



# Dispute Resolution Centres Act 1990

Reprinted as in force on 3 December 2004

Reprint No. 3D<sup>\*</sup>

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

\* Minor differences in presentation between this reprint and another reprint with the same number are due to the conversion to new styles. The content has not changed.

# Information about this reprint

This Act is reprinted as at 3 December 2004. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## **Dates shown on reprints**

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

**Replacement reprint date** If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

# Dispute Resolution Centres Act 1990

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	3
2	Interpretation . . . . .	3
<b>Part 2</b>	<b>Administration</b>	
<b>Division 1</b>	<b>The council</b>	
3	Establishment of council. . . . .	5
5	Directions to council by Minister. . . . .	5
6	Membership . . . . .	5
7	President . . . . .	6
8	Term of office . . . . .	6
9	Disqualifications for appointment as member. . . . .	6
10	Vacation of office . . . . .	6
11	Meetings of the council. . . . .	7
12	Minutes. . . . .	8
13	Subcommittees. . . . .	8
14	Procedure of subcommittee . . . . .	8
16	Use of facilities and staff. . . . .	9
17	Delegation by council . . . . .	9
<b>Division 2</b>	<b>Staff of dispute resolution centre</b>	
18	Directors . . . . .	9
19	Mediators . . . . .	10
20	Staff . . . . .	10
21	Delegation by director . . . . .	10
<b>Part 3</b>	<b>Dispute resolution centres</b>	
22	Establishment of dispute resolution centres. . . . .	11
23	Premises of dispute resolution centres . . . . .	11
24	Place of operation of dispute resolution centres . . . . .	11

*Dispute Resolution Centres Act 1990*


---

26	Centres to be part of department . . . . .	11
27	Use of certain words. . . . .	12
<b>Part 4</b>	<b>Mediation</b>	
27A	Application . . . . .	13
28	Provision of mediation services . . . . .	13
29	Conduct of mediation sessions . . . . .	13
30	Disputes . . . . .	14
31	Mediation to be voluntary . . . . .	14
32	Refusal or termination of mediation . . . . .	15
33	Representation by agent . . . . .	15
<b>Part 5</b>	<b>Miscellaneous</b>	
35	Exoneration from liability . . . . .	16
36	Privilege . . . . .	17
37	Secrecy . . . . .	19
38	Power to accept appointment . . . . .	20
39	Annual report on operation of Act. . . . .	21
40	Proceedings . . . . .	21
41	Regulations . . . . .	21
<b>Schedule 1</b>	. . . . .	22
<b>Schedule 2</b>	. . . . .	23
 <b>Endnotes</b>		
1	Index to endnotes. . . . .	24
2	Date to which amendments incorporated. . . . .	24
3	Key . . . . .	25
4	Table of reprints . . . . .	25
5	Tables in earlier reprints . . . . .	26
6	List of legislation. . . . .	26
7	List of annotations . . . . .	27
8	Table of renumbered provisions . . . . .	29

# Dispute Resolution Centres Act 1990

[as amended by all amendments that commenced on or before 3 December 2004]

**An Act to provide for the establishment and operation of dispute resolution centres to provide mediation services in connection with certain disputes**

## Part 1 Preliminary

### 1 Short title

This Act may be cited as the *Dispute Resolution Centres Act 1990*.

### 2 Interpretation

(1) In this Act—

*agency* means a department or local government, and includes part of an agency.

*council* means the dispute resolution centres Council established by this Act.

*director* means a person holding office or duly acting as director of a dispute resolution centre.

*dispute resolution centre* means a dispute resolution centre established under this Act.

*functions* includes powers, authorities and duties.

*mediation* includes—

- (a) the undertaking of any activity for the purpose of promoting the discussion and settlement of disputes; and

*Dispute Resolution Centres Act 1990*

---

- (b) the bringing together of the parties to any dispute for that purpose, either at the request of 1 of the parties to the dispute or on the initiative of a director; and
- (c) the follow-up of any matter the subject of any such discussion or settlement.

**mediation session** means a meeting in accordance with this Act between 2 or more parties who are in dispute on any matter.

**mediator**, in relation to a dispute resolution centre, means—

- (a) the director of the centre; or
- (b) any person for the time being accredited under section 19 as a mediator for the centre.

**member** means a member of the council.

**Queensland Council of Social Service Inc.** means the body by that name incorporated on 15 December 1986 under the *Associations Incorporation Act 1981* as amended.

**referring order** means an order referring a dispute for mediation made by—

- (a) the Supreme Court under the *Supreme Court of Queensland Act 1991*, section 102; or
  - (b) the District Court under the *District Court of Queensland Act 1967*, section 97; or
  - (c) a Magistrates Court under the *Magistrates Courts Act 1921*, section 29.<sup>1</sup>
- (2) A reference in this Act to the discharge of a function includes, where the function is a duty, a reference to the performance of the duty.
  - (3) A reference in this Act to the parties to a mediation session includes a reference to the parties to a dispute in respect of which an application for a mediation session is duly made, but

---

<sup>1</sup> *Supreme Court of Queensland Act 1991*, section 102 (Court may consider and order reference to ADR process); *District Court of Queensland Act 1967*, section 97 (Court may consider and order reference to ADR process); *Magistrates Courts Act 1921*, section 29 (Court may consider and order reference to ADR process)

does not include a reference to the mediator conducting the mediation session.

- (4) A reference in this Act to the conduct of a mediation session by a mediator includes a reference to the conduct of a mediation session in the presence, or under the supervision, of the mediator.

## **Part 2 Administration**

### **Division 1 The council**

#### **3 Establishment of council**

- (1) There is to be a council called the Dispute Resolution Centres Council.
- (2) The principal function of the council is to provide advice to the Minister on the operation of this Act, dispute resolution generally and the provision of mediation services under this Act, other than mediation services provided because of a referring order.

#### **5 Directions to council by Minister**

The council is, in the discharge of its functions (except in relation to the contents of a report or recommendation made by it to the Minister), subject to the control and direction of the Minister.

#### **6 Membership**

- (1) The council consists of at least 4 members appointed by the Minister who the Minister considers have an appropriate level of knowledge of, and experience in, dispute resolution processes or related areas.
- (2) The Minister may seek nominations for council membership in any way the Minister considers appropriate.

**7 President**

- (1) The council is to have a president, who is to be a member of the council appointed as president by the Minister.
- (2) An appointment under subsection (1) may be made by the instrument (if any) by which the person appointed as president is appointed as a member or by another instrument.

**8 Term of office**

A member of the council, subject to this Act, is to hold office for such term, not exceeding 3 years, as is specified in the instrument of appointment of the member.

**9 Disqualifications for appointment as member**

A person who—

- (a) is an undischarged bankrupt or is taking advantage of the laws in force for the time being relating to bankrupt or insolvent debtors; or
- (b) is convicted in Queensland of an indictable offence (whether on indictment or summarily) or is convicted elsewhere in respect of an act or omission that, if it occurred in Queensland, would constitute an indictable offence;

is not qualified to be or to continue as a member.

**10 Vacation of office**

- (1) The office of a member of the council becomes vacant if the member—
  - (a) dies; or
  - (b) resigns office by writing signed by the member and given to the Minister; or
  - (c) is absent from 4 consecutive meetings of the council of which reasonable notice has been given to the member personally or in the ordinary course of post except on leave granted by the council, and is not, before the expiration of 4 weeks from the last of those meetings,

- excused by the council for being absent from those meetings; or
- (d) ceases to be qualified to continue as a member; or
  - (e) ceases to hold the office or position necessary for appointment as a member.
- (2) The Minister may, for any cause that appears to the Minister sufficient, remove any member of the council from office.
  - (3) On the occurrence of a vacancy in the office of a member of the council, the Minister may appoint a person to the vacant office so that the council is constituted in accordance with section 6.

## **11 Meetings of the council**

- (1) The procedure for the calling of meetings of the council and for the conduct of business at those meetings, subject to this Act, is to be as determined by the council.
- (2) The president of the council or, in the absence of the president, the member chosen by the members present at the meeting to act as president may preside at any meeting of the council.
- (3) A quorum of the council is half the number of members of which the council for the time being consists or, if that number is not a whole number, the next greater whole number.
- (4) Any duly convened meeting of the council at which a quorum is present is competent to transact any business of the council and has and may discharge all the functions of the council.
- (5) The person presiding at any meeting of the council, in the event of an equality of votes, has in addition to a deliberative vote a second or casting vote.
- (6) A decision supported by a majority of the votes of the members present and voting at a meeting of the council is the decision of the council.

**12 Minutes**

The council must cause full and accurate minutes to be kept of the proceedings at its meetings, and must submit to the Minister a copy of the minutes (whether or not confirmed) of each meeting within 14 days after the day on which the meeting is held.

**13 Subcommittees**

- (1) The council may establish such standing or special subcommittees as it thinks fit to assist and advise it in connection with the discharge of its functions or to discharge, pursuant to a delegation made under section 17, the functions of the council that have been delegated to the subcommittee.
- (2) A person may be appointed as a member of a subcommittee whether or not the person is a member of the council.

**14 Procedure of subcommittee**

- (1) The procedure for the calling of meetings of a subcommittee and for the conduct of business at those meetings, subject to this Act and any direction given by the council, is to be as determined by the subcommittee.
- (2) A quorum of a subcommittee consists of such number of the members of the subcommittee as the council determines, and any duly convened meeting of a subcommittee at which a quorum is present is competent to transact any business of the subcommittee and has and may discharge all the functions of the subcommittee.
- (3) The person presiding at any meeting of a subcommittee, if the council so approves in relation to the subcommittee, has in addition to a deliberative vote a second or casting vote.
- (4) A decision supported by a majority of the votes of the members present and voting at a meeting of a subcommittee is the decision of the subcommittee.

**16 Use of facilities and staff**

For the purposes of this Act, the council, with the approval of the Minister and of the department or local government or public authority or organisation concerned, and on such terms as may be arranged, may make use of the facilities, or the services of any officers, employees or other staff, of any department of the government of the State or of any local government or public authority or other organisation.

**17 Delegation by council**

- (1) The council may delegate to a member, subcommittee or director such of the council's functions (other than this power of delegation) as it thinks fit, and may revoke wholly or in part any such delegation.
- (2) A function which is delegated under this section, while the delegation remains unrevoked, may be discharged by the delegate from time to time in accordance with the terms of the delegation.
- (3) A delegation under this section may be made subject to conditions or limitations.
- (4) Notwithstanding any delegation under this section, the council may continue to exercise all or any of the functions delegated.
- (5) Any act or thing done in the discharge of a function delegated under this section has the same force and effect as if it had been done by the council.

**Division 2 Staff of dispute resolution centre****18 Directors**

There is to be a director for each dispute resolution centre and the same person may be the director for more than 1 dispute resolution centre.

**19 Mediators**

The chief executive may accredit a person, other than a director, as a mediator for a dispute resolution centre and may revoke any such accreditation.

**20 Staff**

- (1) The director and staff of a dispute resolution centre (other than a mediator accredited under section 19) are to be employed under the *Public Service Act 1996*.
- (2) A mediator accredited under section 19 is entitled to be paid such remuneration as is determined in respect of the mediator by the Minister.

**21 Delegation by director**

- (1) The director of a dispute resolution centre may authorise a member of the staff of the centre to discharge such of the director's functions (including any functions delegated to the director under this Act, but not including this power of authorisation) as the director thinks fit, and the director, or any successor as director of the centre, may revoke wholly or in part any such authorisation.
- (2) A function which is authorised to be discharged under this section, while the authorisation remains unrevoked, may be discharged from time to time in accordance with the terms of the authorisation.
- (3) An authorisation under this section may be made subject to conditions or limitations.
- (4) Notwithstanding any authorisation under this section, the director may continue to discharge all or any of the functions to which the authorisation relates.
- (5) Any act or thing done in the discharge of a function by a person authorised under this section to discharge the function has the same force and effect as if it had been done by the director.
- (6) Where the discharge of a function of the director depends on the opinion, belief or state of mind of the director and the function is in accordance with this section authorised to be

discharged by another person, the function, subject to any restriction imposed by the director, may be discharged in accordance with the opinion, belief or state of mind of that other person.

## **Part 3                      Dispute resolution centres**

### **22            Establishment of dispute resolution centres**

Dispute resolution centres may be established and operated in accordance with this Act for the purpose of providing mediation services.

### **23            Premises of dispute resolution centres**

Dispute resolution centres may be established at such premises as the Governor in Council may determine by gazette notice.

### **24            Place of operation of dispute resolution centres**

- (1) The principal office of a dispute resolution centre is at the premises specified in relation to the centre in the gazette notice under section 23.
- (2) The activities of a dispute resolution centre may be conducted at the principal office or at such other places as the director of the centre may approve from time to time.

### **26            Centres to be part of department**

Dispute resolution centres are to operate within and as parts of the department, and nothing in this Act derogates from the operation of the provisions of the *Public Service Act 1996*, or any other Act so far as they apply to that department and any such part thereof.

**27 Use of certain words**

- (1) The words ‘dispute resolution centre’ or the letters ‘DRC’ are not to be used in the name of any centre, organisation, body or group or any other place or establishment, or any part thereof, nor is any centre, organisation, body or group, or any other place or establishment, or any part thereof, to be held out as a dispute resolution centre (whether or not as established under this Act) by the use of the words ‘dispute resolution centre’ or the letters ‘DRC’ or in any other manner—
  - (a) unless in either case it is in fact a dispute resolution centre established under this Act; or
  - (b) except in either case with the consent of the Minister.
- (2) In this section, a reference to—
  - (a) the words *dispute resolution centre* includes a reference to those words whether or not they appear consecutively and to words that are substantially the same as those words; and
  - (b) the letters *DRC* includes a reference to matter that is substantially the same as those letters.
- (3) A person who—
  - (a) uses or causes to be used the words ‘dispute resolution centre’ or the words ‘DRC’; or
  - (b) holds out or causes to be held out anything as a dispute resolution centre;in contravention of subsection (1), commits an offence against this Act.
- (4) It is a defence to prove that the usage or holding out in question was established before the commencement of this section.

## **Part 4                      Mediation**

### **27A    Application**

- (1) This part, other than the prescribed sections, does not apply in relation to a dispute that is the subject of a referring order.
- (2) To remove any doubt, it is declared that the Act that applies to the mediation of a dispute that is the subject of a referring order is the Act under which the referring order is made.
- (3) In this section—  
*prescribed sections* means—
  - this section
  - section 28(1), (2), (3) and (4).

### **28        Provision of mediation services**

- (1) The director of a dispute resolution centre is responsible for the provision of mediation services, including mediation services necessary to give effect to a referring order, and for the operation and management of the centre.
- (2) Each mediation session is to be conducted by 1 or more mediators assigned for the purpose by the director.
- (3) If, under a referring order, the director of a dispute resolution centre is appointed as mediator of the dispute referred for mediation, the director may assign 1 or more appropriately qualified mediators to conduct the mediation.
- (4) A mediator assigned by the director under subsection (3) is taken to be the mediator appointed for the dispute under the referring order.
- (5) No dispute may be accepted for mediation under this Act unless the director consents.

### **29        Conduct of mediation sessions**

- (1) The procedure for commencing and conducting a mediation session at a dispute resolution centre is to be as determined by the director.

- (2) Mediation sessions are to be conducted with as little formality and technicality, and with as much expedition, as possible.
- (3) The rules of evidence do not apply to mediation sessions.
- (4) A dispute may not be adjudicated or arbitrated upon at a mediation session.
- (5) A mediation session is to be conducted in the absence of the public, but persons who are not parties to a mediation session may be present at or participate in a mediation session with the permission of the director.

### **30 Disputes**

- (1) The director of a dispute resolution centre may decide, for the centre, that specified classes of disputes are not to be the subject of mediation sessions, or that specified classes of disputes may be the subject of mediation sessions, but nothing in this subsection limits any other provisions of this Act.
- (2) A mediation session may be commenced or continued whether or not the dispute is justiciable before any court, tribunal or body and whether or not the dispute is the subject of any legal proceedings.
- (3) For the purposes of this Act, persons may be treated as being in dispute on any matter if they are not in agreement on the matter (whether or not any relevant negotiations are still in progress).

### **31 Mediation to be voluntary**

- (1) Attendance at and participation in mediation sessions are voluntary.
- (2) A party to a mediation session may withdraw from the mediation session at any time.
- (3) Notwithstanding any rule of law or equity, any agreement reached at, or drawn up pursuant to, a mediation session is not enforceable in any court, tribunal or body, unless the parties agree in writing that the agreement is to be enforceable.

- (4) Except as expressly provided in this Act, nothing in this Act affects any rights or remedies that a party to a dispute has apart from this Act.

### **32 Refusal or termination of mediation**

- (1) The director of a dispute resolution centre may decline to consent to the acceptance of any dispute for mediation under this Act at the centre.
- (2) A mediation session may be terminated at any time by the mediator or by the director.

### **33 Representation by agent**

- (1) A party to a mediation session is not entitled to be represented by an agent unless—
- (a) it appears to the director that—
    - (i) an agent should be permitted in order to facilitate mediation; and
    - (ii) the agent proposed to be appointed has sufficient knowledge of the matter in dispute to enable the agent to represent the party effectively; and
  - (b) the director so approves.
- (2) Subsection (1) does not prevent—
- (a) where a corporation within the meaning of the Corporations Act is party to a mediation session—an officer of the corporation; or
  - (b) where a corporation that is a body corporate constituted under the *Building Units and Group Titles Act 1980*, is a party to a mediation session—the proprietor or, if there is more than 1 proprietor, 1 of the proprietors, constituting that corporation; or
  - (ba) if a corporation that is the body corporate for a community titles scheme under the *Body Corporate and Community Management Act 1997* is a party to a mediation session—1 member of the body corporate; or



- (b) the arrest of a person followed by such a failure; or
  - (c) failure to offer evidence at the hearing of a charge referred to in paragraph (a);  
if the failure is reasonable—
  - (d) by reason of the reference of the dispute to which the alleged offence relates for mediation under this Act or by reason of an agreement reached by the parties to a dispute so referred; and
  - (e) in all the circumstances of the case.
- (3) In subsection (2)—
- offence* does not include an offence constituted wholly or partly by domestic violence within the meaning of the *Domestic and Family Violence Protection Act 1989*.
- (4) Nothing in this Act prevents a charge referred to in subsection (2)(a) from being laid or any proceedings so referred to from being instituted or proceeded with, or any evidence being offered in relation to such a charge, or any incidental act, matter or thing from being done by any person at any time.
- (5) No person is to be concerned to inquire whether or not any circumstance has arisen requiring or authorising a person to act in the office of a member or of a director, and anything done or omitted to be done by that person while so acting is as valid and effectual and has the same consequences as if it had been done or omitted to be done by that member or director.

### 36 Privilege

- (1) In this section—
- mediation session* includes any steps taken in the course of making arrangements for a mediation session or in the course of the follow-up of a mediation session.
- (2) Subject to subsection (3), the like privilege with respect to defamation exists with respect to—
- (a) a mediation session; or

*Dispute Resolution Centres Act 1990*

---

- (b) a document or other material sent to, or produced at, a dispute resolution centre for the purpose of enabling a mediation session to be arranged;  
as exists with respect to proceedings before the Supreme Court and a document produced in these proceedings.
- (3) The privilege conferred by subsection (2) does not extend to a publication made otherwise than—
  - (a) at a mediation session; or
  - (b) as provided by subsection (2)(b); or
  - (c) as provided by section 37(2).
- (4) Evidence of anything said or of any admission made in a mediation session is not admissible in any proceedings before any court, tribunal or body.
- (5) A document prepared for the purposes of, or in the course of, or pursuant to, a mediation session, or any copy thereof is not admissible in evidence in any proceedings before any court, tribunal or body.
- (6) Subsections (4) and (5) do not apply with respect to any evidence or document—
  - (a) where the persons in attendance at, or named during, the mediation session and, in the case of a document, all persons named in the document—consent to admission of the evidence or document; or
  - (b) in proceedings instituted with respect to—
    - (i) any act or omission in connection with which a disclosure has been made pursuant to section 37(2)(c); or
    - (ii) an offence under section 37(3) concerning the disclosure of the evidence or document.
- (7) This section does not apply in relation to a dispute that is the subject of a referring order.
- (8) To remove any doubt, it is declared that the Act that applies to the mediation of a dispute that is the subject of a referring order is the Act under which the referring order is made.

**37      Secrecy**

- (1) A mediator is not competent to commence to discharge the functions of a mediator without first taking an oath before a justice of the peace in or to the effect of the form set out in schedule 1 or making an affirmation in or to the effect of the form set out in schedule 2.
- (2) A person who is or has been a member of the council or a subcommittee of the council, a mediator, a director, a member of the staff of a dispute resolution centre or a person making an evaluation under section 34 or carrying out research referred to in paragraph (e) may disclose information obtained in connection with the administration or execution of this Act only as follows—
  - (a) with the consent of the person from whom the information was obtained;
  - (b) in connection with the administration or execution of this Act;
  - (c) where there are reasonable grounds to believe that disclosure is necessary to prevent or minimise the danger of injury to any person or damage to any property;
  - (d) where the disclosure is reasonably required for the purpose of referring any party or parties to a mediation session to any person, agency, organisation or other body and the disclosure is made with the consent of the parties to the mediation session for the purpose of aiding in the resolution of a dispute between those parties or assisting any such parties in any other manner;
  - (e) where the disclosure does not reveal the identity of a person without the consent of the person and is reasonably required for the purposes of research carried out by, or with the approval of, the council or an evaluation pursuant to section 34;
  - (f) in accordance with a requirement imposed by or under a law of the State (other than a requirement imposed by a subpoena or other compulsory process) or the Commonwealth.

- (3) A person to whom subsection (2) applies who discloses information obtained in connection with the administration or execution of this Act otherwise than as authorised by the subsection commits an offence against this Act.
- (4) Despite subsections (2) and (3) a director may, if the director considers it is appropriate in the circumstances, disclose to an agency or court—
  - (a) the fact that a dispute resolution process has taken place; and
  - (b) whether an agreement was reached as a result of that process.
- (5) Before a director may make the disclosure mentioned in subsection (4), the director must—
  - (a) tell the parties of his or her intention to make the disclosure; and
  - (b) allow the parties a reasonable time, not less than 5 days, to make written representations to the director about the disclosure; and
  - (c) have regard to the representations.
- (6) Subsection (4) does not permit the disclosure of the content of the agreement reached by the parties without the consent of the parties.
- (7) This section, other than subsection (1), does not apply in relation to a dispute that is the subject of a referring order.
- (8) To remove any doubt, it is declared that the Act that applies to the disclosure of information about a dispute that is the subject of a referring order is the Act under which the referring order is made.

### **38 Power to accept appointment**

- (1) Where, by or under any Act, provision is made requiring the whole of the time of the holder of a specified office to be devoted to the duties of that office or prohibiting the holder of a specified office from engaging in employment outside the duties of that office, the provision does not operate to disqualify a holder of that office from—

- (a) holding that office and also the office of a member of the council or of a subcommittee of the council; or
  - (b) holding that office and also the office of a mediator or retaining any remuneration payable to a mediator.
- (2) The office of a member of the council, a member of a subcommittee of the council or a mediator is not, for the purposes of any Act an office or place of profit under the Crown.

### **39 Annual report on operation of Act**

The department's annual report for a financial year must include a report about the operation of this Act during the year.

### **40 Proceedings**

- (1) A person who commits an offence against this Act may be prosecuted in a summary way under the *Justices Act 1886* on the complaint of an officer of the department authorised generally or in a particular case by the Minister.
- (2) The identity of the complainant and the complainant's authority to lay the complaint, as stated in the complaint, is to be presumed in the absence of evidence to the contrary.
- (3) A person convicted of an offence against this Act is liable where no other penalty is expressly prescribed to a penalty not exceeding 15 penalty units.

### **41 Regulations**

The Governor in Council may make regulations not inconsistent with this Act with respect to all matters necessary or expedient to be prescribed for the proper administration of this Act or to achieve the objects and purposes of this Act.





## Endnotes

### 1 Index to endnotes

	Page
2 Date to which amendments incorporated . . . . .	24
3 Key . . . . .	25
4 Table of reprints . . . . .	25
5 Tables in earlier reprints . . . . .	26
6 List of legislation . . . . .	26
7 List of annotations . . . . .	27
8 Table of renumbered provisions . . . . .	29

### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 3 December 2004. Future amendments of the Dispute Resolution Centres Act 1990 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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
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	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	1 July 1990	25 January 1994
2	1994 Act No. 87	1 December 1994	28 May 1996
2A	1996 Act No. 79	28 February 1997	3 March 1997
2B	1997 Act No. 38	1 August 1997	8 August 1997
2C	1999 Act No. 19	30 April 1999	9 August 1999
3	2000 Act No. 16	30 April 1999	1 September 2000
3A	2001 Act No. 45	15 July 2001	8 February 2002
3B	2001 Act No. 45	28 February 2002	1 March 2002

---

Reprint No.	Amendments included	Effective	Notes
3C	2002 Act No. 6	10 March 2003	
3D	2004 Act No. 43	3 December 2004	

## 5 Tables in earlier reprints

Name of table	Reprint No.
Changed names and titles	1, 2
Obsolete and redundant provisions	1
Renumbered provisions	1, 2

## 6 List of legislation

### **Dispute Resolution Centres Act 1990 No. 35**

date of assent 15 June 1990

ss 1–1.2 commenced on date of assent

remaining provisions commenced 1 July 1990 (see s 1.2(2))

amending legislation—

### **Anti-Discrimination Amendment Act 1994 No. 29 s 3 sch**

date of assent 28 June 1994

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1994 (see s 2)

### **Statute Law (Miscellaneous Provisions) Act (No. 2) 1994 No. 87 s 3 sch 2**

date of assent 1 December 1994

commenced on date of assent

### **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)

### **Justice Legislation (Miscellaneous Provisions) Act 1996 No. 79 pts 1, 9**

date of assent 12 December 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 28 February 1997 (1997 SL No. 35)

### **Body Corporate and Community Management Act 1997 No. 28 ss 1–2, 295 sch 3**

date of assent 22 May 1997

ss 1–2 commenced on date of assent

remaining provisions commenced 13 July 1997 (1997 SL No. 210)

### **Courts Reform Amendment Act 1997 No. 38 ss 1–2 pt 5**

date of assent 18 July 1997

ss 1–2 commenced on date of assent

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

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

date of assent 30 April 1999

commenced on date of assent

**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)

**Corporations (Ancillary Provisions) Act 2001 No. 45 ss 1–2, 29 sch 3**

date of assent 28 June 2001  
 ss 1–2 commenced on date of assent  
 sch 3 commenced 15 July 2001 (see s 2(2) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)  
 remaining provision commenced immediately before 15 July 2001 (see s 2(1) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

**Domestic Violence Legislation Amendment Act 2002 No. 6 ss 1–2, 53 sch 2**

date of assent 13 March 2002  
 ss 1–2 commenced on date of assent  
 remaining provisions commenced 10 March 2003 (2003 SL No. 17)

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

date of assent 18 November 2004  
 ss 1–2 commenced on date of assent  
 remaining provisions commenced 3 December 2004 (2004 SL No. 263)

## 7 List of annotations

**This reprint has been renumbered—see table of renumbered provisions in endnote 8**

**Title** amd R2 (see RA s 7(1)(k))

**Commencement**

**s 1.2** om R2 (see RA s 37)

**Interpretation**

**s 2** def “**agency**” ins 1997 No. 38 s 17  
 def “**department**” om R2 (see RA s 39)  
 def “**Minister**” om R2 (see RA s 39)  
 def “**referring order**” ins 1997 No. 38 s 17  
 amd 1999 No. 19 s 3 sch; 2004 No. 43 s 3 sch

**Establishment of council**

**s 3** amd 1997 No. 38 s 18

**Council must have regard to finances**

**s 4** om 1997 No. 38 s 19

**Membership**

**s 6** sub 1997 No. 38 s 20

**Term of office**

**s 8** amd 1997 No. 38 s 21

**Disqualifications for appointment as member**

s 9            amd 1994 No. 29 s 3 sch; 2000 No. 16 s 590 sch 1 pt 2

**Vacation of office**

s 10           amd 1997 No. 38 s 22

**Meetings of the council**

s 11           amd 1997 No. 38 s 23

**Application of public service legislation**

s 15           om 1996 No. 37 s 147 sch 2

**Directors**

s 18           amd 1997 No. 38 s 24

**Mediators**

s 19           amd 1997 No. 38 s 25

**Staff**

s 20           amd 1996 No. 37 s 147 sch 2

**Premises of dispute resolution centres**

s 23           amd 1997 No. 38 s 26

**Place of operation of dispute resolution centres**

s 24           amd 1997 No. 38 s 27

**Records**

s 25           om 1997 No. 38 s 28

**Centres to be part of department**

s 26           amd 1996 No. 37 s 147 sch 2

**Use of certain words**

s 27           amd 1997 No. 38 s 29

**Application**

s 27A        ins 1997 No. 38 s 30

**Provision of mediation services**

s 28           amd 1997 No. 38 s 31

**Conduct of mediation sessions**

s 29           amd 1997 No. 38 s 32

**Disputes**

s 30           amd 1997 No. 38 s 33

**Mediation to be voluntary**

s 31           amd 1997 No. 38 s 34

**Representation by agent**

s 33           amd 1996 No. 79 s 28; 1997 No. 28 s 295 sch 3; 2001 No. 45 s 29 sch 3

**Evaluations**

s 34           om 1997 No. 38 s 35

**Exoneration from liability**

s 35 amd 2002 No. 6 s 53 sch 2

**Privilege**

s 36 amd 1997 No. 38 s 36

**Secrecy**

s 37 amd 1997 No. 38 s 37

**Annual report on operation of Act**

s 39 sub 1996 No. 79 s 29

**Transitional provision for Courts Reform Amendment Act 1997**s 42 ins 1997 No. 38 s 38  
exp 1 November 1997 (see s 42(2))**Numbering and renumbering of Act**s 5.9 prev s 5.9 om R1 (see RA s 40)  
pres s 5.9 ins 1994 No. 87 s 3 sch 2  
om R2 (see RA s 37)**Amendment of Parliamentary Commissioner Act**

s 5.10 om R1 (see RA s 40)

**8 Table of renumbered provisions**under the Reprints Act 1992 s 43 as required by the Dispute Resolution Centres Act 1990  
s 5.9 [Reprint No. 2]

Previous	Renumbered as
1.1	.1
1.3	.2
2.1	.3
2.2	.4
2.3	.5
2.4	.6
2.4(1A)	.6(2)
2.4(2)	.6(3)
2.5	.7
2.6	.8
2.7	.9
2.8	.10
2.9	.11
2.10	.12
2.11	.13
2.12	.14
2.13	.15
2.14	.16
2.15	.17
2.16	.18

*Dispute Resolution Centres Act 1990*

---

Previous	Renumbered as
2.17 .....	19
2.18 .....	20
2.19 .....	21
3.1 .....	22
3.2 .....	23
3.3 .....	24
3.4 .....	25
3.5 .....	26
3.6 .....	27
4.1 .....	28
4.2 .....	29
4.3 .....	30
4.4 .....	31
4.5 .....	32
4.6 .....	33
5.1 .....	34
5.2 .....	35
5.2(2A) .....	35(3)
5.2(3) .....	35(4)
5.2(4) .....	35(5)
5.3 .....	36
5.4 .....	37
5.5 .....	38
5.6 .....	39
5.7 .....	40
5.8 .....	41