

Queensland

Supreme Court of Queensland Act 1991

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Supreme Court of Queensland Act 1991

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Supreme Court of Queensland Act 1991

An Act relating to the Supreme Court of Queensland and, for certain matters including enforcement of orders and rules of court, relating to that court, the District Court and the Magistrates Courts, and to Planning and Environment Court fees and costs

Part 1 Preliminary

1 Short title

This Act may be cited as the *Supreme Court of Queensland Act 1991*.

2 Dictionary

The dictionary in schedule 5 defines particular words used in this Act.

3 Act binds all persons

This Act binds all persons, including the State.

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Part 2 The court

Division 1 Composition and jurisdiction

4 Composition of the court

The court consists of a Chief Justice, a President of the Court of Appeal, other judges of appeal, a Senior Judge Administrator, and the other judges appointed by the Governor in Council.

5 Divisions of the court

(1) The court is divided into—

(a) the office of the Chief Justice; and

(b) 2 divisions, namely, the Court of Appeal and the Trial Division.

(2) The Chief Justice may sit as, and exercise the powers and perform the functions of, a judge in either division of the court.

6 Acting judges

(1) If a judge is or will be on leave, or otherwise absent, or is or will be, for any reason, unable to perform the functions of the office, the Governor in Council, after consultation between the Minister and the Chief Justice, may, by commission, appoint a person who is qualified to be appointed as a judge to act as a judge for the period (not longer than 6 months) stated in the commission.

(2) If the Chief Justice certifies that it is desirable that 1 or more persons be appointed to act as a judge to assist in ensuring the orderly and expeditious exercise of the jurisdiction and powers of the court in the Trial Division, the Governor in Council may, by commission, appoint 1 or more persons, who is or are qualified to be appointed as a judge to act as a judge

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for the period (not longer than 6 months) stated in the commission or commissions.

(3) The Governor in Council may, by commission, appoint either 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 the Supreme Court of another State or Territory;

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

(4) The Governor in Council may by commission appoint a retired Supreme 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.

(5) The Minister may recommend a retired Supreme Court judge for appointment under subsection (4) only after consultation with the Chief Justice.

(6) An appointment under subsection (4) must not extend beyond the day the retired judge reaches 78 years of age.

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

(a) may be appointed more than once; and

(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.

(8) Despite subsection (6), a retired Supreme 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.

(9) The Governor in Council may decide the remuneration to be paid and provided in relation to a person, other than a retired Supreme Court Judge appointed under subsection (1), (2) or (4), who acts as a judge (not being less than the remuneration paid and provided to a judge).

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Note—

For the remuneration of a retired Supreme Court judge who acts as a judge, see the *Judicial Remuneration Act 2007*, section 5A.

(10) The fact that a person who holds a commission to act as a judge sits and otherwise acts as a judge is sufficient evidence of the person's authority to do so.

(11) A person who has acted as a judge may attend sittings of the court for the purpose of giving judgment in, or otherwise completing, a proceeding that was heard by the person while the person was acting as a judge, despite the fact that the person is no longer acting as a judge.

6A 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 6B, see the *Judicial Remuneration Act 2007*, section 5A.

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

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

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

(i) a judge of a supreme 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—78 years; or

(ii) otherwise—70 years.

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(4) However, despite subsection (3), a reserve judge engaged under section 6B who, before the judge's commission ends, 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.

6B Engagement of reserve judges

(1) The chief justice 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*.

6C 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 6A, 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 6B after the appointment is made.

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7 Jurisdiction not affected by vacancies

The jurisdiction of the court, or of a division of the court, is not affected by a vacancy in any office in the court.

8 Business of the 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.

9 Court seal

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

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

10 Jurisdiction of the court not impaired etc.

Except as provided in this Act, this Act does not take away, lessen or impair any jurisdiction or power that was, immediately before the commencement of this section, vested in or capable of being exercised by the court or 1 or more judges.

11 Effect of repeal of Supreme Court Act 1995

(1) The repeal of the *Supreme Court Act 1995* (the ***1995 Act***) does not affect the jurisdiction of the Supreme Court that may have been derived from the 1995 Act or any of the Acts referred to in the 1995 Act and the Supreme Court retains all the jurisdiction and power that may have been derived from the 1995 Act or any of the Acts referred to in the 1995 Act.

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(2) The repeal of the 1995 Act does not affect anything done or suffered under the provisions of the 1995 Act before the repeal.

(3) The repeal of the 1995 Act does not affect the validity or consequences of anything done or suffered, or any right, title, obligation or liability already acquired, accrued or any remedy or proceeding in relation to the thing, right, title, obligation or liability.

(4) The repeal of the 1995 Act does not affect any principle or rule of law or equity or revive jurisdiction.

(5) This section does not limit the operation of the *Acts Interpretation Act 1954*, section 20.

Division 2 Office of Chief Justice

12 Appointment of Chief Justice

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

Note—

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

(2) A judge may be appointed as Chief Justice either at the time of the person's appointment as a judge or at any time afterwards.

13 Chief Justice continues in office while judge

(1) The Chief Justice holds office as Chief Justice while the person holds office as a judge.

(2) The Chief Justice may resign office as Chief Justice without resigning office as a judge.

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14 Title of Chief Justice

The Chief Justice is called the Chief Justice of Queensland.

15 Administrative responsibility of Chief Justice

(1) Without limiting the responsibilities, functions or powers of the Chief Justice, the Chief Justice, subject to this Act, is responsible for the administration of the Supreme Court and its divisions and the orderly and expeditious exercise of the court's jurisdiction and power.

(2) Subject to this Act, the Chief Justice has power to do all things necessary or convenient to be done to perform responsibilities under subsection (1).

16 Sittings

The Chief Justice is to decide—

(a) when and where the Supreme Court is to sit; and

(b) the way notice of when and where the Supreme Court is to sit may be given.

17 Practice directions

(1) The Chief Justice may make practice directions for the Supreme 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.

18 Supreme Court precincts

(1) Subject to this Act, the Chief Justice has power to do all things necessary or convenient to be done for the control and management of the Supreme Court precincts, including power

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to obtain, grant, prohibit or limit access to and from the precincts or part of the precincts.

(2) For subsection (1), a reference to the Supreme Court precincts includes a reference to court precincts part of which are occupied by the Supreme Court.

19 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 Justice must prepare and give to the Minister a written report about the operation of the Supreme 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.

Division 3 Provisions relating to judges generally

20 Power to act throughout State

A judge has power to act in any part of the State.

21 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 Supreme Court judge appointed to act as a judge under section 6(4) remains a judge until the judge's appointment ends; and

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(c) a retired Supreme Court judge appointed as a reserve judge under section 6A(1) remains a reserve judge until the judge's appointment ends.

22 Accepting and holding other public offices

(1) Subject to this section, a judge may accept and hold another public office.

(2) A judge who accepts another public office—

(a) must immediately notify the Attorney-General in writing; and

(b) must immediately resign the other public office if the Governor in Council decides, after consultation between the Attorney-General and the Chief Justice, that the holding of that office, or the conditions on which it is held, would be inconsistent with the proper discharge of the office of a judge.

(3) A judge may receive remuneration in relation to the acceptance or holding of another public office only with the approval of the Governor in Council.

(4) In this section—

public office includes—

(a) an office or appointment granted or made by the Government of the Commonwealth, another State or a Territory; and

(b) an office or appointment in or in relation to a university or other educational institution, a hospital or a charitable institution.

23 Judicial office subject to Constitution of Queensland 2001

A provision of this Act that provides for a judge or judge of appeal to hold another judicial office while the person holds office as a judge or judge of appeal is subject to the *Constitution of Queensland 2001*, section 61.

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Editor's note—

Constitution of Queensland 2001, section 61 (Removal from office for misbehaviour or incapacity)

24 Seniority

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

(2) The President of the Court of Appeal is senior to all other judges of the court apart from the Chief Justice.

(3) Judges of appeal have seniority after the President of the Court of Appeal, and have seniority in relation to each other according to the dates of their commissions as judges of appeal.

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

(5) The Senior Judge Administrator has seniority after the judges of appeal.

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

(7) 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 such an assignment, according to the order of their being sworn in.

(8) In subsections (6) and (7), a reference to a judge includes a judge who has ceased to be the Senior Judge Administrator.

25 Temporary judicial office holders

(1) When—

(a) the office of Chief Justice, President of the Court of Appeal or Senior Judge Administrator is vacant; or

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(b) the Chief Justice, the President of the Court of Appeal or the Senior Judge Administrator is, for any reason, unable to discharge the person's office;

the next most senior judge, who is willing, is to act in the office.

(2) When the Chief Justice, the President of the Court of Appeal or the Senior Judge Administrator is on leave or otherwise absent or is, for any other reason, unable to perform all of the ordinary functions of the person's office, the next most senior judge, who is willing, is to perform the functions of the office that the person is unable to perform.

(3) While a judge is performing functions of a more senior judicial office, then, to the extent necessary—

(a) the judge has all the powers and functions of the office; and

(b) this Act and other Acts apply to the judge as if the judge were the holder of the office.

Note—

The same applies if a judge is acting in a more senior judicial office—*Acts Interpretation Act 1954*, section 24B(8).

(4) The fact that a judge acts in, or performs functions of, a more senior judicial office is sufficient evidence of the judge's authority to do so.

(5) Anything done by a judge in purporting to act in, or perform functions of, a more senior judicial office is not invalid merely because the occasion for the judge to act in, or perform functions of, the office had not arisen or had ceased.

26 Entitlements of temporary judicial office holders

(1) Subject to subsection (2), a judge who acts in, or performs functions of, a more senior judicial office under section 25 or 39 is not entitled to receive additional remuneration for doing so.

(2) The Governor in Council may decide that a judge who acts in, or performs functions of, a more senior judicial office under

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section 25 or 39 is to receive specific additional remuneration (not being more than the remuneration of the office concerned) for doing so.

27 Protection for administrative acts

A judge has, in the performance or exercise of an administrative function or power conferred on the judge under an Act, the same protection and immunity as a judge has in a judicial proceeding in the court.

Part 3 The Court of Appeal

Division 1 Composition, jurisdiction and powers

28 Composition

The Court of Appeal consists of—

(a) the President of the Court of Appeal; and

(b) at least 3, but no more than 5, other judges of appeal.

29 Jurisdiction and powers

(1) Subject to this Act, the Court of Appeal has jurisdiction to hear and determine all matters that, immediately before the commencement of this section, the Full Court had jurisdiction to hear and determine.

(2) The Court of Appeal has such additional jurisdiction as is conferred on it by or under this Act, another Act or a Commonwealth Act.

(3) The Court of Appeal may, in proceedings before it, exercise every jurisdiction or power of the court, whether at law or in equity or under any Act, Commonwealth Act or Imperial Act.

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30 Way in which court may be constituted

(1) Subject to this Act, any 3 or more judges of appeal constitute, and may exercise all the jurisdiction and powers of, the Court of Appeal.

(2) More than 1 Court of Appeal may sit at the same time.

(3) When more than 1 Court of Appeal is sitting at the same time, each may exercise the jurisdiction and powers of the Court of Appeal.

(4) A rule of court may provide that the jurisdiction and powers of the Court of Appeal may, in particular kinds of proceedings, be exercised by fewer than 3 judges of appeal.

31 Constitution of court if 1 judge of appeal unable to continue

(1) If—

(a) after the Court of Appeal (including the court constituted under this section) has started the hearing, or further hearing, of a proceeding; and

(b) 1 of the judges constituting the court dies, resigns as a judge, or is certified as incapable of sitting before the proceeding has been determined;

the hearing and determination of the proceeding may be finished by the remaining judges if at least 2 judges remain.

(2) A judge is certified as incapable of sitting if the Chief Justice or the President of the Court of Appeal has issued a certificate stating that the judge is incapable of sitting whether temporarily or otherwise.

(3) The Court of Appeal constituted under this section may have regard to any evidence given or received, and arguments adduced, by or before the Court of Appeal as previously constituted.

(4) Any question in the proceeding is to be decided in the same way, and the judgment of the Court of Appeal constituted

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under this section has the same force and effect, as if the court were not constituted under this section.

32 Arrangement of business of Court of Appeal

(1) Subject to section 15, the President of the Court of Appeal is responsible for the administration of the Court of Appeal and for ensuring the orderly and expeditious exercise of the jurisdiction and powers of the Court of Appeal.

(2) Subject to this Act, the President has power to do all things necessary or convenient to be done for ensuring the orderly and expeditious exercise of the jurisdiction and powers of the Court of Appeal.

33 Annual report

(1) As soon as practicable after the end of each financial year, but within 2 months after the end of the financial year, the President of the Court of Appeal must prepare and give to the Chief Justice a written report about the operation of the Court of Appeal during the year.

(2) The report must be prepared in consultation with the other judges of appeal, other than the judges of appeal who are absent from duty or otherwise unavailable.

Division 2 Judges of appeal

34 Appointment

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

Editor's note—

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

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(2) A judge may be appointed to be a judge of appeal either at the time of the person's appointment as a judge or at any time afterwards.

35 Judge of appeal continues to be judge

A judge of appeal continues to be a judge, and may, with the consent of the Chief Justice, sit as, and exercise any of the powers of, a judge in the Trial Division.

36 Judge of appeal continues in office while judge

(1) A judge of appeal holds office as a judge of appeal while the person holds office as a judge.

(2) A judge of appeal may resign office as a judge of appeal without resigning office as a judge.

37 Appointment of President

(1) The Governor in Council may, by commission, appoint a judge of appeal to be the President of the Court of Appeal.

(2) A judge of appeal may be appointed as the President of the Court of Appeal either at the time of the person's appointment as a judge of appeal or at any time afterwards.

(3) To remove any doubt, it is declared that the Governor in Council may act under section 34 and this section to appoint a judge, or a person qualified to be appointed as a judge, as the President of the Court of Appeal.

38 President continues in office while judge of appeal

(1) The President of the Court of Appeal holds office as President while the person holds office as a judge of appeal.

(2) The President may resign office as President without resigning office as a judge of appeal.

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39 Additional judges of appeal

(1) If a judge of appeal is on leave, or otherwise absent, or is, for any reason, unable to perform the functions of the office, the Governor in Council, after consultation between the Minister and the Chief Justice, may, by commission, appoint a judge to act as an additional judge of appeal for such period (not longer than 6 months) as is specified in the commission.

(2) A judge who is willing to act as an additional judge of appeal for a particular period, or for the purposes of a particular proceeding, may so act if the Chief Justice directs it.

(3) While a judge is acting as a judge of appeal—

(a) the judge has all the powers and functions of a judge of appeal; and

(b) this Act and other Acts apply to the judge as if the judge were a judge of appeal.

(4) The fact that a judge sits and otherwise acts as an additional judge of appeal is sufficient evidence of the judge's authority to do so.

(5) Anything done by or in relation to a judge while the judge is purporting to act as judge of appeal is not invalid merely because the occasion for the judge to act had not arisen or had ceased.

(6) A judge who has acted as an additional judge of appeal may attend sittings of the Court of Appeal for the purpose of giving judgment in, or otherwise completing, a proceeding that was heard by the Court of Appeal while the judge was acting, despite the fact that the judge is no longer a judge of appeal.

40 Disqualification of judge of appeal

A judge must not sit in judgment on the hearing of an appeal from a judgment given, or an order made, by the judge.

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41 Presiding judge of appeal

(1) At a sitting of the Court of Appeal at which the Chief Justice is present, the Chief Justice is to preside.

(2) At a sitting of the Court of Appeal at which the Chief Justice is not present, the President of the Court of Appeal is to preside.

(3) At a sitting of the Court of Appeal at which neither the Chief Justice nor the President of the Court of Appeal is present, the senior judge of appeal present is to preside.

42 Decision

The decision of the Court of Appeal is to be in accordance with—

(a) if the judges present at the hearing are equally divided in opinion—the opinion of the judge who, at the start of the hearing, was the most senior judge; or

(b) otherwise—the opinion of the majority of judges present at the hearing.

43 Reserved judgments

(1) If a proceeding is set down for judgment, it is not necessary for all or any of the judges of appeal before whom it was heard to be present in court when the judgment is pronounced.

(2) The opinion of any of the judges of appeal may be reduced to writing and may be made public by any judge of appeal at a sitting of the Court of Appeal at which judgment in the proceeding is pronounced.

(3) A question in the proceeding is to be decided in the same way, and the judgment of the Court of Appeal has the same effect, as if each judge of appeal whose opinion is so made public had been present in court and declared his or her opinion in person.

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(4) For the purpose of pronouncing judgment under this section, the Court of Appeal may be constituted by a single judge of appeal who need not have been present at the hearing.

44 Powers of judge of appeal

(1) A judge of appeal may exercise the powers of the Court of Appeal—

(a) to give a judgment by consent or make an order by consent; and

(b) to dismiss an appeal or other proceeding for want of prosecution or for other cause specified in an Act or a rule of court about the practices and procedures of the Court of Appeal; and

(c) to dismiss an appeal or other proceeding on the application of the appellant, applicant or plaintiff; and

(d) to deal with matters incidental to the matters mentioned in paragraphs (a) to (c).

(2) A judge of appeal may exercise the powers of the Court of Appeal—

(a) to make an order or give a direction concerning the institution of an appeal or other proceeding in the Court of Appeal; or

(b) to make an order or give a direction in an appeal or other proceeding, other than an order or direction involving the determination or decision of the appeal or other proceeding.

(3) Subsection (2) does not limit the powers that a judge of appeal may exercise under subsection (1).

(4) The Court of Appeal may discharge or vary—

(a) a judgment given by a judge of appeal; or

(b) an order made or direction given by a judge of appeal.

(5) Subject to subsection (4), a judgment, order or direction given or made by a judge of appeal has effect as a judgment, order

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or direction of the Court of Appeal, whether or not the judgment, order or direction is within the powers of the judge of appeal under this section.

Part 4 The Trial Division

Division 1 Jurisdiction and powers

45 Composition, jurisdiction and powers of Trial Division

(1) The Trial Division of the court consists of the judges of the court other than the Chief Justice, the President of the Court of Appeal and the other judges of appeal.

(2) The jurisdiction and powers of the court that are not required to be exercised only by the Court of Appeal may be exercised by the court in the Trial Division.

46 Single judge to constitute the court

(1) All proceedings in the Trial Division are to be heard and disposed of before a single judge.

(2) For those proceedings, the judge constitutes, and is to exercise all the jurisdiction and powers of, the court.

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

(4) This section does not affect the hearing and disposal of proceedings before a registrar or other officer of the court in accordance with an Act or the rules.

(5) This section does not affect any right to trial by jury under an Act, the rules or a practice of the court.

47 Application if original judge unable to continue

(1) This section applies if—

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

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

Note—

For the Court of Appeal, see section 31 (Constitution of court if 1 judge of appeal unable to continue).

(2) For subsection (1), a judge is certified as incapable of sitting if the Chief Justice or Senior 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.

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

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(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.

Division 2 Senior Judge Administrator and other judges

48 Appointment of Senior Judge Administrator

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

Editor's note—

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

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

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

49 Senior Judge Administrator continues to be judge

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

50 Senior Judge Administrator continues in office while judge

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

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

(a) if the person is appointed as Chief Justice, President of the Court of Appeal or another judge of appeal; or

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

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

51 Arrangement of business of Trial Division

(1) Subject to section 15, the Senior Judge Administrator is responsible to the Chief Justice for the administration of the court in the Trial Division and for ensuring the orderly and expeditious exercise of the jurisdiction and powers of the court in the Trial Division.

(2) Subject to this Act and other Acts, the Senior Judge Administrator has power to do all things necessary or convenient to be done for the administration of the court in the Trial Division and for ensuring the orderly and expeditious exercise of the jurisdiction and powers of the court in the Trial Division.

52 Annual report

(1) As soon as practicable after the end of each financial year, but within 2 months after the end of the financial year, the Senior Judge Administrator must prepare and give to the Chief Justice a written report about the operation of the Trial Division during the year.

(2) The report must be prepared in consultation with the other judges of the Trial Division, other than the judges who are absent from duty or otherwise unavailable.

Division 3 Regions and districts

53 Regions

(1) There are to be 4 regions of the court.

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(2) The regions are to be called the Southern Region, the Central Region, the Northern Region and the Far Northern Region.

(3) The Southern Region is the area of the State other than the Central Region, Northern Region or Far Northern Region.

(4) The Central Region is the area described in schedule 2.

(5) The Northern Region is the area described in schedule 3 other than the Far Northern Region.

(6) The Far Northern Region is the area of the State that is the Supreme Court district containing Cairns.

54 Central Region

(1) One of the judges of the court must be called the Central Judge.

(2) The Governor in Council may, by commission, appoint a judge of the Trial Division to be the Central Judge.

(3) A judge may be appointed as the Central Judge when appointed as a judge or at any time afterwards.

(4) The Central Judge must reside in the Central Region.

(5) Sittings of the Trial Division must be held within the Central Region.

(6) Subject to sections 15 and 51, the Central Judge is responsible for the orderly and expeditious exercise within the Central Region of the jurisdiction of the court in the Trial Division.

Editor's note—

sections 15 (Administrative responsibility of Chief Justice) and 51 (Arrangement of business of Trial Division)

(7) To the extent necessary or convenient for the exercise of the court's jurisdiction in the Central Region, a reference to Brisbane in any Act relating to the court, including a reference to a thing being done at Brisbane, is taken, if otherwise appropriate, to be a reference to Rockhampton.

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55 Northern Region

(1) One of the judges of the court must be called the Northern Judge.

(2) The Governor in Council may, by commission, appoint a judge of the Trial Division to be the Northern Judge.

(3) A judge may be appointed as the Northern Judge when appointed as a judge or at any time afterwards.

(4) The Northern Judge must reside in the Northern Region.

(5) Sittings of the Trial Division must be held within the Northern Region.

(6) Subject to sections 15 and 51, the Northern Judge is responsible for the orderly and expeditious exercise within the Northern Region of the jurisdiction of the court in the Trial Division.

(7) To the extent necessary or convenient for the exercise of the court's jurisdiction in the Northern Region, a reference to Brisbane in any Act relating to the court, including a reference to a thing being done at Brisbane, is taken, if otherwise appropriate, to be a reference to Townsville.

56 Far Northern Region

(1) One of the judges of the court must be called the Far Northern Judge.

(2) The Governor in Council may, by commission, appoint a judge of the Trial Division to be the Far Northern Judge.

(3) A judge of the Trial Division may be appointed as the Far Northern Judge when appointed as a judge or at any time afterwards.

(4) The Far Northern Judge must reside in the Far Northern Region.

(5) Sittings of the Trial Division must be held within the Far Northern Region.

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(6) Subject to sections 15 and 51, the Far Northern Judge is responsible for the orderly and expeditious exercise within the Far Northern Region of the jurisdiction of the court in the Trial Division.

(7) To the extent necessary or convenient for the exercise of the court's jurisdiction in the Far Northern Region, a reference to Brisbane in any Act relating to the court, including a reference to a thing being done at Brisbane, is taken, if otherwise appropriate, to be a reference to Cairns.

57 Districts

(1) There are to be districts of the court.

(2) Each district is to consist of the Magistrates Court districts prescribed under a regulation.

(3) Each district is to take its name from the place where the court ordinarily sits in that district.

Division 4 Commercial and other lists

58 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.

59 No appeal from entry on a list

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

60 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.

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

Part 5 Removal and remission

61 Removal and remission

(1) If a proceeding is started in another court, but is a proceeding that is required to be heard and determined only by the Court of Appeal—

(a) the proceeding is taken to have been duly started when it was started in the other court; and

(b) the Court of Appeal may, on application by a party or of its own motion, order that the proceeding be removed into the Court of Appeal; and

(c) on an order being made under paragraph (b), the proceeding must be continued and disposed of in the Court of Appeal; and

(d) subject to any order under paragraph (b), the proceeding may be continued and disposed of in the other court.

(2) If a proceeding is started in the Court of Appeal, but is a proceeding that the Court of Appeal considers could be more conveniently heard and determined in another court—

(a) the proceeding is taken to have been duly started when it was started in the Court of Appeal; and

(b) the Court of Appeal may, on application by a party or of its own motion, order that the proceeding be remitted to the other court; and

(c) on an order for remission being made under paragraph (b), the proceeding must be continued and disposed of in the other court; and

(d) subject to any order under paragraph (b), the proceeding may be continued and disposed of in the Court of Appeal.

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(3) If a proceeding is pending before the Court of Appeal, the Court of Appeal may, on application by a party or of its own motion, order that the whole or a part of the proceeding be remitted to another court for the determination (by trial or otherwise) of the proceeding or any question of fact or law arising in the proceeding.

(4) Subject to section 62, the Court of Appeal may accept any determination of the other court in whole or part.

(5) If a proceeding (whether by way of appeal or otherwise), or a proceeding on a stated case (other than a case stated by another court), is started in the other court—

(a) the Court of Appeal, if satisfied that special circumstances exist that make it desirable to do so, may, on application by a party or of its own motion, order that the proceeding be removed into the Court of Appeal; and

(b) on an order being made under paragraph (a), the proceeding must be continued and disposed of in the Court of Appeal.

(6) A proceeding may be removed into the Court of Appeal under this section despite any decision or determination in the proceeding being expressed by an Act to be final or without appeal.

(7) In this section—

another court means the Trial Division or a District Court.

Part 6 Appeals to Court of Appeal

62 Appeal in proceedings in the court

(1) Subject to this and any other Act, an appeal lies to the Court of Appeal from—

(a) any judgment or order of the court in the Trial Division; and

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(b) without limiting paragraph (a)—

(i) a judgment or order of the court in the Trial Division made under this Act; and

(ii) any opinion, decision, direction or determination of the court in the Trial Division on a stated case; and

(iii) any determination of the court in the Trial Division or the District Court in a proceeding remitted under section 61.

(2) Subject to an Act, a rule of court may provide that leave to appeal is required in proceedings specified in the rule.

63 Leave required to appeal from consent order

An appeal lies to the Court of Appeal from a judgment or order of the court in the Trial Division 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 judge of the court in the Trial Division.

64 Leave 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 court in the Trial Division only by leave of the judge who gave the judgment or made the order, or, if that judge is not available, another judge of the court in the Trial Division.

(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.

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Part 7 Registry

65 Registry

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

(2) The Supreme Court Registry is to have regional offices (each a ***regional registry***) at Brisbane, Rockhampton, Townsville and Cairns.

(3) The Supreme Court Registry is to have a district office (***district registry***) at each place from which a Supreme Court district takes its name.

66 Process returnable in office where issued but effective throughout State

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

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

67 Control

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

68 Registration of Acts

Acts of the Queensland Parliament may be registered in the Brisbane Supreme Court Registry.

Part 8 Court officers

69 Principal registrar, other registrars and officers

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

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(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*.

70 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 Supreme 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.

71 Directions

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

72 Registrar of Magistrates Court

(1) The registrar of the Magistrates Court for the Magistrates Court district in which the Supreme Court sits may perform the functions and exercise the powers of a registrar, and a deputy sheriff, of the Supreme Court for the Supreme Court district constituted under section 57 that is or includes the Magistrates Court district.

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(2) Subsection (1) applies whether or not a registrar or deputy sheriff of the Supreme Court for the Supreme Court district constituted under section 57 has been appointed.

72A 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.

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 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.

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72B 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 72A(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 extent the person is protected from civil liability under section 269 of that Act.

73 Sheriff of Queensland, deputy sheriffs and bailiffs

(1) The chief executive may appoint a Sheriff of Queensland.

(2) The chief executive may also appoint deputy sheriffs and bailiffs.

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

74 Powers of sheriff

(1) The sheriff or a deputy sheriff has the powers given under an Act and may exercise the powers throughout the State.

(2) Any power given to the sheriff under an Act may be exercised by a deputy sheriff.

75 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.

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(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.

76 Enforcement officer's protection from liability

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

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

(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 enforcement officer unless the liability resulting in the money order was for an act done, or omission made, honestly and without negligence when acting as an enforcement officer.

77 Associates

(1) The Chief Justice 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).

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Part 9 Use of video link facilities

78 Purpose of part

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

79 Definitions for part

In this part—

detainee means—

(a) for section 80(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 80(1), means a proceeding to which section 80(1) applies.

80 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 Supreme 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 *District Court of Queensland Act 1967*, section 118 or the Criminal Code, chapter 67 in relation to an offence of which the detainee has been convicted (***appeal proceeding***); and

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

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.

81 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 Supreme 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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82 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 Supreme 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.

83 Facilities for private communication

(1) The Supreme 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 while the detainee and the detainee's representative were in each other's presence.

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

84 Variation or revocation of order

The Supreme Court may, at any time, vary or revoke an order made under section 80.

Part 10 Rules of court for the Supreme Court, the District Court and the Magistrates Courts

85 Rule-making power

(1) The Governor in Council may make rules of court under this Act for—

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(a) the practices and procedures of the Supreme Court, the District Court or the Magistrates Courts or their registries or another matter mentioned in schedule 1; or

(b) the admission of persons to the legal profession under the *Legal Profession Act 2007*, including fees relating to admission; or

(c) the assessment of costs for the *Legal Profession Act 2007*, part 3.4, division 7; or

(d) any law giving jurisdiction to the Supreme Court, the District Court or the Magistrates Courts, including a law of the Commonwealth.

Note—

See the *Magistrates Courts Act 1921*, section 57C, for the rules of court for a proceeding, other than an appeal, under the *Domestic and Family Violence Protection Act 2012*.

(2) A rule may only be made with the consent of the rules committee.

(3) Rules made under subsection (1)(b) may make provision of a saving or transitional nature for which it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of—

(a) the rules applying immediately before the commencement of the *Legal Profession Act 2004*, section 27 to the operation of that Act after the commencement; and

(b) other matters about admission dealt with under the *Legal Practitioners Act 1995* before the commencement of the *Legal Profession Act 2004*, section 27 to the operation of *Legal Profession Act 2004* after the commencement.

(4) Rules of court (other than rules for a matter mentioned in subsection (1)(b) or a matter relevant to criminal jurisdiction or criminal proceedings, other than proceedings in relation to contempt of court) are to be called the *Uniform Civil Procedure Rules*.

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86 Admission guidelines

(1) The admission rules may provide that the Chief Justice may issue guidelines about a matter prescribed under the admission rules.

(2) A guideline takes effect—

(a) on the first day it is published under subsection (3)(a); or

(b) if a later day is fixed in the guideline—on that day.

(3) The registrar must ensure each guideline, while it is in effect, is—

(a) published on the court's website; and

(b) available for public inspection, without charge, at the regional registries at Brisbane, Rockhampton, Townsville and Cairns.

(4) In this section—

admission rules means rules of court made under this Act for the admission of persons to the legal profession under the *Legal Profession Act 2007*.

87 Rules committee may approve forms

The rules committee may approve forms for use under this Act or the *Civil Proceedings Act 2011*.

88 Court rules are exempt from automatic expiry

(1) The *Statutory Instruments Act 1992*, part 7 does not apply to rules of court.

(2) In this section—

rules of court see *Statutory Instruments Act 1992*, section 12.

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89 Rules Committee

(1) The Chief Justice is to establish a Rules Committee consisting of the following members—

(a) the Chief Justice, or a Supreme Court judge nominated by the Chief Justice;

(b) the President or a judge of appeal nominated by the President;

(c) 2 Supreme Court judges nominated by the Chief Justice;

(d) the Chief Judge or a District Court judge nominated by the Chief Judge;

(e) a District Court judge nominated by the Chief Judge;

(f) the Chief Magistrate or a magistrate nominated by the Chief Magistrate;

(g) a magistrate nominated by the Chief Magistrate.

(2) The rules committee—

(a) may advise the Minister about any law giving jurisdiction to the Supreme Court, the District Court or the Magistrates Courts; and

(b) has the other functions and powers given to it under this Act or another Act.

(3) The rules committee may conduct its business and proceedings at meetings in the way it decides.

(4) However, the chairperson of the rules committee has a deliberative vote and, in the event of an equality of votes, a casting vote.

Part 11 Miscellaneous

90 Court appearance

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

(a) a lawyer; or

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(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.

91 Finance

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

92 Regulation-making power

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

(2) Without limiting subsection (1), the Governor in Council may make regulations under this Act for the following matters—

(a) to prescribe fees and costs for the Supreme Court, District Court, Magistrates Courts or Planning and Environment Court (the ***courts***);

(b) to provide how fees, costs and fines are to be received and dealt with in the courts;

(c) to provide for electronic representations or equivalents of seals, stamps and signatures for the courts.

Part 12 Transitional and validation provisions

93 Outdated references

In an Act or document, in the context of the Supreme 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

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Column 1	Column 2
writ of summons	claim
notice of motion, motion, petition or originating summons	application
entry of appearance	notice of intention to defend
chambers	court
action, cause or matter	proceeding
rules of the Supreme Court or Rules of the Supreme Court	Uniform Civil Procedure Rules 1999
Central District	Central Region
Northern District	Northern Region
Far Northern District	Far Northern Region
taxation	assessment of costs
party and party costs	costs on the standard basis
solicitor and client costs	costs on the indemnity basis

94 Transitional—abolition of Circuit Courts

(1) On the commencement of this section—

(a) an order made by a Circuit Court continues to have effect as an order of the Supreme Court; and

(b) anything done or existing in relation to a previous Circuit Court continues, and is taken to be done or existing in relation to the Supreme Court; and

(c) a process pending in a previous Circuit Court is to be continued in the Supreme Court.

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(2) In an Act, or another document, if the context permits, a reference to Circuit Courts or a Circuit Court is taken to be a reference to the Supreme Court.

95 Validation provision for Supreme Court of Queensland Regulation 2012

(1) Despite the *Statutory Instruments Act 1992*, section 54, the *Supreme Court of Queensland Regulation 2012*—

(a) is taken not to have expired on 1 September 2022; and

(b) expires on 1 September 2024 unless—

(i) it is repealed before that day; or

(ii) a regulation mentioned in subsection (2) is made before that day exempting it from expiry.

(2) A regulation under the *Statutory Instruments Act 1992*, section 56A may exempt the *Supreme Court of Queensland Regulation 2012* from expiry, and extend a period of exemption, as if expiry under subsection (1)(b) were expiry under section 54 of that Act.

(3) Anything done under this Act or another law before the commencement of this section has the same effect, and is taken to have always had the same effect, as it would have had if the *Supreme Court of Queensland Regulation 2012* had not expired.

(4) A reference in subsection (3) to anything done includes a reference to—

(a) an exercise of the court's jurisdiction; or

(b) the commencement of a proceeding or taking of a step in a proceeding; or

(c) the performance of a function; or

(d) the exercise of a power; or

(e) the establishment of a district registry; or

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(f) the taking of an action with a document including, for example, executing, filing, making an entry in, presenting, issuing or serving a document; or

(g) the making of a decision.

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Schedule 1 Subject matter for rules

section 85

Part 1 General

1 Jurisdiction generally

Jurisdiction of the courts, including civil, criminal and any appellate jurisdiction.

Part 2 Civil proceedings

2 Starting civil proceedings

Starting civil proceedings in the courts, including, for example, the following—

(a) originating process;

(b) where to start proceedings;

(c) for the Supreme Court—cross-vesting of jurisdiction.

3 Parties and proceedings

Parties and proceedings, including, for example, the following—

(a) several causes of action and parties in a civil proceeding, including reconstitution of proceedings and representative parties;

(b) multiple civil proceedings;

(c) interpleader orders;

(d) civil proceedings by or against a business or person under a legal incapacity;

(e) third party procedure;

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(f) removal and transfer of proceedings.

4 Notices of intention to defend

Notices of intention to defend in civil proceedings.

5 Service of documents

Service of documents for civil proceedings, including, for example, the following—

(a) the various types of service, including personal service and ordinary service;

(b) service outside Australia and service of foreign legal process in Queensland.

6 Pleadings

Pleadings, including, for example, the following—

(a) matters in pleadings and particulars;

(b) progress of pleadings;

(c) particular pleadings, including statements of claim and counterclaims.

7 Disclosure

In civil proceedings—

(a) disclosure by parties, including disclosure and inspection of documents and interrogatories; or

(b) non-party disclosure; or

(c) admissions; or

(d) disclosure of experts' reports and other material to which legal professional privilege may attach, including by direction or order of the court.

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8 Preservation of rights and property

Preservation of rights and property in civil proceedings, including, for example, the following—

(a) inspection, detention and preservation of property;

(b) for the Supreme Court and the District Court—

(i) freezing orders, search orders or injunctions; or

(ii) receivers; or

(iii) sales by court order.

9 Set off

How set offs are to be treated in proceedings and by the court.

10 Ending proceedings early

(1) Ending civil proceedings early, including, for example, the following—

(a) ending proceedings because of default;

(b) summary decisions;

(c) discontinuance and withdrawal;

(d) alternative dispute resolution processes, including, for example, the following—

(i) persons who must pay ADR costs and the way, and time within which, ADR costs are to be paid;

(ii) jurisdiction of a case appraiser at a case appraisal;

(iii) ability of a mediator or case appraiser to seek independent advice or information;

(iv) time within which an ADR process should be finished (which may be a time specified by the court);

(v) conduct of an ADR process;

(vi) confidentiality of a mediated agreement or case appraiser's decision;

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(vii) applying procedures and other matters similar to those applying to arbitrations under the *Commercial Arbitration Act 2013*;

(viii) imposing penalties against a party who fails to cooperate in an ADR process;

(e) conciliation processes, including, for example, the following—

(i) experience and qualifications for approval, under the *Magistrates Courts Act 1921*, section 42T, as a conciliator;

(ii) the way a conciliator is to be appointed under the *Magistrates Courts Act 1921*, section 42F;

(iii) time within which conciliation processes should be finished;

(iv) requirements about recording an agreement under the *Magistrates Courts Act 1921*, section 42M;

(v) requirements for parties to help conciliators;

(vi) ability of a conciliator to seek independent advice or information;

(vii) appointment of a replacement conciliator;

(viii) abandonment of a conciliation process;

(ix) information to be contained in the register to be kept under the *Magistrates Courts Act 1921*, section 42X;

(x) form of a conciliation certificate;

(f) offers to settle and payments by defendants;

(g) the referral of cases to arbitration.

(2) In this section—

conciliation certificate means a certificate mentioned in the *Magistrates Courts Act 1921*, section 42L.

conciliation process see the *Magistrates Courts Act 1921*, section 42D.

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conciliator see the *Magistrates Courts Act 1921*, section 2.

11 Court supervision

Court supervision of civil proceedings, including, for example, the following—

(a) directions about the conduct of proceedings;

(b) consequences of failing to comply with rules, directions or court orders;

(c) amendments, both with and without leave;

(d) continuation of proceedings after delay.

12 Evidence

(1) The taking of evidence generally, including, for example, the following—

(a) the way evidence may be given;

(b) dispensing with the rules of evidence;

(c) taking evidence out of court;

(d) taking evidence for future claims;

(e) subpoenas;

(f) affidavits and the exchange of correspondence instead of affidavit evidence;

(g) the obtaining of evidence by the court, including, for example, the calling of witnesses;

(h) interpreters and translators.

(2) Expert evidence generally, including, for example, the following—

(a) conferring immunity from action on experts in relation to reports tendered in evidence;

(b) matters relating to court experts;

(c) the appointment by the court of an expert to prepare a report about a dispute before proceedings are started for

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tendering as evidence in proceedings started later in relation to the dispute;

(d) defining the duty of an expert witness in relation to the court and the parties;

(e) prescribing the basis of and conditions for the admissibility of expert evidence.

13 Registrars

Jurisdiction of registrars.

14 Trials and other hearings

Trials and other hearings of civil proceedings, including, for example, the following—

(a) practice lists;

(b) listing applications for hearing and setting trial dates;

(c) the conduct of trials;

(d) decisions without pleadings or without hearings;

(e) separate decisions on questions;

(f) assessors and referees;

(g) assessment of damages;

(h) simplified procedures for particular claims.

15 Particular proceedings

Particular civil proceedings, including, for example, the following—

(a) the taking of accounts;

(b) proceedings for damages for personal injury or death;

(c) the payment of amounts into court;

(d) for the Supreme Court—

(i) judicial review proceedings; or

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(ii) proceedings for the issue of a writ of habeas corpus.

16 Assessment of accounts

Assessment of accounts, including—

(a) the appointment and removal of persons to assess accounts; or

(b) powers of account assessors; or

(c) procedures; or

(d) review of assessments.

17 Probate

For the Supreme Court, probate, including, for example, the following—

(a) applications for grants of probate or letters of administration and the documents required;

(b) resealing grants;

(c) proceedings under the *Public Trustee Act 1978*;

(d) caveats objecting to grants, orders to administer or resealing of grants;

(e) contested proceedings.

18 Contempt of court

Contempt of court and proceedings for failure to comply with an order, other than an order for the payment of money.

19 Vexatious proceedings

Restriction of vexatious proceedings within the meaning of the *Vexatious Proceedings Act 2005*.

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20 Trusts

For the Supreme Court, trusts.

21 Costs

Costs in civil proceedings, including, for example, the following—

(a) security for costs;

(b) entitlement to recover costs of a proceeding;

(c) costs of a party in a proceeding;

(d) assessment of costs, including—

(i) the approval of registrars, and the appointment and removal of other persons, to assess costs under the *Uniform Civil Procedure Rules 1999*; or

(ii) powers of costs assessors to assess costs; or

(iii) procedures; or

(iv) review of assessments.

22 Appeals, applications and cases stated to Court of Appeal

Appeals, applications and cases stated to the Court of Appeal.

23 Enforcement of money orders

Enforcement of orders, including, for example, the following—

(a) enforcement hearings;

(b) enforcement warrants, including enforcement warrants for the following—

(i) entry on to and delivery of possession of land;

(ii) seizure and sale of property;

(iii) seizure and delivery of specified goods;

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(iv) seizure and detention of property;

(v) redirection of debts or earnings;

(vi) charging orders and stop orders;

(c) payment of a money order debt by instalments;

(d) powers of enforcement officers.

24 Reciprocal enforcement of foreign judgments

The reciprocal enforcement of foreign judgments, including under a Commonwealth law.

25 Corporations

Any law, including a Commonwealth law, under which the Supreme Court exercises jurisdiction in relation to corporations or similar entities.

26 Miscellaneous matters

The following matters—

(a) documents filed in the registries;

(b) filing, receipt, service, issue or transmission electronically of approved forms and other documents and material for use in, or in connection with, proceedings, including, electronic representations or equivalents of seals, stamps and signatures and their validity;

(c) the functions of the registries generally;

(d) the rules applicable to lawyers acting for parties in proceedings in the court;

(e) transitional arrangements.

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Part 3 Criminal proceedings

27 Practice and procedure in criminal jurisdiction

Practice and procedure in the courts' criminal jurisdiction (including any appellate jurisdiction) generally, including, for example, the following—

(a) forms for proceedings;

(b) applications;

(c) lawyers' and court's duties;

(d) pre-trial matters, including, for example, subpoenas and pre-trial directions and rulings;

(e) regulating trial proceedings;

(f) evidence;

(g) the custody and inspection of exhibits;

(h) the recording of proceedings and access to the records;

(i) appeals, including, appeals to the Court of Appeal and the District Court;

(j) listing trials, sentences, applications and appeals for hearing, and setting hearing dates;

(k) filing, receipt, service, issue or transmission electronically of forms and other documents and material for use in, or in connection with, proceedings, including, electronic representations or equivalents of seals, stamps and signatures and their validity.

Part 4 Miscellaneous

28 Matter used in proceedings

The disposal or destruction of matter held by the court that was used in a proceeding and is unclaimed.

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Schedule 2 Central Region

section 53

Commencing on the east coast at the mouth of the Kolan River, and bounded from there on the south by the northern watershed of that river westerly to Dawes Range; by that range and the range forming the northern and western watersheds of the Rawbelle River and its tributaries westerly and southerly to their junction with the southern watershed of Ross and Cracow Creeks; by that watershed westerly to the Dawson River; by that river downwards to Bigge's Range; by that range westerly to Carnarvon Range; by that range westerly to the Great Dividing Range; by that range westerly to the Warrego Range; by that range westerly to the Cheviot Range; by that range north-westerly and westerly to the confluence of the Thomson and Barcoo Rivers; by a line due west to the western boundary of the State; on the west by that boundary north to the 24th parallel of south latitude; on the north by that parallel easterly to its intersection with the east boundary of Ingledoun no. 3 block; by part of the east boundary of that block; by the northern boundaries of Ingledoun no. 1 and Walla Munda; by parts of the west and the north boundaries of Diamantina Lakes no. 3; by part of the west and the south boundaries of Diamantina Lakes no. 2; by the south boundary of Diamantina Plains; by the south and part of the east boundaries of Mayne Downs no. 4 to the 24th parallel of latitude; again by that parallel easterly to the range forming the eastern watershed of the Diamantina River and its tributaries; by that range northerly to the ranges forming the southern watershed of the Flinders River and its tributaries; by that range north-easterly to the 21st parallel of latitude; by that parallel easterly to the Great Dividing Range; by that range southerly to its junction with the southern watershed of the Cape River; by that watershed easterly to the confluence of the Belyando and Suttor Rivers; from there by the Suttor River upwards to its head in the Leichhardt Range; from there by that range and the northern watershed of Funnel Creek and its tributaries easterly and

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southerly to a spur forming the watershed separating the waters of Marion and Rocky Dam Creeks; from there by that watershed north-easterly to Cape Palmerston on the east coast of the State; from there by a line eastward to the eastern boundary of the State; from there on the east by that boundary southerly to Sandy Cape; and again on the south by a line westerly to the point of commencement; and including all adjacent islands south of the latitude of Cape Palmerston and north of the latitude of Sandy Cape.

Schedule 3 Northern Region

section 53

Commencing on the east coast at Cape Palmerston, and bounded from there on the south by a line east to the eastern boundary of the State; from there on the east, north-east, north, and west by that boundary to the 24th parallel of south latitude; on the south by that parallel easterly to its intersection with the east boundary of Ingledoun no. 3 block; by part of the east boundary of that block; by the northern boundary of Ingledoun no. 1 and Walla Munda; by parts of the west and north boundaries of Diamantina Lakes no. 3; by part of the west and the south boundaries of Diamantina Lakes no. 2; by the south boundary of Diamantina Plains; by the south and part of the east boundaries of Mayne Downs no. 4 to the 24th parallel of latitude; again by that parallel easterly to the range forming the eastern watershed of the Diamantina River and its tributaries; by that range northerly to the range forming the southern watershed of the Flinders River and its tributaries; by that range north-easterly to the 21st parallel of latitude; by that parallel easterly to the Great Dividing Range; by that range southerly to its junction with the southern watershed of the Cape River; by that watershed easterly to the confluence of the Belyando and Suttor Rivers; by the Suttor River upwards to its head in the Leichhardt Range; from there by that range and the northern watershed of Funnel Creek and its tributaries easterly and southerly to its junction with a spur forming the watershed separating the waters of Marion and Rocky Dam Creeks; and from there by that watershed north-easterly to the point of commencement; and including all adjacent islands north of the latitude of Cape Palmerston.

However, the Northern Region does not include any part of the State comprised within the boundaries of the Far Northern Region.

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Schedule 5 Dictionary

section 2

approved form means a form approved by the rules committee under section 87.

Business Names Register means the register established and maintained under the *Business Names Registration Act 2011* (Cwlth), section 22.

Chief Justice means the Chief Justice of Queensland.

condition includes term.

costs assessor means—

(a) a registrar approved to assess costs under the *Uniform Civil Procedure Rules 1999*; or

(b) a person appointed to assess costs under the *Uniform Civil Procedure Rules 1999*.

division means a division of the court.

enforcement hearing means a hearing to obtain information to facilitate the enforcement of a money order.

enforcement officer, for a court, means the sheriff, a deputy sheriff or a bailiff of the court.

enforcement warrant means a warrant to enforce an order (but not an order for the payment of an amount into court).

Full Court means the Full Court of the Supreme Court, and includes the Supreme Court sitting as the Court of Criminal Appeal and the court as a court consisting of 2 or more judges.

judge means a judge of the court.

judge of appeal includes the President of the Court of Appeal.

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

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money order means an order of the court, or part of an order of the court, 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 payable under a money order.

party means a party to a dispute.

person under a legal incapacity means—

(a) a person with impaired capacity; or

(b) a young person.

person with impaired capacity means a person who is not capable of making the decisions required of a litigant for conducting proceedings or who is deemed by an Act to be incapable of conducting proceedings.

practice list means a list to which originating or other applications are assigned for hearing or another purpose, including, for example, case management.

President means the President of the Court of Appeal.

proceeding means a proceeding in a court (whether or not between parties), and includes—

(a) an incidental proceeding in the course of, or in connection with, a proceeding; and

(b) an appeal or stated case.

registrar includes the principal registrar.

remuneration includes salary, pension, leave of absence (whether annual leave, long leave or leave on account of illness or otherwise) and any other allowance, benefit or entitlement in respect of judicial service, whether paid or provided to a judge or his or her spouse, surviving spouse, child or estate or otherwise.

reserve judge means a person appointed as a reserve judge of the Supreme Court under section 6A.

retired Supreme Court judge means a person who—

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

(b) has not reached 78 years of age.

rules means rules of court of the court, and includes rules of court of the Court of Appeal and the Trial Division.

rules committee see section 89.

stated case means—

(a) a case stated under an Act or the rules by the court in the Trial Division or a judge; or

(b) a case stated under an Act by another court or a judge of another court, or a justice or other person, for the opinion, decision, direction or determination of the court.

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

young person means an individual who is under 18 years.

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