



Queensland

# **Justice and Other Legislation Amendment Act 2004**

**Act No. 43 of 2004**





Queensland

# Justice and Other Legislation Amendment Act 2004

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Queensland

# **Justice and Other Legislation Amendment Act 2004**

## **Act No. 43 of 2004**

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**An Act to amend legislation administered by the Attorney-  
General, and for other purposes**

**[Assented to 18 November 2004]**

**The Parliament of Queensland enacts—****Part 1 Preliminary****1 Short title**

This Act may be cited as the *Justice and Other Legislation Amendment Act 2004*.

**2 Commencement**

This Act, other than sections 6(2), 35 and 36A,<sup>1</sup> commences on a day to be fixed by proclamation.

**3 Acts amended in schedule**

The schedule amends the Acts mentioned in it.

**Part 2 Amendment of Bail Act 1980****4 Act amended in this pt**

This part amends the *Bail Act 1980*.

**5 Amendment of s 6 (Definitions)**

Section 6—

*insert—*

***‘community justice group*** means—

- (a) the community justice group established under the *Community Services (Aborigines) Act 1984*, part 5,

---

<sup>1</sup> Sections 6(2), 35 and 36A will commence on assent, relying on the *Acts Interpretation Act 1954*, section 15A (Commencement of Acts on date of assent)

division 1, or the *Community Services (Torres Strait) Act 1984*, part 5, division 1, for the community of a defendant who is an Aboriginal or Torres Strait Islander person; or

- (b) a group of persons within the community of a defendant who is an Aboriginal or Torres Strait Islander person, other than a department of government, that is involved in the provision of any of the following—
  - (i) information to a court about Aboriginal or Torres Strait Islander offenders;
  - (ii) diversionary, interventionist or rehabilitation activities relating to Aboriginal or Torres Strait Islander offenders;
  - (iii) other activities relating to local justice issues; or
- (c) a group of persons made up of elders or other respected persons of the defendant's community.

***defendant's community***, in relation to a defendant who is an Aboriginal or Torres Strait Islander person, means the defendant's Aboriginal or Torres Strait Islander community, whether it is—

- (a) an urban community; or
- (b) a rural community; or
- (c) a community on DOGIT land under the *Aboriginal Land Act 1991* or the *Torres Strait Islander Land Act 1991*.

## **6 Amendment of s 14 (Release of persons apprehended on making deposit of money as security for appearance)**

- (1) Section 14(1)(a)(i), before 'police establishment'—  
*insert—*  
'police station or'.
- (2) Section 14—  
*insert—*
- '(4) Without limiting subsection (3), the bench charge sheet may be forwarded by electronic communication.'

**7 Amendment of s 15 (Procedure upon application for bail)**

Section 15—

*insert—*

- ‘(f) if the defendant is an Aboriginal or Torres Strait Islander person—the court may receive and take into account any submissions made by a representative of the community justice group in the defendant’s community, including, for example, about—
  - (i) the defendant’s relationship to the defendant’s community; or
  - (ii) any cultural considerations; or
  - (iii) any considerations relating to programs and services established for offenders in which the community justice group participates.
- ‘(2) If required by a court for subsection (1)(f), a representative of the community justice group in the defendant’s community must advise the court whether—
  - (a) any member of the community justice group that is responsible for the submission is related to the defendant or the victim; or
  - (b) there are any circumstances that give rise to a conflict of interest between any member of the community justice group that is responsible for the submission and the defendant or victim.’.

**8 Amendment of s 16 (Refusal of bail)**

(1) Section 16(2)—

*insert—*

- ‘(e) if the defendant is an Aboriginal or Torres Strait Islander person—any submissions made by a representative of the community justice group in the defendant’s community, including, for example, about—
  - (i) the defendant’s relationship to the defendant’s community; or
  - (ii) any cultural considerations; or



‘(6) The registrar must not approve an application to register a change of a child’s first name to a prohibited name.’.

**11 Amendment of s 15 (Change of name by registration)**

Section 15(1), ‘or by other legal process in another State’—  
*omit.*

**12 Amendment of s 16 (Application to register change of adult’s name)**

(1) Section 16(2)—

*renumber* as section 16(3).

(2) Section 16—

*insert—*

‘(2) When deciding whether the person ordinarily resides in Queensland, the registrar may consider—

(a) how long the person has resided in Queensland, and if a regulation prescribes a minimum period of residence, whether the person has resided in Queensland for the minimum period; and

(b) whether or not the person is employed in Queensland; and

(c) whether or not the person is enrolled on an electoral roll under the *Electoral Act 1992*; and

(d) any other consideration prescribed under a regulation.’.

**13 Amendment of s 17 (Application to register change of child’s name)**

(1) Section 17(7)—

*renumber* as section 17(8).

(2) Section 17—

*insert—*

‘(7) When deciding whether the child ordinarily resides in Queensland, the registrar may consider—

- (a) how long the child has resided in Queensland, and if a regulation prescribes a minimum period of residence, whether the child has resided in Queensland for the minimum period; and
- (b) whether or not the child is employed in Queensland; and
- (c) any other consideration prescribed under a regulation.’.

#### **14 Amendment of s 19 (Registration of change of name)**

Section 19—

*insert—*

- ‘(5) The registrar must note the change of the person’s name on the previous entry, if any, for the person in the change of name register.
- ‘(6) If an application to register a person’s change of name states only 1 name for the person, the name is taken, for this Act, to be the person’s surname.’.

#### **15 Amendment of s 20 (Notation of change of name other than by registration)**

- (1) Section 20(10)—

*renumber* as section 20(11).

- (2) Section 20—

*insert—*

- ‘(10) If an application to register a person’s change of name states only 1 name for the person, the name is taken, for this Act, to be the person’s surname.’.

#### **16 Amendment of s 21 (Limit on number of name changes)**

Section 21—

*insert—*

- ‘(4) For subsection (1)(b), the 1 year period runs from when the person’s change of name was registered under this Act or under a corresponding law, whichever is later in time.’.

**17 Amendment of s 41 (Registering events in register)**

Section 41(4)(a), ‘application and other information,’—  
*omit, insert—*

‘the application information that is necessary for the register, and any other information’.

**18 Amendment of s 43 (Inquiry to ensure register correct)**

Section 43—

*insert—*

‘(4) In this section—

*registrable event* includes any event for which the registrar may be required, under this Act, to record or note in a register.’.

**Part 4 Amendment of Children Services Tribunal Act 2000****19 Act amended in this pt**

This part amends the *Children Services Tribunal Act 2000*.

**20 Amendment of s 11 (Selection)**

Section 11—

*insert—*

‘(4) Despite subsections (1) and (2), a member may be reappointed to office without the vacancy in the office being advertised.’.

## Part 5 **Amendment of Civil Liability Act 2003**

### 21 **Act amended in this pt**

This part amends the *Civil Liability Act 2003*.

### 22 **Amendment of s 5 (Civil liability excluded from Act)**

- (1) Section 5(b) and (c)—

*renumber* as section 5(c) and (d).

- (2) Section 5—

*insert*—

‘(b) an injury as defined under the *Workers’ Compensation and Rehabilitation Act 2003*, other than an injury to which section 34(1)(c) or 35<sup>2</sup> of that Act applies; or’.

### 23 **Amendment of s 38 (Interpretation)**

- (1) Section 38(1), definition *community work*, ‘cultural purpose’—

*omit, insert*—

‘cultural purpose, and includes making donations of food if the donations are not for private financial gain and are done for a charitable, benevolent, philanthropic, sporting, recreational, political, educational or cultural purpose’.

- (2) Section 38(1), definition *volunteer*—

*omit, insert*—

‘*volunteer* means a person who—

- (a) does community work on a voluntary basis; or  
(b) donates food in the circumstances mentioned in section 39(3).’.

---

2 *Workers’ Compensation and Rehabilitation Act 2003*, section 34 (Injury while at or after worker attends place of employment) or 35 (Other circumstances)

**24 Amendment of s 39 (Protection of volunteers)**

Section 39—

*insert—*

- ‘(2) A person does not incur any personal civil liability in relation to any act or omission done or made by the person, when donating food in the circumstances mentioned in subsection (3), giving rise to harm resulting from the consumption of the food.
- ‘(3) The circumstances are—
- (a) that the person donated the food to a community organisation—
    - (i) in good faith for a charitable, benevolent, philanthropic, sporting, recreational, political, educational or cultural purpose; and
    - (ii) with the intention that the consumer of the food would not have to pay for the food; and
  - (b) that the food was safe to consume at the time it left the person’s possession; and
  - (c) if the food was of a nature that required it to be handled in a particular way to remain safe to consume after it left the person’s possession—that the person informed the community organisation of the handling requirements; and
  - (d) if the food only remained safe to consume for a particular period of time after it left the person’s possession—that the person informed the community organisation of the time limit.
- ‘(4) In this section—  
*possession* includes control.’.

**25 Insertion of new pt hdg**

Before section 76—

*insert—*



**28 Amendment of s 98C (Bribery)**

Section 98C(2), ‘else’—  
*omit.*

**Part 7 Amendment of Criminal Law  
(Rehabilitation of Offenders)  
Act 1986****29 Act amended in this pt**

This part amends the *Criminal Law (Rehabilitation of Offenders) Act 1986*.

**30 Amendment of s 3 (Interpretation)**

Section 3(1)—  
*insert—*  
‘*approved form* means a form approved under section 14.’.

**31 Amendment of s 10 (Permit to disclose convictions)**

Section 10, ‘prescribed form and manner’—  
*omit, insert—*  
‘approved form and the way prescribed under a regulation’.

**32 Insertion of new s 14**

After section 13—  
*insert—*

**‘14 Approved forms**

‘The chief executive may approve forms for use under this Act.’.

## **Part 8**

# **Amendment of Criminal Proceeds Confiscation Act 2002**

### **33 Act amended in this pt**

This part amends the *Criminal Proceeds Confiscation Act 2002*.

### **34 Amendment of s 8 (Proceeding other than for offence is not criminal proceeding)**

- (1) Section 8, heading—  
omit, insert—

#### **‘8 Proceedings are civil, not criminal’.**

- (2) Section 8—  
*insert—*

- ‘(6) The *Uniform Civil Procedure Rules 1999*, to the extent that they are not inconsistent with this Act, apply to the proceeding.’.

### **35 Amendment of s 19 (Meaning of *property*)**

Section 19(a)—  
*insert—*

- ‘(iii) property of someone else that is under the effective control of the person; and’.

### **36 Insertion of new ss 39A–39D**

After section 39—  
*insert—*

#### **‘39A Time and place of examination**

‘The examination of a person must be conducted at the time and place stated in the examination order.

**‘39B Examination to take place in private**

- ‘(1) The examination must take place in private.
- ‘(2) The court or judicial registrar may give directions about who may be present during the examination, or during a part of it.
- ‘(3) These people are entitled to be present at the examination—
  - (a) a lawyer of the person being examined; and
  - (b) an appropriate officer; and
  - (c) a commission officer; and
  - (d) a lawyer representing an appropriate officer or a commission officer; and
  - (e) any person who is entitled to be present because of a direction under subsection (2).

**‘39C Role of the examinee’s lawyer**

‘The lawyer of the person being examined may, at the times during the examination that the court or judicial registrar decides—

- (a) address the court or judicial registrar about matters on which the person has been examined; and
- (b) examine the person about matters on which the person has been examined.

**‘39D Recording evidence**

- ‘(1) The court or judicial registrar must ensure that, if practicable, evidence given at an examination in Queensland is recorded under the *Recording of Evidence Act 1962*<sup>4</sup> or recorded in another way and authenticated by the court or judicial registrar.
- ‘(2) The court or judicial registrar must authenticate and sign any deposition or other recording.
- ‘(3) If evidence given at an examination is recorded in a deposition, it must—
  - (a) contain, in question and answer form, the evidence of the person examined; and
  - (b) be transcribed and read over by or to the person in the court’s or judicial registrar’s presence and in the presence of the parties who wish to attend; and
  - (c) be signed by the person, or, if the person refuses to sign the deposition, by the court or judicial registrar for the person.
- ‘(4) The court or judicial registrar may impose on the person being examined the conditions (if any) that the court or judicial registrar reasonably considers necessary to prevent improper disclosure of the record.’

---

4 Note the *Recording of Evidence Act 1962*, section 5—

**5 Power to direct recording under this Act**

- (1) In any legal proceeding in or before any court or judicial person, the court or judicial person may in its or the judicial person’s discretion, with or without any application for the purpose, direct that any evidence to be given and any ruling, direction, address, summing up, and other matter in the legal proceeding (or of any part of the legal proceeding in question) be recorded—
  - (a) if a shorthand reporter is available—in shorthand; or
  - (b) if a mechanical device and a recorder are available—by the mechanical device; or
  - (c) if a shorthand reporter, mechanical device, and a recorder are available—in shorthand or by the mechanical device or partly in shorthand and partly by the mechanical device.

**36A Amendment of s 87 (Enforcement of order against property under effective control)**

- (1) Section 87(4), after ‘to which’—  
*insert—*  
‘other’.
- (2) Section 87(5), from ‘property,’—  
*omit, insert—*  
‘property to the extent stated in the declaration.’
- (3) Section 87(6), ‘as if the property were the controlling person’s property’—  
*omit.*

**37 Amendment of s 104 (Meaning of *tainted property*)**

- (1) Section 104(1)(b) and (c), ‘property derived’—  
*omit, insert—*  
‘property or another benefit derived’.
- (2) Section 104—  
*insert—*
- ‘(5) For part 3, ***property*** mentioned in subsection (1) includes benefits that the prescribed respondent has derived, is deriving, or is to derive, under a contract formed on or after 12 May 1989 about either of the following—
  - (a) a depiction of a confiscation offence or alleged confiscation offence in a movie, book, newspaper, magazine, radio, or television production, or in any other electronic form, or live or recorded entertainment of any kind;
  - (b) an expression of the prescribed respondent’s thoughts, opinions or emotions about a confiscation offence.’

**38 Insertion of new ss 131A–131D**

After section 131—

*insert—*

**‘131A Time and place of examination**

‘The examination of a person must be conducted at the time and place stated in the examination order.

**‘131B Examination to take place in private**

- ‘(1) The examination must take place in private.
- ‘(2) The court or judicial registrar may give directions about who may be present during the examination, or during a part of it.
- ‘(3) These people are entitled to be present at the examination—
  - (a) a lawyer of the person being examined; and
  - (b) an appropriate officer; and
  - (c) a commission officer; and
  - (d) a police officer; and
  - (e) a lawyer representing an appropriate officer, commission officer or police officer; and
  - (f) any person who is entitled to be present because of a direction under subsection (2).

**‘131C Role of the examinee’s lawyer**

‘The lawyer of the person being examined may, at the times during the examination that the court or judicial registrar decides—

- (a) address the court or judicial registrar about matters on which the person has been examined; and
- (b) examine the person about matters on which the person has been examined.

**‘131D Recording evidence**

- ‘(1) The court or judicial registrar must ensure that, if practicable, evidence given at an examination in Queensland is recorded under the *Recording of Evidence Act 1962*<sup>5</sup> or recorded in another way and authenticated by the court or judicial registrar.
- ‘(2) The court or judicial registrar must authenticate and sign any deposition or other recording.
- ‘(3) If evidence given at an examination is recorded in a deposition, it must—
  - (a) contain, in question and answer form, the evidence of the person examined; and
  - (b) be transcribed and read over by or to the person in the court’s or judicial registrar’s presence and in the presence of the parties who wish to attend; and
  - (c) be signed by the person, or, if the person refuses to sign the deposition, by the court or judicial registrar for the person.
- ‘(4) The court or judicial registrar may impose on the person being examined the conditions (if any) that the court or judicial registrar reasonably considers necessary to prevent improper disclosure of the record.’

---

5 Note the *Recording of Evidence Act 1962*, section 5—

**5 Power to direct recording under this Act**

- (1) In any legal proceeding in or before any court or judicial person, the court or judicial person may in its or the judicial person’s discretion, with or without any application for the purpose, direct that any evidence to be given and any ruling, direction, address, summing up, and other matter in the legal proceeding (or of any part of the legal proceeding in question) be recorded—
  - (a) if a shorthand reporter is available—in shorthand; or
  - (b) if a mechanical device and a recorder are available—by the mechanical device; or
  - (c) if a shorthand reporter, mechanical device, and a recorder are available—in shorthand or by the mechanical device or partly in shorthand and partly by the mechanical device.

**39 Amendment of s 200 (Application for special forfeiture order)**

Section 200(1)(b)(ii), ‘or alleged confiscation offence’—  
*omit.*

**40 Amendment of s 220 (Application of proceeds to satisfy order)**

Section 220—  
*insert—*

- ‘(2) For subsection (1), proceeds realised from the disposal of the property means the proceeds that remain after all registered or statutory encumbrances over the property have been discharged.’.

**41 Replacement of s 258 (Publication of proceedings)**

Section 258—  
*omit, insert—*

**‘258 Publication of proceedings**

‘If a proceeding is started under this Act, the Supreme Court may make the orders it considers appropriate about the publication of any matter arising under this Act.’.

**Part 9 Amendment of Drug Rehabilitation (Court Diversion) Act 2000****42 Act amended in this pt**

This part amends the *Drug Rehabilitation (Court Diversion) Act 2000*.

**43 Amendment of s 47 (Expiry of Act)**

Section 47(1) and (1A)—

*omit, insert—*

- ‘(1) This Act expires on 31 December 2006.’.

**Part 10 Amendment of Guardianship and Administration Act 2000****44 Act amended in this pt**

This part amends the *Guardianship and Administration Act 2000*.

**45 Amendment of s 18 (Inquiries about appropriateness and competence)**

- (1) Section 18(1), after ‘tribunal’—

*insert—*

‘, or the registrar acting either at the direction of the tribunal or on the registrar’s own initiative.’.

- (2) Section 18(2), after ‘tribunal’—

*insert—*

‘or registrar’.

- (3) Section 18—

*insert—*

- ‘(3) If the registrar makes the inquiries, the registrar must advise the tribunal of the results of the inquiries before the tribunal makes an appointment order.’.

**46 Amendment of s 26 (Automatic revocation)**

- (1) Section 26(1)—

*insert—*

‘(aa) the guardian or administrator becomes the service provider for a residential service where the adult is a resident; or’.

(2) Section 26(1)—

*insert—*

‘(d) the adult dies.’.

(3) Section 26(3), ‘or (b)’—

*omit, insert—*

‘, (aa), (b) or (d)’.

(4) Section 26—

*insert—*

‘(5) In this section—

***resident*** has the meaning given by the *Residential Services (Accreditation) Act 2002*.

***residential service*** has the meaning given by the *Residential Services (Accreditation) Act 2002*.

***service provider*** has the meaning given by the *Residential Services (Accreditation) Act 2002*.’.

#### 47 **Amendment of s 86 (Appointment of president and deputy presidents)**

Section 86—

*insert—*

‘(7) The president or a deputy president may be reappointed to office without the vacancy in the office being advertised.’.

#### 48 **Amendment of s 90 (Appointment of other tribunal members)**

Section 90—

*insert—*

‘(6) A member may be reappointed to office without the vacancy in the office being advertised.’.

**49 Amendment of s 91 (Selection)**

Section 91—

*insert—*

- ‘(3) This section does not apply to the reappointment of a person as the president, a deputy president or other tribunal member.’.

**50 Amendment of s 111 (Use of technology)**

Section 111—

*insert—*

- ‘(3) This section does not prevent the tribunal receiving evidence that is recorded on audiotape, videotape or another medium.’.

**51 Amendment of s 145E (Mediator must disclose conflict of interest)**

Section 145E(2), ‘constituted for the proceeding’—

*omit.***52 Amendment of sch 2 (Types of matters)**

Schedule 2, section 1—

*insert—*

- ‘(q) withdrawing money from, or depositing money into, the adult’s account with a financial institution.’.

**Part 11 Amendment of Jury Act 1995****53 Act amended in this pt**This part amends the *Jury Act 1995*.

**54 Amendment of s 70 (Confidentiality of jury deliberations)**

(1) Section 70(1)—

omit.

(2) Section 70(2), (3), (4) and (7)(b), ‘confidential information about jury deliberations’—

*omit, insert—*

‘jury information’.

(3) Section 70—

*insert—*

‘(12) A former member of a jury may disclose jury information to a health professional who is treating the former member in relation to issues arising out of the former member’s service on the jury.

‘(13) The health professional may ask the former member to disclose jury information for the purpose of treating the former member in relation to issues arising out of the former member’s service on the jury.

‘(14) The health professional must not disclose jury information to anyone else unless the health professional considers it necessary for the health or welfare of the former member.

Maximum penalty—2 years imprisonment.

‘(15) Subsection (14) does not apply in as far as the health professional discloses information that identifies the health professional’s patient to the sheriff for the purpose of the sheriff advising whether the patient was a former member of a jury.

‘(16) The sheriff may disclose to the health professional information advising whether the patient was a former member of a jury.

‘(17) In this section—

**doctor** includes a person registered as a medical practitioner under a law of the Commonwealth, or another State, that corresponds to the *Medical Practitioners Registration Act 2001*.

**health professional** means a person who practices a profession prescribed under a regulation for the definition, and includes a doctor and a psychologist.

**jury information** means—

- (a) information about statements made, opinions expressed, arguments advanced, or votes cast, in the course of a jury's deliberations; or
- (b) information identifying or likely to identify a person as, or as having been, a juror in a particular proceeding.

**psychologist** means a person registered as a psychologist under the *Psychologists Registration Act 2001* or under a law of the Commonwealth, or another State, that corresponds to that Act.

**treat**, in relation to a patient of a health professional, means provide a service to the patient in the course of the patient's seeking or receiving advice or treatment.'

## Part 12 Amendment of Justices Act 1886

### 55 Act amended in this pt

This part amends the *Justices Act 1886*.

### 56 Amendment of s 142A (Permissible procedure in absence of defendant in certain cases)

Section 142A—

*insert—*

- '(15) To remove any doubt, it is declared that this section also applies if a person fails to appear before a court after the person is granted bail, or permitted to go at large without bail, under the *Bail Act 1980*.'

## **Part 13**                      **Amendment of Land and Resources Tribunal Act 1999**

### **57**      **Act amended in this pt**

This part amends the *Land and Resources Tribunal Act 1999*.

### **58**      **Amendment of s 27A (Membership of other decision-making entity)**

Section 27A(3), definition *decision-making entity*, ‘, other than a court,’—

*omit.*

### **59**      **Amendment of s 39 (General requirements for constituting tribunal for proceeding)**

Section 39(2)—

*insert—*

‘(ab) 1 or more presiding members and a referee non-presiding member who has been appointed as a mining referee (also a *standard panel*); or’.

## **Part 14**                      **Amendment of Land Court Act 2000**

### **60**      **Act amended in this pt**

This part amends the *Land Court Act 2000*.

### **61**      **Amendment of s 16 (Appointment of president and other members of Land Court)**

(1) Section 16(3A), after ‘section 17’—

*insert—*

‘or under the *Land and Resources Tribunal Act 1999*, section 27A’.

(2) Section 16—

*insert—*

‘(7) Despite subsections (2) and (3), a member who, before the end of the member’s term of appointment, starts the hearing of a proceeding may remain a member until the proceeding ends.’.

## **62 Amendment of s 42 (Retirement of members)**

Section 42(2), ‘the hearing ends’—

*omit, insert—*

‘the proceeding ends’.

# **Part 15 Amendment of Magistrates Act 1991**

## **63 Act amended in this pt**

This part amends the *Magistrates Act 1991*.

## **64 Amendment of s 23 (Decisions about constituting Magistrates Courts)**

Section 23—

*insert—*

‘(5) The Chief Magistrate may refer to the advisory committee, for consideration and a transfer recommendation, the question of which magistrate is to constitute a Magistrates Court at a place where the person who was the magistrate has ceased to be a magistrate under section 42.’<sup>6</sup>

---

6 Section 42 (Tenure of office)

## Part 16 Amendment of Peace and Good Behaviour Act 1982

### 65 Act amended in this pt

This part amends the *Peace and Good Behaviour Act 1982*.

### 66 Amendment of s 4 (Complaint in respect of breach of the peace)

(1) Section 4(1), ‘Upon complaint made before’—

*omit, insert—*

‘A person (the **complainant**) may make a complaint to’.

(2) Section 4(1), from ‘, the justice, if’ to ‘according to law’—

*omit.*

(3) Section 4(2)—

*omit, insert—*

‘(2) A person (also the **complainant**) may make a complaint to a justice of the peace that the intentional conduct of a person (also the **defendant**) directed at the complainant has caused the complainant to fear that the defendant will destroy or damage any property of the complainant.

‘(2A) If the matter of a complaint under subsection (1) or (2) is substantiated to the justice’s satisfaction, and the justice considers it is reasonable in the circumstances for the complainant to have the fear mentioned in the subsection, the justice may issue—

(a) a summons directed to the defendant requiring the defendant to appear at a stated time and place before a Magistrates Court; or

(b) a warrant to apprehend the defendant and to cause the defendant to be brought before a Magistrates Court;

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



**71 Amendment of s 57 (Matters to be considered on application)**

(1) Section 57—

*insert—*

- ‘(1A) The fact that an offender’s only source of income is a social security or veteran’s pension, benefit or allowance from the Commonwealth is a ground on which a court may be satisfied that the offender or the offender’s family would suffer economic hardship if the offender were to pay the fine in accordance with the original order.
- ‘(1B) In considering an application for a fine option order, a court or proper officer of the court must have regard to the principle that an offender should not be considered to be unsuitable to perform community service merely because of—
- (a) any physical, intellectual or psychiatric disability of the offender; or
  - (b) the offender’s sex, educational level or religious beliefs.
- ‘(1C) Subsection (1B) does not limit the matters to which the court or proper officer of the court may have regard.’.

(2) Section 57—

*insert—*

- ‘(2A) An authorised corrective services officer must not, in any information, notification or report, recommend that a fine option order or community based order should not be made for an offender merely because of—
- (a) any physical, intellectual or psychiatric disability of the offender; or
  - (b) the offender’s sex, educational level or religious beliefs.’.

**72 Amendment of s 67 (Directions under fine option order)**

Section 67—

*insert—*

- ‘(2) A direction given under a fine option order may be given orally or in writing.

- ‘(3) An offender must not be given a direction under a fine option order to perform more than 8 hours community service on any day.
- ‘(4) However, if the offender consents and an authorised corrective services officer approves, the offender may perform more than 8 hours community service in a day.
- ‘(5) In performing community service, the offender must be allowed reasonable rest and meal breaks.’.

**73 Amendment of s 68 (Period mentioned in s 66(2) may be extended)**

- (1) Section 68(1)(b)—

*omit, insert—*

‘(b) by the proper officer of the court under section 74(7)(a).’.

- (2) Section 68—

*insert—*

- ‘(5) If the 1 year or other time is extended, the court or proper officer of the court that makes the extension must notify the chief executive (corrective services) and the offender of the extension in the approved form.’.

**74 Amendment of s 114 (General requirements of intensive correction order)**

Section 114—

*insert—*

- ‘(2A) Unless the court or an authorised corrective services officer otherwise directs, the offender must—
- (a) attend programs for one-third of the time directed; and
  - (b) perform community service for two-thirds of the time directed.’.

**75 Amendment of s 128 (Summons or warrant for contravention of single community based order)**

Section 128—

*insert—*

- ‘(5) If a summons or warrant is issued, the complainant must immediately forward the complaint to the court before which the offender is required or directed to appear or to be brought under the summons or warrant.’.

**76 Amendment of s 129 (Summons or warrant for contravention of multiple orders made by courts of different jurisdictions)**

Section 129—

*insert—*

- ‘(5) If a summons or warrant is issued, the complainant must immediately forward the complaint to the court before which the offender is required or directed to appear or to be brought under the summons or warrant.’.

**77 Amendment of s 135 (Directions under community based order)**

Section 135—

*insert—*

- ‘(2) A direction given under a community based order may be given orally or in writing.
- ‘(3) An offender must not be given a direction under a community based order to perform more than 8 hours community service on any day.
- ‘(4) However, if the offender consents and an authorised corrective services officer approves, the offender may perform more than 8 hours community service in a day.
- ‘(5) In performing community service, the offender must be allowed reasonable rest and meal breaks.’.

**78 Amendment of s 154 (Calculation of term of imprisonment)**

(1) Section 154, before ‘section 158’—

*insert—*

‘the repealed’.

(2) Section 154—

*insert—*

‘(2) In this section—

*repealed section 158* means section 158 as in force immediately before it was repealed by the *Justice and Other Legislation Amendment Act 2004*.’.

**79 Omission of s 158 (Imprisonment to have effect from arrest)**

Section 158—

*omit.*

**80 Amendment of s 161 (Time held in presentence custody to be deducted)**

(1) Section 161(3), ‘the sentencing court must’—

*omit, insert—*

‘and the court has not made an order mentioned in subsection (3A), the sentencing court must, as part of the sentencing order’.

(2) Section 161(3)(d) and (e)—

*omit.*

(3) Section 161—

*insert—*

‘(3A) Subsection (3B) applies if—

(a) an offender was held in custody in circumstances to which subsection (1) applies (*presentence custody*); and

- (b) the sentencing court orders that the time, or part of the time, the offender was held in custody is not to be taken to be imprisonment already served under the sentence.
- ‘(3B) The sentencing court must, as part of the sentencing order—
  - (a) state the dates between which the offender was held in presentence custody; and
  - (b) calculate the time that the offender was held in presentence custody; and
  - (c) declare the part of the time that is taken to be imprisonment already served under the sentence or declare that no time is taken to be imprisonment already served under the sentence.
- ‘(3C) If an offender was held in presentence custody and the sentencing court makes a declaration under subsection (3)(c) or (3B)(c), the sentencing court must cause the chief executive (corrective services) to be advised in writing of the declaration and its details.’.
- (4) Section 161(4)—  
*omit, insert—*
- ‘(4) If—
  - (a) an offender is charged with a number of offences committed on different occasions; and
  - (b) the offender has been in custody since arrest on charges of the offences and for no other reason;

the time held in presentence custody must be taken, for the purposes of subsection (1), to start when the offender was first arrested on any of those charges, even if the offender is not convicted of the offence for which the offender was first arrested or any 1 or more of the number of offences with which the offender is charged.
- ‘(4A) To help the sentencing court for the purposes of subsections (3) and (3B), the prosecuting authority must give to the court a presentence custody certificate.’.
- (5) Section 161(6)—  
*omit, insert—*

- ‘(6) An application for a declaration under subsection (3), (3B) or (5) may be made by—
- (a) the offender; or
  - (b) the prosecuting authority; or
  - (c) the offender and the prosecuting authority jointly.
- ‘(7) If an application for a declaration under subsection (5) is made by the offender and the prosecuting authority jointly, the sentencing court may make the declaration having regard to written materials and submissions before it and without requiring the attendance of the parties.
- ‘(8) Subsection (7) applies only if—
- (a) the parties propose in the joint application that the declaration be made having regard to written materials and submissions before the court and without the attendance of the parties; and
  - (b) the application is accompanied by a draft order and written submission in support.
- ‘(9) If the sentencing court decides that the application is inappropriate for decision without an oral hearing, the court—
- (a) must immediately notify the parties to the application of the decision by telephone or in some other way; and
  - (b) may set a date for hearing.
- ‘(10) In this section—
- presentence custody certificate*** means a certificate, in the approved form, signed by the chief executive (corrective services) or an authorised corrective services officer, that—
- (a) states the offence or offences for which the offender was held in custody; and
  - (b) states the dates between which the offender was held in custody for each of those offences; and
  - (c) calculates the time that the offender was held in custody.
- proceedings for the offence*** includes proceedings that relate to the same, or same set of, circumstances as those giving rise to the charging of the offence.

*prosecuting authority* means—

- (a) if the sentencing court is the Supreme Court or a District Court—the director of public prosecutions; or
- (b) if the sentencing court is a Magistrates Court—the prosecutor.’.

## **81 Insertion of new s 195A**

After section 195—

*insert—*

### **‘195A Failure to perform community service in a satisfactory way**

- ‘(1) For the purposes of sections 66(1)(b), 103(1)(d) and 114(1)(e), an offender is taken not to perform community service in a satisfactory way if the offender—
  - (a) reports to perform community service under the influence of intoxicating liquor or a dangerous drug; or
  - (b) is under the influence of intoxicating liquor or a dangerous drug while performing community service; or
  - (c) unlawfully damages—
    - (i) anything supplied to the offender for the purpose of performing community service; or
    - (ii) property in relation to which the offender is required to perform community service.
- ‘(2) Subsection (1) does not limit the circumstances in which an offender does not perform community service in a satisfactory way.
- ‘(3) In this section—

*dangerous drug* means a dangerous drug within the meaning of the *Drugs Misuse Act 1986*.’.

## **82 Insertion of new s 197**

After section 196—

*insert—*

**‘197 Forms**

‘The chief executive may approve forms for use under this Act.’.

**83 Insertion of new s 212**

After section 211—

*insert—*

**‘212 Transitionals for the 2004 amendments—approved forms and serious violent offences**

- ‘(1) A form approved by the chief executive (corrective services) for a purpose under this Act, and in force immediately before section 4 was amended by the 2004 Amendment Act, continues as the approved form for the purpose under this Act after the amendment.
- ‘(2) The amendment of section 161 by the 2004 Amendment Act applies in relation to a declaration to be made under section 161(3)(c) or (3B)(c) after the commencement of the amendment—
- (a) whether the offences were committed before or after the commencement of the amendment; and
  - (b) whether the offender was convicted of the offences before or after the commencement of the amendment.
- ‘(3) The amendment of the schedule by the 2004 Amendment Act applies for the purposes of sections 161A to 161C—
- (a) whether the offences were committed before or after the commencement of the amendment; and
  - (b) whether the offender was convicted of the offences before or after the commencement of the amendment.
- ‘(4) In this section—
- 2004 Amendment Act* means the *Justice and Other Legislation Amendment Act 2004*.’.

**84 Amendment of sch (Serious violent offences)**

- (1) Schedule, entry for Criminal Code, item 1—



*Commission Act 1991* within the period prescribed for making a complaint under that Act; and

- (b) gives the initial notice to the person as soon as practicable after the complaint is finalised under the *Health Rights Commission Act 1991*.

## **87 Insertion of new s 77DA**

After section 77D—

*insert—*

### **‘77DA Validity of s 77D proceedings**

- ‘(1) This section applies to a proceeding for a personal injury in relation to which section 77D applies.
- ‘(2) It is declared that the proceeding was validly started, and is taken to have always been validly started, under section 77D(2) if—
- (a) for a proceeding started on or before 18 June 2003—a complying notice of claim was given before the proceedings were started; or
- (b) for a proceeding started after 18 June 2003 but not later than the end of 18 December 2003—
- (i) a complying notice of claim was given within 6 months before the proceeding was started; and
- (ii) the court’s leave under that provision was given before the proceeding was started.
- ‘(3) To remove any doubt, it is further declared that—
- (a) section 77D(2)(a) or (b) does not require 6 months to have elapsed between the giving of the complying notice of claim and the start of the proceeding; and
- (b) for the purposes of section 77D(2)(b)—
- (i) the complying notice of claim may have been given before, on or after 18 June 2003; and
- (ii) a court had power to grant leave under that provision if a complying notice of claim was given at any time within 6 months before the proceeding was started.

- ‘(4) Subsections (2) and (3) apply to a proceeding despite any decision of a court to the contrary in relation to the proceeding.’.

## **Part 19                      Amendment of Police Service Administration Act 1990**

### **88      Act amended in this pt**

This part amends the *Police Service Administration Act 1990*.

### **89      Amendment of s 10.5 (Liability for tort generally)**

Section 10.5(3), ‘by the Crown as constituting contributory negligence’—

*omit, insert—*

‘as constituting contributory negligence by the Crown’.

## **Part 20                      Amendment of Powers of Attorney Act 1998**

### **90      Act amended in this pt**

This part amends the *Powers of Attorney Act 1998*.

### **91      Amendment of s 29 (Meaning of *eligible attorney*)**

- (1) Section 29(1)(a)(iii)—

*renumber* as section 29(1)(a)(iv).

- (2) Section 29(1)(a)—

*insert—*

‘(iii) not a service provider for a residential service where the principal is a resident; and’.

**92 Insertion of new s 59AA**

After section 59—

*insert—*

**‘59AA Service provider**

‘If the attorney becomes the service provider for a residential service where the principal is a resident, the enduring document is revoked to the extent it gives power to the attorney.’.

**93 Amendment of sch 2 (Types of matters)**

Schedule 2, section 1—

*insert—*

‘(q) withdrawing money from, or depositing money into, the principal’s account with a financial institution.’.

**94 Amendment of sch 3 (Dictionary)**

Schedule 3—

*insert—*

‘**resident** has the meaning given by the *Residential Services (Accreditation) Act 2002*.

**residential service** has the meaning given by the *Residential Services (Accreditation) Act 2002*.

**service provider** has the meaning given by the *Residential Services (Accreditation) Act 2002*.’.



**100 Amendment of s 43 (Legacies or shares of person under a disability etc. may be paid to public trustee)**

Section 43(2), '\$50 000'—

*omit, insert—*

'\$75 000'.

**101 Amendment of s 45 (Administration of benefit funds)**

(1) Section 45(5)(a), '\$50 000'—

*omit, insert—*

'\$75 000'.

(2) Section 45(5)(b), '\$25 000'—

*omit, insert—*

'\$40 000'.

**102 Amendment of s 48 (General powers)**

Section 48(b), '\$50 000'—

*omit, insert—*

'\$75 000'.

**103 Amendment of s 51 (Public trustee may hold property to which mentally incapable beneficiary is entitled)**

Section 51, '\$50 000'—

*omit, insert—*

'\$75 000'.

**104 Amendment of s 54 (Where residue may be paid to spouse)**

Section 54(1), '\$20 000'—

*omit, insert—*

'\$30 000'.

**105 Amendment of s 88 (Disposal of property on death where value under \$50 000)**

- (1) Section 88, heading, ‘\$50 000’—  
*omit, insert—*  
‘\$75 000’.
- (2) Section 88(1)(c), ‘\$50 000’—  
*omit, insert—*  
‘\$75 000’.

**106 Amendment of s 104 (Manner in which public trustee may become administrator)**

- (1) Section 104(2), ‘\$50 000’—  
*omit, insert—*  
‘\$75 000’.
- (2) Section 104(3B), ‘\$2 000’—  
*omit, insert—*  
‘\$3 000’.

**Part 22 Amendment of Regulatory Offences Act 1985****107 Act amended in this pt**

This part amends the *Regulatory Offences Act 1985*.

**108 Amendment of s 5 (Unauthorised dealing with shop goods)**

- Section 5—  
*insert—*
- ‘(1A) Without limiting subsection (1)(b), a price may be shown on goods by a bar code or a similar device.’.

## **Part 23                      Amendment of Succession Act 1981**

### **109    Act amended in this pt**

This part amends the *Succession Act 1981*.

### **110    Amendment of s 41 (Estate of deceased person liable for maintenance)**

Section 41(7), after ‘person under a legal incapacity’—  
*insert—*

‘, may apply on behalf of a person under a legal incapacity’.

## **Part 24                      Amendment of Supreme Court Act 1995**

### **111    Act amended in this pt**

This part amends the *Supreme Court Act 1995*.

### **112    Amendment of s 18 (Actions how brought)**

(1) Section 18(1), ‘the jury may’—

*omit, insert—*

‘the court may’.

(2) Section 18(1), ‘as they may’—

*omit, insert—*

‘as the court may’.

(3) Section 18(1), ‘the jury by their verdict’—

*omit, insert—*

‘the court’.

**113 Amendment of s 22 (Payment into court in one sum)**

- (1) Section 22(1), ‘the jury’—  
*omit, insert—*  
‘the court’.
- (2) Section 22(2), ‘the jury think’—  
*omit, insert—*  
‘the court thinks’.
- (3) Section 22(2), ‘to the verdict’—  
*omit, insert—*  
‘to the court’s decision’.

**114 Insertion of new ss 23A–23D**

Part 4, division 5, after section 23—

*insert—*

**‘23A Damages for spouse’s benefit in wrongful death proceeding**

- ‘(1) This section applies if, in a proceeding under this division, a court is assessing damages in relation to financial benefits lost by a spouse of the deceased person as a result of the deceased person’s death.
- ‘(2) The court must not take into account any financial benefits that the spouse may receive as a result of a new relationship that the spouse may enter into after the assessment.
- ‘(3) Subsection (2) applies even if the spouse intends to enter into a new relationship.
- ‘(4) However, if the spouse has entered into a new relationship since the deceased person’s death, the court may take into account any financial benefits that the spouse has received, and any financial benefits that the spouse is likely to receive, as a result of the new relationship.
- ‘(5) Subsection (4) applies even if the new relationship ends before the assessment.

‘(6) In considering what financial benefits the spouse is likely to receive as a result of the new relationship, the court must not assume—

- (a) that the new relationship will necessarily continue; or
- (b) that the spouse will necessarily continue to receive the same financial benefits as a result of the new relationship as the spouse has already received as a result of the new relationship.

‘(7) In this section—

*financial benefits* means either or both of the following—

- (a) monetary benefits;
- (b) other material benefits having a monetary value, including, for example, domestic services.

*relationship* means—

- (a) a marriage; or
- (b) a de facto relationship within the meaning of the *Acts Interpretation Act 1954*, section 36.

*spouse*, of a deceased person, includes a de facto partner of the deceased person only if section 18(2) is satisfied in relation to the de facto partner.

### **‘23B Damages for child’s benefit in wrongful death proceeding**

‘(1) This section applies if—

- (a) in a proceeding under this division, a court is assessing damages in relation to financial benefits lost by a child of the deceased person as a result of the deceased person’s death; and
- (b) the deceased person predeceases another parent of the child (the *surviving parent*).

‘(2) If there was a relationship between the deceased person and the surviving parent immediately before the deceased person’s death, it is irrelevant to the assessment whether or not the relationship would have continued apart from the death.

- ‘(3) If there was a relationship between the deceased person and the surviving parent that ended before the deceased person’s death, any damages assessed must not be reduced because the relationship ended before the death.
- ‘(4) In assessing damages, the court must not take into account any financial benefits that the child has received, or may receive, from any person other than the deceased person, including any financial benefits that the child has received, or may receive, as a result of—
- (a) a new relationship that the surviving parent may enter into after the assessment; or
  - (b) a new relationship entered into by the surviving parent since the death of the deceased person.
- ‘(5) In this section—
- financial benefits* see section 23A.
- relationship* see section 23A.

**‘23C Sections 23A and 23B do not limit**

‘Sections 23A and 23B apply without limiting—

- (a) the other matters the court must or may take into account in assessing damages; or
- (b) the other matters the court must not or may not take into account in assessing damages.

**‘23D Transitional provision for Justice and Other Legislation Amendment Act 2004**

- ‘(1) Sections 23A and 23B apply if, after the commencement of this section, the court assesses damages in a proceeding under this division in relation to a person’s death.
- ‘(2) It does not matter whether the proceeding was started before the commencement of this section.’



- ‘(6) If the chief executive refuses to remove the disqualification, the person must wait at least 1 year after the date of the chief executive’s written notice before—
- (a) reapplying to the chief executive, under this section, to remove the disqualification; or
  - (b) applying to a court, under section 131, to remove the disqualification.’.

## **Part 26                      Amendment of Trustee Companies Act 1968**

### **117    Act amended in this pt**

This part amends the *Trustee Companies Act 1968*.

### **118    Replacement of s 66B (Restriction on giving guarantees)**

Section 66B—

*omit, insert—*

#### **‘66B    Liability under guarantee**

‘An estate administered or managed by a trustee company is not liable for the payment of money under a guarantee from the trustee company unless the guarantee is lawfully given by the trustee company on behalf of the estate.’.

### **119    Amendment of sch 2**

Schedule 2, part 2, entries for Perpetual Trustees Australia Limited and Perpetual Trustees Queensland Limited —

*omit, insert—*

## **‘Perpetual Trustees Australia Limited**

- ‘(1) The paid-up capital of the company must be at least \$2 000 000.

- ‘(2) A member must not be the beneficial holder of more than 10% of the capital of the company from time to time on issue.

### **‘Perpetual Trustees Queensland Limited**

- ‘(1) The paid-up capital of the company must be at least \$2 000 000.
- ‘(2) A member, other than Perpetual Trustees Australia Limited, must not be the beneficial holder of more than 10% of the capital of the company from time to time on issue.’.

## Schedule            Minor amendments

section 3

### Anti-Discrimination Act 1991

**1        Section 181(2)(c), ‘tribunal’—**

*omit, insert—*

‘tribunal,’.

**2        Section 236H—**

*renumber* as section 263H.

### Bail Act 1980

**1        Schedule, from ‘Offences defined in’—**

*omit, insert—*

‘Offences defined in—

- *Racing Act 2002*, section 321, 323 or 325<sup>7</sup>
- *Racing and Betting Act 1980*, sections 214, 216, 217 and 219<sup>8</sup>

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<sup>7</sup> *Racing Act 2002*, section 321 (Unlawful bookmaking other than by racing bookmakers etc.), 323 (Prohibition on opening, keeping, using or promoting an illegal betting place) or 325 (Using an illegal betting place)

<sup>8</sup> *Racing and Betting Act 1980*, sections 214 (Unlawful bookmaking by persons other than racing bookmakers etc.), 216 (Prohibition of opening, keeping or using a common betting house), 217 (Possession of instrument of betting) and 219 (Resorting to common betting house prohibited)

**Schedule (continued)**

- *Transport Operations (Road Use Management) Act 1995, section 79.<sup>9</sup>.*

**Births, Deaths and Marriages Registration Act 2003**

- 1 Section 44(5), after ‘A certificate must’—**  
*insert—*  
‘state’.
- 2 Section 44(5)(a), ‘state’—**  
*omit.*
- 3 Part 10, heading, ‘and consequential amendments’—**  
*omit.*

**Childrens Court Act 1992**

- 1 Section 26(2), ‘District Court Act 1967’—**  
*omit, insert—*  
‘*District Court of Queensland Act 1967*’.

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9 *Transport Operations (Road Use Management) Act 1995, section 79 (Driving etc. whilst under influence of liquor or drugs or with prescribed concentration of alcohol in blood or breath)*

## Schedule (continued)

**Coroners Act 2003**

- 1 Section 10(2), definition *custody*, paragraph (d), ‘section 41, 43, 120 or 121’ and footnote—**  
*omit, insert—*  
 ‘section 54, 56, 175 or 176’.
- 2 Section 17(1), first example, ‘section 224AR’ and footnote—**  
*omit, insert—*  
 ‘section 299’.
- 3 Section 17(1), second example, ‘Child Protection Act’—**  
*omit, insert—*  
 ‘Child Protection Act 1999’.
- 4 Part 6, division 2, after section 106—**  
*insert—*
- ‘107 Effectiveness of this div**  
 ‘It is declared that the enactment of this division is, and always has been, as effective as it would have been if the amendment of the Act by the *Births, Deaths and Marriages Registration Act 2003*, schedule 1, Coroners Act 2003, item 9 directed that this division be inserted in part 6 of this Act.’.

**Criminal Code**

- 1 Section 1, definition *carnal knowledge*, first entry—**  
*omit.*

## Schedule (continued)

**2 Section 6—***insert—*

‘(2) *Carnal knowledge* includes sodomy.’.

**Criminal Law (Rehabilitation of Offenders) Act 1986****1 Section 9A(1), table, column 1, item 5, from ‘Employee’ to ‘State school.’—***renumber* as item 5(1).**2 Section 9A(1), table, column 1, item 5(3)—***renumber as* item 5(2).**Criminal Offence Victims Act 1995****1 Section 4(5)(c), ‘Criminal Practice Rules 1900’—***omit, insert—**‘Criminal Practice Rules 1999’.***2 Section 17(2), example, ‘included’—***omit, insert—**‘includes’.*

## Schedule (continued)

**Criminal Proceeds Confiscation Act 2002**

- 1 **Section 58(9), definition *limitation period*, paragraph (a), after ‘made;’—**  
*insert—*  
‘and’.
- 2 **Section 176(4), ‘consider’—**  
*omit, insert—*  
‘considers’.
- 3 **Section 234(2)(a), subparagraph (vi), after ‘176;’—**  
*insert—*  
‘and’.
- 4 **Schedule 6, definition *ancillary*, note for paragraph (c)—**  
*omit.*
- 5 **Schedule 6, definition *encumbrance*, ‘and’—**  
*omit, insert—*  
‘or’.
- 6 **Schedule 6, definition *money laundering*, ‘the’—**  
*omit, insert—*  
‘an’.
- 7 **Schedule 6, definition *spouse*, from ‘includes’—**  
*omit, insert—*  
‘includes a former spouse.’.

## Schedule (continued)

- 8**      **Schedule 6, definition *weapon*, ‘section 5 or’—**  
*omit.*

**Criminal Law Amendment Act 1892**

- 1**      **Schedule, ‘199 3’—**  
*omit, insert—*  
‘20’.

**Criminal Law (Sexual Offences) Act 1978**

- 1**      **Section 15, heading, before ‘Act’—**  
*insert—*  
‘Amendment’.

**Dispute Resolution Centres Act 1990**

- 1**      **Section 2(1), definition *referring order*, paragraph (b),**  
**‘District Court Act 1967’—**  
*omit, insert—*  
‘District Court of Queensland Act 1967’.

## Schedule (continued)

**District Court of Queensland Act 1967**

- 1 Section 69(4), ‘Without affecting the generality of subsection (3), the’—**

*omit, insert—*

‘The’.

- 2 Section 87, ‘Limitations of Action Act 1974’—**

*omit, insert—*

‘Limitation of Actions Act 1974’.

**Drug Rehabilitation (Court Diversion) Act 2000**

- 1 Section 23(5), ‘division 2 and 3, does’—**

*omit, insert—*

‘divisions 2 and 3, do’.

**Evidence Act 1977**

- 1 After section 136—**

*insert—*

**‘Division 1A Justice and Other Legislation  
Amendment Act 2003’.**

- 2 Section 137, as inserted by the *Justice and Other Legislation Amendment Act 2003*—**

*renumber* as section 136A.

## Schedule (continued)

**Financial Transaction Reports Act 1992**

- 1 **Long title, ‘*Financial Transaction Act 1988*’—**  
*omit, insert—*  
*‘Financial Transaction Reports Act 1988’.*

**Guardianship and Administration Act 2000**

- 1 **Schedule 4, definitions *recognised provision* and *registrable order*, ‘chapter 9’—**  
*omit, insert—*  
*‘chapter 7, part 9’.*

**Judicial Review Act 1991**

- 1 **Schedule 3, entry for section 2—**  
*omit.*
- 2 **Schedule 3, entry for sections 13–17, ‘13–17’—**  
*omit, insert—*  
*‘13–16’.*
- 3 **Schedule 3, entry for section 55—**  
*omit.*

## Schedule (continued)

- 4**     **Schedule 3, entry for sections 57–61, ‘57–61’—**  
*omit, insert—*  
*‘57’.*
- 5**     **Schedule 3, entry for schedules 3–5, ‘schedules 3–5’—**  
*omit, insert—*  
*‘schedule 3’.*

**Jury Act 1995**

- 1**     **Section 4(3), second paragraph (m)—**  
*renumber as* section 4(3)(n).

**Legal Profession Act 2004**

- 1**     **Section 629—**  
*omit.*
- 2**     **Schedule 2—**  
*omit.*
- 3**     **Schedule 3, ‘sections 629 and’—**  
*omit, insert—*  
*‘section’.*

## Schedule (continued)

**Powers of Attorney Act 1998**

- 1      **Section 23(2), example, ‘section 68.’ and footnote—**  
*omit, insert—*  
‘section 59A.<sup>10</sup>’.
- 2      **Section 24, from ‘the attorney’—**  
*omit, insert—*  
‘the attorney.<sup>11</sup>’.

**Property Law Act 1974**

- 1      **Section 254(2), ‘section 260’ and footnote—**  
*omit, insert—*  
‘section 350’.

**Small Claims Tribunals Act 1973**

- 1      **Section 4(1), definition *claimant*, paragraphs (a) to (f),**  
**after ‘;’—**  
*insert—*  
‘or’.

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10    Section 59A (Effect of power ending)

11    Section 59A (Effect of power ending)

## Schedule (continued)

- 2 Section 4(1), definition *respondent*, paragraph (a), after ‘;’—**  
*insert—*  
‘or’.
- 3 Section 4(1), definition *small claim*, paragraph (a)(i) to (iv), after ‘;’—**  
*insert—*  
‘or’.
- 4 Section 14(3)(a) and (b), after ‘;’—**  
*insert—*  
‘and’.
- 5 Section 14(3)(b), ‘Commissioner for Consumer Affairs’ and footnote—**  
*omit, insert—*  
‘commissioner for fair trading’.
- 6 Section 20(2)(a)(i) to (iv), after ‘;’—**  
*insert—*  
‘or’.
- 7 Section 20(2)(a)(v), after ‘;’—**  
*insert—*  
‘or’.
- 8 Section 20(2)(b) to (e), after ‘;’—**  
*insert—*  
‘or’.

## Schedule (continued)

- 9 Section 22(3)(a), after ‘;’—**  
*insert—*  
‘and’.
- 10 Section 23A(3)(c)(i), after ‘;’—**  
*insert—*  
‘and’.
- 11 Section 23A(5), ‘Magistrates Courts Rules 1960.’ and footnote—**  
*omit, insert—*  
‘Uniform Civil Procedure Rules 1999.’.
- 12 Section 25(1)(a), after ‘;’—**  
*insert—*  
‘and’.
- 13 Section 32(4)(a), after ‘;’—**  
*insert—*  
‘and’.
- 14 Section 33(2)(a), after ‘;’—**  
*insert—*  
‘and’.
- 15 Section 38(3)(a) to (d), after ‘;’—**  
*insert—*  
‘and’.

## Schedule (continued)

- 16 Section 44, after ‘with respect to’—**  
*insert—*  
‘the following’.

**Succession Act 1981**

- 1 Section 28(a) to (d), after ‘;’—**  
*insert—*  
‘and’.
- 2 Section 37(2)(a), after ‘;’—**  
*insert—*  
‘or’.
- 3 Section 52(1)(a) to (d), after ‘;’—**  
*insert—*  
‘and’.
- 4 Section 66(2) to (c), after ‘;’—**  
*insert—*  
‘and’.
- 5 Section 66(2)(d)(i), after ‘;’—**  
*insert—*  
‘or’.

## Schedule (continued)

**Vexatious Litigants Act 1981**

- 1 Section 9(1)(b), ‘a District Court’—**  
*omit, insert—*  
‘the District Court’.