



Peace and Good Behaviour Act 1982

Peace and Good Behaviour Regulation 2010

Current as at 9 March 2017



Queensland

Peace and Good Behaviour Regulation 2010

Contents

		Page
1	Short title	3
2	Definitions	3
3	Filing requirements if summons or warrant issued	3
4	Requirements if summons or warrant not issued	3
5	Filing requirements if mediation ordered	4
6	Service of complaint and summons	4
7	Period of warrant	4
8	Approved form for complaint	4
9	Approved form for summons	5
10	Matters to be included in warrant	5
11	Matters to be included in an order	6
11A	Places that are prescribed places—Act, s 41	6
12	Approval of forms	7
13	Repeal	7
14	Transitional provision—references to repealed Peace and Good Behaviour Regulation 1999	8
15	Transitional provision—approval of forms under repealed Peace and Good Behaviour Regulation 1999	8

Peace and Good Behaviour Regulation 2010

1 Short title

This regulation may be cited as the *Peace and Good Behaviour Regulation 2010*.

2 Definitions

In this regulation—

approved form means a form approved under section 12.

complainant means a person making a complaint under section 5 of the Act.

defendant means a person complained against under section 5 of the Act.

3 Filing requirements if summons or warrant issued

- (1) This section applies if a justice, after considering a complaint sworn before the justice, issues a summons or a warrant under section 5(2A) of the Act.
- (2) The complainant must, as soon as practicable, file the following documents with a clerk of the court in the Magistrates Court for the district in which the complaint is made—
 - (a) the complaint;
 - (b) if the justice issues a summons—3 copies of the summons;
 - (c) if the justice issues a warrant—a copy of the warrant.

4 Requirements if summons or warrant not issued

- (1) This section applies if a justice, after considering a complaint sworn before the justice, decides not to issue a summons or a warrant under section 5(2A) of the Act.
- (2) The justice must, as soon as practicable—

- (a) make a note on the complaint that—
 - (i) the justice is not satisfied the matter of the complaint is substantiated; or
 - (ii) the justice is not satisfied it is reasonable in the circumstances for the complainant to be in fear of the defendant; or
 - (iii) the justice is not satisfied of either matter in subparagraph (i) or (ii); and
- (b) send the complaint to a clerk of the court in the Magistrates Court for the district in which the complaint is made.

5 Filing requirements if mediation ordered

- (1) This section applies if a justice orders the complainant to submit the matter to mediation under section 5(3) of the Act.
- (2) The complainant must, as soon as practicable, file with the nearest dispute resolution centre—
 - (a) the complaint; and
 - (b) an application for mediation.

6 Service of complaint and summons

When a defendant is served with a summons issued under section 5(2A) of the Act, the defendant must also be served with a copy of the relevant complaint.

7 Period of warrant

A warrant issued under section 5(2A) of the Act ends 1 year after it issues unless the warrant states that it ends at an earlier time.

8 Approved form for complaint

- (1) A complaint under section 5 of the Act must be in the approved form.

- (2) The approved form must include provision for the following—
- (a) the name and address of the complainant;
 - (b) the name and address of the defendant;
 - (c) the grounds relied on to make the complaint;
 - (d) the facts on which the complaint is based;
 - (e) the date the complaint is sworn;
 - (f) the name, location and signature of the justice before whom the complaint is sworn.

9 Approved form for summons

- (1) A summons under section 5(2A) of the Act must be in the approved form.
- (2) The approved form must include provision for the following—
- (a) the name and address of the defendant;
 - (b) the ground relied on to issue the summons;
 - (c) the location of the Magistrates Court where the complaint is to be answered;
 - (d) the time and date the complaint is to be answered;
 - (e) the name, location and signature of the justice;
 - (f) the date the summons issues.

10 Matters to be included in warrant

A warrant under section 5(2A) of the Act must include provision for the following—

- (a) the name and address of the complainant;
- (b) the name and address of the defendant;
- (c) the ground relied on to issue the warrant;

- (d) the police officers authorised under the warrant (whether or not named);
- (e) that the warrant authorises the police officers to apprehend the defendant and to cause the defendant to be brought before a Magistrates Court to answer the complaint;
- (f) the date, within the period of 1 year, the warrant ends;
- (g) the name, location and signature of the justice;
- (h) the date the warrant issues.

11 Matters to be included in an order

An order for mediation of a matter under section 5(3) of the Act must include provision for the following—

- (a) the name, address and telephone number of the complainant;
- (b) the name and address of the defendant;
- (c) the name of the justice ordering the matter be submitted to mediation;
- (d) the date the justice orders the matter be submitted to mediation.

11A Places that are prescribed places—Act, s 41

For section 41(1) of the Act, the following places are declared to be prescribed places—

- 11 Frodsham Street, Albion
- shop 5/1 Thorsborne Street, Beenleigh
- sheds 13 and 14/6 Enterprise Street, Boyne Island
- shed 14/136 Aumuller Street, Bungalow
- 1/16 Ern Harley Drive, Burleigh Heads
- 30 Berkeley Court, Caboolture
- 104 Spence Street, Cairns

- shed 1/5 Garema Street, Cannonvale
- 31 Selhurst Street, Coopers Plains
- unit 7/12 Hayter Street, Currumbin Waters
- 41 Cotton View Road, Emerald
- 11 Greer Lane, Eumundi
- unit 3/31 Tradelink Drive, Hillcrest
- 15–17 Avian Street, Kunda Park
- unit 5/1 Chain Street, Mackay
- 4 Keats Street, Mackay
- 4 Ellen Street, Moorooka
- 31 Unwin Street, Moorooka
- 1 Zena Street, Mt Isa
- 54 Price Street, Nambour
- unit 5/144 Eumundi Noosa Road, Noosaville
- 2 Millchester Road, Queenton
- 26252 Peak Downs Highway, Racecourse
- 36 East Lane, Rockhampton
- 68 Kerema Street, Roseneath
- unit 2/8 Proprietary Drive, Tingalpa
- 391 Montague Road, West End
- shed 1A/13 Industrial Avenue, Yeppoon

12 Approval of forms

The chief executive may approve forms for use under this regulation.

13 Repeal

The Peace and Good Behaviour Regulation 1999, SL No. 199 is repealed.

14 Transitional provision—references to repealed Peace and Good Behaviour Regulation 1999

In a document, a reference to the repealed *Peace and Good Behaviour Regulation 1999* may, if the context permits, be taken as a reference to this regulation.

15 Transitional provision—approval of forms under repealed Peace and Good Behaviour Regulation 1999

- (1) This section applies if, immediately before the commencement of section 12, a form was approved for a purpose under the repealed *Peace and Good Behaviour Regulation 1999*.
- (2) The form is taken to have been approved under section 12 for the equivalent purpose under this regulation.
- (3) Subsection (2) applies only until another form is approved under section 12 for the purpose or 1 October 2010, whichever happens first.

1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

2 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
t			
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
		m	
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Notes
1	none	27 August 2010	

Current as at	Amendments included	Notes
9 March 2017	2016 Act No. 62	

4 List of legislation

Peace and Good Behaviour Regulation 2010 SL No. 232

made by the Governor in Council on 26 August 2010

notfd gaz 27 August 2010 pp 1520–4

commenced on date of notification

exp 1 September 2020 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.
amending legislation—

Serious and Organised Crime Legislation Amendment Act 2016 No. 62 ss 1–2(1), pt 18, s 493 sch 1 pt 2

date of assent 9 December 2016

ss 1–2 commenced on date of assent

pt 18, s 493 sch 1 pt 2 commenced 9 March 2017 (see s 2(1))

5 List of annotations

Definitions

s 2 def *complainant* amd 2016 Act No. 62 s 493 sch 1 pt 2

def *defendant* amd 2016 No. 62 s 493 sch 1 pt 2

Filing requirements if summons or warrant issued

s 3 amd 2016 Act No. 62 s 493 sch 1 pt 2

Requirements if summons or warrant not issued

s 4 amd 2016 Act No. 62 s 493 sch 1 pt 2

Filing requirements if mediation ordered

s 5 amd 2016 Act No. 62 s 493 sch 1 pt 2

Service of complaint and summons

s 6 amd 2016 Act No. 62 s 493 sch 1 pt 2

Period of warrant

s 7 amd 2016 Act No. 62 s 493 sch 1 pt 2

Approved form for complaint

s 8 amd 2016 Act No. 62 s 493 sch 1 pt 2

Approved form for summons

s 9 amd 2016 Act No. 62 s 493 sch 1 pt 2

Matters to be included in warrant

s 10 amd 2016 Act No. 62 s 493 sch 1 pt 2

Matters to be included in an order

s 11 amd 2016 Act No. 62 s 493 sch 1 pt 2

Places that are prescribed places—Act, s 41

s 11A ins 2016 Act No. 62 s 269

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