



Queensland

Peace and Good Behaviour Regulation 2010

Subordinate Legislation 2010 No. 232

made under the

Peace and Good Behaviour Act 1982

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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 4 of the Act.

defendant means a person complained against under section 4 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 4(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 4(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 4(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 4(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 4(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 4 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 4(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 4(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);

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- (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 4(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.

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.

ENDNOTES

- 1 Made by the Governor in Council on 26 August 2010.
- 2 Notified in the gazette on 27 August 2010.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.