

Queensland



**JUSTICE AND  
ATTORNEY–GENERAL  
(MISCELLANEOUS  
PROVISIONS) ACT 1994**

**Act No. 24 of 1994**

# Queensland



## JUSTICE AND ATTORNEY–GENERAL (MISCELLANEOUS PROVISIONS) ACT 1994

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# Queensland



## **Justice and Attorney-General (Miscellaneous Provisions) Act 1994**

### **Act No. 24 of 1994**

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**An Act to make amendments of various Acts, and to repeal certain Acts, administered in the Department of Justice and Attorney-General**

*[Assented to 10 May 1994]*

**The Parliament of Queensland enacts—****Short title**

1. This Act may be cited as the *Justice and Attorney-General (Miscellaneous Provisions) Act 1994*.

**Commencement**

2.(1) This Act (other than section 4) commences on a day to be fixed by proclamation.

(2) Section 4 commences on the day after the amendments to the *Scartwater Station Trust Extension Act Amendment Act 1960* made by this Act commence.

**Acts amended in Schedule**

3.(1) The Schedule amends the Acts mentioned in it.

(2) Section 5(7) of the *Public Trustee Act 1978* is a law to which section 20A of the *Acts Interpretation Act 1954* applies.

(3) Subsection (2) and this subsection expire immediately after the commencement of the repeal of section 5 of the *Public Trustee Act 1978* made by this Act.

**Repeals**

4.(1) The following Acts are repealed—

- *Scartwater Station Trust Extension Act 1941*.
- *Scartwater Station Trust Extension Act Amendment Act 1960*.

(2) Each Act mentioned in subsection (1) is a law to which the *Acts Interpretation Act 1954*, section 20A applies.

(3) This section expires on the day after it commences.

**SCHEDULE****AMENDMENTS**

section 3

**CRIMINAL JUSTICE ACT 1989****1. Section 26(7), ‘referred to in section 7.10’—***omit.***2. Section 33(2)(g), after ‘(d)’—***insert—*

‘, (e)’.

**3. Section 81(5)—***omit, insert—*

‘(5) In this section—

**“general manager”** has the same meaning as in the *Corrective Services Act 1988*;**“hospital administrator”** has the same meaning as in the *Mental Health Act 1974*;**“patient”** has the same meaning as in the *Mental Health Act 1974*;**“prisoner”** has the same meaning as in the *Corrective Services Act 1988*.’.**4. Section 120(1), ‘, as the case may require,’—***omit.*

## SCHEDULE (continued)

**5. After section 147—***insert—***‘Application of Financial Administration and Audit Act 1977**

‘**147A.** For the purposes of the *Financial Administration and Audit Act 1977*, the Commission is taken to be a statutory body within the meaning of that Act.’.

**EVIDENCE ACT 1977****1. Section 134A—***insert—*

‘**(4A)** The principal officer may delegate his or her powers under this section to an officer or employee of the principal officer’s agency.’.

**IMPERIAL ACTS APPLICATION ACT 1984****1. Section 12—***omit.***2. Schedule 3, item about (1677) 29 Charles II c. 7—***omit.***JUSTICES ACT 1886****1. Section 22B—***insert—*

‘**(1A)** Despite the appointment under subsection (1)(c) of a particular

## SCHEDULE (continued)

place within a district or division as a place for holding a Magistrates Court—

- (a) the Magistrates Court may sit at another place in the district or division; and
- (b) if it sits at another place in the district or division, the place is taken to have also been appointed under subsection (1)(c).’.

**PUBLIC TRUSTEE ACT 1978****1. Long title—**

*omit, insert—*

‘**An Act about the Public Trustee of Queensland**’.

**2. Section 5—**

*omit.*

**3. Section 6, definitions “Deputy Public Trustee”, “estate under administration”, “mortgage”, “Public Trustee”, “registering authority” and “trust”—**

*omit.*

**4. Section 6—**

*insert—*

“**Corporation**” means the corporate sole constituted by the Public Trustee under the name The Public Trustee of Queensland;

“**estate under administration**” means any property held, administered, managed or controlled by the Public Trustee in any capacity (including, for example, as personal representative, trustee, administrator, guardian, committee, manager, liquidator or receiver), and includes—



## SCHEDULE (continued)

- (a) an estate under management as defined in section 64; and
- (b) an estate under administration that is administered jointly with someone else;

**“mortgage”** means a charge on property for securing money or money’s worth;

**“mortgagee”** includes a person from time to time deriving title to a mortgage under the original mortgage;

**“mortgagor”** includes a person from time to time deriving title to the equity of redemption under the original mortgagor or entitled to redeem the mortgage, according to the mortgagor’s interest in the mortgaged property;

**“Public Trustee”** means—

- (a) as an individual—the Public Trustee of Queensland; or
- (b) in any other case—the Corporation;

**“registering authority”** means the Registrar of Titles or anyone else required or permitted to record interests in property;

**“trust”** includes—

- (a) implied and constructive trusts; and
- (b) cases where the trustee has a beneficial interest in the trust property; and
- (c) the duties incidental to a personal representative’s office;

but does not include the duties incidental to a mortgaged interest;

**“trustee”** means a person who administers a trust;’.

**5. Section 6, definition “Order to Administer”, after ‘Trustee’—**

*insert—*

‘, either solely or jointly with someone else’.

## SCHEDULE (continued)

**6. Section 6, definition “property”, ‘whatsoever’—***omit, insert—*

‘and wherever situated’.

**7. Part 2, heading—***omit, insert—***‘PART 2—THE PUBLIC TRUSTEE AND PUBLIC  
TRUST OFFICE’.****8. Sections 7 to 11—***omit, insert—***‘Public Trustee and Public Trust Office****‘7.(1)** There is a Public Trustee of Queensland and an office called the Public Trust Office.**‘(2)** The Public Trust Office consists of the Public Trustee and the Office’s staff.**‘Corporation sole of Public Trustee****‘8.(1)** The corporation sole constituted by the Public Trustee is continued under the name The Public Trustee of Queensland (the **“Corporation”**).**‘(2)** The Corporation—

- (a) is a body corporate with perpetual succession; and
- (b) has a seal; and
- (c) may sue and be sued in its corporate name.

**‘(3)** The Corporation represents the State.**‘(4)** Without limiting subsection (3), the Corporation—

- (a) has all the State’s privileges and immunities; and

SCHEDULE (continued)

(b) is an exempt public authority for the purposes of the Corporations Law.

‘(5) The Corporation has all the powers of an individual and may, for example—

- (a) enter into contracts; and
- (b) acquire, hold, dispose of, and deal with, property; and
- (c) appoint agents and attorneys; and
- (d) engage consultants; and
- (e) fix charges, and other terms, for services it supplies; and
- (f) do anything necessary or convenient to be done in the performance of the Public Trustee’s functions under this or another Act.

‘(6) The Corporation also has the powers conferred on it by this or another Act.

‘(7) The Corporation may exercise its powers inside and outside Queensland.

‘(8) Without limiting subsection (7), the Corporation may exercise its powers outside Australia.

**‘Provisions about Public Trustee**

‘9.(1) The Public Trustee is to be appointed by the Governor in Council.

‘(2) The Public Trustee is to be appointed for a term of not longer than 5 years.

‘(3) The Public Trustee is subject to the Minister, but is not subject to any officer or employee of the department.

‘(4) The Public Trustee is entitled to be paid the remuneration and allowances decided by the Governor in Council.

‘(5) The Public Trustee ceases to hold office if the Public Trustee—

- (a) resigns by signed notice given to the Minister; or

SCHEDULE (continued)

- (b) finishes a term and is not reappointed; or
- (c) is removed from office by the Governor in Council under subsection (6).

‘(6) The Governor in Council may remove the Public Trustee if the Public Trustee—

- (a) is found guilty of an indictable offence or an offence against this Act; or
- (b) engages in misbehaviour; or
- (c) becomes incapable of performing the duties of the Public Trustee because of physical or mental incapacity; or
- (d) is incompetent; or
- (e) contravenes subsection (7); or
- (f) without the Minister’s leave and without reasonable excuse, is absent for 14 consecutive days or 28 days in a year.

‘(7) The Public Trustee must give written notice to the Minister of all direct or indirect financial interests that the Public Trustee has or acquires in a business or in an entity carrying on a business.

‘(8) The Public Trustee holds office on the terms not provided for by this Act as are decided by the Governor in Council.

**‘Acting Public Trustee**

‘10. The Governor in Council may appoint a person to act as Public Trustee during—

- (a) a vacancy, or all vacancies, in the office; or
- (b) a period, or all periods, when the Public Trustee is absent from duty or is, for another reason, unable to perform the functions of the office.

SCHEDULE (continued)

**‘Staff of Public Trust Office**

‘**11.(1)** The staff of the Public Trust Office are to be appointed or employed under the *Public Service Management and Employment Act 1988*.

‘**(2)** The Public Trustee has all the functions and powers of the chief executive of a department, so far as the functions and powers relate to the organisation unit consisting of the Public Trust Office’s staff, as if—

- (a) the unit were a department within the meaning of the *Public Service Management and Employment Act 1988*; and
- (b) the Public Trustee were the chief executive of the department.

**‘Delegation by Public Trustee**

‘**11A.(1)** The Public Trustee may delegate the Public Trustee’s powers under this Act to any person.

‘**(2)** A power may be subdelegated if the delegation expressly allows the subdelegation of the power.

‘**(3)** Without limiting subsections (1) and (2), the following powers may be delegated (and subdelegated)—

- (a) making an affidavit or statutory declaration required or permitted to be made by the Public Trustee, signing a document to be filed in a court, verifying an account or personally attending a court instead of the Public Trustee;
- (b) executing a transfer of property for the Public Trustee;
- (c) giving or signing a notice, consent, certificate, instrument or other document the Public Trustee is required or permitted to give or sign.

‘**(4)** If, when exercising a power under a delegation or subdelegation under this section, the delegatee signs a document, the delegatee may add after the delegatee’s signature the following statement or a statement to the following effect—

SCHEDULE (continued)

‘Signed as delegate for the Public Trustee under section 11A of the *Public Trustee Act 1978*’.

‘(5) A document purporting to be a document mentioned in subsection (4) is taken to have been properly signed by a delegatee of the Public Trustee under a delegation made under this section unless the contrary is proved.

‘(6) Subsections (4) and (5) do not limit section 27A of the *Acts Interpretation Act 1954*.

**‘Public Trustee’s seal**

‘11B.(1) The Public Trustee’s seal may be kept in as many facsimiles as the Public Trustee considers are necessary for the Public Trust Office’s business.

‘(2) The seal and any facsimile are to be kept in the custody directed by the Public Trustee and may be used only as authorised by the Public Trustee.

**‘Contracts and transactions of Public Trustee not under seal**

‘11C. Section 227 of the *Property Law Act 1974* applies to the Public Trustee as if—

- (a) the Public Trustee were a body corporate within the meaning of the section; and
- (b) all necessary changes, and any changes prescribed by regulation, were made to the section.

**‘Evidentiary provisions**

‘11D.(1) Judicial notice must be taken of the appointment and signature of the Public Trustee.

‘(2) Judicial notice must be taken of the imprint of the Public Trustee’s seal appearing on a document and the document must be presumed to have

## SCHEDULE (continued)

been properly sealed unless the contrary intention is proved.

‘(3) In any proceeding, anything done, or omitted to be done, by or purportedly by the Public Trustee, or someone else for or purportedly for the Public Trustee, must be taken to have been properly done, or omitted to be done, in the absence of evidence to the contrary.’

**‘Bond or other security not to be required**

‘11E. A bond or other security must not be required from the Public Trustee for appointment to or acting in an office or capacity under this Act.’.

**9. Sections 13 and 14—**

*omit.*

**10. Section 15, ‘prescribed form’—**

*omit, insert—*

‘form approved by the Public Trustee’.

**11. Section 18(1) ‘Order in Council’—**

*omit, insert—*

‘the Treasurer’.

**12. Section 19(1)(d), ‘the Governor in Council’—**

*omit, insert—*

‘regulation’.

## SCHEDULE (continued)

**13. Section 20(6), ‘under the hand and seal’—***omit, insert—*

‘signed by’.

**14. Section 21(2), ‘Department of the Treasury’—***omit, insert—*

‘department administered by the Treasurer’.

**15. Section 21(6)(b)(iv)—***omit.***16. Section 21(6)(b)(vii)—***omit, insert—*

‘(vii) prescribed by regulation.’.

**17. Section 21(7)—***omit.***18. Section 25—***omit, insert—***‘Unclaimed Moneys Fund**

‘**25.(1)** The Public Trustee must continue to keep the account called the Unclaimed Moneys Fund (the “**Fund**”).

‘**(2)** The Minister may direct that the whole or part of amounts that have been credited to the Fund for 20 years or more be paid to the Consolidated Fund.

‘**(3)** The Minister may also direct that the whole or part of amounts



## SCHEDULE (continued)

credited to the Fund that have not been paid to the Consolidated Fund be invested in the following investments—

- (a) investments mentioned in section 21(6)(b)(i);
- (b) investments that may be prescribed by regulation.

‘(4) Interest on the investments must be paid to the Consolidated Fund.’.

**19. After section 27—**

*insert—*

**‘Joint administration etc. by Public Trustee**

‘**27A.(1)** The Public Trustee may apply under section 29 or 31(1) for an order to administer an estate, and may be granted the order, jointly with someone else.

‘(2) The Public Trustee may file an election under section 30 to administer an estate jointly with someone else.

‘(3) The Court may, with the Public Trustee’s agreement, consent under section 31(2) to the appointment of the Public Trustee to administer an estate jointly with someone else.

‘(4) If the Public Trustee is appointed under section 31(2) to administer an estate and the consent of the Court is unnecessary, the Public Trustee may, when filing in the Court an election to administer, elect to administer the estate jointly with someone else.

‘(5) The Court may, with the Public Trustee’s agreement, appoint the Public Trustee under section 31(3) to administer an estate jointly with someone else.

‘(6) The Public Trustee may act under section 35 jointly with someone else.

‘(7) This section does not limit the application of this Act when the Public Trustee acts alone.

## SCHEDULE (continued)

‘(8) If the Public Trustee jointly administers an estate or otherwise acts with someone else, this Act applies with all necessary changes and any changes prescribed by regulation.’.

**20. Section 28, ‘Governor in Council’—**

*omit, insert—*

‘Minister’.

**21. Section 30, ‘\$25 000’—**

*omit, insert—*

‘\$100 000’.

**22. Section 30(1), ‘, in Form 1 of the Second Schedule,’—**

*omit, insert—*

‘, in the form approved by the Public Trustee,’.

**23. Section 30(2), ‘, in Form 2 of the Second Schedule,’—**

*omit, insert—*

‘, in the form approved by the Public Trustee,’.

**24. Section 31(2), ‘sole’—**

*omit.*

**25. Section 31(2), proviso, ‘\$25 000’—**

*omit, insert—*

‘\$100 000’.

## SCHEDULE (continued)

**26. Section 31(3), ‘sole’—**

*omit.*

**27. Section 31(4)(b), ‘in Form 3 of the Second Schedule’—**

*omit, insert—*

‘, in the form approved by the Public Trustee’.

**28. Section 31(6), ‘sole’—**

*omit.*

**29. Section 33(2), ‘\$30 000’—**

*omit, insert—*

‘\$120 000’.

**30. Section 35 , ‘exceed \$10 000’—**

*omit, insert—*

‘, apart from the value of any interest in land, exceed \$50 000’.

**31. Section 36(1), proviso—**

*omit, insert—*

‘(1A) However, the Public Trustee may only sell, exchange, mortgage or partition a part of the property, or let or lease a part of the property (other than under a periodic tenancy from year to year or for a shorter period or a fixed period of not longer than 1 year), with the Court’s leave.

‘(1B) In subsection (1)—

“**acts and things**” includes withdrawing an amount from an account of the deceased person with a financial institution.’.

## SCHEDULE (continued)

**32. Section 36(2)—**

*omit, insert—*

‘(2) Despite subsection (1A), the Public Trustee may sell, without the Court’s leave, a part of the personal estate if the Public Trustee considers—

- (a) that the property is perishable, likely to deteriorate or likely to decrease substantially in value if kept; or
- (b) that, for another reason, it is in the estate’s interest that the Public Trustee immediately dispose of the property.’.

**33. Section 36(3), ‘or by telegram’—**

*omit.*

**34. Section 36(4), ‘or the despatching of such telegram’—**

*omit.*

**35. Section 36(4), ‘or by telegram’—**

*omit.*

**36. Section 40(1), ‘or section 42 of the *Public Curator Act 1915–1974*’—**

*omit.*

**37. Section 40(4)—**

*omit.*

**38. Section 43(2), ‘\$10 000’—**

*omit, insert—*

‘\$50 000’.

## SCHEDULE (continued)

**39. Section 44(1), ‘fund of’—***omit, insert—*

‘fund or’.

**40. Section 45(5)(a)(i), ‘\$20 000’—***omit, insert—*

‘\$50 000’.

**41. Section 45(5)(a)(ii), ‘\$10 000’—***omit, insert—*

‘\$25 000’.

**42. Section 48(b), ‘\$30 000’—***omit, insert—*

‘\$50 000’.

**43. Section 51, ‘\$10 000’—***omit, insert—*

‘\$50 000’.

**44. Section 54(1), ‘\$5 000’—***omit, insert—*

‘\$20 000’.

## SCHEDULE (continued)

**45. Section 59, heading, ‘judge or’—***omit, insert—*

‘court’.

**46. Before section 59(1)—***insert—***‘59.(1A)** In this section—

**“court”** means a court within whose jurisdiction an amount or damages are claimed by or for a person under a legal disability suing either alone or with others, and includes a Judge or Magistrate of the court;

**“taxing officer”** of a court means an officer of the court whose duties include the taxation or other assessment of costs in the court.

**47. Section 59(1), from ‘a judge of the Supreme Court’ to ‘or of’—***omit, insert—*

‘a court or’.

**48. Section 59(1), after ‘unless’—***omit, insert—*

‘the court otherwise directs’.

**49. Section 59(2), ‘the Supreme Court or a judge thereof’—***omit, insert—*

‘a court’.

## SCHEDULE (continued)

**50. Section 59(3), from ‘a judge of’ to ‘or by’—***omit, insert—*

‘a court’.

**51. Section 59(4), ‘the Supreme Court or a judge thereof’—***omit, insert—*

‘a court’.

**52. Section 59(6)(a), ‘, made in Form 4 of the Second Schedule,’—***omit, insert—*

‘, in the form approved by the Public Trustee,’.

**53. Section 59(8), ‘Supreme Court or a judge thereof’—***omit, insert—*

‘court’.

**54. Section 59(9)—***omit.***55. Section 60(5), ‘\$500’—***omit, insert—*

‘10 penalty units’.

**56. Section 60(5), ‘\$100’—***omit, insert—*

‘2 penalty units’.

## SCHEDULE (continued)

**57. Section 60(12), after ‘offence’—***omit, insert—*

‘Maximum penalty—

- (a) on indictment—10 penalty units or imprisonment for 2 years;
- (b) on summary conviction—5 penalty units or imprisonment for 6 months.’.

**58. Section 61(1), from ‘(other than’ to ‘Corporate Affairs)’—***omit.***59. Section 61(1), ‘in Form 5 of the Second Schedule’—***omit, insert—*

‘(in the form approved by the Public Trustee)’.

**60. Section 61(1), ‘in Form 6 of the Second Schedule’—***omit, insert—*

‘(in the form approved by the Public Trustee)’.

**61. Section 62(1), from ‘(other than’ to ‘Corporate Affairs)’—***omit.***62. Section 69(2), proviso, ‘in Form 7 of the Second Schedule’—***omit, insert—*

‘, in the form approved by the Public Trustee.’.



## SCHEDULE (continued)

**63. Section 70(1), ‘\$10 000’—***omit, insert—*

‘\$25 000’.

**64. Section 70(1), ‘in Form 8 of the Second Schedule’—***omit, insert—*

‘, in the form approved by the Public Trustee’.

**65. Section 71, ‘in Form 9 of the Second Schedule’—***omit, insert—*

‘, in the form approved by the Public Trustee’.

**66. Section 73(1)(a), ‘\$13 000’—***omit, insert—*

‘\$30 000’.

**67. Section 73(2), ‘in Form 10 of the Second Schedule’—***omit, insert—*

‘in the form approved by the Public Trustee’.

**68. Section 77, ‘the Governor in Council by a Proclamation’—***omit, insert—*

‘a regulation’.

## SCHEDULE (continued)

**69. Section 80(2)(c), ‘\$30 000’—***omit, insert—*

‘\$60 000’.

**70. Section 80(3)(d), ‘\$20 000’—***omit, insert—*

‘\$50 000’.

**71. Section 80(3), proviso, ‘\$50 000’—***omit, insert—*

‘\$100 000’.

**72. Section 88, ‘\$10 000’—***omit, insert—*

‘\$50 000’.

**73. Section 90(b)—***omit, insert—*

‘(b) a person subject to an indefinite sentence within the meaning of Part 10 of the *Penalties and Sentences Act 1992*; or’.

**74. Section 92(1), ‘in Form 11 of the Second Schedule’—***omit, insert—*

‘, in the form approved by the Public Trustee,’.

## SCHEDULE (continued)

**75. Section 92(2)(c), after ‘is’—**

*omit, insert—*

‘a person mentioned in section 90(b) who is released on a re-integration program under section 174 of the *Penalties and Sentences Act 1992*’.

**76. Section 92(5), ‘in Form 12 of the Second Schedule,’—**

*omit, insert—*

‘, in the form approved by the Public Trustee,’.

**77. Section 92(6), from ‘in the case’ to ‘Criminal Code’—**

*omit, insert—*

‘for a prisoner mentioned in section 92(2)(c)’.

**78. Section 93(1)(a), ‘an order under section 659G of the Criminal Code’—**

*omit, insert—*

‘a re-integration program mentioned in section 92(2)(c)’.

**79. Section 93(1), ‘in Form 13 of the Second Schedule’—**

*omit, insert—*

‘, in the form approved by the Public Trustee,’.

**80. Section 93(4), ‘, in Form 14 of the Second Schedule,’—**

*omit, insert—*

‘, in the form approved by the Public Trustee,’.

## SCHEDULE (continued)

**81. Section 96—**

*omit.*

**82. Section 97(c)—**

*omit, insert—*

‘(c) for a prisoner mentioned in section 90(b)—has been released to a re-integration program under section 174 of the *Penalties and Sentences Act 1992* and the program has ended or been discharged; or’.

**83. Section 98, definition “accountable person”, paragraph (d)—**

*omit, insert—*

‘(d) an entity prescribed by regulation to be an entity to which this Division applies.’.

**84. Section 100(1), ‘in Form 15 of the Second Schedule’—**

*omit, insert—*

‘, in the form approved by the Public Trustee,’.

**85. Section 100(3), proviso, ‘\$100’—**

*omit, insert—*

‘\$200’.

**86. Section 100(3), proviso, ‘\$200’—**

*omit, insert—*

‘\$400’.

## SCHEDULE (continued)

**87. Section 100(4), ‘penalty of \$50’—***omit, insert—*

‘maximum penalty of 1 penalty unit’.

**88. Section 101(2), ‘penalty of \$50’—***omit, insert—*

‘maximum penalty of 1 penalty unit’.

**89. Section 102(3), ‘penalty of \$50’—***omit, insert—*

‘maximum penalty of 1 penalty unit’.

**90. Section 104(2), ‘\$10 000’—***omit, insert—*

‘\$50 000’.

**91. Section 104(3)(c), ‘\$1 000’—***omit, insert—*

‘\$2 000’.

**92. Section 114—***omit.***93. Part 8, after section 117—***insert—*

## SCHEDULE (continued)

**‘Treasurer to pay claimant****‘117A.(1) If—**

- (a) a person (the **“claimant”**) claims to be entitled to receive an amount paid into the Unclaimed Moneys Fund 20 years or more before the claim is made; and
- (b) the Public Trustee advises the Treasurer that the Public Trustee is satisfied the claimant is entitled to receive the amount claimed;

the Treasurer must pay the amount claimed to the claimant out of the Consolidated Fund.

**‘(2) If the amount or part of the amount is later claimed by someone else (the **“later claimant”**)—**

- (a) the State, the Treasurer and the Public Trustee are not responsible for the payment to the later claimant of the amount claimed by the later claimant; but
- (b) the later claimant may have recourse against the claimant to whom the amount was paid.’.

**94. Section 122(5), ‘\$1 000’—**

*omit, insert—*

‘20 penalty units’.

**95. Section 124, ‘Department of Lands’—**

*omit, insert—*

‘department within which the *Land Act 1962* is administered’.

**96. Section 124 ‘Commissioner for Corporate Affairs,’—**

*omit.*

## SCHEDULE (continued)

**97. Section 134(2)—**

*omit.*

**98. Section 134(3), ‘the judge’ (1st mentioned)—**

*omit, insert—*

‘a Judge of the Court’.

**99. Section 138(1), ‘and sealed with his seal’—**

*omit.*

**100. Section 138—**

*insert—*

‘(4) If the Public Trustee is jointly administering an estate with someone else, the provisions of this section apply equally to matters done jointly with the other person.’.

**101. Section 139(1)(a)(ii), ‘by registered mail’—**

*omit.*

**102. Section 140(1), ‘penalty of \$500’—**

*omit, insert—*

‘maximum penalty of 10 penalty units’.

**103. After section 141—**

*insert—*

## SCHEDULE (continued)

**‘Public Trustee may approve forms**

‘141A. The Public Trustee may approve forms for use under this Act.’.

**104. Section 142(1), from ‘The’ to ‘namely’—**

*omit, insert—*

‘142.(1) The Governor in Council may make regulations under this Act.

‘(1A) A regulation may be made about the following matters—’.

**105. Section 142(1)(f)—**

*omit.*

**106. Section 142(3) and (4)—**

*omit.*

**107. After s 142—**

*insert—*

**‘PART 10—TRANSITIONAL PROVISIONS****‘References to Public Curator**

‘143. A reference in an Act, instrument or other document to the Public Curator is taken to be a reference to the Public Trustee.’.



## SCHEDULE (continued)

**108. Schedules—***omit.***SCARTWATER STATION TRUST EXTENSION ACT  
AMENDMENT ACT 1960****1. Section 4(b)—***omit, insert—*

‘(b) the establishment (including extension from time to time), maintenance, conduct and control of a home on the land to provide board, lodging and nursing care (including associated maintenance and administration facilities and services) exclusively for the following persons—

- (i) anyone who has served or serves Australia in its defence forces;
- (ii) with the managing trustees’ approval—
  - (A) anyone who has served or serves in the Australian merchant navy in a war or conflict in which Australia was or is involved; or
  - (B) anyone who has served or serves in the defence forces or merchant navy of a country or power allied or associated with Australia, or with a country or power itself allied or associated with Australia, in a war or conflict in which Australia was or is involved;
- (iii) a dependant of a person mentioned in subparagraph (i) or (ii);
- (iv) a Legacy widow;
- (v) if there is enough room in the home—anyone the managing trustees, in their absolute discretion, consider is a deserving person and choose to admit to the home but only until someone else eligible under subparagraphs (i) to (iv) applies for admission to the home;’.

## SCHEDULE (continued)

**2. After section 4—***insert—***‘Managing trustees’ powers amended****‘4A.** It is declared that, despite anything in the Indenture—

- (a) there may be 7 persons appointed under the Indenture as managing trustees; and
- (b) the managing trustees do not need the Minister’s approval before exercising a power under or in relation to the Indenture.

**‘Indenture taken to be amended by Act etc.****‘4B.(1)** The Indenture mentioned in the Principal Act and this Act is taken to have been amended by the provisions (the **“relevant provisions”**) of the Principal Act and this Act that affect the Indenture.**‘(2)** The amendments of the Indenture taken to have been made by the relevant provisions are taken to have been made by deed.**‘(3)** Despite subsection (2), any declaratory or validating effect of the relevant provisions does not end merely because they are subsequently amended under the Indenture or otherwise.’.**SUPREME COURT ACT 1921****1. Section 2, definition “This Act”—***omit.***2. Section 11(1), ‘Order in Council published in the Gazette’—***omit, insert—**‘regulation’.*

## SCHEDULE (continued)

**3. Section 11—***insert—*

‘(4A) Subsection (4) does not apply to an order in council under section 6.’.

**4. Section 13(b) and (c)—***omit.***SUPREME COURT OF QUEENSLAND ACT 1991****1. Sections 48, 52 and 53—***omit.***2. Section 54—***omit, insert—***‘Minister and President to be kept informed**

‘54. The Minister and President must be given the reports and information about the administration of the Court of Appeal necessary to keep the Minister and President properly informed.’.

**3. Section 55—***omit, insert—***‘Annual report**

‘55.(1) As soon as practicable after the end of each financial year, but within 3 months after the end of the financial year, a written report about the administration of the Court of Appeal during the year must be prepared and given to the Minister.

‘(2) The Minister must table a copy of the report in the Legislative

## SCHEDULE (continued)

Assembly within 14 days after receiving the report.

‘(3) If, when the Minister would otherwise be required to table a copy of the report in the Legislative Assembly, the Assembly is not in session or not actually sitting, the Minister must give a copy of the report to the Clerk of the Parliament.

‘(4) The Clerk must cause a copy of the report to be tabled in the Legislative Assembly on its next sitting day.

‘(5) A report given to the Clerk under subsection (3) is taken, for its publication and printing, to have been tabled in the Legislative Assembly, and to have been ordered to be printed by the Assembly, when it is given to the Clerk.’.

**4. Sections 93, 95 and 96—**

*omit.*

**5. Section 98—**

*omit, insert—*

**‘Annual report**

‘**98.(1)** As soon as practicable after the end of each financial year, but within 3 months after the end of the financial year, a written report about the operations of the Commission during the year must be prepared and given to the Minister.

‘(2) The Minister must table a copy of the report in the Legislative Assembly within 14 days after receiving the report.

‘(3) If, when the Minister would otherwise be required to table a copy of the report in the Legislative Assembly, the Assembly is not in session or not actually sitting, the Minister must give a copy of the report to the Clerk of the Parliament.

‘(4) The Clerk must cause a copy of the report to be tabled in the Legislative Assembly on its next sitting day.

## SCHEDULE (continued)

‘(5) A report given to the Clerk under subsection (3) is taken, for its publication and printing, to have been tabled in the Legislative Assembly, and to have been ordered to be printed by the Assembly, when it is given to the Clerk.’