



Queensland

Justice and Other Legislation Amendment Bill 2013



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2013

A Bill

for

An Act to amend the Aboriginal and Torres Strait Islander Land Holding Act 2013, the Acts Interpretation Act 1954, the Anti-Discrimination Act 1991, the Appeal Costs Fund Act 1973, the Appeal Costs Fund Regulation 2010, the Births, Deaths and Marriages Registration Act 2003, the Child Employment Act 2006, the Child Employment Regulation 2006, the Civil Proceedings Act 2011, the Coroners Act 2003, the Criminal Law (Rehabilitation of Offenders) Act 1986, the Dispute Resolution Centres Act 1990, the District Court of Queensland Act 1967, the Domestic and Family Violence Protection Act 2012, the Electronic Transactions (Queensland) Act 2001, the Evidence Act 1977, the Guardianship and Administration Act 2000, the Information Privacy Act 2009, the Judges (Pensions and Long Leave) Act 1957, the Judicial Remuneration Act 2007, the Justices Act 1886, the Justices of the Peace and Commissioners for Declarations Act 1991, the Land Court Act 2000, the Legal Aid Queensland Act 1997, the Legal Profession Act 2007, the Magistrates Act 1991, the Magistrates Courts Act 1921, the Peaceful Assembly Act 1992, the Personal Injuries Proceedings Act 2002, the Queensland Civil and Administrative Tribunal Act 2009, the Recording of Evidence Act 1962, the Retirement Villages Act 1999, the Right to Information Act 2009, the Statutory Instruments Act 1992, the Succession Act 1981, the Supreme Court of Queensland Act 1991 and the Trusts Act 1973 for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Justice and Other Legislation
Amendment Act 2013*. 4
5

Clause 2 Commencement 6

The following provisions commence on a day to be fixed by
proclamation— 7
8

(a) part 3; 9

(b) part 15; 10

(c) part 28; 11

(d) part 29; 12

(e) part 31; 13

(f) part 34; 14

(g) part 35; 15

(h) section 171; 16

(i) part 37. 17

Part 2	Amendment of Aboriginal and Torres Strait Islander Land Holding Act 2013	1 2 3
Clause 3	Act amended <i>This part amends the Aboriginal and Torres Strait Islander Land Holding Act 2013.</i>	4 5 6
Clause 4	Omission of s 139 (Amendment of s 32J (Land Court has power of the Supreme Court for particular purposes)) Section 139— <i>omit.</i> <i>Editor's note—</i> Legislation ultimately amended— <ul style="list-style-type: none">• <i>Land Court Act 2000</i>	7 8 9 10 11 12 13
Part 3	Amendment of Acts Interpretation Act 1954	14 15
Clause 5	Act amended <i>This part amends the Acts Interpretation Act 1954.</i>	16 17
Clause 6	Amendment of sch 1 (Meaning of commonly used words and expressions) Schedule 1, definition <i>lawyer</i> — <i>omit, insert—</i> <i>lawyer</i> means an Australian lawyer within the meaning of the <i>Legal Profession Act 2007</i> .	18 19 20 21 22 23

[s 7]

Part 4	Amendment of	1
	Anti-Discrimination Act 1991	2
Clause 7	Act amended	3
	This part amends the <i>Anti-Discrimination Act 1991</i> .	4
Clause 8	Amendment of s 140 (Commissioner may reject or stay complaints dealt with elsewhere)	5
	(1) Section 140(2)—	6
	<i>renumber</i> as section 140(3).	7
	(2) Section 140(1)—	8
	<i>omit, insert</i> —	9
	(1) The commissioner may reject or stay a complaint if—	10
	(a) there are concurrent proceedings in a court or tribunal in relation to the act or omission the subject of the complaint; or	11
	(b) the commissioner reasonably considers the act or omission that is the subject of the complaint may be effectively or conveniently dealt with by another entity.	12
	(2) The commissioner may also reject a complaint if the commissioner reasonably considers the act or omission the subject of the complaint has been adequately dealt with by another entity.	13
	(3) Section 140(3), as renumbered, ‘the Act’—	14
	<i>omit, insert</i> —	15
	this Act	16
Clause 9	Amendment of s 154A (Investigation of complaint)	17
	Section 154A, ‘accepted under section 141’—	18

omit, insert— 1
at any time after the complaint is received by the 2
commissioner 3

Clause 10 Amendment of s 168 (Frivolous etc. complaint lapses) 4

(1) Section 168(1)— 5

omit, insert— 6

(1) This section applies if, at any time after a 7
complaint is accepted and before it is referred to 8
the tribunal, the commissioner is of the 9
reasonable opinion that the complaint is— 10

(a) frivolous, trivial or vexatious; or 11

(b) misconceived or lacking in substance. 12

(1A) The commissioner must tell the complainant in 13
writing that, unless the complainant is able to 14
show to the commissioner's satisfaction within 15
28 days that the complaint is not frivolous, trivial, 16
vexatious, misconceived or lacking in 17
substance— 18

(a) the complaint will lapse; and 19

(b) if the complaint lapses, the complainant can 20
not make a further complaint relating to the 21
act or omission that was the subject of the 22
complaint. 23

(2) Section 168(3), 'lapses.'— 24

omit, insert— 25

lapses, and the complainant can not make a further 26
complaint relating to the act or omission that was the 27
subject of the complaint. 28

(3) Section 168(1A) to (3)— 29

renumber as section 168(2) to (4). 30

[s 11]

Clause 11	Insertion of new s 168A	1
	After section 168—	2
	<i>insert—</i>	3
	168A Complaint may lapse if dealt with elsewhere	4
	(1) This section applies if after a complaint is accepted and before it is referred to the tribunal, the commissioner reasonably considers the act or omission the subject of the complaint—	5 6 7 8
	(a) has been adequately dealt with by another entity; or	9 10
	(b) may be effectively or conveniently dealt with by another entity.	11 12
	(2) The commissioner may give the complainant a notice (a <i>show cause notice</i>) inviting the complainant to show cause why the complaint should not lapse.	13 14 15 16
	(3) A show cause notice must—	17
	(a) be in writing; and	18
	(b) state that the complaint may lapse unless the complainant is able to show to the commissioner's satisfaction that the act or omission that is the subject of the complaint has not been adequately dealt with, or may not be effectively or conveniently dealt with, by another entity; and	19 20 21 22 23 24 25
	(c) state that if the complaint lapses, the complainant can not make a further complaint relating to the act or omission the subject of the complaint; and	26 27 28 29
	(d) state that the complainant may, within 28 days after receipt of the notice, make written representations to the commissioner about why the complaint should not lapse.	30 31 32 33

-
- (4) If, after considering any submissions made within the show cause period, the commissioner reasonably considers either of the following applies, the commissioner must give the complainant written notice that the complaint has lapsed—
- (a) the act or omission the subject of the complaint has been adequately dealt with by another entity;
 - (b) the act or omission the subject of the complaint may be more effectively or conveniently dealt with by another entity.
- (5) If the commissioner gives the complainant a notice under subsection (4)—
- (a) the complaint lapses; and
 - (b) the complainant can not make a further complaint relating to the act or omission the subject of the complaint.

- Clause 12 Amendment of s 169 (Complaint may lapse if complainant loses interest)**
- Section 169(1), ‘must’ to ‘continue with it.’—
- omit, insert—*
- must tell the complainant in writing that—
- (a) the complaint will lapse unless the complainant indicates that the complainant wishes to continue with it; and
 - (b) if the complaint lapses, the complainant can not make a further complaint relating to the act or omission that was the subject of the complaint.

[s 13]

Clause 13	Replacement of s 170 (Complainant may withdraw complaint)	1
		2
	Section 170—	3
	<i>omit, insert—</i>	4
	170 Complainant may withdraw complaint	5
	(1) This section applies if a complainant gives the commissioner written notice that the complainant does not want to continue with the complaint.	6 7 8
	(2) The commissioner must—	9
	(a) give the complainant a written notice stating that—	10 11
	(i) the complaint will lapse at the end of 28 days after the notice is given (the <i>relevant period</i>) unless the complainant gives the commissioner another written notice (a <i>continuation notice</i>) that the complainant intends to continue with the complaint; and	12 13 14 15 16 17 18
	(ii) if the complaint lapses, the complainant can not make a further complaint relating to the act or omission the subject of the complaint; and	19 20 21 22 23
	(b) cease dealing with the complaint.	24
	(3) If the complainant gives the commissioner a continuation notice within the relevant period, the commissioner must resume dealing with the complaint.	25 26 27 28
	(4) If the complainant does not give the commissioner a continuation notice within the relevant period—	29 30 31
	(a) the complaint lapses on the day after the relevant period ends; and	32 33

	(b) the complainant can not make a further complaint relating to the act or omission the subject of the complaint.	1 2 3	
	(5) If a complaint lapses under subsection (4), the commissioner must, as soon as practicable after the lapse, give the respondent written notice the complaint has lapsed.	4 5 6 7	
Clause 14	Insertion of new ch 11, pt 4	8	
	After section 271—	9	
	<i>insert—</i>	10	
	Part 4	Transitional provisions for Justice and Other Legislation Amendment Act 2013	11 12 13 14
	272 Definitions for pt 4	15	
	In this part—	16	
	<i>amended</i> , for a provision, means the provision as amended by the <i>Justice and Other Legislation Amendment Act 2013</i> .	17 18 19	
	<i>commencement</i> means commencement of this section.	20 21	
	273 Application of amended ss 140 and 154A to a complaint made before commencement	22 23	
	(1) This section applies to a complaint made to the commissioner that had not, before the commencement, been accepted, rejected or stayed.	24 25 26 27	

[s 15]

- | | | |
|-----|--|-------------|
| (2) | The Commissioner may deal with the complaint as if the complaint had been made after the commencement, including by— | 1
2
3 |
| (a) | rejecting or staying the complaint under amended section 140; or | 4
5 |
| (b) | investigating the complaint under amended section 154A. | 6
7 |

274 Complainant can not make further complaint if complaint lapsed under former s 168 or 170 8
9

- | | | |
|-----|---|----------------|
| (1) | This section applies to a complaint that, before the commencement, had lapsed under section 168(3) or 170(2). | 10
11
12 |
| (2) | The complainant can not make a further complaint in relation to the act or omission the subject of the complaint. | 13
14
15 |

275 Application of s 168A to complaint accepted before commencement 16
17

- | | | |
|-----|--|----------------------|
| (1) | This section applies to a complaint that, immediately before the commencement, had been accepted but not finally dealt with or referred to the tribunal. | 18
19
20
21 |
| (2) | Section 168A applies to the complaint as if it had been made after commencement. | 22
23 |

Part 5 **Amendment of Appeal Costs Fund Act 1973** 24
25

Clause 15 **Act amended** 26
This part amends the *Appeal Costs Fund Act 1973*. 27

Clause 16	Amendment of s 5 (Appeal Costs Fund)	1
	(1) Section 5(1), ‘subject to the <i>Financial Administration and Audit Act 1977</i> , part 8, division 2’—	2
	<i>omit.</i>	3
		4
	(2) Section 5(3), ‘sections 6(7)’—	5
	<i>omit, insert—</i>	6
	sections 6(6) and (8)	7
	(3) Section 5(3), ‘and the costs of administration’—	8
	<i>omit, insert—</i>	9
	, the costs of the staff employed under section 9 and the administration	10 11
Clause 17	Amendment of s 6 (Appeal Costs Board)	12
	(1) Section 6(6) and (7)—	13
	<i>renumber</i> as section 6(7) and (8).	14
	(2) Section 6—	15
	<i>insert—</i>	16
	(6) A member of the board is to be paid the fees and allowances prescribed under a regulation.	17 18
Clause 18	Replacement of s 9 (Staff)	19
	Section 9—	20
	<i>omit, insert—</i>	21
	9 Secretary and staff	22
	(1) There may be a secretary, and staff, of the board.	23
	(2) The secretary and staff are to assist the board to perform the board’s functions.	24 25
	(3) The secretary and staff of the board are employed under the <i>Public Service Act 2008</i> .	26 27

[s 19]

Clause 19	Insertion of new s 30	1
	Part 6—	2
	<i>insert</i> —	3
	30 Amendment of regulation—Justice and Other Legislation Amendment Act 2013	4 5
	The amendment of the <i>Appeal Costs Fund Regulation 2010</i> by the <i>Justice and Other Legislation Amendment Act 2013</i> does not affect the power of the Governor in Council to further amend the regulation or to repeal it.	6 7 8 9
	 Part 6	 10
	Amendment of Appeal Costs Fund Regulation 2010	11
Clause 20	Regulation amended	12
	This part amends the <i>Appeal Costs Fund Regulation 2010</i> .	13
Clause 21	Amendment of s 12 (Fees payable to board members—Act, s 9(2))	14 15
	Section 12, heading, ‘s 9(2)’	16
	<i>omit, insert</i> —	17
	s 6(6)	18

Part 7	Amendment of Births, Deaths and Marriages Registration Act 2003	1 2 3
Clause 22	Act amended	4
	This part amends the <i>Births, Deaths and Marriages Registration Act 2003</i> .	5 6
Clause 23	Amendment of s 34 (The registrar)	7
	(1) Section 34(2) and (3)—	8
	<i>renumber</i> as section 34(3) and (4).	9
	(2) Section 34(1)—	10
	<i>omit, insert</i> —	11
	(1) There is to be a registrar-general (the <i>registrar</i>).	12
	(2) The registrar is to be employed under the <i>Public Service Act 2008</i> .	13 14
Clause 24	Amendment of s 35 (The deputy registrar)	15
	(1) Section 35(2) and (3)—	16
	<i>renumber</i> as section 35(3) and (4).	17
	(2) Section 35(1)—	18
	<i>omit, insert</i> —	19
	(1) There is to be a deputy registrar-general (the <i>deputy registrar</i>).	20 21
	(2) The deputy registrar is to be employed under the <i>Public Service Act 2008</i> .	22 23
Clause 25	Insertion of new pt 9, div 7	24
	After section 65—	25

[s 26]

insert—

**Division 7 Transitional provision for
Justice and Other
Legislation Amendment
Act 2013**

**66 Registrar and deputy registrar appointed
before commencement**

- (1) This section applies to a person who, immediately before the commencement of this section, held office as registrar or deputy registrar.
- (2) From the commencement, the person continues to hold that office as if the person had been appointed after the commencement.

**Part 8 Amendment of Child
Employment Act 2006**

Clause 26 Act amended

This part amends the *Child Employment Act 2006*.

Clause 27 Amendment of s 8 (Meaning of *work* in relation to a child)

Section 8(3), 'section 8A'—

omit, insert—

sections 8A to 8C

Clause 28 Insertion of new s 8C

After section 8B—

insert—

8C Prohibition on inappropriate roles and situations	1 2
(1) An employer must not require or permit a child to work in a role or situation that is inappropriate for the child, having regard to the child's age, emotional and psychological development, maturity and sensitivity.	3 4 5 6 7
Maximum penalty—100 penalty units.	8
(2) Without limiting subsection (1), the child may not—	9 10
(a) be exposed to scenes or situations that are likely to distress or embarrass the child; or	11 12
(b) be made distressed to obtain a more realistic depiction of a particular emotional reaction; or	13 14 15
(c) perform an act of an explicit sexual nature or be present in an area while another person performs an act of an explicit sexual nature; or	16 17 18 19
(d) be present while another person is—	20
(i) nude; or	21
(ii) clothed or covered in another way so—	22
(A) the person's sexual organs or anus are visible; or	23 24
(B) if the person is a female who is at least 5 years—her breasts are visible.	25 26 27
(3) Subsection (2)(d) does not apply if—	28
(a) the child is under 12 months; and	29
(b) a parent of the child, who is not the employer of the child, has given the employer written consent to whichever of the following is relevant—	30 31 32 33

[s 29]

	(i) the child being present while the other person is nude;	1 2
	(ii) the child being present while the other person is clothed or covered in another way so the person's sexual organs or anus are visible;	3 4 5 6
	(iii) the child being present while the other person is clothed or covered in another way so the person's breasts are visible; and	7 8 9 10
	(c) a parent of the child is present while the child is present and the other person is as mentioned in subsection (2)(d)(i) or (ii).	11 12 13
(4)	However, a consent under subsection (3)(b)(ii) or (iii) need not cover all matters mentioned in the subsection so long as all matters in the subsection relevant to the work the child is to do are covered.	14 15 16 17
Clause 29	Insertion of new s 40	18
	After section 39—	19
	<i>insert—</i>	20
	40 Effect of regulation amendment by Justice and Other Legislation Amendment Act 2013	21 22
	The amendment of the <i>Child Employment Regulation 2006</i> by the <i>Justice and Other Legislation Amendment Act 2013</i> does not affect the power of the Governor in Council to further amend the regulation or to repeal it.	23 24 25 26

Part 9	Amendment of Child Employment Regulation 2006	1 2
Clause 30	Regulation amended	3
	This part amends the <i>Child Employment Regulation 2006</i> .	4
Clause 31	Omission of s 12 (Prohibition on inappropriate roles and situations)	5 6
	Section 12—	7
	<i>omit.</i>	8
Clause 32	Amendment of s 25 (Employer’s duty about presence of parent)	9 10
	Section 25(3), ‘section 8A(2)(c) of the Act or section 12(4)(c)’—	11
	<i>omit, insert—</i>	12
	section 8A(2)(c) or 8C(3)(c) of the Act	13
Part 10	Amendment of Civil Proceedings Act 2011	14 15
Clause 33	Act amended	16
	This part amends the <i>Civil Proceedings Act 2011</i> .	17
Clause 34	Amendment of s 237 (Insertion of new s 35A)	18
	Section 237, inserted section 35A(1), ‘, including by taking a copy of the document,’—	19 20
	<i>omit.</i>	21

[s 35]

<i>Editor's note—</i>	1
Legislation ultimately amended—	2
• <i>Justices of the Peace and Commissioners for Declarations Act 1991</i>	3

Part 11	Amendment of Coroners Act 2003	4 5
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Clause 35	Act amended	6
	This part amends the <i>Coroners Act 2003</i> .	7
Clause 36	Amendment of s 23 (Autopsy testing)	8
	Section 23(5), after 'blood'—	9
	<i>insert—</i>	10
	or urine	11
Clause 37	Amendment of pt 3, div 3, hdg (Inquests)	12
	Part 3, division 3, heading—	13
	<i>omit, insert—</i>	14
	Division 3	15
	Inquests and investigations	16
Clause 38	Insertion of new s 46A	17
	After section 46—	18
	<i>insert—</i>	19
	46A Publication of coroner's findings or comments	20
	(1) If a coroner investigates a death at an inquest, the coroner must publish the following on the State	21 22

	Coroner’s website unless the coroner orders otherwise—	1 2
	(a) the coroner’s findings;	3
	(b) if the coroner comments under section 46 on anything connected with the death—the coroner’s comments.	4 5 6
	(2) If a coroner investigated a death but did not hold an inquest, the coroner may direct that the coroner’s findings be published on the State Coroner’s website only if—	7 8 9 10
	(a) the coroner considers the publication is in the public interest; and	11 12
	(b) to the extent practicable, the coroner has consulted with and had regard to the views of a family member of the deceased person.	13 14 15
	<i>Editor’s note—</i>	16
	The State Coroner’s website is http://www.courts.qld.gov.au/courts/coroners-court/ .	17 18
Clause 39	Insertion of new s 51A	19
	Part 3, division 4, before section 52—	20
	<i>insert—</i>	21
	51A Access of investigation documents under this division	22 23
	This division provides for when a person may or may not have access to an investigation document.	24 25
	<i>Note—</i>	26
	An owner of an investigation document may also access the document under section 62.	27 28
Clause 40	Amendment of s 54 (Access to investigation documents for other purposes)	29 30
	Section 54(3)—	31

[s 41]

<i>omit, insert—</i>	1
(3) The coroner may consent only if—	2
(a) the coroner is satisfied the person has a sufficient interest in the document; or	3 4
<i>Example—</i>	5
A person with a sufficient interest in an investigation document might include—	6 7
(a) an immediate member of the deceased person’s family; or	8 9
(b) for a document that is relevant to assessing a potential threat to public health, the health chief executive.	10 11 12
(b) the coroner—	13
(i) considers the access is in the public interest; and	14 15
(ii) to the extent practicable, has consulted with and had regard to the views of a family member of the deceased person.	16 17 18

Clause 41	Amendment of s 62 (Access to physical evidence)	19
	Section 62, heading, after ‘evidence’—	20
	<i>insert—</i>	21
	by owner	22

Clause 42	Insertion of new s 62A	23
	Part 3, division 5, after section 62—	24
	<i>insert—</i>	25
	62A Access to physical evidence exhibit	26
	(1) This section applies if a person, other than the owner of physical evidence, wants to access a physical evidence exhibit.	27 28 29

-
- (2) The person may access the physical evidence exhibit only if— 1
2
- (a) the coroner has given consent for the access; 3
or 4
- (b) access to the physical evidence exhibit is 5
necessary for the investigation or 6
prosecution of an offence relating to a death 7
and the person is— 8
- (i) a police officer; or 9
- (ii) someone else authorised by a police 10
officer to access the exhibit for the 11
investigation or prosecution. 12
- (3) The coroner may consent to a person having 13
access to a physical evidence exhibit only if— 14
- (a) the coroner is satisfied the person has a 15
sufficient interest in the physical evidence 16
exhibit; or 17
- Example—* 18
- A person with a sufficient interest in a physical 19
evidence exhibit might include a person at an 20
inquest who wants to access a physical evidence 21
exhibit to conduct a test on the exhibit. 22
- (b) the coroner— 23
- (i) considers the access is in the public 24
interest; and 25
- (ii) to the extent practicable, has consulted 26
with and had regard to the views of a 27
family member of the deceased person. 28
- (4) In this section— 29
- physical evidence exhibit*** means an exhibit, other 30
than an investigation document, that was 31
tendered at an inquest held by a coroner. 32

[s 43]

Part 12	Amendment of Criminal Law (Rehabilitation of Offenders) Act 1986	1 2 3
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Clause 43	Act amended	4
	This part amends the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> .	5 6

Clause 44	Amendment of s 7 (Section 6 not applicable in certain cases)	7 8
	(1) Section 7(1)—	9
	<i>insert—</i>	10
	(e) a disclosure made under an Act of a record kept by a court or tribunal or an official record of a recording service.	11 12 13
	(2) Section 7—	14
	<i>insert—</i>	15
	(3) In this section—	16
	<i>official record</i> , of a recording service, means a record made under the <i>Recording of Evidence Act 1962</i> , section 4 by the recording service.	17 18 19

Part 13	Amendment of Dispute Resolution Centres Act 1990	20 21
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Clause 45	Act amended	22
	This part amends the <i>Dispute Resolution Centres Act 1990</i> .	23

Clause 46	Amendment of s 2 (Interpretation)	1
	(1) Section 2, definitions <i>council</i> and <i>member</i> —	2
	<i>omit.</i>	3
	(2) Section 2, definition <i>mediator</i> , paragraph (b), ‘section 19’—	4
	<i>omit, insert</i> —	5
	section 27AB	6
Clause 47	Omission of pt 2, hdg (Administration)	7
	Part 2, heading—	8
	<i>omit.</i>	9
Clause 48	Omission of pt 2, div 1 (The council)	10
	Part 2, division 1—	11
	<i>omit.</i>	12
Clause 49	Omission of pt 2, div 2, hdg (Staff of dispute resolution centre)	13
	Part 2, division 2, heading—	14
	<i>omit.</i>	15
Clause 50	Relocation and renumbering of ss 18–21	16
	Sections 18 to 21—	17
	<i>relocate and renumber</i> in part 3, after section 27, as sections 27AA	18
	to 27AD.	19
		20
Clause 51	Insertion of new pt 3, div 1, hdg	21
	Part 3, before section 22—	22
	<i>insert</i> —	23

[s 52]

	Division 1	Establishment and operation of dispute resolution centres	1 2 3
Clause 52	Insertion of new pt 3, div 2, hdg		4
	Part 3, immediately before section 27AA as relocated and renumbered—		5 6
	<i>insert</i> —		7
	Division 2	Staff of dispute resolution centres	8 9
Clause 53	Amendment of s 27AC (Staff)		10
	Section 27AC, as relocated and renumbered, ‘section 19’—		11
	<i>omit, insert</i> —		12
	section 27AB		13
Clause 54	Amendment of s 35 (Exoneration from liability)		14
	(1) Section 35(1)(a) and (b)—		15
	<i>omit.</i>		16
	(2) Section 35(1)(c) and (d)—		17
	<i>renumber</i> as section 35(1)(a) and (b).		18
	(3) Section 35(5), ‘of a member or’—		19
	<i>omit.</i>		20
	(4) Section 35(5), ‘member or’—		21
	<i>omit.</i>		22
Clause 55	Amendment of s 37 (Secrecy)		23
	(1) Section 37(2)(e), ‘the council’—		24
	<i>omit, insert</i> —		25

	a director	1	
(2)	Section 37(9), definition <i>relevant person</i> , paragraphs (a) to (f)—	2 3	
	<i>omit, insert—</i>	4	
	(a) a mediator;	5	
	(b) a director;	6	
	(c) a member of the staff of a dispute resolution centre;	7 8	
	(d) a person making an evaluation under section 34, as in force at any time before its repeal;	9 10	
	(e) a person carrying out research for, or with the approval of, a director.	11 12	
Clause 56	Amendment of s 38 (Power to accept appointment)	13	
(1)	Section 38(1)(a) and (b)—	14	
	<i>omit, insert—</i>	15	
	(a) holding that office and also the office of a mediator; or	16 17	
	(b) keeping remuneration payable to the holder as a mediator.	18 19	
(2)	Section 38(2), from ‘member of the council’ to ‘council or a’—	20 21	
	<i>omit.</i>	22	
Clause 57	Insertion of new pt 6, hdg	23	
	After section 41—	24	
	<i>insert—</i>	25	
	Part 6	Transitional provisions	26

[s 58]

Clause 58	Insertion of new pt 6, div 1, hdg	1
	Immediately before section 42—	2
	<i>insert—</i>	3
	Division 1	4
	Justice and Other	5
	Legislation Amendment	6
	Act 2008	
Clause 59	Insertion of new pt 6, div 2	7
	After section 42—	8
	<i>insert—</i>	9
	Division 2	10
	Justice and Other	11
	Legislation Amendment	12
	Act 2013	
	43 Continuation of obligations about disclosure of information	13
		14
	(1) Section 37, as in force immediately before the commencement of this section, continues to apply to each member of the former council, despite the amendment of that section by the <i>Justice and Other Legislation Amendment Act 2013</i> .	15 16 17 18 19 20
	(2) In this section—	21
	<i>former council</i> means the council established under part 2, division 1 as in force before the commencement of this section.	22 23 24

Part 14	Amendment of District Court of Queensland Act 1967	1
		2
Clause 60	Act amended	3
	This part amends the <i>District Court of Queensland Act 1967</i> .	4
Clause 61	Amendment of s 14 (Retirement of judges)	5
	Section 14(2)—	6
	<i>omit, insert—</i>	7
	(2) Despite subsection (1)—	8
	(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	9 10 11 12
	(b) a retired District Court judge appointed to act as a judge under section 17(3) remains a judge until the judge’s appointment ends.	13 14 15
Clause 62	Amendment of s 17 (Acting judge)	16
	(1) Section 17(1), after ‘person’—	17
	<i>insert—</i>	18
	, other than a retired District Court judge,	19
	(2) Section 17—	20
	<i>insert—</i>	21
	(3) The Governor in Council may by commission appoint a retired District Court judge to act as a judge—	22 23 24
	(a) for a period of not more than 2 years; and	25
	(b) on a full-time or sessional basis.	26

[s 63]

	(4)	The Minister may recommend a retired District Court judge for appointment under subsection (3) only after consultation with the Chief Judge.	1 2 3
	(5)	An appointment under subsection (3) must not extend beyond the day the retired District Court judge reaches 78 years of age.	4 5 6
	(6)	A person appointed to act as a judge under this section—	7 8
	(a)	may be appointed more than once; and	9
	(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.	10 11 12 13
	(7)	Despite subsection (5), a retired District Court judge who, before the judge’s commission ends, starts the hearing of a proceeding remains a judge for the purposes of finishing the proceeding.	14 15 16 17
	(8)	In this section—	18
		<i>retired District Court judge</i> means a person who—	19 20
	(a)	has been a judge of the District Court; and	21
	(b)	has not reached 78 years of age.	22
Clause 63		Amendment of s 113 (Power of District Court on appeal from Magistrates Court)	23 24
		Section 113, from ‘Supreme Court’ to ‘leave to appeal’—	25
		<i>omit, insert—</i>	26
		Court of Appeal has to hear an appeal	27
Clause 64		Insertion of new s 150	28
		After section 149—	29
		<i>insert—</i>	30

150 Transitional provision for Justice and Other Legislation Amendment Act 2013	1 2
Section 113, as amended by the <i>Justice and Other Legislation Amendment Act 2013</i> , applies only to actions, matters or proceedings commenced after the commencement of the section.	3 4 5 6

Part 15	Amendment of Domestic and Family Violence Protection Act 2012	7 8 9
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Clause 65	Act amended	10
	This part amends the <i>Domestic and Family Violence Protection Act 2012</i> .	11 12

Clause 66	Replacement of s 48 (Temporary protection order in relation to application for variation)	13 14
	Section 48—	15
	<i>omit, insert—</i>	16
	48 Temporary protection order in relation to application for variation	17 18
	(1) This section applies if the court adjourns the hearing of an application for a variation of a domestic violence order (the <i>first domestic violence order</i>).	19 20 21 22
	(2) The court may make a temporary protection order against a respondent only if the court is satisfied that the temporary protection order is necessary or desirable to protect the aggrieved, or another person named in the first domestic violence order, from domestic violence, pending a decision on the application for the variation.	23 24 25 26 27 28 29

[s 66]

- | | | |
|-----|---|----------------------------|
| (3) | If the court makes a temporary protection order under subsection (2), the first domestic violence order is suspended. | 1
2
3 |
| (4) | The suspension starts when the respondent is served with a copy of the temporary protection order or when the temporary protection order otherwise becomes enforceable under section 177. | 4
5
6
7
8 |
| (5) | The suspension ends, and the first domestic violence order is revived— | 9
10 |
| (a) | when the court varies the first domestic violence order and the varied order takes effect under section 99; or | 11
12
13 |
| (b) | when the court refuses to vary the first domestic violence order and the respondent is told about the refusal; or | 14
15
16 |
| (c) | when the application for variation of the first domestic violence order is withdrawn and the respondent is told about the withdrawal. | 17
18
19 |
| (6) | For subsection (5)(b) or (c), the respondent may be told about the refusal or withdrawal— | 20
21 |
| (a) | if the respondent is present in court when the refusal or withdrawal happens—by the court; or | 22
23
24 |
| (b) | otherwise—by a police officer. | 25 |
| (7) | For subsection (6)(b), the respondent may be told by a police officer about the refusal or withdrawal in any way, including, for example, by telephone, email, SMS message, a social networking site or other electronic means. | 26
27
28
29
30 |
| (8) | When the first domestic violence order is revived— | 31
32 |
| (a) | it is enforceable against the respondent as if it had never been suspended; and | 33
34 |

	(b) despite anything in section 98, the temporary protection order made under subsection (2) ends.	1 2 3
Clause 67	Replacement of s 142 (Application of Uniform Civil Procedure Rules 1999)	4 5
	Section 142—	6
	<i>omit, insert—</i>	7
	142 Procedure for proceeding under this Act	8
	(1) The <i>Domestic and Family Violence Protection Rules</i> made under the <i>Magistrates Courts Act 1921</i> , section 57C apply for—	9 10 11
	(a) a proceeding in a court under this Act; or	12
	(b) the registry of a court in relation to a proceeding under this Act.	13 14
	(2) The <i>Uniform Civil Procedure Rules 1999</i> apply to an appeal under this Act.	15 16
	(3) To remove any doubt, it is declared that the <i>Childrens Court Rules 1997</i> and the <i>Uniform Civil Procedure Rules 1999</i> do not apply to a proceeding in a court under this Act.	17 18 19 20
Clause 68	Amendment of pt 8, div 1 (Service)	21
	Part 8, division 1, note—	22
	<i>omit.</i>	23

[s 69]

Part 16	Amendment of Electronic Transactions (Queensland) Act 2001	1 2 3
Clause 69	Act amended	4
	This part amends the <i>Electronic Transactions (Queensland) Act 2001</i> .	5 6
Clause 70	Amendment of s 4 (Simplified outline)	7
	Section 4—	8
	<i>insert—</i>	9
	(2) Chapter 2, part 4 contains provisions applying to contracts involving electronic communications, including provisions (relating to the internet in particular) for the following—	10 11 12 13
	(a) an unaddressed proposal to form a contract is to be regarded as an invitation to make offers, rather than as an offer that if accepted would result in a contract;	14 15 16 17
	(b) a contract formed automatically is not invalid, void or unenforceable because there was no human review or intervention;	18 19 20
	(c) a portion of an electronic communication containing an input error can be withdrawn in certain circumstances;	21 22 23
	(d) the application of certain provisions of chapter 2, parts 1 to 3 to contracts involving electronic communications to the extent they do not apply of their own force.	24 25 26 27
Clause 71	Amendment of s 7A (Act does not apply to particular requirements etc.)	28 29
	(1) Section 7A, heading ‘requirements’—	30

omit, insert— 1

transactions 2

(2) Section 7A, ‘requirement or permission’— 3

omit, insert— 4

transaction, requirement, permission, electronic 5

communication or other matter 6

(3) Section 7A— 7

insert— 8

(2) A regulation may provide that this Act does not 9
apply to a transaction, requirement, permission, 10
electronic communication or other matter not 11
mentioned in schedule 1. 12

(3) A regulation made under subsection (2) expires 1 13
year after the regulation is made. 14

Clause 72 Amendment of s 14 (Requirement for signature) 15

(1) Section 14(a), ‘approval of’— 16

omit, insert— 17

intention in relation to 18

(2) Section 14(b)— 19

omit, insert— 20

(b) the method used was either— 21

(i) as reliable as appropriate for the 22
purposes for which the electronic 23
communication was generated or 24
communicated, having regard to all the 25
circumstances, including any relevant 26
agreement; or 27

(ii) proven in fact to have fulfilled the 28
functions described in paragraph (a), 29
by itself or together with further 30
evidence; and 31

[s 73]

- (3) Section 14— 1
insert— 2
(2) The reference in subsection (1) to a law that 3
requires a signature includes a reference to a law 4
that provides consequences for the absence of a 5
signature. 6

- Clause 73 Amendment of s 15 (Other particular laws not affected)** 7
Section 15(c), ‘approval of’— 8
omit, insert— 9
intention in relation to 10

- Clause 74 Replacement of ss 23 to 25** 11
Sections 23 to 25— 12
omit, insert— 13

23 Time of dispatch 14

- (1) Unless otherwise agreed between the originator 15
and the addressee of an electronic 16
communication, the time of dispatch of the 17
electronic communication is— 18
(a) the time when the electronic communication 19
leaves an information system under the 20
control of the originator or of the party who 21
sent it on behalf of the originator; or 22
(b) if the electronic communication has not left 23
an information system under the control of 24
the originator or of the party who sent it on 25
behalf of the originator—the time the 26
electronic communication is received by the 27
addressee. 28
(2) Subsection (1) applies even though the place the 29
information system supporting an electronic 30
address is located may be different from the place 31

the electronic communication is taken to have 1
been dispatched under section 25. 2

24 Time of receipt 3

- (1) Unless otherwise agreed between the originator 4
and the addressee of an electronic 5
communication— 6
- (a) the time of receipt of the electronic 7
communication is the time the electronic 8
communication becomes capable of being 9
retrieved by the addressee at an electronic 10
address designated by the addressee; or 11
- (b) the time of receipt of the electronic 12
communication at another electronic 13
address of the addressee is the time when 14
both— 15
- (i) the electronic communication has 16
become capable of being retrieved by 17
the addressee at that address; and 18
- (ii) the addressee has become aware that 19
the electronic communication has been 20
sent to that address. 21
- (2) For subsection (1), unless otherwise agreed 22
between the originator and the addressee of the 23
electronic communication, it is to be assumed 24
that the electronic communication is capable of 25
being retrieved by the addressee when it reaches 26
the addressee’s electronic address. 27
- (3) Subsection (1) applies even though the place the 28
information system supporting an electronic 29
address is located may be different from the place 30
the electronic communication is taken to have 31
been received under section 25. 32

[s 74]

- 25 Place of dispatch and receipt** 1
- (1) Unless otherwise agreed between the originator 2
and the addressee of an electronic 3
communication— 4
- (a) the electronic communication is taken to 5
have been dispatched at the place the 6
originator has its place of business; and 7
- (b) the electronic communication is taken to 8
have been received at the place the 9
addressee has its place of business. 10
- (2) For the application of subsection (1) to an 11
electronic communication— 12
- (a) a party’s place of business is assumed to be 13
the location indicated by the party, unless 14
another party demonstrates the party making 15
the indication does not have a place of 16
business at that location; and 17
- (b) if a party has not indicated a place of 18
business and has only one place of business, 19
it is to be assumed that place is the party’s 20
place of business; and 21
- (c) if a party has not indicated a place of 22
business and has more than one place of 23
business, the place of business is that which 24
has the closest relationship to the underlying 25
transaction, having regard to the 26
circumstances known to or contemplated by 27
the parties at any time before or at the 28
conclusion of the transaction; and 29
- (d) if a party has not indicated a place of 30
business and has more than one place of 31
business, but paragraph (c) does not 32
apply—it is to be assumed the party’s 33
principal place of business is the party’s 34
only place of business; and 35

	(e) if a party is an individual and does not have a place of business—it is to be assumed the party’s place of business is the place of the party’s habitual residence.	1 2 3 4
	(3) A location is not a place of business merely because that is—	5 6
	(a) where equipment and technology supporting an information system used by a party are located; or	7 8 9
	(b) where the information system may be accessed by other parties.	10 11
	(4) The sole fact that a party makes use of a domain name or electronic mail address connected to a specific country does not create a presumption that its place of business is located in that country.	12 13 14 15 16
Clause 75	Insertion of new ch 2, pt 4	17
	Chapter 2, after section 26—	18
	<i>insert—</i>	19
	Part 4	
	Additional provisions applying to contracts involving electronic communication	20 21 22 23
	26A Application and operation of this part	24
	This part applies to the use of electronic communications in connection with the formation or performance of a contract between parties where the proper law of the contract is (or would on its formation be) under the State law, and so applies—	25 26 27 28 29
	(a) whether some or all of the parties are located within Australia or elsewhere; and	30 31

[s 75]

(b) whether the contract is for business purposes, for personal, family or household purposes, or for other purposes.	1 2 3
26B Invitation to treat regarding contracts	4
(1) A proposal to form a contract made through one or more electronic communications that—	5 6
(a) is not addressed to one or more specific parties; and	7 8
(b) is generally accessible to parties making use of information systems;	9 10
is to be considered as an invitation to make offers, unless it clearly indicates the intention of the party making the proposal to be bound in case of acceptance.	11 12 13 14
(2) Subsection (1) extends to proposals that make use of interactive applications for the placement of orders through information systems.	15 16 17
26C Use of automated message system for contract formation—non-intervention of individual	18 19 20
A contract formed by—	21
(a) the interaction of an automated message system and an individual; or	22 23
(b) the interaction of automated message systems;	24 25
is not invalid, void or unenforceable on the sole ground that no individual reviewed or intervened in each of the individual actions carried out by the automated message systems or the resulting contract.	26 27 28 29

26D Error in electronic communication regarding contracts

- 1
2
- (1) This section applies in relation to a statement, 3
declaration, demand, notice or request, including 4
an offer and the acceptance of an offer, that the 5
parties are required to make or choose to make in 6
connection with the formation or performance of 7
a contract. 8
- (2) If— 9
- (a) an individual makes an input error in an 10
electronic communication exchanged with 11
the automated message system of another 12
party; and 13
- (b) the automated message system does not 14
provide the person with an opportunity to 15
correct the error; 16
the person, or the party on whose behalf the 17
person was acting, has the right to withdraw the 18
portion of the electronic communication in which 19
the input error was made if— 20
- (c) the person, or the party on whose behalf the 21
person was acting, notifies the other party of 22
the error as soon as possible after having 23
learned of the error and indicates that the 24
person made an error in the electronic 25
communication; and 26
- (d) the person, or the party on whose behalf the 27
person was acting, has not used or received 28
any material benefit or value from the goods 29
or services, if any, received from the other 30
party. 31
- (3) The right of withdrawal of a portion of an 32
electronic communication under this section is 33
not of itself a right to rescind or otherwise 34
terminate a contract. 35

[s 76]

- (4) The consequences (if any) of the exercise of the right of withdrawal of a portion of an electronic communication under this section are to be determined in accordance with any applicable rule of law.

26E Application of Act in relation to contracts

- (1) Subject to subsection (2), sections 8 and 23 to 25 apply to—
- (a) a transaction constituted by or relating to a contract; or
 - (b) an electronic communication relating to the formation of a performance of a contract;
- in the same way as they apply to a transaction or electronic communication referred to in those provisions.
- (2) However, this part (including subsection (1)) does not apply to or in relation to a contract to the extent that—
- (a) parts 1 to 3 would of their own force have the same effect as this part if this part applied; or
 - (b) a law of another State (that is in substantially the same terms as parts 1 to 3) would of its own force have the same effect as this part if this part applied.

- Clause 76** **Insertion of new ch 4**
- After section 27—
- insert—*

Chapter 4	Transitional provision	1
		2
28	Transitional provision for Justice and Other Legislation Amendment Act 2013	3
		4
(1)	Subject to subsection (2)—	5
(a)	section 26B extends to proposals made before the commencement; and	6
		7
(b)	section 26C extends to interactions carried out before the commencement; and	8
		9
(c)	section 26D extends to statements, declarations, demands, notices or requests, including offers and acceptance of offers, made or given before the commencement.	10
		11
		12
		13
(2)	Subsection (1) and chapter 2, part 4 do not apply in relation to contracts formed before the commencement.	14
		15
		16
(3)	In this section—	17
	<i>commencement</i> means the commencement of this section.	18
		19
Clause 77	Amendment of sch 1 (Excluded requirements and permissions)	20
		21
(1)	Schedule 1, heading, ‘requirements and permissions’—	22
	<i>omit, insert—</i>	23
	transactions	24
(2)	Schedule 1—	25
	<i>insert—</i>	26
8	transactions on a regulated exchange	27
9	foreign exchange transactions	28

[s 78]

10	inter-bank payment systems, agreements or clearance and settlement systems relating to securities or other financial assets or instruments	1 2 3
11	the transfer of security rights in the sale, loan or holding of or agreement to repurchase securities or other financial assets or instruments held with an intermediary	4 5 6 7
12	bills of exchange	8
13	promissory notes	9
14	consignment notes	10
15	bills of lading	11
16	warehouse receipts	12
17	any transferable document or other instrument that entitles the bearer or beneficiary to claim the delivery of goods or payment of a sum of money	13 14 15

Clause 78	Amendment of sch 2 (Dictionary)	16
(1)	Schedule 2, definitions <i>place of business</i> and <i>transaction</i> — <i>omit.</i>	17 18
(2)	Schedule 2— <i>insert</i> —	19 20
	<i>addressee</i> , of an electronic communication, means a person who is intended by the originator to receive the electronic communication, but does not include a person acting as an intermediary for the electronic communication.	21 22 23 24 25
	<i>automated message system</i> means a computer program or an electronic or other automated means used to initiate an action or respond to data messages in whole or in part, without review or intervention by an individual each time an action is initiated or a response is generated by the system.	26 27 28 29 30 31 32

-
- originator***, of an electronic communication, means a person by whom, or on whose behalf, the electronic communication has been sent or generated before storage, if any, but does not include a person acting as an intermediary for the electronic communication.
- performance***, of a contract, includes non-performance of the contract.
- place of business*** means—
- (a) in relation to a person, other than an entity referred to in paragraph (b)—a place where the person maintains a non-transitory establishment to pursue an economic activity other than the temporary provision of goods or services out of a specific location; or
 - (b) in relation to a government, an authority of a government or a non-profit body—a place where any operations or activities are carried out by that government, authority or body.
- transaction*** includes—
- (a) any transaction in the nature of a contract, agreement or other arrangement; and
 - (b) any statement, declaration, demand, notice or request, including an offer and the acceptance of an offer, that the parties are required to make or choose to make in connection with the formation or performance of a contract, agreement or other arrangement; and
 - (c) any transaction of a non-commercial nature.

[s 79]

Part 17	Amendment of Evidence Act 1977	1 2
Clause 79	Act amended	3
	This part amends the <i>Evidence Act 1977</i> .	4
Clause 80	Amendment of s 7 (Parties, their wives and husbands as witnesses)	5 6
	Section 7—	7
	<i>insert—</i>	8
	(3) To remove any doubt, it is declared for subsections (1) and (2) that a party to a proceeding includes a person who is the subject of an inquiry, reference or examination.	9 10 11 12
Part 18	Amendment of Guardianship and Administration Act 2000	13 14
Clause 81	Act amended	15
	This part amends the <i>Guardianship and Administration Act 2000</i> .	16 17
Clause 82	Amendment of s 218 (Acting public advocate)	18
	(1) Section 218, ‘Governor in Council’—	19
	<i>omit, insert—</i>	20
	Minister	21
	(2) Section 218—	22
	(2) A person appointed under subsection (1) may be appointed for a period of not more than 6 months.	23 24

Clause 83	Amendment of s 231 (Appointment)	1
	Section 231(2), ‘or part-time’—	2
	<i>omit, insert—</i>	3
	, part-time or casual	4

Part 19	Amendment of Information Privacy Act 2009	5
		6

Clause 84	Act amended	7
	This part amends the <i>Information Privacy Act 2009</i> .	8

Clause 85	Amendment of s 127 (Vexatious applicants)	9
(1)	Section 127(6)—	10
	<i>renumber</i> as section 127(8).	11
(2)	Section 127—	12
	<i>insert—</i>	13
	(6) The commissioner may publish—	14
	(a) a declaration and the reasons for making the declaration; and	15
		16
	(b) a decision not to make a declaration and the reasons for the decision.	17
		18
	(7) The commissioner may publish the name of a person the subject of a declaration under subsection (1) when publishing the declaration and the reasons for making it.	19
		20
		21
		22

[s 86]

Part 20	Amendment of Judges (Pensions and Long Leave) Act 1957	1 2 3
Clause 86	Act amended This part amends the <i>Judges (Pensions and Long Leave) Act 1957</i> .	4 5 6
Clause 87	Amendment of s 2A (Length of service if previously an acting judge or master in Queensland) Section 2A(a) and (b)— <i>omit, insert—</i> (a) an acting Supreme Court judge, other than service as a retired acting Supreme Court judge; (b) an acting District Court judge, other than service as a retired acting District Court judge;	7 8 9 10 11 12 13 14 15 16
Clause 88	Amendment of s 2C (Minimum benefit payable) Section 2C(4)— <i>insert—</i> <i>acting District Court judge</i> includes a retired acting District Court judge. <i>acting Supreme Court judge</i> includes a retired acting Supreme Court judge.	17 18 19 20 21 22 23
Clause 89	Amendment of schedule (Dictionary) Schedule— <i>insert—</i>	24 25 26

[s 92]

- (3) The amount decided under subsection (2) must not be less than the amount worked out using the formula—
A = B – C
where—
A is the minimum amount that a retired judge is entitled to be paid.
B is the amount a Supreme Court judge would be entitled to be paid, on a pro rata basis, under sections 5 and 21 for the same period the retired judge sits as a judge.
C is the amount the retired judge receives as a pension for the period the retired judge sits as a judge.
Note—
For the remuneration of an acting judge who is not a retired acting Supreme Court judge, see the *Supreme Court of Queensland Act 1991*, section 6(9).
- (4) In this section—
retired acting Supreme Court judge means a retired Supreme Court judge appointed to act as a judge under the *Supreme Court of Queensland Act 1991*, section 6(1), (2) or (4).

- Clause 92 Amendment of s 9 (District Court judge other than the Chief Judge)**
- (1) Section 9, heading, after ‘Judge’—
insert—
or retired acting District Court judge
- (2) Section 9, ‘Chief Judge,’—
omit, insert—
Chief Judge or a retired acting District Court judge,

Clause 93	Insertion of new s 9A	1
	After section 9—	2
	<i>insert—</i>	3
	9A Retired acting District Court judge	4
	(1) A retired acting District Court judge appointed to act as a judge on a full-time basis is entitled to be paid, for a financial year, an amount equivalent to the amount payable to a District Court judge under sections 9 and 21, less the amount the retired judge receives as a pension.	5 6 7 8 9 10
	(2) A retired acting District Court judge appointed to act as a judge on a sessional basis is entitled to be paid an amount decided by the Governor in Council and stated in the judge’s commission of appointment as a judge.	11 12 13 14 15
	(3) The amount decided under subsection (2) must not be less than the amount worked out using the formula—	16 17 18
	A = B – C	19
	where—	20
	A is the minimum amount that a retired judge is entitled to be paid.	21 22
	B is the amount a District Court judge would be entitled to be paid, on a pro rata basis, under sections 9 and 21 for the same period the retired judge sits as a judge.	23 24 25 26
	C is the amount the retired judge receives as a pension for the period the retired judge sits as a judge.	27 28 29
Clause 94	Amendment of sch 2 (Dictionary)	30
	Schedule 2—	31
	<i>insert—</i>	32

<i>insert—</i>	1
<i>appropriately qualified</i> , for an officer or employee to whom the Minister’s power may be subdelegated, includes having the qualifications, experience or standing appropriate for the power.	2 3 4 5
<i>Example of standing for an officer or employee of a department—</i>	6 7
the officer or employee’s classification level in the department	8 9
(3) Section 154(5A) to (6)—	10
<i>renumber</i> as section 154(6) to (8).	11

Part 23	Amendment of Justices of the Peace and Commissioners for Declarations Act 1991	12 13 14
----------------	---	----------------

Clause 98	Act amended	15
	This part amends the <i>Justices of the Peace and Commissioners for Declarations Act 1991</i> .	16 17

Clause 99	Amendment of s 3 (Interpretation)	18
	Section 3, definition <i>contact details</i> , after ‘number’—	19
	<i>insert—</i>	20
	, email address (if any)	21

Clause 100	Amendment of s 13 (Register of justices of the peace and commissioners for declarations)	22 23
	(1) Section 13(2)—	24
	<i>omit, insert—</i>	25

[s 101]

	(2) The register—	1
	(a) may be in hard copy or electronic form; and	2
	(b) must state, for each person who is a justice of the peace or commissioner for declarations—	3 4 5
	(i) the person’s name and contact details; and	6 7
	(ii) the person’s particulars of appointment; and	8 9
	(c) must be kept available for inspection under section 38A at each office of the registrar.	10 11
	(2) Section 13(3)—	12
	<i>omit.</i>	13
Clause 101	Amendment of s 21 (Registration of justices of the peace and commissioners for declarations)	14 15
	(1) Section 21(1), ‘subsection (7)’—	16
	<i>omit, insert—</i>	17
	subsection (8)	18
	(2) Section 21(6) and (7)—	19
	<i>renumber</i> as section 21(7) and (8).	20
	(3) Section 21—	21
	<i>insert—</i>	22
	(6) However, the registrar is not required to notify the appointment and registration of a person under subsection (5) if the registrar considers withholding notification is necessary to protect the safety or wellbeing of the person or a relative of the person.	23 24 25 26 27 28
	<i>Examples of persons for whom the registrar may consider withholding notification is necessary—</i>	29 30

	<ul style="list-style-type: none">• a person, or a relative of the person, whose occupation involves the administration or enforcement of the law, for example, a police officer, inspector or corrective services officer• a person who has reasonably held concerns for the safety or wellbeing of the person, or a relative, because of domestic violence or the commission of an offence	1 2 3 4 5 6 7 8
Clause 102	Amendment of s 38 (Publication of office holders)	9
	Section 38(2), ‘section 13(3)’—	10
	<i>omit, insert—</i>	11
	section 38A(3)	12
Clause 103	Insertion of new s 38A	13
	After section 38—	14
	<i>insert—</i>	15
	38A Access to register	16
	(1) A person may apply to the registrar to inspect the register.	17 18
	(2) The registrar may grant the application only if the registrar considers the applicant has a sufficient interest in inspecting the register.	19 20 21
	(3) The registrar may withhold from inspection the contact details of a person who is a justice of the peace or commissioner for declarations if the registrar considers it necessary to protect the safety or wellbeing of the person or a relative of the person.	22 23 24 25 26 27
	<i>Examples of persons for whom the registrar may consider it necessary to protect the safety or wellbeing—</i>	28 29
	<ul style="list-style-type: none">• a person, or a relative of the person, whose occupation involves the administration or enforcement of the law, for example, a police officer, inspector or corrective services officer	30 31 32 33

[s 104]

- a person who has reasonably held concerns for the safety or wellbeing of the person, or a relative, because of domestic violence or the commission of an offence

Part 24	Amendment of Land Court Act 2000	5 6
Clause 104	Act amended This part amends the <i>Land Court Act 2000</i> .	7 8
Clause 105	Amendment of s 5 (Jurisdiction of Land Court) Section 5(1) and (2), ‘an Act’— <i>omit, insert—</i> this Act or another Act	9 10 11 12
Clause 106	Insertion of new s 7B Before section 8— <i>insert—</i> 7B Land Court order may be enforced in Supreme Court (1) An order of the Land Court may be made an order of the Supreme Court and enforced in the Supreme Court. (2) For subsection (1), it is enough to file the order in the Supreme Court.	13 14 15 16 17 18 19 20 21 22
Clause 107	Amendment of s 12 (Power to rehear matters) Section 12(2), ‘by the court’—	23 24

omit, insert— 1
 , unless a longer period is allowed by the court 2

Clause 108 Amendment of s 14 (Single member to constitute Land Court) 3
4

Section 14, ‘an Act’— 5
omit, insert— 6
 this Act or another Act 7

Clause 109 Amendment of s 31 (Rehearing after judicial registrar’s decision) 8
9

(1) Section 31(2)— 10
 renumber as section 31(3). 11
(2) Section 31— 12
 insert— 13
 (2) The party must apply to have the matter reheard 14
 within 42 days after the order containing the 15
 decision of the judicial registrar is made, unless a 16
 longer period is allowed by the court. 17

Clause 110 Amendment of s 32 (Judicial registrar may exercise certain judicial or quasi-judicial powers) 18
19

Section 32(1), ‘an Act’— 20
omit, insert— 21
 this Act or another Act 22

Clause 111 Amendment, relocation and renumbering of s 32J (Land Court has power of the Supreme Court for particular purposes) 23
24
25

(1) Section 32J, heading, ‘for particular purposes’— 26
 omit. 27

[s 112]

- (2) Section 32J(1)— 1
omit. 2
- (3) Section 32J(2), ‘an Act’— 3
omit, insert— 4
this Act or another Act 5
- (4) Section 32J(6) to (9)— 6
omit, insert— 7
- (6) Subsection (1) has effect subject to— 8
- (a) another provision of this Act; and 9
- (b) a provision of another Act under which 10
jurisdiction is conferred on the Land Court. 11
- (5) Section 32J, as amended— 12
relocate and renumber as section 7A(1) to (5). 13

Clause 112 Amendment of s 34 (Costs) 14
Section 34(3) to (6)— 15
omit. 16

Clause 113 Amendment of s 36 (Preliminary conference) 17

(1) Section 36(1), from ‘hearing’ to ‘proceeding’— 18
omit, insert— 19
may arrange for each party to a proceeding 20

(2) Section 36(7), ‘hearing or’— 21
omit. 22

Clause 114 Amendment of s 48 (Registrar, deputy registrars and other officers) 23
Section 48(1)— 24
25

omit, insert—

1

(1) There is to be a registrar of the Land Court.

2

Clause 115 Amendment of s 52 (Court records)

3

Section 52(2)—

4

omit.

5

Clause 116 Amendment of s 54 (Jurisdiction of Land Appeal Court)

6

Section 54, ‘an Act’—

7

omit, insert—

8

this Act or another Act

9

Clause 117 Amendment of s 61 (President decides members for Land Appeal Court)

10

11

Section 61, ‘an Act’—

12

omit, insert—

13

this Act or another Act

14

Clause 118 Amendment of s 65 (Notice of appeal)

15

(1) Section 65(3)—

16

renumber as section 65(4).

17

(2) Section 65—

18

insert—

19

(3) The court may extend the period for serving the notice of appeal under subsection (1).

20

21

[s 119]

Part 25	Amendment of Legal Aid Queensland Act 1997	1 2
Clause 119	Act amended	3
	This part amends the <i>Legal Aid Queensland Act 1997</i> .	4
	<i>Note—</i>	5
	See also the amendments in schedule 1.	6
Clause 120	Amendment of s 19 (How Legal Aid may enforce a condition of an approval)	7 8
	Section 19(2), from ‘Legal Aid agent’ to ‘agent’s’—	9
	<i>omit, insert—</i>	10
	Legal Aid service provider under a condition of approval for legal assistance, the service provider, with Legal Aid’s written approval, may start a proceeding in the service provider’s	11 12 13 14
Clause 121	Amendment of s 46 (Power to enter into legal assistance arrangements and other agreements)	15 16
	Section 46(4), ‘as Legal Aid’s agent’—	17
	<i>omit.</i>	18
Clause 122	Omission of s 81 (Legal Aid not liable for particular acts or omissions of Legal Aid agents)	19 20
	Section 81—	21
	<i>omit.</i>	22
Clause 123	Amendment of sch (Dictionary)	23
	(1) Schedule, definition <i>Legal Aid agent</i> —	24
	<i>omit.</i>	25

-
- (2) Schedule— 1
insert— 2
Legal Aid service provider means an entity with 3
whom Legal Aid has entered into an agreement 4
under section 46(4). 5

Part 26 **Amendment of Legal** 6
Profession Act 2007 7

- Clause 124** **Act amended** 8
This part amends the *Legal Profession Act 2007*. 9

- Clause 125** **Amendment of s 662 (Administrative support of the board)** 10
11
(1) Section 662 heading, ‘of the board’— 12
omit, insert— 13
and legal services 14
(2) Section 662(2)— 15
renumber as section 662(3). 16
(3) Section 662— 17
insert— 18
(2) An Australian legal practitioner employed by the 19
law society may provide legal services to the 20
board if it is a condition of the practitioner’s 21
employment to do so. 22
(4) Section 662(3), as renumbered, before ‘administrative’— 23
insert— 24
legal services and 25

[s 126]

Clause 126	Insertion of new s 662A	1
	Chapter 7, part 7.5, division 3, after section 662—	2
	<i>insert—</i>	3
	662A Australian legal practitioner does not breach practising certificate by providing legal service to board	4
		5
		6
	(1) This section applies to an Australian legal practitioner who—	7
		8
	(a) is employed by the law society and, as a condition of that employment, is required to provide legal services to the board; and	9
		10
		11
	(b) has as a condition of the practitioner's practising certificate a requirement not to engage in legal practice other than providing in-house legal services under section 353(2)(b).	12
		13
		14
		15
		16
	(2) The Australian legal practitioner does not fail to comply with the condition on the practitioner's legal practising certificate merely by providing legal services to the board in the course of the practitioner's employment by the law society.	17
		18
		19
		20
		21
Clause 127	Insertion of new ch 10, pt 4	22
	After section 778—	23
	<i>insert—</i>	24

Part 4	Transitional provision for Justice and Other Legislation Amendment Act 2013	1 2 3 4
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779 Application of amendments made by Justice and Other Legislation Amendment Act 2013	5 6
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- | | |
|--|----------------------|
| (1) This section applies if, before the commencement of this section, an Australian legal practitioner employed by the law society provided legal services to the board. | 7
8
9
10 |
| (2) Section 662A(2) applies to the Australian legal practitioner in providing the services as if the services had been provided after the commencement. | 11
12
13
14 |

Part 27	Amendment of Magistrates Act 1991	15 16
----------------	--	----------

Clause 128 Act amended	17
This part amends the <i>Magistrates Act 1991</i> .	18

Clause 129 Amendment of s 5 (Appointment of magistrates)	19
Section 5(7)—	20
<i>omit, insert—</i>	21
(7) The Governor in Council may appoint 1 or more magistrates as a Deputy Chief Magistrate.	22 23

[s 130]

Clause 130	Amendment of s 5A (Appointment of acting Deputy Chief Magistrate)	1 2
	(1) Section 5A(1)—	3
	<i>omit, insert—</i>	4
	(1) This section applies if—	5
	(a) a Deputy Chief Magistrate’s position is vacant; or	6 7
	(b) a Deputy Chief Magistrate is not available to perform the functions of a Deputy Chief Magistrate, because of absence or another reason.	8 9 10 11
	(2) Section 5A(2), ‘the Deputy Chief Magistrate’—	12
	<i>omit, insert—</i>	13
	a Deputy Chief Magistrate	14
Clause 131	Amendment of s 11 (District Court judge appointed as Chief Magistrate)	15 16
	(1) Section 11(5) to (7)—	17
	<i>renumber</i> as section 11(6) to (8).	18
	(2) Section 11—	19
	<i>insert—</i>	20
	(5) The Chief Magistrate may exercise, throughout the State, all the jurisdiction, powers and functions conferred on a magistrate, by or under any law of the State.	21 22 23 24
Clause 132	Amendment of s 12 (Functions of Chief Magistrate)	25
	(1) Section 12(2)(a) to (e)—	26
	<i>omit, insert—</i>	27
	(a) deciding the magistrates who are to constitute the Magistrates Courts at	28 29

particular places appointed under the	1
<i>Justices Act 1886</i> , section 22B(1)(c) or who	2
are to perform particular functions; and	3
(b) giving directions about the practices and	4
procedures of Magistrates Courts,	5
magistrates or about particular functions of	6
a magistrate; and	7
(c) deciding the magistrates who are to exercise	8
the jurisdiction and powers of Magistrates	9
Courts in particular matters or particular	10
classes of matters; and	11
(d) allocating the functions to be exercised by	12
particular magistrates and deciding how the	13
functions are to be exercised; and	14
(e) deciding the days, places and times for	15
constituting a Magistrates Court at a place;	16
and	17
(f) nominating a magistrate to be a supervising	18
magistrate or a coordinating magistrate for	19
the purpose of allocating the work of a	20
Magistrates Court; and	21
(g) nominating a Deputy Chief Magistrate to act	22
as the Chief Magistrate under section 14(b);	23
and	24
(h) giving directions to an acting magistrate or	25
acting judicial registrar about when the	26
person is to carry out the duties of office of a	27
magistrate or judicial registrar during the	28
person's period of appointment.	29
(2) Section 12(3) to (4)—	30
<i>renumber</i> as section 12(5) to (7).	31
(3) Section 12—	32
<i>insert</i> —	33

[s 133]

- (3) Also, for the *Childrens Court Act 1992*, section 5(3)(b) or (c), the Chief Magistrate is responsible for deciding the magistrates or other persons who are to constitute the Childrens Court at particular places and times under that Act. 1
2
3
4
5
- (4) Also, the Chief Magistrate is responsible for directing magistrates to undertake professional development and continuing education and training. 6
7
8
9
- (4) Section 12(6), as renumbered— 10
omit, insert— 11
- (6) The Chief Magistrate may delegate the Chief Magistrate’s powers under subsection (2)(c), (d), (e) or (h) to— 12
13
14
- (a) a Deputy Chief Magistrate; or 15
- (b) another magistrate appointed on a full-time basis. 16
17
- (5) Section 12(7), as renumbered, ‘subsection (2)(a) and (c)’— 18
omit, insert— 19
subsections (2)(a), (c) and (d) and (4) 20
- (6) Section 12— 21
insert— 22
- (8) In subsection (2)(a), (c) and (d), a reference to magistrates includes a reference to justices of the peace constituting a Magistrates Court. 23
24
25
- Clause 133 Amendment of s 13 (Deputy Chief Magistrate)** 26
- (1) Section 13(1), ‘The Deputy Chief Magistrate’— 27
omit, insert— 28
A Deputy Chief Magistrate 29
- (2) Section 13(2), ‘the Deputy Chief Magistrate’— 30

omit, insert— 1
a Deputy Chief Magistrate 2

- Clause 134 Amendment of s 14 (Functions of Deputy Chief Magistrate)** 3
4
- (1) Section 14, ‘The Deputy Chief Magistrate’— 5
omit, insert— 6
A Deputy Chief Magistrate 7
- (2) Section 14(b), before ‘may’— 8
insert— 9
if the magistrate is nominated under section 12(2)(g), 10

- Clause 135 Amendment of s 17 (Composition of advisory committee)** 11
- (1) Section 17(1) to (3)— 12
omit, insert— 13
- (1) The advisory committee has the following 14
members— 15
- (a) the relevant Deputy Chief Magistrate; 16
(b) the State Coroner; 17
(c) 3 temporary members. 18
- (2) The relevant Deputy Chief Magistrate is the 19
chairperson of the advisory committee. 20
- (3) The temporary members are magistrates selected 21
by the Chief Magistrate in consultation with the 22
chairperson and the State Coroner. 23
- (2) Section 17(8)— 24
insert— 25
relevant Deputy Chief Magistrate means— 26

[s 136]

	(a) if there is only 1 Deputy Chief Magistrate—the Deputy Chief Magistrate; or	1 2 3
	(b) if there is more than 1 Deputy Chief Magistrate—a Deputy Chief Magistrate selected by the Chief Magistrate.	4 5 6
Clause 136	Amendment of s 19 (Presiding at meetings)	7
	Section 19, ‘Deputy Chief Magistrate’—	8
	<i>omit, insert—</i>	9
	chairperson	10
Clause 137	Amendment of s 30 (Temporary transfer decisions about constituting Magistrates Courts)	11 12
	Section 30(1)—	13
	<i>insert—</i>	14
	<i>Example of a decision under subsection (1)—</i>	15
	The Chief Magistrate decides that a magistrate is to constitute a Magistrates Court on a temporary basis, or on circuit, for a period of 2 weeks.	16 17 18
Clause 138	Amendment of s 53A (Appointment of acting judicial registrars)	19 20
	(1) Section 53A(5)—	21
	<i>renumber</i> as section 53A(7).	22
	(2) Section 53A—	23
	<i>insert—</i>	24
	(5) A person who is appointed to act as a judicial registrar for a specified period acts as a judicial registrar only when directed by the Chief Magistrate to carry out the duties of office of a judicial registrar during the person’s period of appointment.	25 26 27 28 29 30

- (6) The Chief Magistrate may direct the person to carry out the duties of a judicial registrar on a full-time basis, part-time basis or from time to time.

Part 28 Amendment of Magistrates Courts Act 1921

Clause 139 Act amended

This part amends the *Magistrates Courts Act 1921*.

Clause 140 Insertion of new s 57C

After section 57B—

insert—

57C Rule-making power

- (1) The Governor in Council may make rules of court providing for the practices and procedure of—
- (a) a proceeding in a court under the *Domestic and Family Violence Protection Act 2012*; or
 - (b) a registry of a court in relation to a proceeding under that Act.
- (2) A rule may only be made with the consent of the Chief Magistrate.
- (3) Rules of court made under this section are to be called the *Domestic and Family Violence Protection Rules*.
- (4) In this section—
court see the *Domestic and Family Violence Protection Act 2012*, section 6.

[s 141]

Part 29	Amendment of Peaceful Assembly Act 1992	1 2
Clause 141	Act amended	3
	This part amends the <i>Peaceful Assembly Act 1992</i> .	4
Clause 142	Replacement of s 17 (Delegation of powers)	5
	Section 17—	6
	<i>omit, insert—</i>	7
	17 Limitation on delegation	8
	The Commissioner’s powers under this Act may be delegated only to a police officer who is of the rank of sergeant or higher.	9 10 11
	<i>Note—</i>	12
	Under the <i>Police Service Administration Act 1990</i> , section 4.10, the Commissioner has the power to delegate the Commissioner’s powers.	13 14 15
Part 30	Amendment of Personal Injuries Proceedings Act 2002	16 17
Clause 143	Act amended	18
	This part amends the <i>Personal Injuries Proceedings Act 2002</i> .	19
Clause 144	Amendment of s 67A (Exemption from s 67(3) and (4))	20
	Section 67A(2), definition <i>community legal service—</i>	21
	<i>omit, insert—</i>	22
	<i>community legal service</i> means an organisation that—	23 24

-
- (a) holds itself out as— 1
- (i) a community legal service; or 2
 - (ii) a community legal centre; or 3
 - (iii) an Aboriginal and Torres Strait 4
Islander Legal Service; and 5
- (b) is established and operated on a 6
not-for-profit basis; and 7
- (c) provides legal services that— 8
- (i) are directed generally to people who 9
are disadvantaged (including being 10
financially disadvantaged) in accessing 11
the legal system or in protecting their 12
legal rights; or 13
 - (ii) are conducted in the public interest. 14
- legal services* means work done, or business 15
transacted, in the ordinary course of legal 16
practice. 17

Part 31 **Amendment of Queensland** 18
Civil and Administrative 19
Tribunal Act 2009 20

Clause 145 Act amended 21

This part amends the *Queensland Civil and Administrative* 22
Tribunal Act 2009. 23

Clause 146 Amendment of s 46 (Withdrawal of application or referral) 24

(1) Section 46(2)— 25
renumber as section 46(3). 26

[s 147]

- (2) Section 46(1)— 1
omit, insert— 2
- (1) An applicant may, in the way stated in the rules, 3
withdraw the applicant’s application or referral 4
for a matter before the matter is heard and 5
decided by the tribunal. 6
- (2) However, if the application or referral is made 7
under any of the following, the applicant may 8
withdraw the application or referral only with the 9
leave of the tribunal— 10
- (a) the *Disability Services Act 2006*, section 11
123ZK(8) or 123ZN(5); 12
- (b) the *Guardianship and Administration Act* 13
2000; 14
- (c) the *Powers of Attorney Act 1998*. 15

Clause 147 Amendment of s 50 (Decision by default for debt) 16

- (1) Section 50, heading, after ‘debt’— 17
insert— 18
or liquidated demand of money 19
- (2) Section 50(2), ‘an order in favour of the applicant (a *decision* 20
by default)’— 21
omit, insert— 22
a decision by default 23

Clause 148 Insertion of new s 50A 24

- After section 50— 25
insert— 26
50A Decision by default for unliquidated damages 27
(1) This section applies if— 28

-
- (a) a person has applied to the tribunal to recover an amount consisting of, or including, unliquidated damages from a person (the *respondent*); and
- (b) an enabling Act that is an Act, or the rules, states that the respondent must respond to the application within a stated period; and
- (c) the respondent has not responded to the application within the stated period.
- (2) The applicant may, in the way stated in the rules, apply to the tribunal for a decision by default conditional on the assessment by the tribunal of the unliquidated damages.
- (3) The application may also include a claim for—
- (a) any liquidated amount claimed in the application starting the proceeding; and
- (b) interest on the liquidated amount claimed at the rate the tribunal considers appropriate; and
- (c) the fee paid for the application; and
- (d) legal costs based on a scale stated in the rules.
- (4) The principal registrar may decide the application.
- (5) If a decision by default is given under subsection (4)—
- (a) the decision is taken to be a final decision of the tribunal in the proceeding; and
- (b) the tribunal must assess the unliquidated damages.
- (6) The applicant must prove the respondent has been given a copy of the application before a decision by default may be made under this section.

[s 149]

Clause 149	Amendment of s 51 (Setting aside decision by default)	1
	Section 51, ‘under section 50’—	2
	<i>omit.</i>	3
Clause 150	Amendment of s 122 (Request for written reasons)	4
	Section 122—	5
	<i>insert—</i>	6
	(4) However, the tribunal is not required to comply with a request for written reasons for a decision made under section 51, 54(1), 55(1), 56(1), 57, 61(1), 62(1) or (3), 63(1) or (4) or 64(1).	7 8 9 10
Clause 151	Amendment of s 137 (Definitions for div 7)	11
	(1) Section 137, heading, ‘Definitions’—	12
	<i>omit, insert—</i>	13
	Definition	14
	(2) Section 137, definition <i>reopening ground</i> —	15
	<i>omit.</i>	16
Clause 152	Amendment of s 142 (Party may appeal)	17
	(1) Section 142(2)(b)—	18
	<i>renumber</i> as section 142(2)(c).	19
	(2) Section 142(2)—	20
	<i>insert—</i>	21
	(b) a decision to set aside a decision by default under section 51;	22 23
Clause 153	Amendment of s 143 (Appealing or applying for leave to appeal)	24 25
	Section 143(5), definition <i>relevant day</i> , paragraphs (a) and (b)—	26

-
- omit, insert—* 1
- (a) if a person makes an application under part 2
7, division 5, 6 or 7 about the decision being 3
appealed against within 28 days after the 4
person is given written reasons for the 5
decision—the day that application is finally 6
dealt with under that division; or 7
 - (b) if written reasons have not been given for 8
the decision being appealed against and 9
reasons have not been requested under 10
section 122 or are not required to be 11
given—the day the person received notice of 12
the decision; or 13
 - (c) the day the person is given written reasons 14
for the decision being appealed against. 15

Clause 154 Insertion of new s 143A 16

After section 143— 17

insert— 18

**143A Referring matter to tribunal to consider 19
reopening** 20

- (1) This section applies if— 21
 - (a) an application or appeal is filed under 22
section 143; and 23
 - (b) the appeal tribunal considers— 24
 - (i) the reasons for the application or 25
appeal may constitute a reopening 26
ground for the applicant or appellant in 27
the proceeding to which the application 28
or appeal relates; and 29
 - (ii) the application or appeal could be more 30
effectively or conveniently dealt with if 31
it were taken to be an application under 32

[s 155]

	part 7, division 7 for a proceeding to be reopened.	1 2
(2)	The appeal tribunal may refer the matter to the tribunal to decide whether the proceeding should be reopened.	3 4 5
(3)	If the appeal tribunal refers the matter—	6
(a)	the applicant or appellant is taken—	7
(i)	to have made an application for the proceeding to be reopened under section 138; and	8 9 10
(ii)	not to have made an application or appeal under section 143; and	11 12
(b)	the appeal tribunal must give notice of the referral to—	13 14
(i)	each party to the proceeding; and	15
(ii)	any other person the tribunal reasonably considers should be given notice of the referral.	16 17 18
Clause 155	Amendment of s 151 (Appealing or applying for leave to appeal)	19 20
	Section 151(3), definition <i>relevant day</i> , paragraphs (a) and (b)—	21
	<i>omit, insert—</i>	22
(a)	if a person makes an application under part 7, division 5, 6 or 7 about the decision being appealed against within 28 days after the person is given written reasons for the decision—the day that application is finally dealt with under that division; or	23 24 25 26 27 28
(b)	if written reasons have not been given for the decision being appealed against and reasons have not been requested under section 122 or are not required to be	29 30 31 32

	given—the day the person received notice of the decision; or	1 2
	(c) the day the person is given written reasons for the decision being appealed against.	3 4
Clause 156	Amendment of s 218 (Contempt of tribunal)	5
	Section 218(1)(b) and (d), ‘or mediation’—	6
	<i>omit, insert—</i>	7
	, mediation or conciliation	8
Clause 157	Amendment of s 237 (Immunity of participants etc.)	9
	(1) Section 237(3), from ‘A’ to ‘a mediator’—	10
	<i>omit, insert—</i>	11
	A mediator or conciliator has, in the performance of the mediator’s or conciliator’s functions as a mediator or conciliator	12 13 14
	(2) Section 237(11)—	15
	<i>insert—</i>	16
	<i>assessor</i> includes a person appointed by the tribunal to assess costs under the rules.	17 18
	<i>conciliator</i> means a person who conducts conciliation under the rules.	19 20
Clause 158	Amendment of sch 3 (Dictionary)	21
	(1) Schedule 3, definitions <i>decision by default</i> and <i>reopening ground—</i>	22 23
	<i>omit.</i>	24
	(2) Schedule 3—	25
	<i>insert—</i>	26

[s 159]

<i>decision by default</i> , in relation to an application made under section 50(2) or 50A(2) claiming a debt, liquidated demand of money or unliquidated damages, means an order in favour of the applicant for the debt, liquidated demand or unliquidated damages claimed.	1 2 3 4 5 6
<i>reopening ground</i> , for a party to a proceeding, means—	7 8
(a) the party did not appear at the hearing of the proceeding and had a reasonable excuse for not attending the hearing; or	9 10 11
(b) the party would suffer a substantial injustice if the proceeding was not reopened because significant new evidence has arisen and that evidence was not reasonably available when the proceeding was first heard and decided.	12 13 14 15 16

Part 32	Amendment of Recording of Evidence Act 1962	17 18
----------------	--	----------

Clause 159	Act amended	19
	This part amends the <i>Recording of Evidence Act 1962</i> .	20

Clause 160	Amendment of s 4 (Definitions)	21
	Section 4, definition <i>legal proceeding</i> , ‘or examination, but not including an arbitration’—	22 23
	<i>omit, insert—</i>	24
	, arbitration heard by the industrial commission, or examination	25 26

Part 33	Amendment of Right to Information Act 2009	1
		2
Clause 161	Act amended	3
	This part amends the <i>Right to Information Act 2009</i> .	4
Clause 162	Amendment of s 114 (Vexatious applicants)	5
(1)	Section 114(6)—	6
	<i>renumber</i> as section 114(8).	7
(2)	Section 114—	8
	<i>insert</i> —	9
	(6) The commissioner may publish—	10
	(a) a declaration and the reasons for making the declaration; and	11
		12
	(b) a decision not to make a declaration and the reasons for the decision.	13
		14
	(7) The commissioner may publish the name of a person the subject of a declaration under subsection (1) when publishing the declaration and the reasons for making it.	15
		16
		17
		18
Part 34	Amendment of Statutory Instruments Act 1992	19
		20
Clause 163	Act amended	21
	This part amends the <i>Statutory Instruments Act 1992</i> .	22

[s 164]

Clause 164	Amendment of sch 2A (Subordinate legislation to which part 7 does not apply)	1 2
	Schedule 2A, entry for rules of court, after the third dot point—	3
	<i>insert—</i>	4
	• the <i>Magistrates Courts Act 1921</i>	5
Part 35	Amendment of Succession Act 1981	6 7
Clause 165	Act amended	8
	This part amends the <i>Succession Act 1981</i> .	9
Clause 166	Insertion of new pt 2, div 6A	10
	After section 33Y—	11
	<i>insert—</i>	12
	Division 6A International wills	13
	33YA Definitions for div 6A	14
	In this division—	15
	<i>convention</i> means the Convention providing a Uniform Law on the Form of an International Will 1973 signed in Washington on 26 October 1973.	16 17 18
	<i>international will</i> means a will made in accordance with the requirements of the annex to the convention.	19 20
	33YB Application of Convention	21
	(1) The annex to the convention has the force of law in this jurisdiction.	22 23

(2)	A copy of the annex to the convention is set out in schedule 3.	1 2
33YC	Persons authorised to act in connection with international wills	3 4
(1)	In this division, the following persons are authorised to act in connection with an international will—	5 6 7
(a)	an Australian legal practitioner;	8
(b)	a public notary of a State;	9
(c)	a person authorised to act in connection with an international will under a law of a convention country.	10 11 12
(2)	In this section—	13
	<i>Australian legal practitioner</i> see the <i>Legal Profession Act 2007</i> , section 6.	14 15
	<i>convention country</i> means a country, other than Australia and its Territories, that is a party to the convention.	16 17 18
33YD	Witnesses to international wills	19
	The conditions for acting as a witness to an international will are governed by the law of this jurisdiction.	20 21 22
	<i>Note—</i>	23
	For the relevant provisions of this Act, see sections 10 (How a will must be executed) and 11 (When an interested witness may benefit from a disposition).	24 25 26
33YE	Application of Act to international wills	27
	To avoid doubt, it is declared that the provisions of this Act that apply to wills extend to international wills.	28 29

[s 167]

Clause 167	Insertion of new sch 3	1
	After schedule 2—	2
	<i>insert—</i>	3
	Schedule 3	Annex to Convention
		providing a Uniform
		Law on the Form of
		an International Will
		1973
		8
		section 33YB
		9
	ANNEX	10
	UNIFORM LAW ON THE FORM OF AN INTERNATIONAL WILL	11
	Article 1	12
	1. A will shall be valid as regards form, irrespective particularly of the place where it is made, of the location of the assets and of the nationality, domicile or residence of the testator, if it is made in the form of an international will complying with the provisions set out in Articles 2 to 5 hereinafter.	13 14 15 16 17
	2. The invalidity of the will as an international will shall not affect its formal validity as a will of another kind.	18 19
	Article 2	20
	This law shall not apply to the form of testamentary dispositions made by two or more persons in one instrument.	21 22
	Article 3	23
	1. The will shall be made in writing.	24
	2. It need not be written by the testator himself.	25
	3. It may be written in any language, by hand or by any other means.	26

Article 4

1. The testator shall declare in the presence of two witnesses and of a person authorized to act in connection with international wills that the document is his will and that he knows the contents thereof.
2. The testator need not inform the witnesses, or the authorized person, of the contents of the will.

Article 5

1. In the presence of the witnesses and of the authorized person, the testator shall sign the will or, if he has previously signed it, shall acknowledge his signature.
2. When the testator is unable to sign, he shall indicate the reason therefor to the authorized person who shall make note of this on the will. Moreover, the testator may be authorized by the law under which the authorized person was designated to direct another person to sign on his behalf.
3. The witnesses and the authorized person shall there and then attest the will by signing in the presence of the testator.

Article 6

1. The signatures shall be placed at the end of the will.
2. If the will consists of several sheets, each sheet shall be signed by the testator or, if he is unable to sign, by the person signing on his behalf or, if there is no such person, by the authorized person. In addition, each sheet shall be numbered.

Article 7

1. The date of the will shall be the date of its signature by the authorized person.
2. This date shall be noted at the end of the will by the authorized person.

Article 8

In the absence of any mandatory rule pertaining to the safekeeping of the will, the authorized person shall ask the testator whether he wishes to make a declaration concerning the safekeeping of his will. If so and at the express request of the testator the place where he intends to have his will kept shall be mentioned in the certificate provided for in Article 9.

[s 167]

Article 9

1

The authorized person shall attach to the will a certificate in the form prescribed in Article 10 establishing that the obligations of this law have been complied with.

2

3

4

Article 10

5

The certificate drawn up by the authorized person shall be in the following form or in a substantially similar form:

6

7

CERTIFICATE

8

(Convention of October 26, 1973)

9

1. I, (name, address and capacity), a person authorized to act in connection with international wills

10

11

2. Certify that on (date) at (place)

12

3. (testator)..... (name, address, date and place of birth) in my presence and that of the witnesses

13

14

4.(a)..... (name, address, date and place of birth)

15

16

(b)..... (name, address, date and place of birth)

17

has declared that the attached document is his will and that he knows the contents thereof.

18

19

5. I furthermore certify that:

20

6.(a) in my presence and in that of the witnesses

21

(1) the testator has signed the will or has acknowledged his signature previously affixed.

22

23

*(2) following a declaration of the testator stating that he was unable to sign his will for the following reason.....

24

25

26

—I have mentioned this declaration on the will

27

*—the signature has been affixed by..... (name, address)

28

7.(b) the witnesses and I have signed the will;

29

8.*(c) each page of the will has been signed by and numbered;

30

31

9.(d) I have satisfied myself as to the identity of the testator and of the witnesses as designated above;	1 2
10.(e) the witnesses met the conditions requisite to act as such according to the law under which I am acting;	3 4
11.*(f) the testator has requested me to include the following statement concerning the safekeeping of his will:.....	5 6 7
12. PLACE	8
13. DATE	9
14. SIGNATURE and, if necessary, SEAL	10
Article 11	11
The authorized person shall keep a copy of the certificate and deliver another to the testator.	12 13
Article 12	14
In the absence of evidence to the contrary, the certificate of the authorized person shall be conclusive of the formal validity of the instrument as a will under this Law.	15 16 17
Article 13	18
The absence or irregularity of a certificate shall not affect the formal validity of a will under this Law.	19 20
Article 14	21
The international will shall be subject to the ordinary rules of revocation of wills.	22 23
Article 15	24
In interpreting and applying the provisions of this law, regard shall be had to its international origin and to the need for uniformity in its interpretation.	25 26
<u>*To be completed if appropriate</u>	27

[s 168]

Part 36 **Amendment of Supreme Court of Queensland Act 1991** 1
2

Clause 168 Act amended 3

This part amends the *Supreme Court of Queensland Act 1991*. 4

Clause 169 Amendment of s 6 (Acting judges) 5

(1) Section 6(4) to (6)— 6

renumber as section 6(9) to (11). 7

(2) Section 6— 8

insert— 9

(4) The Governor in Council may by commission appoint a retired Supreme Court judge to act as a judge— 10
11
12

(a) for a period of not more than 2 years; and 13

(b) on a full-time or sessional basis. 14

(5) The Minister may recommend a retired Supreme Court judge for appointment under subsection (4) only after consultation with the Chief Justice. 15
16
17

(6) An appointment under subsection (4) must not extend beyond the day the retired judge reaches 78 years of age. 18
19
20

(7) A person appointed to act as a judge under this section— 21
22

(a) may be appointed more than once; and 23

(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. 24
25
26
27

(8) Despite subsection (6), a retired Supreme Court judge who, before the judge's commission ends, 28
29

	starts the hearing of a proceeding remains a judge for the purposes of finishing the proceeding.	1 2
(3)	Section 6(9), as renumbered, ‘person who’— <i>omit, insert—</i>	3 4
	person, other than a retired Supreme Court Judge appointed under subsection (1), (2) or (4), who	5 6
(4)	Section 6(9), as renumbered— <i>insert—</i>	7 8
	<i>Note—</i>	9
	For the remuneration of a retired Supreme Court judge who acts as a judge, see the <i>Judicial Remuneration Act 2007</i> , section 5A.	10 11 12
(5)	Section 6— <i>insert—</i>	13 14
	(12) In this section—	15
	<i>retired Supreme Court judge</i> means a person who—	16 17
	(a) has been a judge of the Supreme Court; and	18
	(b) has not reached 78 years of age.	19
Clause 170	Amendment of s 21 (Retirement of judges)	20
	Section 21(2)— <i>omit, insert—</i>	21 22
	(2) Despite subsection (1)—	23
	(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	24 25 26 27
	(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.	28 29 30

[s 171]

Clause 171	Amendment of s 85 (Rule-making power)	1
	Section 85(1)—	2
	<i>insert</i> —	3
	<i>Note</i> —	4
	See the <i>Magistrates Courts Act 1921</i> , section 57C, for the rules of court for a proceeding, other than an appeal, under the <i>Domestic and Family Violence Protection Act</i> <i>2012</i> .	5 6 7 8

Part 37 **Amendment of Trusts Act 1973** 9

Clause 172	Act amended	10
	This part amends the <i>Trusts Act 1973</i> .	11
Clause 173	Amendment of s 5 (Definitions)	12
	Section 5, definition <i>public accountant</i> , paragraphs (c) and (d), ‘an institute prescribed under the Corporations Act, section 1280(2)’—	13 14
	<i>omit, insert</i> —	15
	a university or institute prescribed under the Corporations Act, section 1280(2A)	16 17

Part 38 **Other amendments** 18

Clause 174	Acts amended in sch 1	19
	Schedule 1 amends the Acts it mentions.	20

Schedule 1	Acts amended	1
	section 174	2
Legal Aid Queensland Act 1997		3
1	Sections 5(2), 8, 9, 17(2)(a), 29, 33(1)(a), 34, 35 and 40, 'Legal Aid agent'—	4
	<i>omit, insert—</i>	5
	Legal Aid service provider	6
		7
2	Part 2, division 5, heading, 'Legal Aid agents'—	8
	<i>omit, insert—</i>	9
	Legal Aid service providers	10
3	Sections 29, 34, 35 and 40, 'the agent'—	11
	<i>omit, insert—</i>	12
	the service provider	13
4	Section 29(2), 'the agent's'	14
	<i>omit, insert—</i>	15
	the service provider's	16
5	Sections 29(3) and 33(2), 'The agent'—	17
	<i>omit, insert—</i>	18
	The service provider	19

Schedule 1

6	Section 29(7), ‘An agent’—	20
	<i>omit, insert—</i>	21
	A service provider	1
7	Section 33(3), ‘agent’—	2
	<i>omit, insert—</i>	3
	service provider	4
8	Part 2, division 8, heading, ‘Legal Aid agents’—	5
	<i>omit, insert—</i>	6
	Legal Aid service provider’s	7
9	Sections 40(3) and 44(1)(d), ‘Legal Aid agents’—	8
	<i>omit, insert—</i>	9
	Legal Aid service providers	10
	 Retirement Villages Act 1999	 11
10	Schedule, definition <i>mediator</i>, paragraph (a), ‘Dispute Resolution Centres Act 1990, section 19’—	12
	<i>omit, insert—</i>	13
	<i>Dispute Resolution Centres Act 1990</i> , section 27AB	14
		15