

Limitation of Actions (Institutional Child Sexual Abuse) and Other Legislation Amendment Bill 2016

Explanatory Notes

Short title

The short title of the Bill is the Limitation of Actions (Institutional Child Sexual Abuse) and Other Legislation Amendment Bill 2016.

Policy objectives and the reasons for them

The objective of the Bill is to make miscellaneous amendments to:

- create a more accessible civil litigation system for survivors of child sexual abuse where that abuse has occurred in an institutional context;
- enhance access to justice and promote efficiency, transparency and consistency in the administration of justice where a number of people have suffered loss, injury or damage as a result of a multiple wrong;
- replace current funding arrangements under the Legal Practitioner Interest on Trust Accounts Fund (LPITAF) with funding through the Consolidated Fund (CF);
- improve solicitors' trust accounts administration; and
- permanently embed the arrangement whereby Justices of the Peace (JPs) hear certain minor civil dispute matters in the Queensland Civil and Administrative Tribunal (QCAT) (JP QCAT jurisdiction).

Achievement of policy objectives

The Bill achieves the objective by amending:

- the *Limitation of Actions Act 1974* (LA Act) and *Personal Injuries Proceedings Act 2002* (PIP Act) to retrospectively abolish limitation periods that apply to claims for damages brought by a person where that claim is founded on the personal injury of the person resulting from sexual abuse of the person when the person was a child, and the sexual abuse occurred in an institutional context;
- the *Civil Proceedings Act 2011* (CP Act) to introduce a comprehensive statutory regime to facilitate the effective conduct and management of representative proceedings (commonly called 'class actions') in Queensland;
- the *Legal Profession Act 2007* (LP Act) to support new funding arrangements in place of the LPITAF and in relation to solicitors' trust accounts; and

- the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act) and the *Queensland Civil and Administrative Tribunal Regulation 2009* (QCAT Regulation) to omit the provisions for the expiry of the JP QCAT jurisdiction.

Amendments to the LA Act and PIP Act

In Queensland, the LA Act establishes limitation periods for different classes of actions. The purpose of providing limitation periods is to bring fairness and certainty to civil litigation matters by: removing the threat of open-ended liability (for both potential defendants and third parties); ensuring that a defendant is not unfairly prejudiced in proceedings through inability to access documents to defend the claim, that due to the passage of time have been lost, deteriorated or destroyed, trace witnesses or sufficiently recall events; and ensuring disputes are resolved as quickly as possible.

Actions arising from child sexual abuse come within the ambit of actions for personal injury (section 11 of the LA Act). The LA Act provides that an action relating to personal injury must be brought within three years from the date on which the cause of action arose. Where a person is a child on the date on which the cause of action arose, the LA Act extends the period of time within which to bring an action to three years from when the person turns 18 years of age. These periods can be extended in certain circumstances to give a person additional time to commence proceedings.

The PIP Act also contains pre-court notice requirements (section 9 of the PIP Act) which include timeframes for compliance.

The Royal Commission into Institutional Responses to Child Sexual Abuse (the Commission) was appointed on 11 January 2013. On 14 September 2015, the Commission's *Redress and Civil Litigation Report* (the Report) was tabled in Federal Parliament. The Report contains 99 recommendations relating to redress and civil litigation reform.

In Part Four of the Report, the Commission recommends that state and territory governments should remove any limitation periods that apply to, 'claims for damages brought by a person, where that claim is founded on the personal injury of the person resulting from sexual abuse of the person in an institutional context when the person is or was a child'; that the removal apply retrospectively; and occur as soon as possible (recommendations 85-86 and 88). The Commission considered that removal should however be balanced by expressly preserving the relevant courts' existing jurisdictions and powers to stay proceedings where it would be unfair to the defendant to proceed (recommendation 87).

Without removal of these timeframes, the Commission found that survivors, who typically do not report their abuse for long periods after the limitation period has expired, would continue to face the uncertainty of not having their claims for damages that arise from allegations of institutional child sexual abuse determined on their merits.

The Bill amends the LA Act to: retrospectively abolish the application of limitation periods (including periods applying to surviving actions) that would apply to claims for damages brought by a person where that claim is founded on the personal injury of the person resulting from sexual abuse of the person when the person was a child, and the

sexual abuse occurred in an institutional context; and the PIP Act in regard to notice of claim timeframes under section 9(3). A consequential amendment is also made to the *Personal Injuries Proceedings Regulation 2014* (PIPR) to reflect the changes to the PIP Act.

Amendments to the CP Act

Representative proceedings (or class actions) enable one person to bring an action on behalf of multiple claimants whose claims are in respect of, or arise out of the same, similar or related circumstances, and give rise to a substantial common issue of law or fact.

Currently, in Queensland, the *Uniform Civil Procedure Rules 1999* (UCPR) contain some representative party provisions. However, these are limited in their scope, and do not provide an adequate framework for the effective conduct of class actions.

The amendments to the CP Act will enact a statutory regime modelled on substantially similar legislative schemes in place in the Federal Court of Australia (under the *Federal Court of Australia Act 1976* (Cth) (Part IVA)); in Victoria (under the *Supreme Court Act 1986* (Vic) (Part 4A)) and in New South Wales (under the *Civil Procedure Act 2005* (NSW) (Part 10)).

This new statutory regime will enhance access to justice and promote efficiency in the administration of justice by providing a clear and comprehensive set of procedures for the conduct and management of representative proceedings. It provides for matters which include the threshold requirements to commence a representative proceeding, standing, group (or class) membership, settlement, discontinuance of proceedings, costs, distribution or payment of money to group members and appeals.

Amendments to the LP Act

The LP Act provides for how interest on solicitors' trust accounts is dealt with including its payment into the LPITAF and its allocation.

The Bill will repeal all provisions in the LP Act relating to the LPITAF. The interest on solicitors' trust accounts will be paid to a departmental account and future funding of current LPITAF beneficiaries will be from the CF. The Bill will also simplify the solicitors' trust account arrangements by only requiring solicitors to keep a single general trust account.

Amendments to the QCAT Act and QCAT Regulation

The provisions in Chapter 4, Part 4B of the QCAT Act, that commenced on 14 May 2013, facilitate an initiative under which JPs (one of whom must be legally qualified) hear particular minor civil dispute matters (up to the value of \$5000) including residential tenancy disputes (excluding urgent tenancy matters), dividing fence disputes, minor debts and consumer and trader disputes.

The arrangements whereby JPs constitute QCAT to hear these minor civil disputes are designed to contribute to the objectives of QCAT which are to deal with matters in a way that is accessible, fair, just, economical, informal and quick.

Without amendment, the provisions supporting the JP QCAT jurisdiction will expire at the end of 13 November 2016 pursuant to section 206BB of the QCAT Act and section 19 of the QCAT Regulation (the expiry provisions). The object of the amendments is to stop these provisions expiring and make permanent the arrangement whereby JPs can constitute QCAT to hear certain minor civil dispute matters.

Alternative ways of achieving policy objectives

The policy objectives can only be achieved through the proposed legislative amendments.

Estimated cost for government implementation

Amendments to the LA Act and PIP Act

It is not possible to estimate the financial impact of implementation for Government as costs will be associated with the number of claims brought. As raised by the Royal Commission, it may take as long as 22 years for a person to reveal the abuse they were subjected to, consequently the number of potential claimants cannot be determined. However, the amount of damages claimed, the associated legal costs and the associated administrative demands on affected agencies, and the workload of the courts may be substantial.

Amendments to the CP Act

It is not possible to estimate the number of additional cases that may be brought under the new representative proceedings regime, or the extent to which any costs would be offset by the number of individual actions that would otherwise be brought. To the extent that new representative proceedings regime will facilitate legal proceedings that may not otherwise have been commenced in Queensland or in another jurisdiction, the provisions may increase the exposure of the State where the State is a defendant in such proceedings (in terms of the potential award of damages, the associated legal costs and the associated administrative demands on affected agencies) and the workload of the courts.

Amendments to the QCAT Act and QCAT Regulation

The 2016-17 budget process has continued funding for JP QCAT jurisdiction.

Consistency with fundamental legislative principles

LA Act and PIP Act

The Bill seeks to remove time limits for personal injury claims relating to child sexual abuse in an institutional context under the LA Act and timeframes for compliance with notice of claim requirements under the PIP Act. This would apply to past claims that would previously have been subject to a limitation period. This amendment breaches the fundamental legislative principle (FLP) that 'legislation should not adversely affect rights and liberties, or impose obligations, retrospectively' (section 4(3)(g), *Legislative Standards Act 1992* (LSA)).

The proposed departure from the general principle, that legislation should operate prospectively, is justified on the basis that:

- it is appropriate to relax the limitation period for victims of this abuse who typically do not report their abuse for long periods after the limitation period has expired, with victims sworn to secrecy by their perpetrators or suffering in silence out of misplaced shame;
- claims for damages that arise from allegations of institutional child sexual abuse should be determined on their merits; and
- unfairness to the defendant can be addressed by preserving the right of the court to stay proceedings.

Further, the departure is mitigated to some extent as the amendment does not provide for the reopening of actions that have received final judgment, except where the judgment was made on the ground that the limitation period had expired.

QCAT Act and QCAT Regulation

Section 206E(1)(b) of the QCAT Act provides that JPs can only constitute QCAT for the purpose of hearing certain minor civil dispute matters at a location prescribed under a regulation. Section 17 of the QCAT Regulation prescribes the following five locations where the tribunal can be constituted by JPs: Brisbane; Ipswich; Maroochydore; Southport; and Townsville. Providing for the locations where JPs can constitute QCAT in the QCAT Regulation may be inconsistent with the FLP that legislation must have sufficient regard to the institution of Parliament (section 4(2)(b), LSA). This potential departure can be justified on the basis that flexibility is required with respect to the prescribed locations, should further locations need to be added in the future, or should it be decided to cease utilising JPs to constitute QCAT in certain existing locations.

Consultation

A draft of the amendments to the CP Act, LA Act and PIP Act was provided to heads of jurisdiction, the Queensland Law Society (QLS) and the Bar Association of Queensland. Similar amendments to the CP Act amendments contained in the Bill were previously included in the Justice and Other Legislation Amendment Bill 2014 (which lapsed on the dissolution of the Legislative Assembly on 6 January 2015).

The QLS and others affected by the changes to LPITAF funding (including Legal Aid Queensland and the Legal Services Commission) were consulted on the LPITAF amendments. The QLS was consulted on the proposed amendments in relation to solicitors' trust accounts.

The Explanatory Notes for the Queensland Civil and Administrative Tribunal (Justices of the Peace) Amendment Bill 2013 indicate that there was extensive consultation before the introduction of the JP QCAT jurisdiction in 2013. QCAT has been consulted on the proposed amendments to permanently embed the JP QCAT jurisdiction.

Consistency with legislation of other jurisdictions

Victoria and New South Wales adopted legislation to remove limitation periods in respect of actions involving child abuse, inclusive of child sexual abuse. In both jurisdictions, the provisions removing the limitation periods are not limited to claims involving abuse occurring in institutional settings, and operate retrospectively.

As noted, the amendments to the CP Act are modelled on similar legislative schemes operating in the Federal Court of Australia, Victoria and New South Wales.

Notes on provisions

Part 1 Preliminary

Clause 1 provides this Act may be cited as the *Limitation of Actions (Institutional Child Sexual Abuse) and Other Legislation Amendment Act 2016*.

Clause 2 provides that part 2 and part 3, division 1, 3 and 4 commence on a day to be fixed by proclamation and part 3, division 2 commences on 1 January 2017.

Part 2 Amendment of Limitation of Actions Act 1974

Clause 3 states that the part amends the LA Act.

Clause 4 inserts new section 11A to abolish the statutory limitation period for personal injury, where the personal injury is the result of sexual abuse which occurred when the person was a child and the sexual abuse occurred in an institutional context.

New section 11A(2) defines when sexual abuse happens in an ‘institutional context’.

For the purpose of new section 11A(2), new section 11A(6) defines the term ‘institution’ and ‘official of an institution’.

New section 11A(4) abolishes the statutory limitation period for personal injury applying to surviving and wrongful death actions arising under the CP Act (section 64) and the *Succession Act 1981* (section 66) for the benefit of the estate or dependants of a deceased survivor.

New section 11A(5) expressly preserves the existing jurisdiction and powers of the court, for example, to stay proceedings if the lapse of time has a burdensome effect on the defendant that is so serious that a fair trial is not possible.

Clause 5 inserts new section 48 into the LA Act to ensure the retrospective operation of new section 11A. The effect of the transitional provision is that the statutory limitation period for personal injury claims for institutional child sexual abuse will not apply in circumstances where:

- another action has been started in the right of action but not finalised before the commencement;
- another action was started in the right of action and discontinued before the commencement;
- a judgment was given in relation to the right of action on the ground that a limitation period applying to the right of action had expired; or
- an action in the right of action was dismissed on the ground that a limitation period applying to the right of action had expired.

The new section 48(3) allows the court, in hearing a previously barred right of action, the power to do any or all of the following:

- set aside any judgment in relation to the right of action on the ground that a limitation period applying to the right of action had expired;
- take into account any amounts paid or payable as damages or costs under the judgment.

New section 48(5) provides the Supreme Court with the power to set aside the judgment of another court despite not being the court hearing the action.

New section 48(6) defines ‘previously barred right of action’ as meaning an action barred before commencement by reason of the limitation period applying.

Part 3 Amendment of other legislation

Division 1 Amendment of Civil Proceedings Act 2011

Clause 6 states that the division amends the *Civil Proceedings Act 2011*.

Clause 7 amends section 16 which relates to amendment of a claim, pleadings, an application or another document in a proceeding. The amendment provides that the section applies despite the LA Act and does not limit the operation of section 103H in new part 13A (Representative Proceedings in the Supreme Court). Section 103H provides for the amendment of an originating process in a representative proceeding to change the description of the group members.

Clause 8 amends section 17 which provides for when an interested person may become a party to a proceeding and when a person is bound by the outcome of the proceeding. The amended section provides that the section does not apply to a representative proceeding under new part 13A of the Act because the new Part makes specific provision for these issues.

Clause 9 amends section 18 which relates to orders made in proceedings started and continued by or against a representative party. The amended section provides that section 18 does not apply to representative proceedings under part 13A. Part 13A establishes a specific, comprehensive scheme for certain types of representative proceedings. A ‘representative party’ in section 18 does not correlate to the concept of a ‘representative party’ under part 13A.

Clause 10 inserts new part 13A - Representative proceedings in Supreme Court, which establishes a comprehensive regime for the conduct of representative proceedings in the Supreme Court.

Division 1 Preliminary

New section 103A defines terms used in part 13A such as ‘group member’ ‘representative party’ and ‘representative proceeding’.

Division 2 Conduct of representative proceedings

New section 103B provides that a proceeding may be started under part 13A when certain criteria are met. These criteria are that there are seven or more persons who have claims against the same person, the claims are in respect of, or arise out of, the same, similar or related circumstances and the claims of all persons give rise to a substantial common issue of law or fact. The section provides that the proceeding may be started by one or more of the persons on behalf of some, or all, of the other persons.

New section 103C sets out the requirements for standing. The section provides that a person has a sufficient interest to start a representative proceeding against another person (the proposed defendant) on behalf of others if the person had standing to start proceedings against the proposed defendant on the person’s own behalf. The person may start a representative proceeding against more than one defendant whether or not each of the other persons have a claim against each of the defendants in the proceeding.

New section 103D makes it clear that generally there is no requirement for a person to consent to being a group member in representative proceedings. However, consent is required if the person is the Commonwealth or State (which, under the *Acts Interpretation Act 1954*, includes a Territory); a Minister of the Commonwealth or a State; a body

corporate established for a public purpose by a law of the Commonwealth or a State, other than an incorporated company or association; or an officer of the Commonwealth or a State in his or her capacity as an officer.

New section 103E provides that a person under a legal incapacity may be a group member even though the person does not have a litigation guardian. However, a person who is under a legal incapacity can only take a step in the representative proceeding or conduct part of the proceeding by the member's litigation guardian.

New section 103F provides for the additional information that must be contained in the originating process in a representative proceeding.

New section 103G provides that a group member may opt out of the representative proceeding by giving written notice before a date fixed by the court.

New section 103H enables the court, on the application of the representative party, to give leave to amend the originating process for the proceeding to change the description of the group members.

New section 103I allows the court to order that the representative proceedings be continued, or no longer continue, under part 13A if, at any stage, it appears likely to the court there are fewer than seven group members.

New section 103J provides for the situation where the relief sought in a representative proceeding is, or includes payment of money to group members, other than for costs, and on the application of the defendant, the court considers it likely that, if judgment were given in favour of the representative party, the cost to the defendant of identifying the group members and distributing the amounts ordered would be excessive, having regard to the likely total of those amounts. The section allows the court to direct that the proceeding no longer continue under part 13A, or to stay the proceeding so far as it relates to the relief.

New section 103K provides that the court may order that a proceeding no longer continue under part 13A if it considers it is in the interests of justice to do so because of certain circumstances. The circumstances are that the costs that would be incurred if the proceedings were to continue as a proceeding under part 13A are likely to exceed the costs that would be incurred if each group member conducted a separate proceeding; all the relief sought could be obtained by way of a proceeding other than a proceeding under part 13A; the proceeding would not provide an efficient and effective means of dealing with the claims of the group members; a representative party is not able to adequately represent the interests of the group members or it is otherwise inappropriate that the claims be pursued by means of a proceeding under part 13A.

New section 103L provides that, if the court makes an order under sections 103I, 103J or 103K that a proceeding no longer continue under part 13A, the proceeding may be continued as a proceeding by the representative party on the party's own behalf against the defendant. On the application of a person who was a group member, the court may order that the person be joined as an applicant or plaintiff in the continued proceeding.

New section 103M provides that, if it appears to the court that deciding the issue, or issues, common to all group members will not finally decide the claims of all group members, the court may give directions about deciding the remaining issues. In the case of an issue common to the claims of only some of the group members, the court's directions may include directions establishing a sub-group of those group members and appointing a person to be the sub-group representative party.

New section 103N provides that the court, in giving directions under section 103M, may allow an individual group member to appear in the proceeding for the purpose of deciding an issue that relates only to the claims of that member.

New section 103O provides that, if an issue cannot be dealt with properly or conveniently by the court under section 103M or 103N, the court may give directions for the starting and conduct of other proceedings, whether or not the other proceedings are representative proceedings.

New section 103P allows the court to substitute another group member as the representative party if it appears to the court that the representative party is not able to adequately represent the interests of the group members. The section also allows the court to substitute another person as the sub-group representative party if it appears to the court that the sub-group representative party is not able to adequately represent the interests of the sub-group members.

New section 103Q provides that, if a defendant starts a proceeding in the court against a group member, the court may order a stay of execution for any relief awarded to the group member in the representative proceeding until the other proceeding is decided.

New section 103R requires any settlement or discontinuance of representative proceedings to be approved by the court. If the court gives approval, it may make any orders it considers just for the distribution of money paid under a settlement or paid into the court.

New section 103S provides that a representative party may, with the leave of the court, settle the party's individual claim in whole, or in part, at any stage of the proceeding. A representative party seeking leave to settle, or who has settled, the party's individual claim may, with the leave of the court, withdraw as a representative party. If a representative party seeks leave to withdraw, the court may, on the application of a group member, make an order for the substitution of a group member as the representative party.

Division 3 Notices

New section 103T requires notice to be given to group members of a range of matters in relation to a representative proceeding. Notice must be given to group members of the starting of the proceeding and the right of group members to opt out before the date fixed by the court under section 103G; an application by the defendant for the dismissal of the proceeding on the ground of want of prosecution; and an application by a representative party seeking leave to withdraw as representative party under section 103S. The section provides that a court may dispense with any of these requirements if the relief sought does not include a claim for damages. Subsection (3) provides that, if the court orders, notice must also be given to group members of the payment into court of money in answer to a cause of action on which a claim in the representative proceeding is based. Subsection (4) provides that an application for approval of a settlement under section 103R must not be decided unless notice is given to group members. The court has a discretion to waive this requirement if it considers it just.

New section 103U provides that the form and content of a notice under section 103T must be approved by the court, and sets out the requirements for the notices.

Division 4 Powers of the court

New section 103V sets out the powers of the court in deciding a matter in a representative proceeding, including deciding individual entitlements to relief. The section provides that, in making an award of damages, the court must provide for the payment or distribution of the money to the group members entitled.

New section 103W enables the court, in providing for the distribution of money to group members, to provide for the constitution and administration of a fund consisting of the money to be distributed.

New section 103X provides that a judgment given in a representative proceeding must describe, or otherwise identify, the affected group members and binds the group members as described, other than a person who opted out of the proceeding under section 103G.

Division 5 Appeals

New section 103Y provides that an appeal from a judgment of the court under part 13A may be brought as a representative proceeding and sets out the parties to an appeal.

Division 6 Miscellaneous

New section 103Z provides for the suspension of certain limitation periods on the starting of a representative proceeding.

New section 103ZA provides that in any proceeding, including an appeal conducted under part 13A, the court may, on its own initiative or on an application by a party or group member, make any order the court considers appropriate or necessary to ensure justice is done in the proceeding.

New section 103ZB provides that the court may order a party to pay costs, but may not order a group member who is not a representative party to pay costs, other than under section 103M or section 103N.

New section 103ZC enables the court, on the application of a person who is, or was, a representative party or sub-group representative party, to order that the party's costs in representative proceedings in which damages have been awarded, be recoverable from the damages awarded. The section provides that, if the court is satisfied the costs reasonably incurred in relation to the representative proceeding by the person making the application are likely to exceed the costs recoverable by the applicant from the defendant, the court may order an amount equal to the whole or part, of the excess to be paid to the applicant out of the damages awarded.

Clause 11 inserts new part 16 - Transitional provision for Limitation of Actions (Institutional Child Sexual Abuse) and Other Legislation Amendment Act 2016 which contains new section 111. New section 111 provides that part 13A applies only to a proceeding started after the commencement. The proceeding may be started even if the cause of action the subject of the proceeding arose before the commencement.

Clause 12 amends Schedule 1 (Dictionary) to define terms used in new part 13A.

Division 2 Amendment of Legal Profession Act 2007

Clause 13 provides that the division amends the LP Act.

Clause 14 amends section 237 as a consequence of the removal of the requirement for prescribed accounts.

Clause 15 amends section 243 as a consequence of the removal of the requirement for prescribed accounts.

Clause 16 amends section 280 (Approval of ADIs) to provide for the chief executive, rather than the QLS, to approve ADIs at which trust accounts to hold trust money may be kept.

Clause 17 amends section 287 as a consequence of the removal of the requirement for prescribed accounts, and also to change the heading and relocate the section.

Clause 18 omits chapter 3, part 3.3, division 6 which provides for prescribed trust accounts and the establishment of LPITAF and payments and distributions from LPITAF.

Clause 19 amends section 295 to provide for the QLS to notify the chief executive of notifications by law practices of trust accounts kept at ADIs.

Clause 20 amends section 296 to provide for the chief executive, rather than the Minister, to request reports from the QLS in relation to its functions under part 3.3 (Trust money and trust accounts) of the LP Act.

Clause 21 inserts chapter 10, part 5 - Transitional provisions for the Limitation of Actions (Institutional Child Sexual Abuse) and Other Legislation Amendment Act 2016.

New section 781 provides that an ADI approved before the commencement by the QLS is taken to have been approved by the chief executive under section 280.

New section 782 provides that from the commencement, an arrangement under section 287(a) as in force before the commencement has no effect.

New section 783 closes the LPITAF. It provides that any amount remaining in the fund on the commencement is transferred to the CF and an amount payable to the fund on the commencement that has not been paid is payable to the department.

Clause 22 makes consequential amendments to schedule 2 (Dictionary).

Division 3 Amendment of the Personal Injuries Proceedings Act 2002

Clause 23 states that the division amends the PIP Act.

Clause 24 inserts new subsection 9(9C) into the PIP Act to provide that the timeframes for compliance with part 1 of the approved form (the notice) mentioned in subsections 9(3), (5) and (6) do not apply to a claim based on personal injury of a person resulting from the sexual abuse of the person, when the person was a child, in an institutional context, as defined by new section 11A of the LA Act.

Clause 25 inserts new part 7 - Transitional provision for Limitation of Actions (Institutional Child Sexual Abuse) and Other Legislation Amendment Act 2016. New section 86 provides that section 9(9C) applies to a claims mentioned in the section arising before or after the commencement.

Division 4 Amendment of the Personal Injuries Proceedings Regulation 2014

Clause 26 states that the division amends the PIP Regulation.

Clause 27 amends section 7 as a consequence of the amendment to section 9 of the PIP Act.

Division 5 - Amendment of the Queensland Civil and Administrative Tribunal Act 2009

Clause 28 states that this division amends the QCAT Act.

Clause 29 corrects an error in the numbering of section 206BA, which is now renumbered as section 206ZA.

Clause 30 replaces chapter 4, part 4B, division 6, which contains section 206BB.

Section 206BB is omitted. This section currently provides for the expiry (at the end of 13 November 2016) of chapter 4, part 4B of the QCAT Act which facilitates the tribunal being constituted by JPs to hear certain minor civil disputes.

New section 206ZB is inserted. This section will provide for the continuation of minor civil dispute matters that are being heard by QCAT JPs, but are not yet finalised, in a prescribed location, should that prescribed location ever stop being prescribed.

Clause 31 omits chapter 10, division 3 which contains transitional provisions (sections 285 and 286) related to the original amendments to the QCAT Act which facilitated the arrangement whereby JPs could constitute QCAT for the purpose of hearing particular minor civil disputes. The residual effect of sections 285 and 286 will be preserved by section 20A of the *Acts Interpretation Act 1954*.

Division 6 - Amendment of the Queensland Civil and Administrative Tribunal Regulation 2009

Clause 32 states that this division amends the QCAT Regulation.

Clause 33 omits section 19 of the QCAT Regulation. Section 19 provides for the expiry of Part 5 of the QCAT Regulation. Part 5 provides for the prescribed locations where JPs can constitute QCAT and the daily sitting fees payable for JPs.