



# **Regulatory Offences Act 1985**

**Current as at 1 March 2005**

# Information about this reprint

This Act is reprinted as at 1 March 2005. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## **Dates shown on reprints**

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

**Replacement reprint date** If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

# Regulatory Offences Act 1985

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# Regulatory Offences Act 1985

[as amended by all amendments that commenced on or before 1 March 2005]

## An Act to make provision for certain regulatory offences and for related purposes

### 1 Short title

This Act may be cited as the *Regulatory Offences Act 1985*.

### 2 Commencement

- (1) This section and section 1 shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.
- (2) Except as provided by subsection (1), this Act shall commence on a day appointed by proclamation.

### 3 Act not to alter the Criminal Code

Nothing in this Act shall be construed to alter the provisions of the Criminal Code.

### 4 Interpretation

In this Act—

*goods* includes any substance in liquid or gaseous form.

*restaurant* means a place where meals or refreshments are sold.

*shop* includes a motor garage or service station.

## **5 Unauthorised dealing with shop goods**

- (1) Any person who, with respect to goods in a shop of a value of \$150 or less—
- (a) consumes them without the consent, express or implied, of the person in lawful possession of them; or
  - (b) deliberately alters, removes, defaces or otherwise renders indistinguishable a price shown on them, without the consent, express or implied, of the person in lawful possession of them; or
  - (c) whether or not the property in the goods has passed to the person, takes them away without discharging, or attempting honestly, or making proper arrangements, to discharge his or her lawful indebtedness therefor;

is guilty of a regulatory offence and, subject to section 9, is liable to a fine of 6 penalty units.

- (1A) Without limiting subsection (1)(b), a price may be shown on goods by a bar code or a similar device.
- (2) It is a defence to a charge of an offence defined in subsection (1)(c) to prove the taking away of the goods was not dishonest.

## **6 Leaving hotel etc. without payment**

- (1) Any person who, with respect to food, drink, accommodation, or like goods and services, of the value of \$150 or less obtained from any restaurant or hotel, motel, boarding house or like premises—
- (a) leaves such premises without discharging, or attempting honestly, or making proper arrangements, to discharge, his or her lawful indebtedness therefor; or
  - (b) purports to pay for them with a cheque that is not met on presentation or a credit card or similar document the person is not authorised to use;

is guilty of a regulatory offence and, subject to section 9, is liable to a fine of \$300.

- (2) It is a defence to a charge of an offence defined in subsection (1)(b) to prove the defendant believed on reasonable grounds the cheque would be paid in full on presentation or the defendant was authorised to use the credit card or similar document.

## **7 Unauthorised damage to property**

Any person who wilfully destroys or damages the property of another and without the consent, express or implied, of the person in lawful possession thereof and thereby causes loss of \$250 or less is guilty of a regulatory offence and, subject to section 9, is liable to a fine of \$500.

## **9 Further power to fine**

- (1) The court convicting an offender of an offence defined in this Act may also order the offender to pay by way of fine an amount not exceeding the costs of bringing the charge, including the costs of all reasonable investigations relating thereto, the costs of court and the cost of compensating any person injured thereby.
- (2) The court may make such order as it deems just for the payment of that part of the fine representing compensation.

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 March 2005. Future amendments of the Regulatory Offences Act 1985 may be made in accordance with this reprint under the Reprints Act 1992, section 49.



### 3 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
amdt	= amendment	prov	= provision
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	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
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 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1989 Act No. 17	3 July 1989	3 November 1994
1A	2000 Act No. 5	1 July 2000	1 September 2000

Reprint No.	Amendments included	Effective	Notes
1B	2004 Act No. 43	1 March 2005	

## 5 Tables in earlier reprints

Name of table	Reprint No.
Changed names and titles	1
Obsolete and redundant provisions	1
Renumbered provisions	1

## 6 List of legislation

### **Regulatory Offences Act 1985 No. 32**

date of assent 17 April 1985

ss 1–2 commenced on date of assent

remaining provisions commenced 29 April 1985 (proc pubd gaz 27 April 1985 p 2349)

amending legislation—

### **Criminal Code, Evidence Act and other Acts Amendment Act 1989 No. 17 pts 1, 6**

date of assent 30 March 1989

ss 1–2 commenced on date of assent

remaining provisions commenced 3 July 1989 (proc pubd gaz 24 June 1989 p 1821 (as amd by proc pubd gaz 1 July 1989 p 2190))

### **Police Powers and Responsibilities Act 2000 No. 5 ss 1–2, 461 (prev s 373) sch 3**

date of assent 23 March 2000

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2000 (see s 2(1), (3) and 2000 SL No. 174)

### **Justice and Other Legislation Amendment Act 2004 No. 43 ss 1–2, pt 22**

date of assent 18 November 2004

ss 1–2 commenced on date of assent

remaining provisions commenced 1 March 2005 (2005 SL No. 17)

## 7 List of annotations

**Title** amd R1 (see RA ss 7(1)(k) and 40)

### **Act not to alter the Criminal Code**

**s 3** amd R1 (see RA s 37)

### **Interpretation**

**s 4** def “goods” ins 1989 No. 17 s 74

### **Unauthorised dealing with shop goods**

**s 5** sub 1989 No. 17 s 75

amd 2004 No. 43 s 108

**Manner of proceeding against offender**

**s 8**            om 2000 No. 5 s 461 sch 3

**Amendments of The Criminal Code**

**s 10**           om R1 (see RA s 40)

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