Court Rules***) under this Act.
- (3) A rule may make provision about any matter—
 - (a) that is required or permitted to be prescribed under a law giving jurisdiction to the Childrens Court; or
 - (b) that is necessary or convenient to be prescribed for carrying out or giving effect to a law giving jurisdiction to the Childrens Court.

- (4) In particular, a rule may make provision about the procedure of the Childrens Court, including the matters that may be dealt with in chambers or by a court official.

8 Directions

- (1) To the extent that any matter relating to Childrens Court procedure is not provided for by the rules, the matter may be dealt with by directions under this section.
- (2) The president may issue directions of general application with respect to the procedure of the court.
- (3) A Childrens Court judge may issue directions in relation to a particular case before the court when constituted by the judge.
- (4) After consulting with the president, the chief magistrate may issue directions of general application with respect to the procedure of the court when constituted by a Childrens Court magistrate, magistrate or justices.
- (5) A Childrens Court magistrate, a magistrate or justices may issue directions in relation to a particular case before the court when constituted by the Childrens Court magistrate, the magistrate or justices, as the case may be.

8A Leadership of the court

- (1) The president has the function of ensuring the orderly and expeditious exercise of the jurisdiction of the court when constituted by a Childrens Court judge.
- (2) The chief magistrate has the function of ensuring the orderly and expeditious exercise of the jurisdiction of the court when constituted by a Childrens Court magistrate, magistrate or justices.

Part 3 Appointment of judicial officers

Division 1 The president

9 Childrens Court president

- (1) There is to be a president of the court.
- (2) The Governor in Council may appoint a Childrens Court judge to be the president of the court.
- (3) The president may resign office by written resignation given to the Governor.
- (4) The resignation does not affect the appointment or powers of the president as a Childrens Court judge.
- (5) If—
 - (a) the office of president is vacant; or
 - (b) the president is on leave or otherwise absent or is, for another reason, unable to perform all the ordinary functions of the president's office;

the Governor in Council may, on the recommendation of the Attorney-General, appoint a Childrens Court judge to be the acting president.

10 Functions of president

The president has the function given by section 8A(1) and the other functions conferred on the president by this Act or any other Act.

Division 2 Childrens Court judges

11 Childrens Court judge

- (1) The Governor in Council may, on the recommendation of the Attorney-General, appoint 1 or more District Court judges as Childrens Court judges.
- (2) In choosing a District Court judge to be recommended as a Childrens Court judge, the Attorney-General must have regard to the appointee's particular interest and expertise in jurisdiction over matters relating to children.
- (3) The appointment of a person as a Childrens Court judge does not affect the person's appointment as a District Court judge or the person's powers as a District Court judge.

12 Acting judge

The Governor in Council may, on the recommendation of the Attorney-General, appoint a District Court judge to act as a Childrens Court judge if, in the Governor in Council's opinion, the conduct of the business of the court requires it.

13 Termination of office

- (1) A Childrens Court judge ceases to hold the office if the judge ceases to hold office as a District Court judge.
- (2) A Childrens Court judge may resign office by written resignation given to the Governor.
- (3) The resignation does not affect the appointment or powers of the judge as a District Court judge.

Division 3 Childrens Court magistrates

14 Childrens Court magistrates

- (1) The Governor in Council may, on the recommendation of the Attorney-General, appoint 1 or more magistrates as Childrens Court magistrates.
- (2) The appointment of a person as a Childrens Court magistrate does not affect the person's appointment as a magistrate or powers as a magistrate.
- (3) For the purpose of the *Magistrates Act 1991*, the duties of a magistrate include those performed as a Childrens Court magistrate if the magistrate is a Childrens Court magistrate.

15 Termination of office

- (1) A Childrens Court magistrate ceases to hold the office if the person ceases to hold office as a magistrate.
- (2) A Childrens Court magistrate may resign office by written resignation given to the Attorney-General.
- (3) The resignation does not affect the appointment or powers of the magistrate as a magistrate.

16 Acting magistrate

The Governor in Council may, on the recommendation of the Attorney-General, appoint a magistrate to act in the office of a Childrens Court magistrate if, in the Governor in Council's opinion, the business of the Court requires it.

Division 4 Miscellaneous

17 Jurisdiction not affected by vacancies

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

Part 4 **Sittings of the court**

18 **Where court may be constituted**

- (1) The court may be constituted—
 - (a) if it is constituted by a judge—at a place where a Magistrates Court or the District Court may be held; or
 - (b) if it is constituted by a Childrens Court magistrate, a magistrate or justices—at a place where a Magistrates Court may be held.
- (2) Subject to subsection (1), the court as constituted by any of its members—
 - (a) may exercise jurisdiction throughout Queensland; and
 - (b) may sit in more than 1 place at the same time.

19 **Separation of court's proceedings**

The hearing of a matter before the court must be held at a time when the business of another court is not being conducted in the same room.

20 **Who may be present at a proceeding**

- (1) In a proceeding before the court relating to a child, the court must exclude from the room in which the court is sitting any person who is not—
 - (a) the child; or
 - (b) a parent or other adult member of the child's family; or
 - (c) a victim, or a person who is a representative of the victim, of the offence alleged to have been committed by the child; or
 - (d) a witness giving evidence; or
 - (e) if a witness is a complainant within the meaning of the *Criminal Law (Sexual Offences) Act 1978*—a person

- whose presence will provide emotional support to the witness; or
- (f) a party or person representing a party to the proceeding, including, for example, a police officer or other person in charge of a case against a child in relation to an offence; or
 - (g) a representative of the chief executive of the department; or
 - (ga) the public guardian under the *Public Guardian Act 2014*; or
 - (gb) if the proceeding is a child protection proceeding under the *Child Protection Act 1999*—the chief executive (child safety); or
 - (h) if the child is an Aboriginal or Torres Strait Islander person—
 - (i) a representative of an organisation whose principal purpose is the provision of welfare services to Aboriginal and Torres Strait Islander children and families; or
 - (ii) a representative of the community justice group in the child’s community who is to make submissions that are relevant to sentencing the child; or
- (i) an infant or young child in the care of an adult who may be present in the room.
- (2) However, the court must also exclude from the room a person mentioned in subsection (1)(c) if, in the court’s opinion, the person’s presence would be prejudicial to the interests of the child.
- (3) Also, the court may permit to be present in the room—
- (a) a person who is engaged in—
 - (i) a course of professional study relevant to the operation of the court; or
 - (ii) research approved by the chief executive of the department; or

- (b) a person who, in the court's opinion, will assist the court; or
 - (c) for a criminal proceeding against a child—1 or more of the following persons if, in the court's opinion, the person's presence would not be prejudicial to the interests of the child—
 - (i) a representative of mass media;
 - (ii) a person who, in the court's opinion, has a proper interest in the proceeding.
- (4) Also, this section does not affect any order made, or that may be made, by the court under the *Evidence Act 1977*, section 21A—
- (a) excluding any person (including a defendant) from the place in which the court is sitting; or
 - (b) permitting any person to be present while a special witness within the meaning of that section is giving evidence.
- (5) This section—
- (a) applies even if the court's jurisdiction is being exercised conjointly with another jurisdiction; and
 - (b) does not apply to the court when constituted by a judge exercising jurisdiction to hear and determine a charge on indictment.
- (6) In this section—
- chief executive (child safety)*** means the chief executive of the department in which the *Child Protection Act 1999* is administered.
- child's community*** means the child's Aboriginal or Torres Strait Islander community, whether it is—
- (a) an urban community; or
 - (b) a rural community; or

-
- (c) a community on DOGIT land under the *Aboriginal Land Act 1991* or the *Torres Strait Islander Land Act 1991*.

community justice group, for a child, means—

- (a) the community justice group established under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, part 4, for the child's community; or
- (b) a group of persons within the child's community, other than a department of government, that is involved in the provision of any of the following—
- (i) information to a court about Aboriginal or Torres Strait Islander offenders;
 - (ii) diversionary, interventionist or rehabilitation activities relating to Aboriginal or Torres Strait Islander offenders;
 - (iii) other activities relating to local justice issues; or
- (c) a group of persons made up of the elders or other respected persons of the child's community.

criminal proceeding means a proceeding against a child under the *Youth Justice Act 1992* for an offence or for the sentencing of the child for an offence.

21 Court sitting times

Subject to the rules and the directions of the president or chief magistrate under section 8, proceedings before the court—

- (a) when constituted by a judge—may be held at any time; or
- (b) when constituted by a Childrens Court magistrate, magistrate or justices—must be held at special times fixed in advance by the proper officer of the court.

Part 5 **Jury trials**

22 **Jury in criminal trials**

- (1) All indictable offences prosecuted in the Childrens Court must be tried by a Childrens Court judge and a jury.
- (2) Subsection (1) is subject to an Act that allows or requires an indictable offence prosecuted in the Childrens Court to be tried in another way.
- (3) Despite section 18(1)(a), a trial by a Childrens Court judge and a jury must be held at a place where a District Court may be held.
- (4) The *Jury Act 1995* states the law about the following—
 - (a) the obligation to perform jury service;
 - (b) organisation of juries generally;
 - (c) the selection of a jury;
 - (d) arrangements for a jury during a trial;
 - (e) juror’s remuneration and allowances.

23 **Issues of law and fact**

Issues of law and fact are to be decided by the judge or jury as if the trial were a trial on indictment in the Supreme Court.

Part 6 **General**

24 **Annual report**

- (1) As soon as practicable after the end of each financial year, but no later than 5 months after the end of the financial year, the president must give to the Attorney-General a report of the

administration and operation of the Childrens Court during the year.

- (2) The Attorney-General must cause a copy of the report to be laid before the Legislative Assembly within 14 days of receiving it.
- (3) If, at the time the Attorney-General would otherwise be required to lay the report before the Legislative Assembly, the Legislative Assembly is not sitting, the Attorney-General must give a copy of the report to the clerk of the Parliament.
- (4) The clerk must cause a copy of the report to be laid before the Legislative Assembly on its next sitting day.
- (5) For the purposes of its publication, the report is taken to have been laid before the Legislative Assembly, and to have been ordered to be published by the Legislative Assembly, when it is given to the clerk.
- (6) The first report must cover the period from the commencement of section 4 until the end of the first full financial year of the court's operation.

25 Ordinary privileges, protection and immunity allowed

- (1) In this section—

court of concurrent jurisdiction means—

- (a) in relation to the Childrens Court when constituted by a judge—the District Court; or
- (b) in relation to the Childrens Court when constituted by a Childrens Court magistrate, a magistrate or justices—a Magistrates Court.

proceeding means a proceeding in the Childrens Court.

- (2) A person who is—
 - (a) a judicial officer presiding over a proceeding; or
 - (b) a legal practitioner appearing in a proceeding; or
 - (c) a witness attending in a proceeding;

has the same privileges, protection or immunity as the person would have if the proceeding were in the court of concurrent jurisdiction.

26 Contempt

- (1) A judge has the same power to punish a person for contempt of the court as the judge has to punish a person for contempt of the District Court.
- (2) The *District Court of Queensland Act 1967*, section 129 applies in relation to the Childrens Court when constituted by a judge in the same way as it applies in relation to the District Court.
- (3) In the performance of duties in relation to the Childrens Court, a Childrens Court magistrate, a magistrate or justices have the same power to punish for contempt as a magistrate has or justices have, as the case may be, to punish for contempt of a Magistrates Court.
- (4) The *Justices Act 1886*, section 40 applies in relation to the court when constituted by a Childrens Court magistrate, a magistrate or justices in the same way as it applies in relation to a Magistrates Court.

27 Court officials

- (1) Every person holding office as the clerk, registrar or other court official of a Magistrates Court held at a place is taken to hold the same office in relation to the Childrens Court constituted by a Childrens Court magistrate, a magistrate or justices held at the place.
- (2) Every person holding office as a registrar, deputy registrar, sheriff or other court official of the District Court held at a place is taken to hold the same office in relation to the Childrens Court constituted by a judge held at the place.

28 Court records

The records of the court held at a place must be kept in the custody of the registrar or clerk of the court at the place.

28A Access to court records for approved research

- (1) The chief executive may authorise a person to have access to a record, or information from a record, to allow the person to carry out research.
- (2) However, the chief executive may authorise access only if the chief executive is satisfied—
 - (a) the record or information will not be used or published in a way that could reasonably be expected to result in the identification of any of the individuals to whom it relates; and
 - (b) it would not be inappropriate to authorise the access in all the circumstances including, for example, the cost to the department of providing the access.
- (3) The registrar or clerk of a court may give a person access to a record or information from a record under an authorisation under this section.
- (4) In this section—

record means a court record or part of a court record.

29 Judicial notice

All courts and persons acting judicially must take judicial notice of the appointment and signature of every person holding office under this Act.

30 References to Childrens Court

- (1) A reference in another Act to the Childrens Court or a Childrens Court (whether the expression ‘the Childrens Court’, ‘a Children’s Court’ or ‘a Childrens Court’ or another expression is used) is, in relation to anything done, or

[s 30A]

proposed to be done, after the commencement of section 4, taken to be a reference to the Childrens Court established under this Act.

- (2) Subsection (1) applies to a reference in an Act passed before the commencement of section 4 despite the reference being expressly to the Childrens Court or a Childrens Court constituted under an Act other than this Act.

30A Approved forms

The president may approve forms for use under this Act.

31 Regulation-making power

The Governor in Council may make regulations under this Act.

Part 7 Transitional and validation provisions

Division 1 Transitional provision for Child Protection Act 1999

32 Transitional provision for Child Protection Act 1999

- (1) This section applies if, before the commencement of the *Child Protection Act 1999*, chapter 3, part 4—
 - (a) a person appealed, under part 4A, against a supervision order or care order; and
 - (b) the appeal has not been finally decided.
- (2) The appeal may be dealt with under the *Child Protection Act 1999*.

(3) In this section—

care order means an order under the *Children's Services Act 1965*, section 49(4)(a)(iii) or section 61(4)(a)(iii).

supervision order means an order under the *Children's Services Act 1965*, section 49(4)(a)(ii) or section 61(4)(a)(ii).

Division 2 Transitional provision for Justice and Other Legislation Amendment Act 2008

33 Transitional provision for Justice and Other Legislation Amendment Act 2008, pt 3

- (1) This section applies if, immediately before the commencement of this section, a person holds office as a Childrens Court magistrate.
- (2) The person's term of appointment is taken to end 5 years after the person was first appointed.

Division 3 Transitional and validation provisions for Penalties and Sentences and Other Legislation Amendment Act 2012

34 Definition for div 3

In this division—

commencement means the commencement of this section.

35 Validation provision for Childrens Court Rules

- (1) Despite the *Statutory Instruments Act 1992*, section 54, the *Childrens Court Rules 1997*—
 - (a) are taken not to have expired on 1 September 2008; and

- (b) continue in force until they are repealed under this Act.
- (2) Anything done, purported to have been done or omitted to be done under the *Childrens Court Rules 1997* before the commencement has the same effect as it would have had if the *Childrens Court Rules 1997* had not expired.
- (3) Without limiting subsection (2)—
 - (a) an order, direction or decision made under the *Childrens Court Rules 1997* before the commencement is taken to be, and to have always been, made under the *Childrens Court Rules 1997* as if those rules had not expired; and
 - (b) a right, privilege or liability purportedly acquired, accrued or incurred under the *Childrens Court Rules 1997* before the commencement is taken to be, and to have always been, a right, privilege or liability acquired, accrued or incurred under the *Childrens Court Rules 1997* as if those rules had not expired; and
 - (c) a form approved or purported to have been approved under the *Childrens Court Rules 1997* before the commencement is taken to be, and to have always been, approved under the *Childrens Court Rules 1997* as if those rules had not expired.
- (4) The amendment of the *Childrens Court Rules 1997* by the *Childrens Court Amendment Rule (No. 1) 2010* has the same effect as it would have had if the *Childrens Court Rules 1997* had not expired.

36 Transitional provision for approved forms

- (1) This section applies if, immediately before the commencement, a form was approved for a purpose under the *Childrens Court Rules 1997*.
- (2) The form is taken to have been approved under section 30A for the purpose.

Division 4 **Transitional provision for Youth
Justice and Other Legislation
Amendment Act 2014**

37 **Application of provision about open and closed
proceedings**

Part 4, division 2 applies to a proceeding for an offence even if 1 or both of the following happened before the commencement of this section—

- (a) the commission of the offence;
- (b) the start of the proceeding for the offence.

Division 5 **Transitional provision for Child
Protection Reform Amendment Act
2014**

38 **Term of office of current Childrens Court magistrates**

- (1) This section applies to a person holding an appointment as a Childrens Court magistrate immediately before the commencement of this section.
- (2) The person's appointment continues on the same conditions until the person ceases to hold the office of Childrens Court magistrate under section 15.
- (3) Subsection (2) applies despite a term of appointment stated in the person's instrument of appointment.
- (4) Subsection (2) does not affect the power of the Governor in Council under this Act to change the conditions of the appointment.

1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

2 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
t			
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	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
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 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
		m	
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments to	Effective	Reprint date
1	1992 Act No. 68	7 December 1992	24 August 1993
2	1995 Act No. 57	28 November 1995	8 December 1995

Reprint No.	Amendments to	Effective	Reprint date
2A	1996 Act No. 22	15 August 1996	18 September 1996
2B	1997 Act No. 38	1 August 1997	5 September 1997
3	1999 Act No. 19	30 April 1999	3 March 2000
3A	1999 Act No. 19	23 March 2000	2 June 2000
3B	2000 Act No. 42	27 October 2000	27 October 2000
3C	2000 Act No. 46	25 October 2000	3 November 2000
3D	2000 Act No. 58	17 November 2000	1 December 2000

Reprint No.	Amendments included	Effective	Notes
3E	2003 Act No. 8	28 March 2003	
3F	2002 Act No. 39	1 July 2003	R3F withdrawn, see R4
4	—	1 July 2003	
4A	2003 Act No. 57	18 September 2003	
4B	2003 Act No. 55	5 January 2004	
4C	2004 Act No. 43	3 December 2004	R4C withdrawn, see R5
5	—	3 December 2004	
5A	2008 Act No. 59	25 November 2008	
5B	2009 Act No. 29	1 February 2010	
5C	2010 Act No. 42	14 October 2010	
5D	2012 Act No. 17	14 August 2012	

Current as at	Amendments included	Notes
28 March 2014	2014 Act No. 9	
28 May 2014	2014 Act No. 28	
1 July 2016	2016 Act No. 23 2016 Act No. 39	

4 List of legislation

Childrens Court Act 1992 No. 41

date of assent 19 August 1992

ss 1–2 commenced on date of assent

remaining provisions commenced 1 September 1993 (1993 SL No. 312)

amending legislation—

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

date of assent 7 December 1992

commenced on date of assent

Statute Law (Miscellaneous Provisions) Act (No. 2) 1993 No. 76 ss 1–3 sch 1

date of assent 14 December 1993

commenced on date of assent

Statute Law (Minor Amendments) Act 1995 No. 50 ss 1, 3 sch

date of assent 22 November 1995

commenced on date of assent

Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

Juvenile Justice Legislation Amendment Act 1996 No. 22 pts 1, 5

date of assent 15 August 1996

commenced on date of assent

Justice and Other Legislation (Miscellaneous Provisions) Act 1997 No. 9 ss 1, 2(5) pt 5

date of assent 15 May 1997

ss 1, 2(5) commenced on date of assent

remaining provisions commenced 20 June 1997 (1997 SL No. 155)

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

date of assent 18 July 1997

ss 1–2 commenced on date of assent

remaining provisions commenced 1 August 1997 (1997 SL No. 235)

Child Protection Act 1999 No. 10 ss 1, 2(2), 205 sch 3

date of assent 30 March 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 23 March 2000 (2000 SL No. 45)

Statute Law (Miscellaneous Provisions) Act 1999 No. 19 ss 1–3 sch

date of assent 30 April 1999

commenced on date of assent

Penalties and Sentences and Other Acts Amendment Act 2000 No. 42 pts 1, 4

date of assent 13 October 2000

ss 1–2 commenced on date of assent

remaining provisions commenced 27 October 2000 (2000 SL No. 272)

Statute Law (Miscellaneous Provisions) Act 2000 No. 46 ss 1, 3 sch

date of assent 25 October 2000

commenced on date of assent

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

Juvenile Justice Amendment Act 2002 No. 39 pts 1, 5

date of assent 29 August 2002

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2003 (2002 SL No. 350)

Parliament of Queensland Amendment Act 2003 No. 8 ss 1, 17 sch

date of assent 28 March 2003

commenced on date of assent

Evidence (Protection of Children) Amendment Act 2003 No. 55 pts 1, 3

date of assent 18 September 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 5 January 2004 (2003 SL No. 280)

Child Protection (International Measures) Act 2003 No. 57 ss 1, 39(1) sch 2

date of assent 18 September 2003

commenced on date of assent

Justice and Other Legislation Amendment Act 2004 No. 43 ss 1–3 sch

date of assent 18 November 2004

ss 1–2 commenced on date of assent

remaining provisions commenced 3 December 2004 (2004 SL No. 263)

Justice and Other Legislation Amendment Act 2008 No. 59 s 1, pt 3, s 5 sch

date of assent 25 November 2008

commenced on date of assent

Adoption Act 2009 No. 29 ss 1–2, pt 17 div 4

date of assent 26 August 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 February 2010 (2009 SL No. 217)

Justice and Other Legislation Amendment Act 2010 No. 42 s 1, pt 6

date of assent 14 October 2010
commenced on date of assent

Penalties and Sentences and Other Legislation Amendment Act 2012 No. 17 s 1, pt 2

date of assent 14 August 2012
commenced on date of assent

Youth Justice and Other Legislation Amendment Act 2014 No. 9 pts 1, 3

date of assent 28 March 2014
commenced on date of assent

Child Protection Reform Amendment Act 2014 No. 28 ss 1–2(1), pt 3

date of assent 28 May 2014
commenced on date of assent (see s 2(1))

Director of Child Protection Litigation Act 2016 No. 23 ss 1–2, pt 8 div 4

date of assent 25 May 2016
ss 1–2 commenced on date of assent
pt 8 div 4 commenced 1 July 2016 (see s 2)

Youth Justice and Other Legislation Amendment Act (No. 2) 2016 No. 39 pts 1–2

date of assent 27 June 2016
ss 1–1A commenced on date of assent
pt 2 commenced 1 July 2016 immediately after the commencement of the Youth Justice and Other Legislation Amendment Act (No. 1) 2016 (see s 1A)

5 List of annotations

Definitions

s 3 def *appellate court* ins 1997 No. 38 s 5
om 1999 No. 10 s 205 sch 3
def *child's community* ins 2014 No. 9 s 28
om 2016 No. 39 s 3
def *community justice group* ins 2014 No. 9 s 28
om 2016 No. 39 s 3
def *first-time offender* ins 2014 No. 9 s 28
om 2016 No. 39 s 3
def *interested person* ins 2014 No. 9 s 28
om 2016 No. 39 s 3
def *non-youth justice matter* ins 2014 No. 9 s 28
om 2016 No. 39 s 3
def *relevant person* ins 2014 No. 9 s 28
om 2016 No. 39 s 3
def *youth justice matter* ins 2014 No. 9 s 28
om 2016 No. 39 s 3

Members and constitution of the Childrens Court

s 5 amd 2002 No. 39 s 137; 2008 No. 59 s 5 sch

Jurisdiction

s 6 amd 2003 No. 57 s 39(1) sch 2

Rules of court

s 7 amd 1995 No. 57 s 4 sch 1

Directions

s 8 amd 2008 No. 59 s 5 sch; 2014 No. 28 s 42

Leadership of the court

s 8A ins 2014 No. 28 s 43

Functions of president

s 10 sub 2014 No. 28 s 44

Childrens Court magistrates

s 14 amd 2000 No. 58 s 2 sch; 2008 No. 59 s 5 sch

Term of office

s 14A ins 2008 No. 59 s 6
om 2014 No. 28 s 45

Termination of office

s 15 amd 2008 No. 59 s 5 sch

Acting magistrate

s 16 amd 2008 No. 59 s 5 sch

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div hdg ins 2014 No. 9 s 29
om 2016 No. 39 s 4

Where court may be constituted

s 18 amd 1999 No. 19 s 3 sch; 2008 No. 59 s 5 sch

Separation of court's proceedings

s 19 amd 1993 No. 76 s 3 sch 1

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s 20 prev s 20 amd 1996 No. 22 s 107; 1997 No. 9 s 18; 1999 No. 10 s 205 sch 3;
2000 No. 42 s 8; 2003 No. 55 s 6(1) (amdt could not be given effect); 2003 No.
55 s 6(2); 2009 No. 29 s 367
om 2014 No. 9 s 30
pres s 20 ins 2016 No. 39 s 5

Court sitting times

s 21 sub 1993 No. 76 s 3 sch 1
amd 2014 No. 28 s 46

Division 2—Closed and open proceedings

div hdg ins 2014 No. 9 s 31
om 2016 No. 39 s 6

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s 21A prev s 21A ins 1997 No. 38 s 6
 om 1999 No. 10 s 205 sch 3
 pres s 21A ins 2014 No. 9 s 31
 amd 2016 No. 23 s 98
 om 2016 No. 39 s 6

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s 21B prev s 21B ins 1997 No. 38 s 6
 om 1999 No. 10 s 205 sch 3
 pres s 21B ins 2014 No. 9 s 31
 om 2016 No. 39 s 6

How to start an appeal

s 21C prev s 21C ins 1997 No. 38 s 6
 om 1999 No. 10 s 205 sch 3
 pres s 21C ins 2014 No. 9 s 31
 om 2016 No. 39 s 6

Stay of operation of decisions

s 21D prev s 21D ins 1997 No. 38 s 6
 om 1999 No. 10 s 205 sch 3
 pres s 21D ins 2014 No. 9 s 31
 amd 2016 No. 23 s 99
 om 2016 No. 39 s 6

Hearing procedures

s 21E prev s 21E ins 1997 No. 38 s 6
 om 1999 No. 10 s 205 sch 3
 pres s 21E ins 2014 No. 9 s 31
 om 2016 No. 39 s 6

PART 4A—APPEALS

pt hdg ins 1997 No. 38 s 6
 om 1999 No. 10 s 205 sch 3

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s 21F ins 1997 No. 38 s 6
 om 1999 No. 10 s 205 sch 3

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s 24 (prev s 22) amd 2003 No. 8 s 17 sch
 renum 2002 No. 39 s 139
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Ordinary privileges, protection and immunity allowed

s 25 (prev s 23) amd 1999 No. 19 s 3 sch

renum 2002 No. 39 s 139
amd 2008 No. 59 s 5 sch

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s 26 (prev s 24) amd 1999 No. 19 s 3 sch; 2000 No. 46 s 3 sch
renum 2002 No. 39 s 139
amd 2004 No. 43 s 3 sch; 2008 No. 59 s 5 sch

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renum 2002 No. 39 s 139
amd 2008 No. 59 s 5 sch

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s 28 (prev s 26) renum 2002 No. 39 s 139

Access to court records for approved research

s 28A ins 2010 No. 42 s 20

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s 29 (prev s 27) renum 2002 No. 39 s 139

References to Childrens Court

s 30 orig s 30 ins 1995 No. 50 s 3 sch
exp 22 November 1996 (see s 30(3))
prev s 30 ins 1997 No. 38 s 7
exp 1 August 1999 (see s 30(3))
pres s 30 (prev s 28) ins 1992 No. 68 s 3 sch 1
renum 2002 No. 39 s 139

Approved forms

s 30A ins 2012 No. 17 s 4

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s 31 (prev s 28) renum 1992 No. 68 s 3 sch 1
(prev s 29) sub 1995 No. 57 s 4 sch 1
renum 2002 No. 39 s 139

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pt hdg ins 2008 No. 59 s 7
amd 2012 No. 17 s 5

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div hdg ins 2012 No. 17 s 6

Transitional provision for Child Protection Act 1999

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renum 2002 No. 39 s 139

Division 2—Transitional provision for Justice and Other Legislation Amendment Act 2008

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Transitional provision for Justice and Other Legislation Amendment Act 2008, pt 3

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div 3 (ss 34–36) ins 2012 No. 17 s 8

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om 1995 No. 57 s 4 sch 1

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