

Queensland



**JUSTICE LEGISLATION
(MISCELLANEOUS
PROVISIONS) ACT (No. 2)
1999**

Act No. 66 of 1999

Queensland



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(MISCELLANEOUS PROVISIONS) ACT
(No. 2) 1999**

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MINOR AMENDMENTS OF CRIMINAL CODE

Queensland



**Justice Legislation (Miscellaneous Provisions)
Act (No. 2) 1999**

Act No. 66 of 1999

**An Act to amend Acts administered by the Attorney-General and
Minister for Justice and Minister for The Arts**

[Assented to 6 December 1999]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Justice Legislation (Miscellaneous Provisions) Act (No. 2) 1999*.

Commencement

2.(1) Sections 33, 34, 37 to 41 and 47 to 49¹ commence, or are taken to have commenced, on 1 July 1999 immediately after the commencement of the *Civil Justice Reform Act 1998*, section 12.²

(2) The remaining provisions of this Act commence on a day to be fixed by proclamation.

PART 2—AMENDMENT OF BAIL ACT 1980

Act amended in pt 2

3. This part amends the *Bail Act 1980*.

¹ Sections 33 (Act amended in pt 8), 34 (Amendment of title), 37 (Amendment of s 83 (Interpleader orders)), 38 (Replacement of s 84), 39 (Amendment of s 86 (Demand for compliance unnecessary)), 40 (Amendment of s 93A (Enforcement warrant)), 41 (Amendment of s 93B (Securities held by enforcement officer)), 47 (Omission of s 131 (References to judgment)), 48 (Amendment of sch 1 (Subject matter for rules)) and 49 (Amendment of sch 2 (Dictionary))

² *Civil Justice Reform Act 1998*, section 12 (Amendment of title)

Amendment of s 17 (Enlargement of undertaking)

4. Section 17—

insert—

‘(7) Also, any record of an order of the court relating to the defendant, whether or not the record is signed, is evidence that the defendant’s bail was enlarged if—

- (a) an indictment relating to the defendant has been presented to the court; and
- (b) the record is to the effect that—
 - (i) the defendant’s undertaking has been enlarged under subsection (2); and
 - (ii) the defendant’s trial has been adjourned to a later sittings of a court to be held at a particular place.’.

Amendment of s 28A (Warrant for apprehension of defendant by Magistrates Court or Childrens Court)

5. Section 28A(1)(a)—

omit, insert—

- ‘(a) released on bail—
- (i) by the Supreme Court or District Court, on the condition that the defendant will appear before a Magistrates Court; or
 - (ii) by a Magistrates Court or the Childrens Court or by any justice or justices conducting a committal proceeding, on the defendant entering into an undertaking; or
 - (iii) under section 7(1)(b)³; or’.

³ Section 7 (Power of police officer to grant bail)

PART 3—AMENDMENT OF CRIMINAL CODE

Code amended in pt 3 and schedule

6. This part and the schedule amend the Criminal Code.

Amendment of s 56A (Disturbance in House when Parliament not sitting)

7.(1) Section 56A(2)(b), ‘\$100’—

omit, insert—

‘100 penalty units’.

(2) Section 56A(2)(b), ‘6 calendar months’—

omit, insert—

‘2 years’.

Amendment of s 56B (Going armed to Parliament House)

8.(1) Section 56B(1), ‘\$100’—

omit, insert—

‘100 penalty units’.

(2) Section 56B(1), ‘6 calendar months’—

omit, insert—

‘2 years’.

Amendment of s 363A (Abduction of child under 16)

9.(1) Section 363A(1), ‘misdemeanour’—

omit, insert—

‘crime’.

(2) Section 363A(1), ‘2 years’—

omit, insert—

‘7 years’.

Amendment of s 364 (Cruelty to children under 16)

10. Section 364, penalty, ‘5 years’—

omit, insert—

‘7 years’.

Amendment of s 552B (Charges of indictable offences that may be dealt with summarily)

11.(1) Section 552B(1)—

insert—

‘(ha)an offence against section 339(1);⁴’.

(2) Section 552B(1)(i), after ‘involving an assault’—

insert—

‘, other than an offence against section 339(1)’.

Amendment of s 651 (Supreme Court and District Court may decide summary offences)

12.(1) Section 651, heading—

omit, insert—

‘Court may decide summary offences if a person is charged on indictment’.

(2) Section 651(1), from ‘the Supreme’ to ‘**court**’—

omit, insert—

‘a court’.

⁴ Section 339 (Assaults occasioning bodily harm)

Section 651(6)—

omit.

(3) Section 651(7) and (8)—

renumber as section 651(6) and (7).

Amendment of s 652 (Proceedings to transmit charge for summary offence)

13.(1) Section 652(1), ‘the Supreme Court or District Court’—

omit, insert—

‘a court’.

(2) Section 652(2), from ‘magistrates court’—

omit, insert—

‘court of summary jurisdiction to take any necessary steps to transmit the relevant complaint or bench charge sheet to the registrar of the court that is to deal with the charge under section 651 (the “**receiving court**”).’.

(3) Section 652(3)(b)(iii), ‘to the Supreme Court or District Court’—

omit.

(4) Section 652(3)(b)(iii), after ‘to the charge’—

insert—

‘before the receiving court’.

(5) Section 652(4), ‘magistrates court’—

omit, insert—

‘court of summary jurisdiction’.

(6) Section 652(4), ‘the Supreme Court or District Court’—

omit, insert—

‘the receiving court’.

(7) Section 652(5), from ‘Supreme Court’ to ‘relevant court’—

omit, insert—

‘the receiving court, the registrar of the court’.

(8) Section 652(5), ‘magistrates court’—

omit, insert—

‘court of summary jurisdiction from which the charge was transmitted’.

Insertion of new s 653

14. After section 652—

insert—

‘Remission of proceedings to court exercising summary jurisdiction

‘**653.(1)** This section applies if a charge against a person for a summary offence has been transmitted to the registry of a court for the purpose of the charge being dealt with under section 651.

‘(2) If—

- (a) the person states an intention of entering a plea of not guilty before the court to the charge or enters a plea of not guilty before the court to the charge; or
- (b) any of the conditions mentioned in section 651(2) are not satisfied; or
- (c) the person has been dealt with on the indictment mentioned in section 651(1) before the charge for the summary offence is brought before the court; or
- (d) for any other reason the court decides not to deal with the charge;

the court must direct that the charge must be heard by a court exercising summary jurisdiction and order the court registrar to send the relevant court record to the registrar of the court exercising summary jurisdiction.’.

Amendment of s 668D (Right of appeal)

15. Section 668D(1), ‘the Supreme Court or District Court’—

omit, insert—

‘a court’.

Insertion of new ch 73

16. After section 709—

insert—

‘CHAPTER 73—TRANSITIONAL PROVISION FOR JUSTICE LEGISLATION (MISCELLANEOUS PROVISIONS) ACT (No. 2) 1999

‘Transitional provision for Justice Legislation (Miscellaneous Provisions) Act (No. 2) 1999

‘710.(1) This section applies if, after the commencement of the *Justice Legislation (Miscellaneous Provisions) Act (No. 2) 1999*, section 115—

- (a) a charge of an offence against section 339(1)⁶ is before the Supreme or District Court; and
- (b) the person charged with the offence informs the court that he or she does not want to be tried by jury; and
- (c) the prosecutor agrees to the charge being dealt with summarily.

‘(2) The court may order that—

- (a) the matter be remitted to a court of summary jurisdiction for the charge to be dealt with summarily; and
- (b) the court registrar send the relevant court record to the registrar of the relevant court of summary jurisdiction.

‘(3) The court may not make an order under subsection (2) if satisfied that because of the nature or seriousness of the offence or any other relevant consideration the defendant, if convicted, may not be adequately punished on summary conviction.’

⁵ *Justice Legislation (Miscellaneous Provisions) Act (No. 2) 1999*, section 11 (Amendment of s 552B (Charges of indictable offences that may be dealt with summarily))

⁶ Section 39 (Assaults occasioning bodily harm)

PART 4—AMENDMENT OF DISTRICT COURT ACT 1967

Act amended in pt 4

17. This part amends the *District Court Act 1967*.

Insertion of new s 28AA

18. Part 2, division 2, after section 28—

insert—

‘Protection for administrative acts

‘28AA. 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 in a judicial proceeding in the court.’.

Replacement of s 61 (Exception from criminal jurisdiction)

19. Section 61—

omit, insert—

‘Limited criminal jurisdiction if maximum penalty more than 14 years

‘61.(1) The District Court does not generally have jurisdiction to try a person charged with an indictable offence if the maximum penalty for the offence is more than 14 years.

‘(2) However, the District Court has jurisdiction to try a person charged with committing or counselling or procuring the commission of any of the following offences even if the maximum penalty for the offence is more than 14 years—

- (a) an offence against the *Corrective Services Act 1988*, section 92(3)(b);⁷
- (b) an offence under the Criminal Code, section 64, 65, 208, 213,

⁷ *Corrective Services Act 1988*, section 92 (Unlawful assembly, riot and mutiny)

215, 216, 219, 222, 229B, 315, 316, 317, 317A, 318, 319, 319A,
337, 347, 398, 409, 411, 412, 415, 419, 421, 461 or 469.⁸

‘(3) Subsection (2) applies to an offence mentioned in subsection (2)(b) even if 1 or more circumstances of aggravation under the Criminal Code are alleged to exist in relation to the offence.’

Amendment of s 77 (Removal of proceedings from Supreme Court to District Court)

20. Section 77(6)(b)(i), from ‘shall’—

omit, insert—

‘, must be assessed on the basis the proceedings had been started in the Supreme Court if the Supreme Court orders, or, in the absence of an order, as if the proceedings had been started in the District Court; and’.

Amendment of s 78 (Removal of proceedings from a District Court to a Magistrates Court)

21. Section 78(6)(b)(i), from ‘shall’—

omit, insert—

⁸ Criminal Code, section 64 (Rioters remaining after proclamation ordering them to disperse), 65 (Rioters demolishing buildings etc.), 208 (Unlawful sodomy), 213 (Owner etc. permitting abuse of children on premises), 215 (Carnal knowledge of girls under 16), 216 (Abuse of intellectually impaired persons), 219 (Taking child for immoral purposes), 222 (Incest), 229B (Maintaining a sexual relationship with a child), 315 (Disabling in order to commit indictable offence), 316 (Stupefying in order to commit indictable offence), 317 (Acts intended to cause grievous bodily harm and other malicious acts), 317A (Carrying or sending dangerous goods in a vehicle), 318 (Obstructing rescue or escape from unsafe premises), 319 (Intentionally endangering safety of persons travelling by railway), 319A (Endangering safety of persons travelling by aircraft), 337 (Sexual assaults), 347 (Rape), 398 (Punishment of stealing), 409 (Definition of “robbery”), 411 (Punishment of robbery), 412 (Attempted robbery), 415 (Demanding property, benefit or performance of services with threats), 419 (Burglary), 421 (Entering or being in premises and committing indictable offences), 461 (Arson) or 469 (Wilful damage)

‘must be assessed on the basis the proceedings had been started in the District Court if the District Court orders, or, in the absence of an order, as if the proceedings had been started in a Magistrates Court; and’.

Amendment of s 97 (Court may consider and order reference to ADR process)

22.(1) Section 97(2) to (4)—

renumber as section 97(3) to (5).

(2) Section 97—

insert—

‘**(2)** This section also applies if—

- (a) a party applies to the District Court for an order referring a dispute to an ADR process; or
- (b) the parties are otherwise before the District Court.’

Replacement of s 129 (Contempt of court)

23. Section 129—

omit, insert—

‘Contempt

‘**129.(1)** A person is in contempt of the District Court if the person—

- (a) without lawful excuse, fails to comply with an order of the court (other than an order mentioned in paragraph (e)), or an undertaking given to the court; or
- (b) wilfully insults a judge or juror, or a registrar, bailiff, or other court officer during the person’s sitting or attendance in court, or in going to or returning from the court; or
- (c) wilfully interrupts the proceedings of the court or otherwise misbehaves himself or herself in court; or
- (d) unlawfully obstructs or assaults someone in attendance in court;

or

- (e) without lawful excuse, disobeys a lawful order or direction of the court at the hearing of any proceeding; or
- (f) commits any other contempt of the court.

‘(2) A District Court judge has the same power to punish for a contempt mentioned in subsection (1) as a Supreme Court judge would have if the contempt were a contempt of the Supreme Court.

‘(3) If the contempt is in the face of the court, a bailiff or other court officer acting under the court’s order may, using necessary and reasonable help and force, take the person committing the contempt into custody and detain the person until the court rises.

‘(4) Before the court rises, the court may—

- (a) ask the person to explain why the person should not be punished; or
- (b) adjourn the matter to be dealt with on a stated date.

‘(5) If the court acts under subsection (4)(a), the court may deal with the person immediately.’

PART 5—AMENDMENT OF MAGISTRATES COURTS ACT 1921

Act amended in pt 5

24. This part amends the *Magistrates Courts Act 1921*.

Amendment of s 29 (Court may consider and order reference to ADR process)

25.(1) Section 29(2) to (4)—

renumber as section 29(3) to (5).

(2) Section 29—

insert—

‘(2) This section also applies if—

- (a) a party applies to a Magistrates Court for an order referring a dispute to an ADR process; or
- (b) the parties are otherwise before a Magistrates Court.’.

Amendment of s 45A (Limitation on appeal if minor debt claim)

26. Section 45A(1) and (2), ‘order made’—

omit.

Amendment of s 50 (Contempt)

27.(1) Section 50(1)(a) to (d)—

renumber as section 50(1)(b) to (e).

(2) Section 50(1)—

insert—

- ‘(a) without lawful excuse, fails to comply with an order of the court, other than an order mentioned in paragraph (e), or an undertaking given to the court; or’.

(3) Section 50(1)—

insert—

- ‘(f) commits any other contempt of the court.’.

(4) Section 50(1), penalty—

omit.

(5) Section 50(3) to (5)—

renumber as section 50(5) to (7)

(6) Section 50(7), as renumbered, ‘(4)(a)’—

omit, insert—

‘(6)(a)’.

(7) Section 50(2)—

omit, insert—

‘(2) A contempt under subsection (1) must be dealt with in the way prescribed under the Uniform Civil Procedure Rules.

‘(3) However—

- (a) a contempt mentioned in subsection (1)(a) may be punished by a maximum penalty of 200 penalty units or 3 years imprisonment; and
- (b) a contempt mentioned in subsection (1)(b) to (f) may be punished by a maximum penalty of 84 penalty units or 1 year’s imprisonment.

‘(4) Without limiting the court’s power to punish for contempt, the court may order a person committing a contempt to be excluded from the room or other place in which the court is sitting.’.

Amendment of s 52 (Publication of particulars of minor debt claims)

28. Section 52(1)(d), ‘order’—

omit.

PART 6—AMENDMENT OF PENALTIES AND SENTENCES ACT 1992

Act amended in pt 6

29. This part amends the *Penalties and Sentences Act 1992*.

Amendment of s 13A (Cooperation with law enforcement authorities to be taken into account)

30. Section 13A(2) and (3)—

omit, insert—

‘(2) Before the sentencing proceeding starts, a party to the proceeding—

- (a) must advise the relevant officer—
 - (i) that the offender has undertaken to cooperate with law enforcement agencies; and
 - (ii) that written or oral submissions or evidence will be made or brought before the court relevant on that account to the reduction of sentence; and
- (b) may give to the relevant officer copies of any proposed written submissions mentioned in paragraph (a)(ii).

‘(3) After the offender is invited to address the court—

- (a) the offender’s written undertaking to cooperate with law enforcement agencies must be handed up to the court; and
- (b) any party may hand up to the court written submissions relevant to the reduction of sentence.

‘(4) The undertaking must be in an unsealed envelope addressed to the sentencing judge or magistrate.

‘(5) If oral submissions are to be made to, or evidence is to be brought before, the court relevant to the reduction of sentence, the court must be closed for that purpose.

‘(6) The penalty imposed on the offender must be stated in open court.

‘(7) After the imposition of the penalty, the sentencing judge or magistrate must—

- (a) close the court; and
- (b) state in closed court—
 - (i) that the sentence is being reduced under this section; and
 - (ii) the sentence it would otherwise have imposed; and
- (c) cause the following to be sealed and placed on the court file with an order that it may be opened only by an order of the court, including on an application to reopen the sentencing proceedings

under section 188(2)⁹—

- (i) the written undertaking;
- (ii) a record of evidence or submissions made relevant to the reduction of sentence and the sentencing remarks made under paragraph (b).

‘(8) The sentencing judge or magistrate may make an order prohibiting publication of all or part of the proceeding or the name and address of any witness on his or her own initiative or on application.

‘(9) In deciding whether to make an order under subsection (8), the judge or magistrate may have regard to—

- (a) the safety of any person; and
- (b) the extent to which the detection of offences of a similar nature may be affected; and
- (c) the need to guarantee the confidentiality of information given by an informer.

‘(10) A person who contravenes an order made under subsection (8) commits an offence.

Maximum penalty—

- (a) for an order made by a judge—5 years imprisonment;
- (b) for an order made by a magistrate—3 years imprisonment.

‘(11) In this section—

“**relevant officer**” means—

- (a) for a proceeding before the Supreme or District Court—the sentencing judge’s associate; or
- (b) for a proceeding before a Magistrates Court—the relevant clerk of the court.’.

⁹ Section 188 (Court may reopen sentencing proceedings)

PART 7—AMENDMENT OF STIPENDIARY MAGISTRATES ACT 1991

Act amended in pt 7

31. This part amends the *Stipendiary Magistrates Act 1991*.

Insertion of new s 21A

32. After section 21—

insert—

‘Protection for administrative acts

‘21A. A magistrate has, in the performance or exercise of an administrative function or power conferred on the magistrate under an Act, the same protection and immunity as a magistrate has in a judicial proceeding in a Magistrates Court.’.

PART 8—AMENDMENT OF SUPREME COURT OF QUEENSLAND ACT 1991

Act amended in pt 8

33. This part amends the *Supreme Court of Queensland Act 1991*.

Amendment of title

34. Title, ‘**money orders**’—

omit, insert—

‘orders’.

Insertion of new s 27AA

35. Part 2, division 3, after section 27—

insert—

‘Protection for administrative acts

‘**27AA.** 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.’.

Amendment of s 75 (Removal to Magistrates Court)

36. Section 75(2)—

omit, insert—

‘(2) If a proceeding is transferred to a Magistrates Court, that court may hear and decide the matter as if the proceeding had been started in a Magistrates Court.’.

Amendment of s 83 (Interpleader orders)

37. Section 83(1)(f), ‘a judgment’—

omit, insert—

‘an’.

Replacement of s 84 (Effect of default judgment order)

38. Section 84—

omit, insert—

‘Effect of default judgment

‘**84.** A default judgment given by a registrar has the same effect as if it were a judgment given by the court.’.

Amendment of s 86 (Demand for compliance unnecessary)

39.(1) Section 86(2), ‘an enforcement debtor’—

omit, insert—

‘a person’.

(2) Section 86(2), ‘the enforcement debtor’—

omit, insert—

‘the person’.

Amendment of s 93A (Enforcement warrant)

40.(1) Section 93A(1)—

omit, insert—

‘**93A.(1)** To enforce an order (the “**original order**”) (but not an order for the payment of money into court), a person entitled to enforce the original order may obtain an enforcement warrant from the court.’.

(2) Section 93A(2), ‘a money order’—

omit, insert

‘the original order’.

(3) Section 93A(2)(a) and (d), ‘the money’—

omit, insert—

‘a money’.

(4) Section 93A(2)(a), ‘property exempted under the *Uniform Civil Procedure Rules*’—

omit, insert—

‘exempt property’.

(5) Section 93A(2)—

insert—

‘(e) an enforcement officer to enter and deliver possession of land; or

(f) an enforcement officer to seize and deliver specified goods; or

(g) an enforcement officer to seize and detain property.’.

(6) Section 93A(3) and (4)—

renumber as section 93A(4) and (5).

(7) Section 93A—

insert—

‘(3) An enforcement warrant may contain more than 1 order directed to enforcing the original order and may be issued to enforce an original order that is a money order and a non-money order.’.

Amendment of s 93B (Securities held by enforcement officer)

41.(1) Section 93B(2) and (3)—

renumber as section 93B(3) and (4).

(2) Section 93B(1)—

omit, insert—

‘93B.(1) This section applies if an enforcement officer seizes cheques, bills of exchange, promissory notes, specialties or other securities for money (the “**seized documents**”) under an enforcement warrant to enforce a money order.

‘(2) The enforcement officer holds the seized documents as security for the amount to be recovered under the enforcement warrant for the benefit of the enforcement creditor.’.

Insertion of new pt 7, div 5, sdiv 4

42. After section 93H—

insert—

‘Subdivision 4—Non-attendance

‘Attendance of individuals

‘93I.(1) This section applies if an individual fails to comply with a

subpoena or order requiring attendance to give evidence or produce a document or thing before the court or before an officer, examiner, referee or other person having authority to take evidence.

‘(2) The court may make an order for the issue of a warrant for—

- (a) the arrest of the individual; and
- (b) the production of the individual as required by the subpoena or order for the purpose of the proceeding; and
- (c) the detention in custody of the individual until released by the court.

‘(3) The court may order an individual who did not attend as required by the subpoena or order to pay the costs and expenses resulting because the individual did not comply with the subpoena or order.

‘Attendance of corporation

‘**93J.(1)** This section applies if a corporation or officer of the corporation fails to comply with a subpoena or order requiring attendance to give evidence or produce a document or thing before the court or before an officer, examiner, referee or other person having authority to take evidence.

‘(2) The court may make an order for the issue of a warrant for—

- (a) the arrest of the officer of the corporation to whom the subpoena was directed; and
- (b) the production of the officer as required by the subpoena or order for the purpose of the proceeding; and
- (c) the detention in custody of the officer until released by the court.

‘(3) However, if the subpoena was directed to the ‘proper officer’ of the corporation, the court may make an order for the issue of a warrant for the arrest of a particular officer only if it is proved that the officer had received the subpoena, or otherwise had actual knowledge of it.

‘(4) The court may order a corporation that did not attend as required by the subpoena or order to pay the costs and expenses resulting because the corporation did not comply with the subpoena or order.

‘Noncompliance is contempt of court

‘93K.(1) Failure to comply with a subpoena without lawful excuse is contempt of court and the person who failed to comply may be dealt with for contempt of court.

‘(2) Nothing in section 93I or 93J affects the court’s power to punish for contempt.

‘Issue of warrant for defendant’s arrest

‘93L.(1) Jurisdiction under this section may be exercised only by the Supreme Court.

‘(2) Subsection (3) applies if the court is satisfied that—

- (a) a defendant to a claim has absconded or is about to abscond; and
- (b) the absence of the defendant would materially prejudice the plaintiff in prosecuting the proceeding or enforcing any judgment that may be given.

‘(3) The court may issue a warrant in the approved form for the arrest of a defendant.

‘(4) The court may issue the warrant at any time, for example, before the defendant has been served with a claim or before judgment.

‘(5) The warrant must state—

- (a) the name of the defendant; and
- (b) the date, within 2 months after the warrant’s issue, the warrant ends.

‘(6) The court may fix an amount as security to be stated in the warrant.

‘(7) On payment of the security, the defendant is entitled not to be arrested or, if arrested, to be released.

‘(8) In fixing the amount, the court may have regard to any matter it considers relevant, including the following matters—

- (a) the amount (if any) of the plaintiff’s claim;
- (b) the costs of issuing the warrant;

(c) an estimate of the costs of executing the warrant.’.

Renumbering of ss 93I and 93J

43. Sections 93I and 93J, as inserted by Act No. 20 of 1998—
renumber as sections 93M and 93N.

Insertion of new s 93O

44. Part 7, division 6—
insert—

‘Delegation by registrar

‘93O.(1) A registrar of the court may delegate the registrar’s powers to an appropriately qualified person who is a public service employee in a registry of the court.

‘(2) In this section—

“appropriately qualified”, for a person to whom a power may be delegated, includes having the qualifications, experience or standing appropriate to exercise the power.

Example of ‘standing’—

A person’s classification level in the public service.’.

Amendment of s 102 (Court may consider and order reference to ADR process)

45.(1) Section 102(2) to (4)—
renumber as section 102(3) to (5).

(2) Section 102—
insert—

‘(2) This section also applies if—

(a) a party applies to the Supreme Court for an order referring a dispute to an ADR process; or

(b) the parties are otherwise before the Supreme Court.’

Amendment of s 128 (No distinction between court and chambers for Supreme Court, District Court and Magistrates Courts)

46. Section 128—

insert—

‘(4) However, the extent to which the business of the court is open to the public may be limited by any of the following if the public interest or the interests of justice require it—

- (a) an order of the court;
- (b) the *Uniform Civil Procedure Rules*;
- (c) a practice direction.

‘(5) Subsection (4) is subject to any Act.’

Omission of s 131 (References to judgment)

47. Section 131—

omit.

Amendment of sch 1 (Subject matter for rules)

48.(1) Schedule 1, section 20, ‘money orders’—

omit, insert—

‘orders’.

(2) Schedule 1, section 20(b)—

omit, insert—

‘(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) enforcement warrants for payment of the money order debt by instalments; or
- (vii) for the Supreme Court—enforcement warrants for charging orders and stop orders;’.

Amendment of sch 2 (Dictionary)

49.(1) Schedule 2, definition “money order”—

omit.

(2) Schedule 2—

insert—

‘ **“exempt property”** means property that is not divisible among the creditors of a bankrupt under the relevant bankruptcy law as in force from time to time.

“money order” means an order of the court, or part of an order of the court, for the payment of an amount, including an amount for damages, whether or not the amount is or includes an amount for interest or costs.

“non-money order” means an order of the court, or part of an order of the court, for a form of relief other than the payment of an amount.’.

(3) Schedule 2, definition “enforcement warrant”, ‘a money’—

omit, insert—

‘an’.

(4) Schedule 2, definition “registrar”, paragraph (a)(ii), ‘; and’—

omit, insert—

‘; or

- (iii) for a Magistrates Court—a deputy registrar of a Magistrates Court; and’.

SCHEDULE

MINOR AMENDMENTS OF CRIMINAL CODE

section 6

1. Section 59(1), after ‘asks’—

insert—

‘for’.

2. Section 87(1)(a), after ‘asks’—

insert—

‘for’.

3. Section 103(b) and (c), after ‘asks’—

insert—

‘for’.

4. Section 118(a), after ‘asks’—

insert—

‘for’.

5. Section 120(1)(a), after ‘asks’—

insert—

‘for’.

SCHEDULE (continued)

6. Section 121(1)(a), after ‘asks’—

insert—

‘for’.

7. Section 127(1)(c), after ‘asks’—

insert—

‘for’.

8. Section 133(1), after ‘asks’—

insert—

‘for’.

9. Section 433(2), ‘who has’—

insert—

‘who, having’.

10. Chapter 72, heading and part 1, heading, as inserted by the Criminal Code (Stalking) Amendment Act 1999, section 4—

omit.

11. Chapter 72, part 2, heading, as inserted by the Criminal Code (Stalking) Amendment Act 1999, section 5—

omit, insert—

‘PART 9—TRANSITIONAL PROVISIONS**‘CHAPTER 72—TRANSITIONAL PROVISION FOR
ACT NO. 18 OF 1999’.**

12. Section 709, heading—

omit, insert—

‘Transitional provision for Act No. 18 of 1999’.