

Queensland



# **DISTRICT COURTS (VENUE OF APPEALS) ACT 1988**

**Reprinted as in force on 30 May 1995  
(Act not amended up to this date)**

**Reprint No. 1**

**This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy**

# Information about this reprint

This Act is reprinted as at 30 May 1995.

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

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- express gender specific provisions in a way consistent with current drafting practice (s 24)
- use standard punctuation consistent with current drafting practice (s 27)
- use expressions consistent with current drafting practice (s 29)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (ss 36, 37, and 40)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43)
- make all necessary consequential amendments (s 7(1)(k)).

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in the reprint, including a Table of renumbered provisions.**

Queensland



**DISTRICT COURTS (VENUE OF APPEALS) ACT 1988**

**TABLE OF PROVISIONS**

Section		Page
<b>PART 1—PRELIMINARY</b>		
1	Short title .....	3
<b>PART 2—VENUE OF APPEALS</b>		
4	Interpretation .....	3
5	Appointment of prescribed places .....	4
6	District Court's jurisdiction .....	4
7	Venue of appeals .....	4
8	Transfer of appeal hearings .....	5
<b>PART 6—GENERAL PROVISIONS</b>		
19	Saving pending appeals .....	6
<b>ENDNOTES</b>		
1	Index to endnotes .....	7
2	Date to which amendments incorporated .....	7
3	Key .....	7
4	List of legislation .....	8
5	List of annotations .....	8
6	Table of renumbered provisions .....	8



# DISTRICT COURTS (VENUE OF APPEALS) ACT 1988

[reprinted as in force on 30 May 1995]

**An Act to provide for the venue of appeals to and cases stated for  
District Courts, in certain particulars and for related purposes**

## PART 1—PRELIMINARY

### Short title

1. This Act may be cited as the *District Courts (Venue of Appeals) Act 1988*.

## PART 2—VENUE OF APPEALS

### Interpretation

4. In this part—

“**appeal**” includes any special case or other case stated for the opinion of a District Court.

“**central district**” means the central district within the meaning of the *Supreme Court Act 1895*.

“**court**” means a tribunal constituted with the title ‘court’ under any Act.

“**decision**” includes any conviction, determination, judgment or order recorded or made by a court.

“**northern district**” means the northern district within the meaning of the

*Supreme Court Act 1895.*

“**party**” includes a prospective party to a proposed appeal.

“**prescribed place**” means a place for the time being appointed under section 5 to be a place at which jurisdiction of a District Court to hear and determine appeals may be exercised, in respect of all appeals or in respect of appeals of a particular description.

### **Appointment of prescribed places**

**5.(1)** The Governor in Council may, from time to time by order in council, appoint any place at which a District Court may be held, other than the cities of Brisbane, Townsville and Rockhampton, to be a place at which jurisdiction of a District Court to hear and determine appeals may be exercised, in respect of all appeals or in respect of appeals of a particular description referred to in the order.

**(2)** An appointment of any place declared under subsection (1) may be terminated at any time by order in council.

### **District Court’s jurisdiction**

**6.(1)** Where pursuant to any Act an appeal may be brought in a District Court, jurisdiction to hear and determine any appeal so brought may be exercised by a District Court—

- (a) at any place at which the appeal may be heard and determined in accordance with this part; or
- (b) at any place to which the appeal has been duly transferred in accordance with this part.

**(2)** The provisions of subsection (1) have effect without prejudice to the pronouncement of judgment by a District Court, by way of determining an appeal, at any place at which a District Court may be held.

### **Venue of appeals**

**7.(1)** Except where the place at which an appeal to a District Court may be heard and determined is prescribed by any other Act, an appeal to a District Court shall be heard and determined—

- (a) in the District Court at Townsville or at a place within the northern district that is a prescribed place in respect of the appeal, if the appeal relates to a decision of or a matter before any court that has exercised or is exercising jurisdiction within that district;
- (b) in the District Court at Rockhampton or at a place within the central district that is a prescribed place in respect of the appeal, if the appeal relates to a decision of or a matter before any court that has exercised or is exercising jurisdiction within that district;
- (c) in the District Court at Brisbane or at a place within that part of Queensland not within a district referred to in paragraph (a) or (b) that is a prescribed place in respect of the appeal, if the appeal relates to a decision of or a matter before any court that has exercised or is exercising jurisdiction within that part.

(1A) However, with the consent of all parties to the appeal or to the proceedings to which the appeal will relate, the appeal may be heard and determined at Brisbane, Townsville or Rockhampton or any place that is a prescribed place in respect of the appeal.

(2) No provision of this section shall be construed to prejudice the provisions of any other Act that prescribe the procedure for instituting an appeal or the provisions of section 6.

### **Transfer of appeal hearings**

**8.(1)** If at any time after the institution of an appeal that is to be heard and determined at a place in accordance with this part it appears to a judge of District Courts that—

- (a) it is in the interests of justice that the appeal be heard at another place; or
- (b) the appeal may be more conveniently heard at another place at which a District Court may be held and no party to the appeal or to the proceedings to which the appeal relates objects;

the judge may, upon application by any party to the appeal or to such proceedings, or, if the judge is the judge hearing the appeal, of the judge's own motion, order that the appeal be transferred into a District Court at that other place, whereupon the appeal may be heard or continued at that other place.

(2) Where an order is made under subsection (1) the officer having custody of the appeal record shall transmit the record and all appropriate exhibits to the appropriate officer at the place where the appeal is to be heard or continued.

## **PART 6—GENERAL PROVISIONS**

### **Saving pending appeals**

**19.** The provisions of part 2 have no operation or effect in relation to an appeal instituted to a District Court or a case stated for the opinion of a District Court before the commencement of this Act and not disposed of at the commencement of this Act.

## ENDNOTES

### 1 Index to endnotes

	Page
2 Date to which amendments incorporated . . . . .	7
3 Key . . . . .	7
4 List of legislation . . . . .	8
5 List of annotations . . . . .	8
6 Table of renumbered provisions . . . . .	8

### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the District Courts (Venue of Appeals) Act 1988 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R1	=	Reprint No. 1
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

## **4 List of legislation**

### **District Courts (Venue of Appeals) Act 1988 No. 7**

date of assent 7 April 1988

ss 1–2 commenced on date of assent

remaining provisions commenced 1 August 1988 (proc pubd gaz 16 July 1988  
p 2876)

## **5 List of annotations**

### **Long title**

amd R1 (see RA s 37)

### **Commencement**

s 2 om R1 (see RA s 37)

### **Arrangement**

s 3 om R1 (see RA s 36)

### **PART III—AMENDMENT OF JUSTICES ACT**

**Pt 3 (ss 9–12)** om R1 (see RA s 40)

### **PART IV—AMENDMENT OF MAGISTRATES COURTS ACT**

**Pt 4 (ss 13–14)** om R1 (see RA s 40)

### **PART V—AMENDMENT OF DISTRICT COURTS ACT**

**Pt 5 (ss 15–18)** om R1 (see RA s 40)

### **Saving pending appeals**

s 19 amd R1 (see RA s 37)

## **6 Table of renumbered provisions**

### TABLE OF RENUMBERED PROVISIONS

under the Reprints Act 1992 s 43

Previous	Renumbered as
7(1), proviso . . . . .	7(1A)