

# Impact Analysis Statement

## Summary IAS

### Details

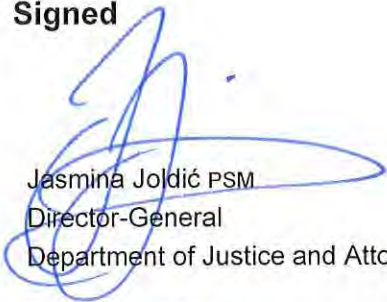
Lead department	Department of Justice and Attorney-General
Name of the proposal	New court funds legislative framework
Submission type	Summary Impact Analysis Statement
Title of related legislative or regulatory instrument	<i>Proclamation No. 6—Justice and Other Legislation Amendment Act 2023</i> <i>Civil Proceedings Regulation 2024</i>
Date of issue	August 2024

Proposal type	Details
Minor and machinery in nature	<p><u>Proclamation</u></p> <p>The objective of the proclamation is to commence sections 40 to 43, part 36 and Schedule 1, part 2 of the <i>Justice and Other Legislation Amendment Act 2023</i> (JOLA Act).</p> <p>Sections 40 to 43 of the JOLA Act amend the <i>Civil Proceedings Act 2011</i> to provide for a new court funds legislative framework; part 36 of the JOLA Act provides for the repeal of the <i>Court Funds Act 1973</i>; and Schedule 1, part 2 of the JOLA Act makes a consequential amendment to the <i>Uniform Civil Procedure Rules 1999</i> arising from the repeal of the <i>Court Funds Act 1973</i>.</p> <p>The proclamation fixes 1 September 2024 as the day for the commencement of sections 40 to 43, part 36 and schedule 1, part 2 of the JOLA Act.</p> <p>The proposal is machinery in nature, to make a proclamation to fix the day for the commencement of provisions of an Act, and does not substantively change regulatory policy or introduce new impacts on business, government or the community.</p>
Regulatory proposals where no RIA is required	<p><u>Civil Proceedings Regulation 2024</u></p> <p>The <i>Court Funds Act 1973</i> provides for the custody and investment of money paid into the Supreme, District and Magistrates Courts, and for the security and management of money, securities and effects of suitors in those courts. In particular, the <i>Court Funds Act 1973</i> requires amounts paid to a court to the credit of a cause, matter or an account relating to a proceeding to be paid into the court suitors fund.</p> <p>The JOLA Act, which received assent on 20 September 2023, includes amendments to replace the <i>Court Funds Act 1973</i> with a new, modernised court funds legislative framework under the <i>Civil Proceedings Act 2011</i>. As mentioned above, these amendments, contained in sections 40 to 43 and part 36 of the JOLA Act, commence by proclamation on 1 September 2024.</p> <p>The <i>Civil Proceedings Regulation 2024</i> (Regulation), which also commences on 1 September 2024, replaces the <i>Court Funds Regulation 2009</i> which expires on 31 August 2024. The Regulation updates the provisions of the <i>Court Funds Regulation 2009</i> to reflect modern court funds management practices, and includes new provisions to:</p>



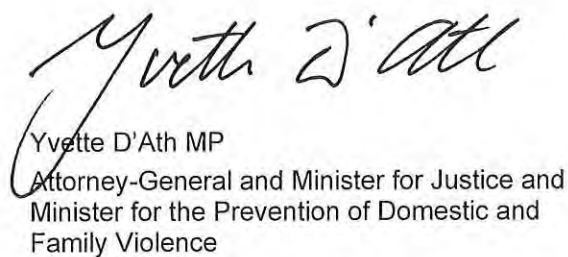
	<ul style="list-style-type: none"> <li>• clarify that an order requiring money or securities in court to be paid, delivered or transferred to a person, includes any interest that has accrued on the money or securities, unless the court orders otherwise;</li> <li>• enable the chief executive to use excess interest which has accumulated in the court suitors fund to make good any deficiency in the fund arising from an administrative error or in another way, or to pay an expense incurred in administering the fund; and</li> <li>• replace the requirement to advertise inactive accounts in the gazette and a newspaper with a requirement to publish a notice on the Queensland Courts website.</li> </ul> <p>The new court funds legislative framework will modernise and improve the management of money and securities paid or deposited into court. The proposal relates to the administration of courts and is not subject to regulatory impact analysis requirements under the <i>Queensland Government Better Regulation Policy</i>.</p>
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**Signed**



Jasmina Joldić PSM  
 Director-General  
 Department of Justice and Attorney-General

Date: 20.08.2024



Yvette D'Ath MP  
 Attorney-General and Minister for Justice and  
 Minister for the Prevention of Domestic and  
 Family Violence

Date: 22/08/2024