



Supreme Court of Queensland Act 1991

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Queensland

Supreme Court of Queensland Act 1991

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Supreme Court of Queensland Act 1991

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, and to Planning and Environment Court fees and costs

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.

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

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 by commission appoint a retired Supreme Court judge to act as a judge—
 - (a) for a period of not more than 2 years; and
 - (b) on a full-time or sessional basis.
- (5) The Minister may recommend a retired Supreme Court judge for appointment under subsection (4) only after consultation with the Chief Justice.
- (6) An appointment under subsection (4) must not extend beyond the day the retired judge reaches 78 years of age.
- (7) A person appointed to act as a judge under this section—
 - (a) may be appointed more than once; and
 - (b) has, for the period and subject to the conditions stated in the judge's commission, the power and authority necessary to fulfil the duties of a judge.
- (8) Despite subsection (6), a retired Supreme Court judge who, before the judge's commission ends, starts the hearing of a proceeding remains a judge for the purposes of finishing the proceeding.
- (9) The Governor in Council may decide the remuneration to be paid and provided in relation to a person, other than a retired Supreme Court Judge appointed under subsection (1), (2) or (4), who acts as a judge (not being less than the remuneration paid and provided to a judge).

Note—

For the remuneration of a retired Supreme Court judge who acts as a judge, see the *Judicial Remuneration Act 2007*, section 5A.

- (10) 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.
- (11) 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.
- (12) In this section—
retired Supreme Court judge means a person who—
 - (a) has been a judge of the Supreme Court; and
 - (b) has not reached 78 years of age.

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.

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.

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).

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.

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) 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; and
 - (b) a retired Supreme Court judge appointed to act as a judge under section 6(4) remains a judge until the judge's appointment ends.

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—

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.

- (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.

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.
- (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 judgment 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.

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.
- (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 judgment 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 judgment on the hearing of an appeal from a judgment 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 judgments

- (1) If a proceeding is set down for judgment, 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 judgment in the proceeding is pronounced.
- (3) A question in the proceeding is to be decided in the same way, and the judgment 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 judgment 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 judgment 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—

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- (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 judgment 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 judgment, order or direction given or made by a judge of appeal has effect as a judgment, order or direction of the Court of Appeal, whether or not the judgment, 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.

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—

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- (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.

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.

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.
- (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.

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- (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 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.

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 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

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- (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 judgment or order of the court in the Trial Division; and
- (b) without limiting paragraph (a)—
- (i) a judgment 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.

Part 7 Registry

65 Registry

- (1) There is to be a Supreme Court Registry.
- (2) The Supreme Court Registry is to have regional offices (each a *regional registry*) at Brisbane, Rockhampton, Townsville and Cairns.
- (3) The Supreme Court Registry is to have a district office (*district registry*) at each place from which a Supreme Court district takes its name.

66 Process returnable in office where issued but effective throughout State

- (1) A process issued out of any office of the Supreme Court Registry is returnable in that office.

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- (2) However, each process has effect, and may be enforced, at any place within the State.

67 Control

The Supreme Court Registry is under the control of the principal registrar.

68 Registration of Acts

Acts of the Queensland Parliament may be registered in the Brisbane Supreme Court Registry.

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 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.

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—

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) the proceeding is not a proceeding for the sentencing of the detainee; and

Note—

See the *Penalties and Sentences Act 1992*, section 15A in relation to the use of audiovisual link or audio link facilities for a sentencing proceeding.

- (d) 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.
 - (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 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.

Note—

See the *Magistrates Courts Act 1921*, section 57C, for the rules of court for a proceeding, other than an appeal, under the Domestic and Family Violence Protection Act 2012.

- (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 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 gives notice of 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—

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>.

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 automatic expiry

(1) The *Statutory Instruments Act 1992*, part 7 does 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;
- (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—

[s 90]

- (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.

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, Magistrates Courts or Planning and Environment Court (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

Column 1	Column 2
writ of summons	claim
notice of motion, motion, petition or originating summons	application
entry of appearance	notice of intention to defend
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

[s 94]

Column 1	Column 2
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.

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.

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 2013*;
- (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.

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 judgments

The reciprocal enforcement of foreign judgments, 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.

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.

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 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.

1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations
- 6 Tables of renumbered provisions

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. 40	14 August 1992	1 October 1992
2	1994 Act No. 24	30 May 1994	31 May 1994

Reprint No.	Amendments to	Effective	Reprint date
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
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

Reprint No.	Amendments included	Effective	Notes
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 2007 Act No. 55	1 January 2008	
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
8	—	3 September 2012	provs exp 2 September 2011
8A	2012 Act No. 25	12 November 2012	
Current as at		Amendments included	Notes
17 May 2013		2013 Act No. 8	

Current as at	Amendments included	Notes
29 August 2013	2013 Act No. 35	
23 September 2013	2013 Act No. 39	
27 November 2013	2013 Act No. 64	
28 February 2015	2013 Act No. 35	
3 July 2017	2016 Act No. 27	

4 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)

Fiscal Repair Amendment Act 2012 No. 25 ss 1, 2(6)(b), 195 sch

date of assent 21 September 2012
ss 1–2 commenced on date of assent
remaining provisions commenced 12 November 2012 (2012 SL No. 192)

Commercial Arbitration Act 2013 No. 8 ss 1AA–1AB, 43 sch 1 pt 2

date of assent 14 March 2013
ss 1AA–1AB commenced on date of assent
remaining provisions commenced 17 May 2013 (2013 SL No. 65)

Justice and Other Legislation Amendment Act 2013 No. 35 s 1, pt 36

date of assent 29 August 2013
ss 1–2 commenced on date of assent
s 171 commenced 28 February 2015 (2014 SL No. 321)
remaining provisions commenced on date of assent

Treasury and Trade and Other Legislation Amendment Act 2013 No. 39 ss 1, 109 sch 2, 111 sch 4

date of assent 23 September 2013
commenced on date of assent

Criminal Law (Criminal Organisations Disruption) and Other Legislation Amendment Act 2013 No. 64 ss 1, 2(1)(d), pt 18

date of assent 27 November 2013
commenced on date of assent

Planning (Consequential) and Other Legislation Amendment Act 2016 No. 27 pts 1, 59

date of assent 25 May 2016
ss 1–2 commenced on date of assent
pt 59 commenced 3 July 2017 (automatic commencement under AIA s 15DA(2))

5 List of annotations

This reprint has been renumbered—see tables of renumbered provisions in endnote 6.

Long title amd 1997 No. 38 s 102; 1998 No. 20 s 12; 1999 No. 66 s 34; 2016 No. 27 s 551

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

amd 2013 No. 35 s 169

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
amd 2013 No. 35 s 170

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

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

Division 2—Senior Judge Administrator and other judges

div hdg amd 1997 No. 38 s 126

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

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

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; 2013 No. 64 s 184

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

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 amdts 1, 2 and 5 (amdts 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; 2013 No. 35 s 171

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

amd 2013 No. 39 s 111 sch 4

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
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 automatic expiry

prov hdg amd 2012 No. 25 s 195 sch
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; 2012 No. 25 s 195 sch

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; 2016 No. 27 s 552

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

ins 2011 No. 45 s 207

om 2013 No. 39 s 109 sch 2

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

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

s 103 ins 1995 No. 23 s 6
om 2011 No. 45 s 195

Procedure at case appraisal

s 104 ins 1995 No. 23 s 6
om 2011 No. 45 s 195

Subpoenas

s 105 ins 1995 No. 23 s 6
om 2011 No. 45 s 195

Party unable to pay share of costs

s 106 orig s 106 om R1 (see RA s 38)
prev s 106 ins 1995 No. 23 s 6
om 2011 No. 45 s 195

Mediated resolution agreement

s 107 ins 1995 No. 23 s 6
om 2011 No. 45 s 195

Mediator to file certificate

s 108 ins 1995 No. 23 s 6
om 2011 No. 45 s 195

Case appraiser to file certificate and decision

s 109 ins 1995 No. 23 s 6
om 2011 No. 45 s 195

Orders giving effect to mediation agreement

s 110 ins 1995 No. 23 s 6
om 2011 No. 45 s 195

Orders giving effect to case appraiser's decision

s 111 orig s 111 om R1 (see RA s 40)
prev s 111 ins 1995 No. 23 s 6
om 2011 No. 45 s 195

ADR convenors to maintain secrecy

s 112 ins 1995 No. 23 s 6
om 2011 No. 45 s 195

Ordinary protection and immunity allowed

s 113 ins 1995 No. 23 s 6
om 2011 No. 45 s 195

Admissions made to ADR convenors

s 114 ins 1995 No. 23 s 6
om 2011 No. 45 s 195

Revocation of approval as mediator or case appraiser

s 115 ins 1995 No. 23 s 6
amd 1997 No. 38 s 137
om 2010 No. 42 s 201

Appeal against refusal to approve and revocation of approval as mediator or case appraiser

s 116 ins 1995 No. 23 s 6
om 2010 No. 42 s 201

Relocation

s 116H ins 1998 No. 20 s 18
om 2011 No. 45 s 196

Revival of order for payment of costs

s 116I (prev Legal Practitioners Act 1995 s 40) reloc 1998 No. 20 s 27 sch 2
om 2011 No. 45 s 196

Definition for pt 9

s 117 ins 1995 No. 23 s 6
amd 1995 No. 58 s 4 sch 1; 1997 No. 38 s 139
sub 1998 No. 20 s 20
om 2011 No. 45 s 197

Practice directions

s 118D ins 1998 No. 20 s 22
om 2011 No. 45 s 204

Directions or orders about a proceeding

s 118E ins 1998 No. 20 s 22
om 2011 No. 45 s 204

Annual report

s **119B** ins 1997 No. 38 s 140
om 2011 No. 45 s 205

Finances and staffing of court

s **119C** ins 1997 No. 38 s 140
amd 2009 No. 9 s 136 sch 1; 2009 No. 25 s 83 sch
om 2011 No. 45 s 205

Judicial office subject to Constitution of Queensland 2001

s **119D** ins 2001 No. 80 s 94 sch 2
om 2011 No. 45 s 205

Judicial entitlements of first judges of appeal

s **122** amd 1994 No. 76 s 23
om 2007 No. 55 s 54 sch 1

Part heard proceedings etc.

s **123** om 2011 No. 45 s 207

References to Senior Puisne Judge

s **124** sub 1995 No. 58 s 4 sch 1
om 2011 No. 45 s 207

Leave granted to appeal

s **125** amd 2002 No. 34 s 69
om 2011 No. 45 s 207

Court may resolve difficulties

s **126** om 2011 No. 45 s 207

Transitional provisions for Courts Reform Amendment Act 1997

s **127** orig s 127 om R1 (see RA s 40)
prev s 127 ins 1995 No. 23 s 7
om R3 (see RA s 37)
ins 1996 No. 4 s 5
exp 7 December 1996 (see s 127(3))
AIA s 20A applies (see s 127(2))
ins 1997 No. 38 s 141
om 2011 No. 45 s 207

No distinction between court and chambers for Supreme Court, District Court and Magistrates Courts

s **128** ins 1998 No. 20 s 24
amd 1999 No. 66 s 46
om 2011 No. 45 s 207

Abolition of old enforcement processes

s **129** ins 1998 No. 20 s 24
om 2011 No. 45 s 207

Outdated references

s **130** ins 1998 No. 20 s 24
om 2011 No. 45 s 207

References to judgment

s 131 ins 1998 No. 20 s 24
om 1999 No. 66 s 47

Judicial registrar may exercise certain judicial or quasi-judicial power of registrar

s 132 ins 1998 No. 20 s 24
amd 2007 No. 37 s 157
om 2011 No. 45 s 207

References to taxation of costs

s 133 ins 1998 No. 20 s 24
om 2011 No. 45 s 207

Act to prevail over Supreme Court Act 1995

s 134 ins 1998 No. 20 s 24
om 2011 No. 45 s 207

Application of Uniform Civil Procedure Rules

s 135 ins 1998 No. 20 s 24
om 2011 No. 45 s 207

Transitional—abolition of Circuit Courts

s 136 ins 1998 No. 20 s 24
om 2011 No. 45 s 207

Saving of former court rules—Civil Justice Reform Act 1998

s 137 ins 1998 No. 20 s 24
om 2011 No. 45 s 207

Transitional provision for Constitution of Queensland 2001

s 138 ins 2001 No. 80 s 94 sch 2
om 2011 No. 45 s 207

Transitional provision for Civil and Criminal Jurisdiction Reform and Modernisation Amendment Act 2010

s 139 ins 2010 No. 26 s 133
om 2011 No. 45 s 207

Transitional provision for Justice and Other Legislation Amendment Act 2010

s 140 ins 2010 No. 42 s 202
om 2011 No. 45 s 207

Transitional provision for Forensic Disability Act 2011

s 141 ins 2011 No. 13 s 269
om 2011 No. 45 s 207

SCHEDULE 1—SUBJECT MATTER FOR RULES

prev sch 1 om R1 (see RA s 40)
pres sch 1 ins 1995 No. 23 s 9
amd 1995 No. 58 s 4 sch 1; 1997 No. 13 s 17
sub 1998 No. 20 s 25

Parties and proceedings

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

Preservation of rights and property

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

Set off

s 9 ins 2011 No. 45 s 208(3)

Ending proceedings early

s 10 amd 2007 No. 55 s 54 sch 1; 2010 No. 42 s 203; 2013 No. 8 s 43 sch 1 pt 2

Evidence

s 12 amd 2003 No. 77 s 120; 2011 No. 45 s 208(4)

Registrars

s 13 amd 2007 No. 37 s 158(1)
sub 2011 No. 45 s 208(5)

Trials and other hearings

s 14 amd 2009 No. 24 s 1601

Assessment of accounts

s 16 ins 2011 No. 45 s 208(6)

Contempt of court

s 18 amd 2007 No. 37 s 158(2)–(3)
sub 2011 No. 45 s 208(7)

Vexatious proceedings

s 19 ins 2005 No. 70 s 165

Costs

s 21 amd 2007 No. 39 s 39

Enforcement of money orders

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

om 2011 No. 45 s 210(1)

def *case appraiser* ins 1995 No. 23 s 4

sub 2010 No. 42 s 204

om 2011 No. 45 s 210(1)

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)

om 2011 No. 45 s 210(1)

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
om 2011 No. 45 s 210(1)
def *mediator* ins 1995 No. 23 s 4
amd 1997 No. 38 s 103(3)
sub 2010 No. 42 s 204
om 2011 No. 45 s 210(1)
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)
om 2009 No. 24 s 1602
def *money order* ins 1998 No. 20 s 13(3)
sub 1999 No. 66 s 49(1)–(2)
amd 2011 No. 45 s 210(4)
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)
om 2011 No. 45 s 210(1)
def *party* ins 1995 No. 23 s 4
def *person under a legal incapacity* ins 1998 No. 20 s 13(3)
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
om 2011 No. 45 s 210(1)
def *registrar* ins 1998 No. 20 s 13(3)
amd 1999 No. 66 s 49(4)
sub 2011 No. 45 s 210(1)–(2)
def *remuneration* amd 2002 No. 74 s 90 sch
def *rules* amd 1997 No. 38 s 103(4)
def *rules committee* ins 1998 No. 20 s 13(3)
def *Supreme Court Acts* ins 1995 No. 23 s 4
om 1998 No. 20 s 13(2)
def *Supreme Court jurisdiction Act* ins 1995 No. 23 s 4
om 1998 No. 20 s 13(2)
def *Supreme Court precincts* ins 1997 No. 38 s 103(2)
def *this Act* om 2011 No. 45 s 210(1)
def *trial judge* ins 1998 No. 20 s 13(3)
om 2011 No. 45 s 210(1)
def *young person* ins 1998 No. 20 s 13(3)

6 Tables of renumbered provisions

under the Reprints Act 1992 s 43 as required by the Supreme Court of Queensland Act 1991 s 96 [Reprint No. 7I]

Previous	Renumbered as
31(1A)	31(2)
31(2)	31(3)
31(3)	31(4)
32A	33
33	34
34	35
35	36
36	37
37	38
39A	40
40	41
41	42
42	43
43	44
55	45
56	46
56A	47
57	48
58	49
59	50
60	51
61	52
61A	53
61B	54

Previous	Renumbered as
61C	55
61D	56
61E	57
62	58
62A	59
62B	60
68	61
69	62
69A	63
69B	64
70	65
71	66
72	67
73	68
74	69
75	70
76	71
77	72
78	73
79	74
80	75
81	76
82	77
pt 8A	pt 9

Previous	Renumbered as
116A	78
116B	79
116C	80
116D	81
116E	82
116F	83
116G	84
pt 9	pt 10
118	85
118(2A)	85(3)
118(3)	85(4)
118AA	86
118A	87
118B	88
118C	89
118C(2)(b)	89(2)(a)
118C(2)(c)	89(2)(b)
pt 10	pt 11
119	90
119A	91
120	92
pt 11	pt 12
121	93
121A	94

Previous	Renumbered as
121B	95
122	96
sch 1, item 8A	sch 1, item 9
sch 1, item 9	sch 1, item 10
sch 1, item 9(1)(d)(ii)	sch 1, item 10(1)(d)(i)
sch 1, item 9(1)(d)(iii)	sch 1, item 10(1)(d)(ii)
sch 1, item 9(1)(d)(iv)	sch 1, item 10(1)(d)(iii)
sch 1, item 9(1)(d)(v)	sch 1, item 10(1)(d)(iv)
sch 1, item 9(1)(d)(vi)	sch 1, item 10(1)(d)(v)
sch 1, item 9(1)(d)(vii)	sch 1, item 10(1)(d)(vi)
sch 1, item 9(1)(d)(viii)	sch 1, item 10(1)(d)(vii)
sch 1, item 9(1)(d)(ix)	sch 1, item 10(1)(d)(viii)
sch 1, item 10	sch 1, item 11
sch 1, item 11	sch 1, item 12
sch 1, item 11(1)(g)	sch 1, item 12(1)(f)
sch 1, item 11(1)(h)	sch 1, item 12(1)(g)
sch 1, item 11(1)(i)	sch 1, item 12(1)(h)
sch 1, item 12	sch 1, item 13
sch 1, item 13	sch 1, item 14
sch 1, item 14	sch 1, item 15
sch 1, item 14A	sch 1, item 16
sch 1, item 15	sch 1, item 17
sch 1, item 16	sch 1, item 18
sch 1, item 16A	sch 1, item 19

Previous	Renumbered as
sch 1, item 17	sch 1, item 20
sch 1, item 18	sch 1, item 21
sch 1, item 19	sch 1, item 22
sch 1, item 20	sch 1, item 23
sch 1, item 20(b)(vii)	sch 1, item 20(b)(vi)
sch 1, item 21	sch 1, item 24
sch 1, item 22	sch 1, item 25
sch 1, item 23	sch 1, item 26
sch 1, item 24	sch 1, item 27
sch 1, item 24(g)	sch 1, item 27(f)
sch 1, item 24(h)	sch 1, item 27(g)
sch 1, item 24(i)	sch 1, item 27(h)
sch 1, item 24(j)	sch 1, item 27(i)
sch 1, item 24(k)	sch 1, item 27(j)
sch 1, item 24(l)	sch 1, item 27(k)
sch 1, item 25	sch 1, item 28
sch 1A	sch 2
sch 1B	sch 3
sch 1C	sch 4
sch 2	sch 5

under the Reprints Act 1992 s 43 as required by the Supreme Court of Queensland Act 1991 s 127 [Reprint No. 3]

Previous	Renumbered as
3	2
4	3

Previous	Renumbered as
5	4
6	5
7	6
8	7
9	8
10	9
11	10
12	11
12A	12
49	48
50	49
51	50
54	51
55	52
56	53
57	54
58	55
59	56
60	57
61	58
62	59
63	60
64	61
65	62

Previous	Renumbered as
66	63
67	64
68	65
69	66
70	67
71	68
72	69
73	70
74	71
75	72
76	73
77	74
78	75
79	76
80	77
81	78
82	79
83	80
84	81
85	82
86	83
87	84
89	85
90	86

Previous	Renumbered as
91	87
92	88
94	89
97	90
98	91
99	92
100	93
pt 7A	pt 8
100A	94
100B	95
100C	96
100D	97
100E	98
100F	99
100G	100
100H	101
100I	102
100J	103
100K	104
100L	105
100M	106
100N	107
100O	108
100P	109

Previous	Renumbered as
100Q	110
100R	111
100S	112
100T	113
100U	114
100V	115
100W	116
pt 7B	pt 9
100X	117
100Y	118
pt 7C	pt 10
108	119
109	120
pt 8	pt 11
101	121
102	122
103	123
104	124
105	125
107	126
110	127