

Queensland



ANNO TRICESIMO PRIMO

ELIZABETHAE SECUNDAE REGINAE

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No. 67 of 1982

**An Act relating to orders to keep the peace and be of good  
behaviour; to provide for offences in connexion  
therewith; and for purposes subsidiary thereto**

[ASSENTED TO 14TH DECEMBER, 1982]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

**1. Short title.** This Act may be cited as the *Peace and Good Behaviour Act 1982*.

**2. Commencement.** This Act shall commence on a day appointed by Proclamation.

**3. Arrangement of Act.** This Act is arranged as follows:—

PART I—PRELIMINARY;

PART II—ORDERS TO KEEP THE PEACE AND BE OF GOOD BEHAVIOUR;

PART III—OFFENCE PROVISIONS;

PART IV—MISCELLANEOUS PROVISIONS.

PART II—ORDERS TO KEEP THE PEACE AND BE OF GOOD BEHAVIOUR

**4. Complaint in respect of breach of the peace.** Upon complaint in writing on oath made before a justice of the peace that a person has threatened—

- (a) to assault or to do any bodily injury to the complainant or to any person under the care or charge of the complainant;
- (b) to procure any other person to assault or to do any bodily injury to the complainant or to any person under the care or charge of the complainant;
- (c) to destroy or damage any property of the complainant; or
- (d) to procure any other person to destroy or damage any property of the complainant,

and that the complainant is in fear of the person complained against (hereafter referred to as the defendant), the justice, if the matter of the complaint is substantiated to his satisfaction and he is satisfied that it is reasonable in the circumstances for the complainant to be in fear of the defendant, may issue—

- (i) his summons directed to the defendant requiring him to appear at a certain time and place before a Magistrates Court; or
- (ii) his warrant to apprehend the defendant and to cause him to be brought before a Magistrates Court

to answer the complaint and to be further dealt with according to law.

**5. Justice may make inquiries or receive evidence.** The justice of the peace, in the consideration of the substantiation of the matter of the complaint to his satisfaction, may make or cause to be made such inquiries and receive such evidence as he thinks fit.

**6. Magistrates Court may make order.** (1) The Magistrates Court before which the defendant appears in obedience to the summons or is brought pursuant to the warrant, as the case may be, shall hear and determine the matter of the complaint.

(2) Without limiting any other evidence given by or on behalf of the defendant, the defendant may produce evidence that the complaint is made from malice or for vexation only.

(3) Upon a consideration of the evidence, the Court may—

(a) dismiss the complaint; or

(b) make an order that the defendant shall keep the peace and be of good behaviour for such time, specified in the order, as the Court thinks fit.

(4) The order made by the Court may contain such other stipulations or conditions as the Court thinks fit.

**7. Where defendant does not appear.** (1) If at the time and place appointed by summons for the hearing of the complaint the defendant does not appear when called and proof is made to the Court of due service of the summons in accordance with section 56 of the *Justices Act 1886–1980*, the Court may—

(a) issue its warrant to apprehend the defendant and to bring him before a Magistrates Court to answer the complaint and to be further dealt with according to law; or

(b) proceed in the absence of the defendant to hear and determine the matter of the complaint as fully and effectually to all intents and purposes as if the defendant had personally appeared before the Court in obedience to the summons and may make an order referred to in section 6; or

(c) for any reason appearing to it to be a sufficient reason, adjourn the hearing to a time and place determined by it before a Magistrates Court.

(2) Where the Court makes an order, a copy thereof shall be served on the defendant in the same manner as a summons may be served under the *Justices Act 1886–1980*.

**8. Application of Justices Act.** Subject to this Part and subject to such modifications, if any, as are requisite, the provisions of and proceedings and procedures under the *Justices Act 1886–1980* applicable in the case of the prosecution of an offence in a summary way under that Act are applicable in the case of proceedings by way of complaint in respect of which an order to keep the peace and be of good behaviour may be made pursuant to section 6 as if such complaint were a complaint in respect of such an offence.

**9. Application of Bail Act.** Where the defendant is apprehended under a warrant issued pursuant to this Act, the provisions of the *Bail Act 1980* are applicable in respect of him as though he is a person apprehended on a charge of an offence.

## PART III—OFFENCE PROVISIONS

**10. Offence for breach of order.** (1) A person who during the currency of an order made in respect of him pursuant to section 6 contravenes or fails to comply with that order is for each contravention or failure to comply guilty of an offence against this Act.

Penalty: \$1 000 or imprisonment for one year.

(2) For the purposes of this section, a contravention or failure to comply with an order includes a contravention or failure to comply with any stipulation or condition thereof.

**11. Court may make further order.** On the conviction of a person for an offence under section 10, the Magistrates Court may, in addition to convicting the offender, make a further order that the offender shall keep the peace and be of good behaviour for such time, specified in the order, as the Court thinks fit and the provisions of law and procedures applicable with respect to an order that may be made under section 6 are applicable with respect to the like order that may be made under this section.

**12. Proceedings for offences.** Proceedings for an offence against this Part may be instituted in a summary way under the *Justices Act* 1886–1980.

## PART IV—MISCELLANEOUS PROVISIONS

**13. Service or execution of summons or warrant on Sundays.** A summons or a warrant issued to cause a person to appear or be brought before a Magistrates Court in connexion with any matter of complaint under this Act may be served or executed on a Sunday as on any other day.

**14. Regulations.** The Governor in Council may make regulations, not inconsistent with this Act, for or with respect to all matters that may be convenient for the administration of this Act or that may be necessary or expedient to achieve the objects and purposes of this Act.