

Queensland

District Court of Queensland Act 1967

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District Court of Queensland Act 1967

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District Court of Queensland Act 1967

An Act to consolidate and amend the law relating to the District Court of Queensland

Part 1 Preliminary

1 Short title

This Act may be cited as the *District Court of Queensland Act 1967*.

2 Suspension of Act's operation

A regulation may provide that this Act or a provision of this Act is not in force for a district.

3 Definitions

In this Act—

action means a civil proceeding commenced by plaint.

Australian lawyer see the *Legal Profession Act 2007*, schedule 2.

Chief Justice means the Chief Justice of Queensland or the acting Chief Justice of Queensland.

court means the District Court of Queensland.

deputy sheriff means a deputy sheriff appointed under the *Supreme Court of Queensland Act 1991*.

district means a district of the District Court declared under section 7.

District Court means the District Court of Queensland.

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District Court judge means a judge of the District Court of Queensland.

enforcement warrant means an enforcement warrant under the *Civil Proceedings Act 2011*, section 90.

goods includes money or bank notes, and cheques, bills of exchange, promissory notes, specialties, or other securities for money.

incorporated legal practice see the *Legal Profession Act 2007*, schedule 2.

judge means a judge of the District Court of Queensland.

judgment includes a judgment, order, or other decision or determination of the court.

landlord means the person entitled to the immediate reversion of land, or, if it is held in joint tenancy, coparcenary, or tenancy in common, any 1 of the persons entitled to the reversion.

lawyer means an Australian lawyer who, under the *Legal Profession Act 2007*, may engage in legal practice in this State.

Magistrates Courts district means a district appointed under the *Justices Act 1886* for the purpose of Magistrates Courts constituted under that Act.

matter means a proceeding in the Court commenced otherwise than by plaint.

precincts, of the District Court, means any land or building, or the part of any land or building, used for the purposes of the court.

registrar includes the principal registrar appointed under section 36.

reserve judge means a person appointed as a reserve judge of the District Court under section 18.

retired District Court judge means a person who—

(a) has been a judge of the District Court; and

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(b) has not reached 78 years of age.

rules means the *Uniform Civil Procedure Rules 1999*.

sheriff means the Sheriff of Queensland appointed under the *Supreme Court of Queensland Act 1991*.

Part 2 Court, judges, registry and officers

Division 1 Court

5 Members and constitution of Court

(1) The members of the District Court are the District Court judges.

(2) The District Court is constituted by any one of its members.

6 Where the Court may be held

(1) The District Court may be constituted at any place.

(2) The District Court as constituted by any of its members may sit in more than 1 place at the same time.

(3) A regulation may declare—

(a) the places at which the District Court is to be held; or

(b) that the District Court is no longer to be held at a place.

(4) The District Court held at a place may be referred to as the District Court at the place.

Example—

If the District Court is held at Toowoomba, the District Court at that place may be referred to as the District Court at Toowoomba.

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7 Declaration of districts

(1) A regulation may declare a district for the District Court at a place.

(2) The district has the same name as the place.

Example—

The name of the district for the District Court at Toowoomba, is the Toowoomba District Court district.

(3) The district must consist of—

(a) 1 Magistrates Courts district; or

(b) 1 division of a Magistrates Courts district; or

(c) if the District Court district would form 1 continuous area—

(i) 2 or more Magistrates Courts districts; or

(ii) 2 or more divisions of a Magistrates Courts district; or

(iii) 1 or more Magistrates Courts districts and 1 or more divisions of a Magistrates Courts district.

(4) If the District Court is no longer to be held at a place, a regulation may declare that all proceedings pending in the court at the place must be continued in the court at a specified place.

8 Court to be a court of record

The District Court is a court of record and has civil and criminal jurisdiction as provided under this or another Act.

8A Statewide jurisdiction

The District Court has jurisdiction throughout Queensland.

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8B Court seal

(1) The court is to have and use a seal with the words 'District Court of Queensland'.

(2) The court may have other seals required for the business and administration of the court.

Division 2 Judges

10 Chief Judge

(1) The Governor in Council may, by commission, appoint a judge as Chief Judge of the District Court of Queensland.

Note—

See the *Constitution of Queensland 2001*, section 59 for the oath or affirmation requirement.

(2) The Governor in Council may, by gazette notice, appoint a judge to act as Chief Judge during any period, or all periods, when the Chief Judge is absent from duty or the State, or is, for another reason, unable to perform the duties of office.

10A Seniority

(1) The Chief Judge is senior to all other judges of the court.

(2) The Judge Administrator is senior to all other judges of the court apart from the Chief Judge.

(3) The remaining judges have seniority in relation to each other according to the dates of their commissions.

(4) If the commissions of 2 or more judges have the same date, the judges have seniority in relation to each other according to the seniority assigned by their commissions, or, in the absence of an assignment, according to the order of their being sworn in.

(5) In subsections (3) and (4), a reference to a judge includes a judge who has ceased to be the Judge Administrator.

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11 Travelling expenses

A judge shall be entitled to receive the same allowances by way of travelling expenses as are payable to a judge of the Supreme Court.

12 Leave of absence

(1) The Governor in Council may grant leave of absence to a judge.

(2) This section does not apply if the *Judges (Pensions and Long Leave) Act 1957* applies to the leave.

13 Judge not to practise as lawyer, etc.

A judge must not—

(a) practise as a lawyer or notary; or

(b) directly or indirectly be concerned or interested in the practice of a person mentioned in paragraph (a) or an incorporated legal practice.

14 Retirement of judges

(1) A judge must retire on reaching 70 years of age.

(2) Despite subsection (1)—

(a) a judge who, before retiring, whether or not because of subsection (1), starts the hearing of a proceeding remains a judge for the purposes of finishing the proceeding; and

(b) a retired District Court judge appointed to act as a judge under section 17(3) remains a judge until the judge's appointment ends; and

(c) a retired Supreme Court judge or retired District Court judge appointed as a reserve judge under section 18(1) remains a reserve judge until the judge's appointment ends.

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17 Acting judge

(1) The Governor in Council may, by commission, appoint a person, other than a retired District Court judge, qualified to be appointed a District Court judge to be an acting judge—

(a) during the absence on leave, granted by the Governor in Council, of a judge; or

(b) if a judge be absent from any other cause or is incompetent or unable to take part in any decision or in any trial, action or proceeding or to sit at any sittings of a court; or

(c) if for any reason whatsoever the conduct of the business of a court or the courts in the opinion of the Governor in Council requires such an appointment.

(2) The Governor in Council may, by commission, appoint any of the following persons to act as a judge for up to 1 year—

(a) a person who is, or has been, a judge of a supreme court, district court or county court of another State;

(b) a person who is, or has been, a judge of the Federal Court of Australia.

(3) The Governor in Council may by commission appoint a retired District Court judge to act as a judge—

(a) for a period of not more than 2 years; and

(b) on a full-time or sessional basis.

(4) The Minister may recommend a retired District Court judge for appointment under subsection (3) only after consultation with the Chief Judge.

(5) An appointment under subsection (3) must not extend beyond the day the retired District Court judge reaches 78 years of age.

(6) A person appointed to act as a judge under this section—

(a) may be appointed more than once; and

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(b) has, for the period and subject to the conditions stated in the judge's commission, the power and authority necessary to fulfil the duties of a judge.

(7) Despite subsection (5), a retired District Court judge who, before the judge's commission ends, starts the hearing of a proceeding remains a judge for the purposes of finishing the proceeding.

18 Reserve judges

(1) The Governor in Council may, by commission, appoint as many reserve judges as are necessary for conducting the business of the court.

Note—

For the remuneration of a reserve judge engaged under section 18A, see the *Judicial Remuneration Act 2007*, section 9A.

(2) A person is eligible for appointment as a reserve judge only if—

(a) the person is a retired Supreme Court judge or retired District Court judge; or

(b) the person has not reached 70 years of age and has been—

(i) a judge of a supreme court, district court or county court of another State; or

(ii) a judge of the Federal Court of Australia.

(3) A reserve judge's appointment ends on the earlier of—

(a) the day, not more than 5 years after the appointment is made, stated in the person's commission; or

(b) the day the reserve judge reaches the age of—

(i) if the person is a retired Supreme Court judge or retired District Court judge—78 years; or

(ii) otherwise—70 years.

(4) However, despite subsection (3), a reserve judge engaged under section 18A who, before the judge's commission ends,

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starts the hearing of a proceeding, remains a reserve judge for the purposes of finishing the proceeding.

(5) A person may be re-appointed as a reserve judge.

(6) In this section—

retired Supreme Court judge see the *Supreme Court of Queensland Act 1991*, schedule 5.

18A Engagement of reserve judges

(1) The Chief Judge may, from time to time, by notice in writing, engage a reserve judge to undertake the duties of a judge on a full-time or sessional basis.

(2) Each engagement under subsection (1) must not exceed 6 consecutive months.

(3) A reserve judge engaged under this section—

(a) may be engaged more than once; and

(b) has, subject to the conditions stated in the judge's commission, the same powers, authority, immunities and protections as a judge.

(4) A period of engagement of a reserve judge under this section is not to be counted as service for the purposes of the *Judges (Pensions and Long Leave) Act 1957*.

18B Declaration about when reserve judge enters on duties of office

(1) This section applies in relation to each appointment of a person as a reserve judge under section 18, whether or not the person has previously been appointed as a reserve judge.

(2) To remove any doubt, it is declared, for the *Constitution of Queensland 2001*, section 59(2), that the person enters on the duties of office as a reserve judge only when the person starts to undertake the duties under the person's first engagement under section 18A after the appointment is made.

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19 Judge empowered to act throughout the State

Every judge appointed shall be appointed for the whole of the State and shall, under the judge's commission, be empowered to act in any district.

20 Judge to hold court where directed, and to give notice

(1) The court may be constituted at any place.

(2) Notice of the days on which the court is appointed to be held shall be put up in a conspicuous place in the court house and in the office of the registrar, and shall be otherwise published as a judge directs.

(3) When, by reason of the absence of a judge, the court can not be held at the time appointed, the registrar, or, in the event of the registrar's absence, the bailiff, shall adjourn the court to such day as the registrar or the bailiff deems convenient, and shall enter in the minute-book the cause of the adjournment.

21 Adjournment within district

Despite section 20 and any other provision of this Act, when any action, matter or proceeding is pending or is being heard in the District Court in its civil or criminal jurisdiction at any place, the judge to whom the court is assigned may order that the hearing be adjourned from that place to some other place within the same district, if the judge determines that on the balance of convenience the adjournment should be ordered.

24 Certain causes and matters not affected by determination of commission

If at the determination by effluxion of time or other cause of any commission under this Act there shall be any actions or matters, civil or criminal, including any appeal, partly heard or standing for judgment by or before the holder of such commission, the commission shall only for the purpose of deciding such actions or matters (including the completion of the hearing thereof where necessary) and so far as is necessary

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for that purpose, remain in force until judgment shall have been delivered therein unless the holder of that commission shall be sooner removed.

25 Application if original judge unable to continue

(1) This section applies if—

(a) a judge (the ***original judge***) starts the hearing of a civil or criminal proceeding (including an appeal); and

(b) before the proceeding has been determined, the original judge dies or resigns as a judge, or is certified as incapable of sitting.

(2) For subsection (1), a judge is certified as incapable of sitting if the Chief Judge or the Judge Administrator has issued a certificate (an ***incapacity certificate***) stating the judge is incapable of sitting, whether temporarily or otherwise.

(3) A party to the proceeding may apply to the court for directions as to the determination of the proceeding.

(4) On its own initiative or on an application under this section, the court may—

(a) if there is an incapacity certificate stating the original judge is temporarily incapable of sitting—

(i) adjourn the proceeding to enable the original judge to complete the hearing and determination of the proceeding; or

(ii) order that the proceeding be heard and determined afresh; or

(b) in any other case—

(i) order that the proceeding be heard and determined afresh; or

(ii) make any other order it considers appropriate.

(5) If the court orders that a proceeding be heard and determined afresh, the court may make an order it considers appropriate to facilitate the hearing and determination.

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(6) Without limiting the orders that may be made under subsection (5), the court may make an order that any order, ruling or finding made by the original judge be set aside.

(7) The court hearing and determining a proceeding afresh because of an order under this section may make the order it considers appropriate about the costs of the first hearing.

26 Proof of incapacity of judge

When proof of the incapacity of a judge is necessary for a purpose of the last preceding section, the certificate of the Chief Justice that such judge is incapable as specified in the certificate shall be prima facie evidence of that fact.

27 Judge may perform the duties of another judge

(1) In the case of absence or disability of a judge, or on an emergency, another judge may, at the request in writing of the firstmentioned judge or of the Chief Justice, act for the first mentioned judge, and may exercise all the powers and perform all the duties which that judge might have exercised or performed.

(2) If a District Court judge is not available in the place where a matter is to be heard urgently, a Supreme Court judge may hear the matter and may exercise all the powers and perform all the duties that a District Court judge might have exercised or performed.

28 Removal of action only in manner provided by this Act

A judgment given by a judge, or an action or matter brought before the judge or depending in the judge's court, shall not be removed by appeal, motion, writ of error or certiorari, or otherwise into another court, save and except in the manner and according to the provisions of this Act.

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28AA Protection and immunity of judges

(1) A judge has, in the performance or exercise of a function or power of a judge, the same protection and immunity as a Supreme Court judge has in the performance or exercise of a function or power of a Supreme Court judge.

(2) In this section—

function or power includes an administrative function or power conferred under an Act.

Note—

For the protection and immunity of a Supreme Court judge in the performance or exercise of an administrative function or power conferred on the Supreme Court judge under an Act, see the *Supreme Court of Queensland Act 1991*, section 27.

Division 2A Powers and responsibilities of Chief Judge

28A Arrangement of business

(1) The Chief Judge is responsible for the administration of the District Court and for ensuring the orderly and expeditious exercise of the jurisdiction and powers of the District Court.

(2) Subject to any Act, the Chief Judge has power to do all things necessary or convenient to be done for the administration of the District Court and for ensuring the orderly and expeditious exercise of the jurisdiction and powers of the District Court.

Division 2AA Judge Administrator

28B Appointment of Judge Administrator

(1) The Governor in Council may, by commission, appoint a judge to be Judge Administrator.

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Note—

See the *Constitution of Queensland 2001*, section 59 for the oath or affirmation requirement.

(2) The appointment of a Judge Administrator may be for a term, of not less than 5 years, stated in the commission.

(3) A judge may be appointed Judge Administrator either at the time of the person's appointment as a judge or at any time afterwards.

(4) The Judge Administrator may be reappointed.

28C Acting Judge Administrator

The Governor in Council may, by gazette notice, appoint a judge to act as Judge Administrator during any period, or all periods, when the Judge Administrator is absent from duty or the State, or is, for another reason, unable to perform the duties of office.

28D Judge Administrator continues to be judge

The Judge Administrator continues to be a judge, and may sit as, and exercise any of the powers of, a judge.

28E Judge Administrator continues in office while judge

(1) Subject to subsection (2), the Judge Administrator holds office as Judge Administrator while the person holds office as a judge.

(2) A person who is the Judge Administrator vacates the office—

(a) if the person is appointed as Chief Magistrate, Chief Judge, or a judge of the Supreme Court; or

(b) if the person was appointed as Judge Administrator for a stated term—when the term ends.

(3) The Judge Administrator may resign office as Judge Administrator without resigning office as a judge.

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28F Functions of Judge Administrator

(1) Subject to section 28A, the Judge Administrator is responsible for the administration of the District Court and for ensuring the orderly and expeditious exercise of the jurisdiction and powers of the District Court.

(2) The Judge Administrator must consult with the Chief Judge in carrying out the Judge Administrator's functions under subsection (1).

(3) Subject to this Act and other Acts, the Judge Administrator has power to do all things necessary or convenient to be done for the administration of the District Court and for ensuring the orderly and expeditious exercise of the jurisdiction and powers of the District Court including, for example, listing matters for hearing.

Division 3 Prerogative writs

29 When action may be removed

(1) When any action, matter or proceeding is pending in the District Court in its civil or criminal jurisdiction or when any accused person has been committed for trial to the District Court, the Supreme Court shall, upon application by the Crown, in a criminal matter or proceeding or in any action or civil proceeding in which the Crown is a party and may, if it thinks it desirable, upon the application of any interested person, direct a writ of certiorari to be issued for removing such action, matter or proceeding into the Supreme Court or recommit the accused person for trial to the Supreme Court.

Note—

See the *Judicial Review Act 1991*, section 41.

(2) The Supreme Court may impose such terms as to payment of costs as it thinks fit and it may make such orders as to remand custody and bail or otherwise as it thinks fit.

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30 Rule or order substituted for writ of mandamus to a judge or officer

A writ of mandamus shall not be issued to a judge or an officer of the District Court requiring the judge or officer to do any act relating to the duties of his or her office, but a party requiring the act to be done may apply to the Supreme Court, upon an affidavit of the facts, for a rule or summons calling upon the judge or officer of the District Court, and also the party to be affected by the act, to show cause why the act should not be done, and if after the service of the rule or summons good cause is not shown, the Supreme Court may, by rule or order, direct the act to be done, and the judge or officer of the District Court shall, upon being served with the rule or order, obey it under pain of attachment, and in any event the court may make such order with respect to costs as to the court seems fit.

31 Judge not to be served with notice of application for prohibition

(1) When an application is made to the Supreme Court for a writ of prohibition addressed to the District Court, the judge of the District Court shall not be served with notice, and shall not, except by the order of a judge of the Supreme Court, be required to appear or be heard on the application, and shall not be liable to any order for the payment of the costs thereof, but the application shall be proceeded with and heard in the same manner in all respects as a case of an appeal duly brought from a judgment of a judge.

(2) Notice of the application shall be given to or served upon the same parties as in the case of an order made or refused by a judge in a matter within the judge's jurisdiction.

32 Rule or summons to show cause why a writ of certiorari or prohibition should not be issued to be a stay of proceedings

The granting by the Supreme Court of a rule or summons to show cause why a writ of certiorari or of prohibition should

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not be issued to the District Court, shall, if the Supreme Court so directs, operate as a stay of proceedings in the action to which the same relates until the determination of the rule or summons, or until such court otherwise orders, and the judge of the District Court shall, from time to time, adjourn the hearing of the action to such day as the judge thinks fit, until the determination or until such order is made.

33 Notice of rule or summons to be given to registrar and parties

If a copy of the rule or summons is not served by the party who obtained it on the opposite party, and on the registrar of the District Court, at least 2 clear days before the day fixed for the hearing of the action, the judge of the District Court may order the party who obtained the rule or summons to pay the costs of the day, or so much thereof as the judge thinks fit, unless the Supreme Court has made a different order respecting such costs.

34 Notice of writ of certiorari or prohibition obtained ex parte to be given to registrar and parties

When a writ of certiorari or of prohibition addressed to the District Court is granted by the Supreme Court on an ex parte application, and the party who obtained it does not lodge it with the registrar, and give notice to the opposite party that it has been issued, at least 2 clear days before the day fixed for hearing the action to which it relates, the judge of the District Court may order the party who obtained the writ to pay all the costs of the day, or so much thereof as the judge thinks fit, unless the Supreme Court has made a different order respecting such costs.

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Division 4 Registry

35 Registry

(1) There is to be a District Court Registry.

(2) The District Court Registry is to have an office at each place at which the District Court is to be held.

35A Process returnable in office where issued but effective throughout State

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

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

35B Control

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

Division 5 Officers

36 Principal registrar, other registrars and officers

(1) The Governor in Council may appoint a principal registrar.

(2) The chief executive may appoint registrars (other than the principal registrar) and other officers the chief executive considers appropriate.

(3) A person appointed under this section is employed under the *Public Sector Act 2022*.

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36A Delegation by registrar

(1) A registrar may delegate the registrar's functions to an appropriately qualified person who is a public service employee in the District Court Registry.

(2) In this section—

appropriately qualified, for a public service employee to whom a function may be delegated, includes having the qualifications, experience or standing appropriate for the function.

Example of standing—

a person's classification level in the public service

functions includes powers.

36B Directions

The principal registrar may give directions to the registrars and other officers employed in any office of the District Court Registry.

36C Supreme Court and Magistrates Court officers

(1) This section applies if the District Court is to sit at a place where an office of the District Court Registry does not exist.

(2) If a regional office or a district office of the Supreme Court Registry exists at the place, that office is taken to be an office of the District Court Registry at the place and the registrar, bailiff and other officers of the Supreme Court at the place are taken to be the corresponding officers of the District Court at the place.

Example—

The registrar of the Supreme Court at the place is taken to be the registrar of the District Court at the place.

(3) If subsection (2) does not apply and a Magistrates Court Registry exists at the place, that registry is taken to be an office of the District Court Registry at the place and the registrar, bailiff and other officers of the Magistrates Court at

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the place are taken to be the corresponding officers of the District Court at the place.

Example—

A bailiff of the Magistrates Court at the place is taken to be a bailiff of the District Court at the place.

(4) Without limiting subsections (2) and (3), an officer taken to be a corresponding officer of the District Court at a place has the functions, powers and jurisdiction of the officer of the District Court.

36D Associates

(1) The Chief Judge may appoint a person nominated by a judge as an associate to the judge.

(2) An associate is appointed under this Act and not under the *Public Sector Act 2022*.

(3) The Governor in Council is to decide the salary and conditions of appointment for an associate appointed under subsection (1).

37 Duties of registrar

A registrar shall sign and issue summonses and warrants and register the records and judgments, and keep minutes of the proceedings of the court, and shall take charge of and keep an account of the court fees and fines payable or paid into court, and of the moneys paid into and out of court, and shall enter an account of the fees, fines and moneys, in a ledger kept by the registrar for that purpose, and shall, when required, submit the registrar's accounts to be audited by the auditor-general or the registrar's officers.

39 Minutes of proceedings to be kept

(1) A registrar shall cause a note of the plaints, summonses, judgments, executions and returns thereto, and of the fines and of all other proceedings of the court, to be fairly entered

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from time to time in a register maintained by the court and kept at the office of the court.

Evidence

(2) In any action or other proceeding the books, and any entries therein, or copies of the books or entries under the seal of the court and purporting to be signed and certified by the registrar, shall upon production be prima facie evidence of the contents of the books, or of the entries, and of the proceedings referred to in them, and of the regularity of the proceedings.

40 When a clerk of the court is registrar, the clerk's successor or deputy shall be registrar

(1) When a clerk of the court is appointed registrar of the District Court held at the place where the person is clerk, the successor in office of the clerk, or a deputy, or a person performing the duties for the time being, shall exercise, and have the rights and powers, and shall perform the duties of a registrar of the District Court while the person is performing the duties of such clerk.

(2) However, subsection (1) does not limit the chief executive's power under section 36(2).

(3) In this section—

clerk of the court has the meaning assigned to that expression by the *Justices Act 1886*.

40A Disclosure of alleged offender information to accredited media entities

(1) A registrar may disclose alleged offender information to an accredited media entity.

(1A) The registrar may disclose the alleged offender information to the accredited media entity in the way the registrar considers appropriate.

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Example—

The registrar may give an accredited media entity a list containing alleged offender information about multiple alleged offenders.

(2) The accredited media entity may use the alleged offender information only to the extent necessary to enable the entity to attend a court proceeding relating to the offence.

(6) In this section—

accredited media entity means an entity listed as an accredited media entity in the Supreme Court's media accreditation policy.

alleged offender means an adult who has been charged with an offence by a police officer.

alleged offender information means the following information about an alleged offender for an offence—

(a) the name of the alleged offender;

(b) the charges brought against the alleged offender for the offence;

(c) details of court proceedings for the offence, including the proposed date, location and court file number;

(d) any reference number assigned by the police service to the alleged offender in relation to the offence.

40B Protection from liability

(1) This section applies if a person, acting honestly and without negligence, discloses alleged offender information to an accredited media entity under section 40A(1).

(2) The person is not liable civilly, criminally or under an administrative process for disclosing the information.

(3) If subsection (2) prevents civil liability attaching to a person, the liability attaches instead to the State.

(4) This section does not apply to a person who is a prescribed person under the *Public Sector Act 2022*, section 268 to the

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extent the person is protected from civil liability under section 269 of that Act.

41 Appointment of bailiffs

(1) The chief executive may appoint bailiffs.

(2) A person appointed under this section is employed under the *Public Sector Act 2022*.

42 Power of bailiffs

(1) A bailiff is an officer of the sheriff.

(2) A bailiff is appointed for the State.

(3) The sheriff, or a deputy sheriff, may delegate any of the sheriff's functions, or deputy sheriff's functions, to a bailiff.

(4) Subject to the terms of the delegation, a bailiff may perform a function throughout the State.

(5) In this section—

functions includes powers.

perform, a function, includes exercise a power.

43 Functions of bailiffs

The functions of a bailiff include the following—

(a) acting as an orderly during sittings of the court;

(b) serving documents for a proceeding in the court;

(c) enforcing enforcement warrants of the court.

44 Bailiff not required to take out auctioneer's licence

A bailiff or other officer duly authorised to enforce an enforcement warrant may sell land or goods without taking out an auctioneer's licence.

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45 Remuneration of bailiffs

(1) A bailiff shall be paid a salary on account of the bailiff's general duties, and shall also be entitled to receive and retain for the bailiff's own use the fees prescribed as bailiffs' fees, unless a judge in any case otherwise orders.

(2) The bailiff shall, out of such fees, provide for the performance of the duties for which the fees are allowed.

(3) The fees received for enforcing an enforcement warrant must be paid by the registrar to the bailiff on the issue of the enforcement warrant.

46 Bailiff answerable for escape and neglect to levy execution

(1) If a bailiff who is directed to levy execution loses by neglect, connivance, or omission, the opportunity of levying the execution, a judge may, upon complaint of the party aggrieved, inquire into the matter in a summary way, and for that purpose may summon and enforce the attendance of the necessary parties in the same manner in which the attendance of witnesses in an action may be enforced, and may order the bailiff to pay such damages as it appears that the plaintiff has sustained, not exceeding in any case the sum of money for which the execution was issued, and the bailiff shall be liable to pay the same.

(2) Upon demand made, and on the bailiff's refusal to pay and satisfy the damages, payment may be enforced in the manner provided by this Act.

47 Bailiff's protection from liability

(1) A proceeding in relation to a bailiff acting in that capacity must be started against 'The Sheriff of Queensland' and not against the bailiff.

(2) If a money order is made against The Sheriff of Queensland in a proceeding mentioned in subsection (1)—

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(a) the money order debt must be paid by the Treasurer out of the consolidated fund; and

(b) the State may recover the money order debt from the relevant bailiff unless the liability resulting in the money order was for an act done, or omission made, honestly and without negligence when acting as a bailiff.

(3) In this section—

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

money order debt means the amount of money payable under a money order.

Division 6 General provisions about officers

50 Remedies against and penalties on bailiffs and other officers for misconduct

(1) If a registrar, bailiff or other officer, acting under, or under colour or pretence, of the process of the court is charged with extortion or misconduct, or with not duly paying or accounting for money levied by the officer under the authority of this Act, a judge may inquire into the matter in a summary way, and for that purpose may summon and enforce the attendance of the necessary parties in the manner provided by this Act for enforcing the attendance of witnesses, and may make such order for the repayment of the money extorted, or for the due payment of the money so levied, and for the payment of such damages and costs as the judge thinks just.

(2) The judge may also impose a fine upon the registrar, bailiff or other officer not exceeding $20 for each offence, and, in default of payment of the money so ordered to be paid, payment may be enforced in the manner provided by this Act for enforcing a judgment.

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51 Indemnity to persons acting under this Act

If an action is brought against a person for anything done under a warrant issued in pursuance of this Act, the production of the warrant under the seal of the court in the action shall be deemed sufficient proof of the authority of the court previous to the issuing of the warrant, and if the plaintiff in the action has a verdict given against the plaintiff, is nonsuited, or discontinues the action, the defendant shall be allowed costs.

Division 7 Court appearance

52 Court appearance

(1) In a proceeding, a party may appear in person or by—

(a) a lawyer; or

(b) with the leave of the court, another person.

(2) In this section—

party includes a person served with notice of or attending a proceeding although not named in the record.

Part 4 Criminal jurisdiction and procedure

Division 1 Criminal jurisdiction

60 Criminal jurisdiction

The District Court has jurisdiction to inquire of, hear, and determine all indictable offences, wheresoever committed, save as hereinafter excepted.

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61 Criminal jurisdiction if maximum penalty more than 20 years

(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 20 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 20 years—

(a) an offence against the *Corrective Services Act 2006*, section 122 in which a prisoner wilfully and unlawfully damages or destroys, or attempts to damage or destroy, property that is part of a corrective services facility during a riot or mutiny and the security of the facility is endangered by the act;

(b) an offence under the Criminal Code, section 61, 213, 215, 216, 217A, 219, 222, 228A, 228B, 229B, 315, 316, 317, 318, 319, 349, 352, 398, 411, 412, 415, 419, 421, 461, 469 or 469A;

(c) an offence under the *Drugs Misuse Act 1986*, section 5 if the dangerous drug the subject of the charge is a thing specified in the *Drugs Misuse Regulation 1987*, schedule 2.

(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.

(4) Also, subsection (5) applies in relation to a person charged with a prescribed offence if the circumstance of aggravation stated in the *Penalties and Sentences Act 1992*, section 161Q is alleged to exist in relation to the offence.

(5) For applying subsection (1) to the person, the mandatory component of the sentence that must be imposed for the prescribed offence under the *Penalties and Sentences Act 1992*, section 161R(2) must be disregarded.

(6) In this section—

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prescribed offence see the *Penalties and Sentences Act 1992*, section 161N.

61A No general criminal jurisdiction over a child

(1) The District Court does not have jurisdiction to try a child charged with an indictable offence, unless otherwise expressly provided by an Act.

(2) Subject to this division, the District Court has jurisdiction—

(a) to try a child on an indictment in which the child is also charged as an adult with an offence; or

(b) to try a child in proceedings removed to the court under the *Youth Justice Act 1992*, part 6, division 8, subdivision 2; or

(c) to sentence a child for an offence if the child is appearing before it also for sentence as an adult on a charge of an offence.

(3) In exercising jurisdiction to sentence a child under subsection (2), the court may also sentence the child under the Criminal Code, section 651.

Division 2 Procedure

63 Change of venue

(1) When an accused person is committed for trial to the District Court in a place other than the district in which the offence is alleged to have been committed, a Supreme Court judge or a District Court judge may order that the trial be held in that district and may make all such orders for the remand and custody of the accused person, and for the enlargement of the accused person's bail, as may be necessary.

(2) In any other case the venue may be changed by order of a judge of the Supreme Court, or of the District Court, who may make the like orders for the purposes aforesaid.

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(3) The District Court judge may, at any stage of a criminal trial pending in the judge's court, order that the trial take place at another place, subject to such conditions as the judge thinks fit, and may remand the accused in custody or on bail to that court.

64 Change of trial from Supreme Court to District Court

(1) When a person has been committed for trial or sentence to the Supreme Court or has been indicted in any such court for an offence triable in the District Court any District Court judge if so requested by the Chief Justice may try or sentence such person and for that purpose shall have the same powers and jurisdiction as if the committal had been to or the indictment had been presented in the District Court.

(2) The request of the Chief Justice may be made in respect of a particular case or cases or in respect of specified categories of cases.

(3) When a person has been committed for trial to the District Court or has been indicted in the District Court any judge of the Supreme Court shall have the same powers and jurisdiction to try such person as if the committal had been to or the indictment presented in the Supreme Court.

65 Jury in criminal trials

(1) All indictable offences prosecuted in the court must be tried by a judge and jury.

(2) The *Jury Act 1995* states the law about the following—

(a) the obligation to perform jury service;

(b) organisation of juries generally;

(c) the selection of a jury;

(d) arrangements for a jury during a trial;

(e) juror's remuneration and allowances.

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(3) Subsection (1) is subject to an Act that allows or requires an indictable offence prosecuted in the court to be tried in another way.

Part 5 Civil jurisdiction

Division 1 Civil jurisdiction

68 Civil jurisdiction

(1) The District Court has jurisdiction to hear and determine—

(a) all personal actions, where the amount, value or damage sought to be recovered does not exceed the monetary limit including the following—

(i) any equitable claim or demand for recovery of money or damages, whether liquidated or unliquidated;

(ii) any claim for detention of chattels;

(iii) any claim for rent or mesne profits;

(iv) any claim for any debt, damages or compensation arising under any Act; and

(b) the following actions and matters—

(i) for enforcing by delivery of possession any mortgage, encumbrance, charge or lien, where the amount owing in respect thereof does not exceed the monetary limit;

(ii) for relief against fraud or mistake, where the damage sustained or the estate or fund in respect of which relief is sought does not exceed in amount or value the monetary limit;

(iii) for specific performance of an agreement for the sale or other disposition of land or an interest in land or of any other property, where the value of

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the land or interest or property does not exceed the monetary limit, or in lieu of or in addition to specific performance, damages not exceeding the monetary limit;

(iv) for rectifying, delivering up or cancelling any agreement, where the amount in dispute or the value of the property affected does not exceed the monetary limit;

(v) for a declaration of partnership or dissolution or winding up of, or otherwise relating to, any partnership, where the property of the partnership does not exceed in amount or value the monetary limit;

(vi) for the sale or division of property under the *Property Law Act 2023*, part 5, division 2, where the property does not exceed in amount or value the monetary limit;

(vii) for the administration of the estate of a deceased person, where the estate does not exceed in amount or value the monetary limit;

(viii) for the execution of a trust or a declaration that a trust subsists, where the estate or fund subject or alleged to be subject to the trust does not exceed in amount or value the monetary limit;

(viiia) for an application under the *Trusts Act 2025* relating to a trust or trust property, where the value of all the trust property of the trust does not exceed the monetary limit;

(viiib) for another application under the *Trusts Act 2025*, where the value of the property to which the application relates does not exceed the monetary limit;

(ix) relating to the custody, maintenance or advancement of an infant including the appointment of a guardian to the property or person of an infant but not so as to authorise any

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order under this provision affecting assets or property of an infant exceeding in amount or value the monetary limit;

(x) for family provision pursuant to the *Succession Act 1981*, sections 40 to 43, but so that any provision resulting from an order made by the court shall not exceed in amount or value the monetary limit;

(xi) to recover possession of any land, where the value of the land does not exceed the monetary limit;

(xii) to restrain, whether by injunction or otherwise, any actual, threatened or apprehended trespass or nuisance to land, where the value of that land does not exceed the monetary limit, or, in lieu of or in addition to such an injunction, damages not exceeding the monetary limit;

(xiii) for the determination of any question of construction arising under a deed, will or other written instrument, and for a declaration of the rights of the persons interested where the sum or the property in respect of which the declaration is sought does not exceed in amount or value the monetary limit;

(xiv) for the appointment under the *Public Trustee Act 1978*, section 104 of the public trustee as administrator of any unclaimed property, where the gross value of the property does not exceed in amount or value the monetary limit.

(2) In this section—

monetary limit means $750,000.

(3) For the purpose of determining whether or not the District Court has jurisdiction under this part—

(a) in the case of proceedings falling within subsection (1)(a)(ii)—the amount claimed for detention of goods is the amount claimed for the value of the goods together with the amount (if any) claimed for damages for the detention of the goods; and

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(b) the value of land shall be the most recent valuation, current at the time of instituting the proceedings, made by the valuer-general under the *Land Valuation Act 2010*, or, if there is no such valuation in respect of the land, the current market value at that time of the land exclusive of improvements thereto; and

(c) the following amounts must not be considered in calculating whether an amount, value or damage sought to be recovered in an action exceeds the monetary limit—

(i) an amount of interest that is payable as of right, whether because of a law, agreement or otherwise;

(ii) an amount of interest that may be awarded by a court, including, for example, an amount of interest that may be awarded under the *Civil Proceedings Act 2011*, section 58.

(4) Where any question arises as to the amount or value for the purpose of jurisdiction under this part the decision of the District Court shall be conclusive as to that matter.

69 Powers of District Court

(1) Subject to this Act and to the rules of court, the District Court has, for the purposes of exercising the jurisdiction conferred by this part, all the powers and authorities of the Supreme Court, including the powers and authorities conferred on the Supreme Court by an Act, and may in any proceeding in like manner and to like extent—

(a) grant such relief or remedy; and

(b) make any order, including an order for attachment or committal in consequence of disobedience to an order; and

(c) give effect to every ground of defence or matter of set-off whether equitable or legal;

as may and ought to be done in like cases by a judge of the Supreme Court.

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Example of power conferred on the Supreme Court by an Act—

the power of the Supreme Court under the *Land Title Act 1994*, section 127 (Removing a caveat) to order that a caveat be removed

(2) Without affecting the generality of subsection (1), the District Court shall, in any proceedings in which jurisdiction is conferred under this part, have power to grant relief—

(a) by way of a declaration of rights of the parties; and

(b) by way of injunction, whether interim, interlocutory or final, in the proceedings; and

(c) by staying the proceedings or part thereof; and

(d) by appointing a receiver including an interim receiver.

(3) To remove any doubt, it is declared that the District Court may grant a Mareva injunction or Anton Piller order in proceedings in which jurisdiction is conferred under this part.

(4) The appropriate officer of the District Court shall, in addition to any duties otherwise imposed on the officer, discharge—

(a) any duty which an officer of the Supreme Court would be required under the practice of the Supreme Court to discharge in the like circumstances; and

(b) any duty imposed on the officer by any order of the court.

(5) For the purposes of subsection (4) the appropriate officer of the District Court shall have the powers of the relevant officer of the Supreme Court.

69A Preliminary disclosure orders

(1) The District Court has jurisdiction to make orders under this section.

(2) On application, the court may make, under the rules, a preliminary disclosure order for the purpose of enabling the applicant to—

(a) ascertain the identity or whereabouts of a prospective defendant; or

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(b) make a decision about starting a relevant proceeding.

(3) In this section—

identity, of a prospective defendant, includes the name and occupation, if any, of the prospective defendant.

prospective defendant, in relation to an applicant, means a person against whom the applicant intends to start a relevant proceeding.

relevant proceeding means a proceeding for which the District Court has jurisdiction.

whereabouts, of a prospective defendant, includes a place of residence, registered office, place of business or other location of the prospective defendant.

70 Relief against proceedings to recover land

In relation to proceedings instituted or threatened to be instituted pursuant to section 68(1)(b)(xi), the District Court may exercise all or any of the powers and authorities of the Supreme Court under the *Property Law Act 2023*, part 9, division 5.

71 Reference to arbitration

The judge may in any action or matter, at any time before judgment, order the action or matter or any question arising thereon, with or without other matters within the jurisdiction of the court in dispute between the parties, to be referred to arbitration, to such person or persons and in such manner and on such terms as the judge thinks reasonable.

72 Consent jurisdiction

(1) If both parties agree, by a memorandum signed by them or by their lawyers, that the District Court sitting in a particular district shall have jurisdiction to try any action which might be brought or any counterclaim which might be made in the

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Supreme Court, the District Court sitting at that place shall have jurisdiction to try the action or counterclaim, or both.

(2) The memorandum shall state that the parties signing it know that the action or as the occasion shall require, the counterclaim, is not within the jurisdiction of the District Court without such consent, and shall be filed with a registrar in the case of an action at the time when the plaint is entered and in the case of a counterclaim, at the time the defence and counterclaim is filed or at such later time as a judge on application made in that behalf, may allow.

73 Splitting demands—abandonment of excess

A plaintiff shall not divide a cause of action for the purpose of bringing 2 or more actions in the District Court, but a plaintiff having a cause of action for more than the amount for which a plaint might be entered under this Act may abandon the excess (which abandonment shall be stated in the plaint), and thereupon the plaintiff may, on proving the plaintiff's case, recover to an amount not exceeding the limit specified by this Act and the judgment of the court shall be in full discharge of all demands in respect of the cause of action, and entry of the judgment of the court shall be made accordingly.

74 Splitting debt by giving bills

If a defendant has given 2 or more bills of exchange, promissory notes, bonds or other securities, for a debt or sum originally exceeding the amount specified in section 68(2) the plaintiff may sue separately upon each of the securities not exceeding such amount as forming a distinct cause of action.

Division 2 Trial by jury

75 When a jury may be summoned

(1) Any party may require a jury to be summoned in any of the following cases—

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(a) in any action or matter in which the amount claimed exceeds the Magistrates Courts jurisdictional limit;

(b) in any action for the recovery of possession of land of which the value exceeds the Magistrates Courts jurisdictional limit;

(c) in proceedings in interpleader in which the amount claimed or the value of the goods in question exceeds the Magistrates Courts jurisdictional limit;

(d) in an action or matter which before the commencement of the *District Courts Act and Other Acts Amendment Act 1989* might have been commenced only in the Supreme Court unless the parties agreed to it being heard and determined in another jurisdiction;

unless the action or matter is one which if brought in the Supreme Court would be required to be heard and determined by a judge without a jury.

(2) In this section—

Magistrates Courts jurisdictional limit means the amount applying under the *Magistrates Courts Act 1921*, section 4(a), as the limit of the amount claimed in a personal action.

Division 3 Evidence

76 Rules of evidence

The rules of evidence observed in the Supreme Court shall be applicable to and observed upon the trial of questions of fact in the District Court.

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Division 4 Commercial and other lists

77 Court may maintain lists

In exercising its power to control its own process, the court may maintain lists of particular proceedings by reference to subject matter, including a commercial list.

78 No appeal from entry on a list

There is no appeal from an order entering a proceeding on a list of particular proceedings.

79 Commercial list proceeding

(1) This section applies to a proceeding on the commercial list.

(2) If the parties to the proceeding agree, the judgment of the court is final and not subject to appeal.

(3) The court may order that the proceeding be tried without a jury.

Part 6 Recovery of possession of land

88 Warrant empowers bailiff to enter on land

A warrant to a bailiff to give possession of land empowers the bailiff named in the warrant to enter on the land with such assistance as the bailiff determines and to give possession accordingly.

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Part 7A Use of video link facilities

110A Purpose of part

The purpose of this part is to provide for the use of video link facilities for certain proceedings before the District Court.

110B Definitions for part

In this part—

detainee means—

(a) for section 110C(1)—someone who is in custody at a correctional institution; and

(b) otherwise—someone who is—

(i) in custody at a correctional institution; and

(ii) a party to a proceeding.

proceeding for a provision of this part, other than section 110C(1), means a proceeding to which section 110C(1) applies.

110C Use of video link facilities in proceedings

(1) This section applies to a proceeding if—

(a) a detainee is entitled or required to be present before the District Court for the proceeding; and

(b) the proceeding is—

(i) about an offence with which the detainee is charged, including a proceeding for the detainee's bail or remand; or

(ii) an appeal under the *Justices Act 1886*, section 222 in relation to an offence of which the detainee has been convicted (***appeal proceeding***); and

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

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Note—

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

(d) video link facilities are available linking the correctional institution where the detainee is in custody and the court.

(2) A proceeding for the detainee's bail or remand or an appeal proceeding must be conducted using the video link facilities, unless the court, in the interests of justice, otherwise orders.

(3) In a proceeding, other than a proceeding for the detainee's bail or remand or an appeal proceeding, the court may order the proceeding be conducted using video link facilities only if all parties consent.

(4) The video link facilities may only be used to link the proceeding before the court at the place the court is sitting with the detainee, or the detainee and the detainee's representative, at the correctional institution.

110D Detainee taken to be before the court

(1) A person present at the part of the correctional institution used for the conduct of a proceeding, when the proceeding is being conducted, is taken to be in the presence of the District Court for all purposes.

(2) The part of the correctional institution used for the proceeding is taken to be part of the court for the conduct of the proceeding.

(3) Any entitlement of, or requirement for, the detainee under any law or court order to be present before the court in the proceeding is taken to be satisfied by the detainee's use of video link facilities for the proceeding.

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110E Way video link facilities must be operated

(1) Video link facilities, when used for a proceeding, are to be operated in a way that ensures two-way audio and visual communication between the detainee and the District Court.

(2) If video link facilities fail during a proceeding, the court may adjourn the proceeding or make another appropriate order, as if the detainee were still in the presence of the court.

110F Facilities for private communication

(1) The District Court and the correctional institution must make facilities available for private communication between the detainee and the detainee's representative in a proceeding if the representative is at the place where the court is sitting.

(2) A communication between the detainee and the detainee's representative is as confidential and as inadmissible in any proceeding as it would be if it took place between the detainee and the detainee's representative while in each other's presence.

(3) Subsection (2) does not limit any other protection applying to the communication.

110G Variation or revocation of order

The District Court may, at any time, vary or revoke an order made under section 110C.

Part 8 Appeals to the District Court

111 Definitions for pt 8

In this part—

appeal includes a special case or other case stated for the opinion of the District Court.

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central district means the central district of the Supreme Court.

decision includes a conviction, determination, judgment and order recorded or made by a court.

far northern district means the far northern district of the Supreme Court.

northern district means the northern district of the Supreme Court.

party includes a prospective party to a proposed appeal.

112 No appeal lies from Magistrates Court to Supreme Court

An appeal may not be made from a Magistrates Court to the Supreme Court.

113 Power of District Court on appeal from Magistrates Court

The District Court has, for an appeal from a Magistrates Court, the same powers as the Court of Appeal has to hear an appeal.

114 Other appeals

(1) This section applies if, under an Act, provision is made for an appeal—

(a) to a court of general or quarter sessions; or

(b) to a judge of the Supreme Court on circuit; or

(c) from a decision of justices and no other court of appeal is mentioned.

(2) The appeal lies to the District Court.

117 Transfer of appeal hearings

(1) A judge may order that an appeal is to be transferred to the District Court at another place, if it appears to the judge—

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(a) that it is in the interests of justice that the appeal be heard at the other place; or

(b) that the appeal may be more conveniently heard at the other place and no party to the proceeding objects.

(2) The order may be made on the application of a party to the proceeding, or, if the judge is the judge hearing the appeal, on the judge's own initiative.

(3) The officer that has the appeal record must give the record and all appropriate exhibits to the appropriate officer at the place where the appeal is to be heard.

(4) In this section—

heard includes—

(a) heard and decided; and

(b) continued and decided.

Part 9 Appeals from the District Court to Court of Appeal

118 Appeal to the Court of Appeal in certain cases

(1) This section—

(a) does not apply to an appeal from a judgment of the District Court in the exercise of its criminal jurisdiction under part 4; but

(b) does apply to an appeal from other judgments of the District Court in the exercise of its criminal jurisdiction, including on an appeal brought before the court under the *Justices Act 1886*, section 222.

(2) A party who is dissatisfied with a final or interlocutory judgment of the District Court in its original jurisdiction may appeal to the Court of Appeal if the judgment—

(a) is given for an amount equal to or more than the Magistrates Courts jurisdictional limit; or

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(b) relates to a claim for, or relating to, property that has a value equal to or more than the Magistrates Courts jurisdictional limit.

(3) Subject to sections 118A and 118B, a party who is dissatisfied with any other judgment of the District Court, whether in the court's original or appellate jurisdiction, may appeal to the Court of Appeal with the leave of that court.

(4) In deciding whether there is a right of appeal under this section, the Court of Appeal may—

(a) inform itself in any way it considers appropriate, including by reference to the appeal record; and

(b) decide the question summarily without hearing evidence.

(5) If it is reasonably arguable that a right of appeal under this section exists, the Court of Appeal may treat that circumstance as a ground for granting leave to appeal.

(6) If the Court of Appeal grants leave under subsection (3), it may grant it on the conditions it considers appropriate.

(7) A single judge of the Court of Appeal may—

(a) grant (with or without condition) or refuse leave mentioned in subsection (3); or

(b) make the decision mentioned in subsection (4)(b).

(8) An appeal from the District Court in its original jurisdiction is by way of rehearing.

(9) In this section—

final judgment, of the District Court, includes a judgment that grants leave to enter a judgment mentioned in subsection (2).

Magistrates Courts jurisdictional limit means the amount of the jurisdictional limit of Magistrates Courts for personal actions stated in the *Magistrates Courts Act 1921*, section 4(a).

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118A Leave of District Court required to appeal from consent order

An appeal lies to the Court of Appeal from a judgment or order of the District Court given or made by consent only by leave of the judge who gave the judgment or made the order, or, if that judge is not available, another District Court judge.

118B Leave of District Court required to appeal in relation to costs

(1) An appeal only in relation to costs lies to the Court of Appeal from a judgment or order of the District Court only by leave of the judge who gave the judgment or made the order, or, if that judge is not available, another District Court judge.

(2) However, if, after an appeal to the Court of Appeal is properly started, the appeal becomes an appeal only in relation to the costs of the original proceeding—

(a) subsection (1) does not apply; and

(b) the appeal may be heard and determined only by leave of the Court of Appeal.

119 Jurisdiction of Court of Appeal

(1) On the hearing of an appeal the Court of Appeal shall have power to draw inferences of fact from facts found by the judge or jury, or from admitted facts or facts not disputed provided that where the appeal is not by way of rehearing such inferences shall not be inconsistent with the findings of the judge or jury.

(2) On the hearing of any appeal the Court of Appeal—

(a) may order a new trial on such terms as the court thinks just; and

(b) may order judgment to be entered for any party, or may make any other order, on such terms as the Court of Appeal thinks proper, to ensure the determination on the

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merits of the real questions in controversy between the parties; and

(c) may make such order with respect to the costs of the appeal as it thinks proper;

and every such order shall be final.

120 Parties may agree not to appeal

An appeal shall not lie from the decision of a judge if, before the decision is pronounced, both parties agree, in writing signed by themselves or their lawyers or agents, that the decision of the judge shall be final.

122 Special case

A Magistrates Court may not state in the form of a special case for the opinion of the Supreme Court any question of law arising in any case, but in lieu thereof may state in the form of a special case for the opinion of the District Court any such question of law, and the District Court shall have the same powers, authorities and duties as the Supreme Court had in respect of such a special case prior to the coming into force of the *District Courts Act Amendment Act 1960*.

Part 10 Enforcement of judgments

123 Action on judgment

An action may be brought in the Supreme Court upon a judgment in the District Court, but the plaintiff shall not recover any costs in such an action up to judgment unless the defendant appears and unsuccessfully defends the action.

124 Judgment to survive death

A judgment obtained by a plaintiff but not satisfied previous to the plaintiff's death and also all causes of action shall

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survive to the plaintiff's personal representative who may issue out execution in the representative's own name in the same way in which the plaintiff might have done.

Part 11 General provisions

Division 1 Court

125 Practice directions

(1) The Chief Judge may make practice directions for the District Court.

(2) Subsection (1) does not affect any inherent or other power to make practice directions.

(3) To remove any doubt, it is declared that a practice direction is not subordinate legislation.

126 Business of court

(1) The business of the court—

(a) is taken to be conducted in court wherever it is conducted; and

(b) is to be conducted in open court.

(2) However, subject to any Act, the court may, if the public interest or the interests of justice require, by order limit the extent to which the business of the court is open to the public.

Division 2 Fees and fines

128 Fees and fines to be paid to the consolidated fund

All fees payable in respect of any proceedings to a registrar, except such of them as a bailiff is entitled to receive and retain for the bailiff's own use, and all fines imposed under this Act

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and received by a registrar, shall be paid into the consolidated fund.

Division 3 Offences

129 Contempt

(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—

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(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.

Division 4 General

130 Executors

An executor or administrator may sue and be sued in the District Court in the same manner in which a person may sue or be sued in the person's own right, and in any such case judgment may be given and execution issued against the same persons against whom, and in the same manner in which, judgment would be given or execution issued in the Supreme Court.

130A Annual report

(1) As soon as practicable after the end of each financial year, but within 4 months after the end of the financial year, the Chief Judge must prepare and give to the Minister a written report about the operation of the District Court during the year.

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

130B Finance

The court is part of the department for the purposes of the *Financial Accountability Act 2009*.

131 Regulation-making power

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

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(2) A regulation may make provision for the control and management of the precincts of the District Court other than precincts that are Supreme Court precincts under the *Supreme Court of Queensland Act 1991*.

Part 12 Transitional provisions

132 References to District Courts

(1) In another Act, a reference to a District Court is a reference to a District Court within the meaning of this Act.

(2) For an Act passed before the commencement of this Act, subsection (1) has effect even though the reference is expressed to relate to a District Court within the meaning of another Act.

133 References to District Courts Act 1958

In an Act or document, a reference to the *District Courts Act 1958* may, if the context permits, be taken to be a reference to this Act.

134 References to District Courts (Venue of Appeals) Act 1988

In an Act or document, a reference to the *District Courts (Venue of Appeals) Act 1988* may, if the context permits, be taken to be a reference to this Act.

135 Transitional references to chairperson etc.

A reference in another Act to the chairperson of District Courts or a deputy chairperson of District Courts is, for anything done, or proposed to be done, after 3 June 1993, taken to be a reference to the Chief Judge of District Courts or a senior judge of District Courts.

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139 Transitional—establishment of the District Court

(1) On the commencement of part 2, division 1—

(a) the District Courts in existence on the commencement (the ***previous District Courts***) are amalgamated into the District Court; and

(b) the places at which the previous District Courts were held are the places at which the District Court is to be held; and

(c) the district assigned to a previous District Court held at a place is the district for the District Court to be held at the place; and

(d) any jurisdiction or power of the previous District Courts or a judge of a previous District Court or the previous District Courts becomes jurisdiction or power of the District Court or a judge of the District Court; and

(e) anything else done or existing in relation to a previous District Court continues, and is taken to be done or existing in relation to the District Court or the corresponding district of the District Court; and

(f) a proceeding pending in a previous District Court is to be continued in the District Court at the place at which it would have continued if part 2, division 1 had not been enacted; and

(g) each judge of a previous District Court or the previous District Courts becomes a judge of the District Court; and

(h) the Chief Judge of District Courts becomes the Chief Judge of the District Court.

(2) Part 2, division 1 does not affect—

(a) any appointment, subject to the name changes mentioned in subsection (1)(g) and (h); or

(b) the seniority of a judge; or

(c) any principle or rule of law or equity; or

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(d) any right, privilege or liability.

(3) In an Act or document, if the context permits—

(a) a reference to the *District Courts Act 1967* is taken to be a reference to the *District Court Act 1967*; and

(b) a reference to the *District Courts Rules 1968* is taken to be a reference to the *District Court Rules 1968*; and

(c) a reference to a District Court or the District Courts is taken to be a reference to the District Court; and

(d) a reference to a District Court held at a place is a reference to the District Court held at the place; and

(e) a reference to a judge of a District Court or to a judge of District Courts is taken to be a reference to a judge of the District Court; and

(f) a reference to the Chief Judge of District Courts is a reference to the Chief Judge of the District Court.

140 Transitional—change of name to District Court of Queensland

(1) To remove doubt, it is declared that changing the court's name from the 'District Court' to the 'District Court of Queensland' does not affect the following—

(a) any jurisdiction or power of the court or 1 or more judges of the court;

(b) anything done or existing in relation to the court;

(c) a proceeding pending in the court;

(d) any appointment;

(e) the seniority of a judge;

(f) any principle or rule of law or equity;

(g) any right, privilege or liability.

Note—

See also the *Constitution of Queensland 2001*, section 89.

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(2) If, before the commencement of this section, there is a reference in an Act or document to the *District Court Act 1967*, then, from the commencement, if the context permits, the reference is taken to be a reference to the *District Court of Queensland Act 1967*.

(3) If, before the commencement of this section, there is a reference in an Act or document to the District Court, including a reference to the District Court by virtue of section 139, then, from the commencement, if the context permits, the reference is taken to be a reference to the District Court of Queensland.

141 Transitional provision for Justice and Other Legislation (Miscellaneous Provisions) Act 2002

An appointment of a person under section 36 as in force immediately before the amendment of that section by the *Justice and Other Legislation (Miscellaneous Provisions) Act 2002*, section 12, continues to have effect as if section 12 had not been enacted.

142 Transitional provision for Criminal Code and Other Acts Amendment Act 2008

(1) Section 61 applies as if the reference in section 61(2)(b) to the Criminal Code, section 61 included a reference to the Criminal Code, sections 64 and 65 as in force at any time before their repeal by the *Criminal Code and Other Acts Amendment Act 2008*.

(2) Section 61 applies as if the reference in section 61(2)(b) to the Criminal Code, section 319 included a reference to the Criminal Code, section 319A as in force at any time before its repeal by the *Criminal Code and Other Acts Amendment Act 2008*.

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143 Transitional provision for Justice and Other Legislation Amendment Act 2008, pt 10—notice to witness

(1) This section applies if, before the commencement of this section, a witness is given a notice to witness in relation to a person committed for trial.

(2) Sections 29 and 63, as in force immediately before the commencement of this section, continue to have effect in relation to the notice to witness until—

(a) the proceeding in relation to the accused person is concluded; or

(b) the court otherwise directs; or

(c) 3 years after the commencement of this section;

whichever happens first.

144 Transitional provision for Justice and Other Legislation Amendment Act 2008, pt 10—principal registrar

(1) This section applies if, immediately before the commencement of this section, a person held appointment as a principal registrar, whether under this Act or under the *Public Service Act 2008* for the purposes of this Act.

(2) The person continues to hold appointment as a principal registrar under this Act after the commencement in accordance with the person's instrument of appointment.

145 Transitional provision for Civil and Criminal Jurisdiction Reform and Modernisation Amendment Act 2010—civil jurisdiction

Sections 68, 75 and 118, as amended by the *Civil and Criminal Jurisdiction Reform and Modernisation Amendment Act 2010*, apply only to actions, matters or proceedings commenced after the commencement of this section.

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146 Transitional provision for Civil and Criminal Jurisdiction Reform and Modernisation Amendment Act 2010—criminal jurisdiction

(1) Section 61, as amended by the *Civil and Criminal Jurisdiction Reform and Modernisation Amendment Act 2010*, applies in relation to a charge for an offence only if an originating step for the proceeding for the charge is taken on or after the commencement of this section.

(2) For subsection (1), it does not matter when the offence was committed.

(3) In this section—

originating step, for a proceeding, means—

(a) the arrest of the defendant in the proceeding; or

(b) the making of a complaint under the *Justices Act 1886*, section 42 in relation to the defendant in the proceeding; or

(c) the serving of a notice to appear on the defendant in the proceeding under the *Police Powers and Responsibilities Act 2000*, section 382.

147 Transitional provision for Justice and Other Legislation Amendment Act 2010

(1) To remove any doubt, it is declared that an appointment of an associate to a judge that is in force under section 36 immediately before the section is replaced by a new section 36 under the *Justice and Other Legislation Amendment Act 2010*, section 32 (Replacement of s 36), is taken, from the replacement, to continue in force as if it had been made by the Chief Judge under the new section 36.

(2) This section does not limit the *Acts Interpretation Act 1954*, section 20B.

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148 Transitional provision for Civil Proceedings Act 2011—bailiff's assistants

For the purposes of section 47, a reference to a bailiff includes a reference to a bailiff's assistant appointed under section 41 as in force immediately before the commencement of the *Civil Proceedings Act 2011*, section 128.

149 Outdated references

In an Act or document, in the context of the District Court and if otherwise appropriate, a reference to a thing mentioned in column 1 of the following table is taken to be a reference to the corresponding thing in column 2 of the table—

Table

column 1	column 2
plaint or plaint and summons	claim
chambers	court
action	proceeding
District Court Rules 1968	Uniform Civil Procedure Rules 1999
taxation	assessment of costs
party and party costs	costs on the standard basis
solicitor and client costs	costs on the indemnity basis

150 Transitional provision for Justice and Other Legislation Amendment Act 2013

Section 113, as amended by the *Justice and Other Legislation Amendment Act 2013*, applies only to actions, matters or

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proceedings commenced after the commencement of the section.

151 Transitional provision for Health and Other Legislation Amendment Act 2016

Section 61 applies as if the reference in section 61(2)(b) to the Criminal Code, section 215 included a reference to the Criminal Code, section 208 as in force at any time before its repeal by the *Health and Other Legislation Amendment Act 2016*.

152 Transitional provision for Respect at Work and Other Matters Amendment Act 2024

(1) Amended section 28AA is taken to have always applied in relation to a judge's performance or exercise of a function or power as a judge.

(2) However, subsection (1) does not apply for the purposes of a proceeding against a judge started before the introduction day.

(3) In this section—

amended section 28AA means section 28AA as amended by the *Respect at Work and Other Matters Amendment Act 2024*.

introduction day means the day the Bill for the *Respect at Work and Other Matters Amendment Act 2024* was introduced into the Legislative Assembly.

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