

Queensland



**JUSTICE AND OTHER
LEGISLATION
(MISCELLANEOUS
PROVISIONS) BILL (No. 2)
1997**

Queensland



**JUSTICE AND OTHER LEGISLATION
(MISCELLANEOUS PROVISIONS) BILL
(No. 2) 1997**

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1997

A BILL

FOR

**An Act to amend various Acts administered by the Attorney-General
and Minister for Justice and for other purposes**

*Justice and Other Legislation (Miscellaneous
Provisions) (No. 2)*

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

Clause **1.** This Act may be cited as the *Justice and Other Legislation (Miscellaneous Provisions) Act (No. 2) 1997*.

4

5

Commencement

6

Clause **2.(1)** The following provisions of this Act commence on the date of assent—

7

8

- parts 3, 7 to 13, 16 to 21, 23 and 25
- the schedule.

9

10

(2) The remaining provisions commence on a day to be fixed by proclamation.

11

12

Amended Acts—schedule

13

Clause **3.** The schedule amends the Acts mentioned in it.

14

**PART 2—AMENDMENT OF ASSOCIATIONS
INCORPORATION ACT 1981**

15

16

Act amended in pt 2

17

Clause **4.** This part amends the *Associations Incorporation Act 1981*.

18

*Justice and Other Legislation (Miscellaneous
Provisions) (No. 2)*

	Amendment of s 56 (Subsequent annual general meetings)	1
Clause	5. Section 56(b), ‘3 months’—	2
	<i>omit, insert—</i>	3
	‘6 months’.	4
	Amendment of s 59 (Audit and statement)	5
Clause	6. Section 59(1), ‘3 months’—	6
	<i>omit, insert—</i>	7
	‘6 months’.	8
	 PART 3—AMENDMENT OF BURIALS ASSISTANCE ACT 1965	 9 10
	Act amended in pt 3	11
Clause	7. This part amends the <i>Burials Assistance Act 1965</i> .	12
	Amendment of s 4 (Cost of burial or cremation)	13
Clause	8. Section 4(2), after ‘chief executive’—	14
	<i>insert—</i>	15
	‘on behalf of the State’.	16
	Insertion of new s 4A	17
Clause	9. After section 4—	18
	<i>insert—</i>	19
	‘Charge on account with financial institution	20
	‘4A.(1) Any funds standing to the credit of the deceased, or the	21

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deceased's personal representative, with a financial institution at or after the time a notice is given to a financial institution under this section are charged in the hands of the financial institution from the time the notice is given or the time the funds come into the institution's hands, as the case may be.

'(2) However, funds held on a joint account or as a trustee, other than as the deceased's personal representative, are not subject to the charge.

'(3) The charge attaches to secure payment of the following—

- (a) the expenses recoverable under section 4(2);
- (b) any costs awarded in a proceeding to recover the expenses;
- (c) any proper costs of enforcing a judgement in the proceeding.

'(4) A charge under this section is lower in priority than any earlier charge unless the earlier charge provides otherwise.

'(5) The chief executive may give a written notice to a financial institution about the charge.

'(6) The notice about the charge must state the following—

- (a) the notice is given under this section;
- (b) the name and address, if known, of the deceased;
- (c) the amount currently subject to the charge;
- (d) the general effect of this section, including the following—
 - (i) the charge applies to funds standing to the credit of the deceased, or the deceased's personal representative, in, or afterwards coming into, the institution's hands;
 - (ii) the charge is lower in priority than any earlier charge (unless the earlier charge provides otherwise);
 - (iii) the institution must pay the funds, other than funds subject to an earlier charge of higher priority, to the chief executive within 7 days after the notice is given to the extent of the amount the notice states is currently subject to the charge;
 - (iv) payment in accordance with the notice is a valid discharge of the institution's liability to the person otherwise entitled to the funds paid.

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Provisions) (No. 2)*

‘(7) Further notices may be given to correct a mistake or to state a different amount if circumstances change. 1
2

‘(8) If a financial institution is given a notice under this section, it must 3
pay the funds, other than funds subject to an earlier charge of higher 4
priority, to the chief executive within 7 days after the notice is given to the 5
extent of the amount the notice states is currently subject to the charge. 6

‘(9) Payment to the chief executive in accordance with a notice under this 7
section is a valid discharge of the institution’s liability to the person 8
otherwise entitled to the funds paid.’. 9

PART 4—AMENDMENT OF CLASSIFICATION OF 10 COMPUTER GAMES AND IMAGES ACT 1995 11

Act amended in pt 4 12

Clause **10.** This part amends the *Classification of Computer Games and Images 13
Act 1995.* 14

Amendment of s 19 (Sale of unclassified computer games prohibited) 15

Clause **11.** Section 19(1)(b), ‘(MA)’— 16
omit, insert— 17
‘MA’. 18

Amendment of s 32 (Identity cards) 19

Clause **12.** Section 32(3)(d)— 20
omit. 21

Amendment of sch 2 (Dictionary) 22

Clause **13.** Schedule 2, definitions “**child abuse computer game**” and 23

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	“objectionable computer game” , from ‘depicts’ to ‘16 years’—	1
	<i>omit, insert—</i>	2
	‘depicts a person who is, or who looks like, a child under 16 years (whether the person is engaged in sexual activity or not)’.	3 4
	Insertion of new s 71	5
Clause	14. After section 70—	6
	<i>insert—</i>	7
	‘Reprint to omit attachment not forming part of Act	8
	‘ 71.(1) The attachment not forming part of this Act must be omitted in the first reprint of this Act after the commencement of this section.	9 10
	‘ (2) This section expires 1 month after it commences.’.	11
	 PART 5—AMENDMENT OF CLASSIFICATION OF FILMS ACT 1991	 12 13
	Act amended in pt 5	14
Clause	15. This part amends the <i>Classification of Films Act 1991</i> .	15
	Amendment of s 3 (Definitions)	16
Clause	16. Section 3, definition “child abuse film” , from ‘minor’ to ‘16 years’—	17 18
	<i>omit, insert—</i>	19
	‘person who is, or who looks like, a child under 16 years (whether the person is engaged in sexual activity or not)’.	20 21

**PART 6—AMENDMENT OF CLASSIFICATION OF
PUBLICATIONS ACT 1991**

	1		2
	3		
Clause	17.	This part amends the <i>Classification of Publications Act 1991</i> .	4
	5		
Clause	18.	Section 3, definitions “ child abuse photograph ” and “ child abuse publication ”, from ‘minor’ to ‘16 years’—	6
		<i>omit, insert—</i>	7
		‘person who is, or who looks like, a child under 16 years (whether the person is engaged in sexual activity or not)’.	8
			9
			10
	11		
Clause	19.	After section 11—	12
		<i>insert—</i>	13
	14		
	15		
	16		
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	25		

Justice and Other Legislation (Miscellaneous Provisions) (No. 2)

‘Protection of children and families by order prohibiting display of unrestricted publication unless certain parts of its cover are concealed 1
2

‘11B.(1) The officer may, by gazette notice, make an order (a “display order”) prohibiting the display of a specified unrestricted publication for sale at any public place to which children have access unless— 3
4
5

(a) the rack or other thing that may be holding the publication is at least 1.5 m above the floor or ground, as the case may be; or 6
7

(b) the pictures, drawings and other images on the publication’s cover are concealed by the rack or other thing that may be holding the publication; or 8
9
10

(c) the pictures, drawings and other images on the publication’s cover are concealed by a cover; or 11
12

(d) the pictures, drawings and other images on the publication’s cover can not be seen without being handled. 13
14

‘(2) A display order may only be made if the officer is satisfied the order is necessary to protect children or families. 15
16

‘(3) In deciding whether to make a display order, the officer must assume that, generally, it is not in the best interests of children and families to display a publication’s cover to children without proper adult supervision if the cover contains— 17
18
19
20

(a) a gratuitous depiction of inappropriate matter; or 21

(b) inappropriate matter on which there is an undue emphasis or undue focus. 22
23

‘(4) A display order may be made on the complaint of a person or on the officer’s own initiative. 24
25

‘(5) A display order is not subordinate legislation. 26

‘Publications for which display order may be made 27

‘11C.(1) A display order may be made for an existing or future publication. 28
29

‘(2) However, a display order may only be made for a future publication if the officer is also satisfied that, at some time within the previous 2 years, 30
31

*Justice and Other Legislation (Miscellaneous
Provisions) (No. 2)*

- another publication has been available for sale, as a new publication, at a public place and—
- (a) the other publication—
 - (i) had the same name as the future publication; or
 - (ii) traded on the goodwill attaching to the name of the future publication (whether or not it had a similar name); and
 - (b) a display order is being made, or could be made if necessary, for the other publication as an existing publication.
- ‘(3) A display order may specify the following publications—
- (a) a particular issue or issues of a named publication;
 - (b) all existing issues of a named publication;
 - (c) all future issues of a named publication;
 - (d) all future issues of a publication whose name is a derivative of a named publication;
 - (e) all future publications—
 - (i) whose cover indicates that the publication is a continuation or modification of, or a replacement for, the named publication; or
 - (ii) that, to the knowledge of the person displaying the publication, trades on the goodwill attaching to the name of the named publication (whether or not the publications have similar names).
- ‘(4) A display order must state the following—
- (a) the date the order commences;
 - (b) that it is an offence to contravene the order;
 - (c) the maximum penalty for a contravention of the order;
 - (d) the general effect of the defences provided under section 20C(2)

Justice and Other Legislation (Miscellaneous Provisions) (No. 2)

- and (3);¹ 1
- (e) a person whose interests are adversely affected by the order may 2
appeal against the order, or apply to have it lifted, under 3
section 11D. 4
- ‘(5) Also, a display order— 5
- (a) must be published by the officer in a newspaper circulating 6
throughout Queensland; and 7
- (b) commences on the date specified in the order being a date not less 8
than 2 days after the day of publication in the newspaper. 9
- ‘(6) If a display order is made and the officer knows the identity of, and a 10
way of communicating with, the distributor involved, the officer must 11
promptly notify the distributor of the order. 12
- ‘Lifting of display order, and appeal rights and procedure 13**
- ‘11D.(1) A person whose interests are adversely affected by a display 14
order may apply, in writing, to the officer to have the display order lifted. 15
- ‘(2) The application must— 16
- (a) state the applicant’s name and address; and 17
- (b) show why the applicant is a person whose interests are adversely 18
affected by the order; and 19
- (c) state the reasons why the order should be lifted; and 20
- (d) contain a statement of the intentions of the publisher of the 21
publications affected by the order about the content of the covers 22
of future publications affected by the order; and 23
- (e) contain a copy of each publication, issued in the previous year, 24
that was affected by the display order. 25
- ‘(3) A display order may be lifted if the officer is satisfied, from the 26

¹ Section 20C(2) provides a defence if the prohibited display is caused by someone else and the person takes certain precautions. Section 20C(3) provides a defence for certain persons who rely on a defect in the register of display orders.

Justice and Other Legislation (Miscellaneous Provisions) (No. 2)

material in the application, that the order is no longer necessary to protect children or families. 1
2

‘(4) If the officer decides to lift a display order, the officer must promptly— 3
4

(a) give the applicant written notice that the order has been lifted; and 5

(b) publish notice in the gazette that the order has been lifted. 6

‘(5) If the application is refused, the officer must promptly give the applicant written reasons for the refusal. 7
8

‘(6) A person whose interests are adversely affected by a display order, or a refusal to lift a display order, has the same right of appeal as is available under section 11² against a decision to classify a publication, and that section applies to the appeal with any changes necessary. 9
10
11
12

‘Register of display orders 13

‘11E.(1) The chief executive must keep a computerised or other register of all current display orders including the terms of each order. 14
15

‘(2) A person may, on payment of the fee fixed under subsection (3)— 16

(a) inspect the register during ordinary business hours; or 17

(b) obtain a copy of part or all of the register. 18

‘(3) The fee must be an amount that— 19

(a) the chief executive considers is reasonable; and 20

(b) is not more than the reasonable cost of providing the inspection or copy.’. 21
22

Insertion of new s 20C 23

Clause 20. Part 3, after section 20B— 24

insert— 25

² Section 11 (Appeal against classification by publications classification officer)

Justice and Other Legislation (Miscellaneous Provisions) (No. 2)

‘Offence to contravene a display order for an unrestricted publication	1
‘20C.(1) A person must not contravene a display order made under section 11B. ³	2 3
Maximum penalty—30 penalty units or imprisonment for 1 month.	4
‘(2) It is a defence for the person to prove that—	5
(a) either—	6
(i) the prohibited display was caused by a customer, or someone else, not under the person’s control; or	7 8
(ii) if the display was caused by a person under the person’s control—the person took reasonable steps to ensure the other person’s compliance with the order; and	9 10 11
(b) the person followed a system for periodically taking action, throughout the trading day, to rectify prohibited displays at the place to which the charge relates.	12 13 14
‘(3) It is also a defence for the person to prove that the person relied on the omission of an order from, or other defect in, the register kept under section 11E not knowing, and not having reason to know, of the defect.’.	15 16 17

PART 7—AMENDMENT OF THE COOPERATIVES ACT 1997	18 19
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Act amended in pt 7	20
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Clause	21. This part amends the <i>Cooperatives Act 1997</i> .	21
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Amendment of s 245 (Name to include certain matter)	22
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Clause	22. Section 245—	23
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³ Section 11B (Protection of children and families by order prohibiting display of unrestricted publication unless certain parts of its cover are concealed)

*Justice and Other Legislation (Miscellaneous
Provisions) (No. 2)*

insert—

‘(5A) However, the registrar may register a name that contains a thing declared to be an unsuitable name, if the Minister is satisfied the name is suitable for registration in the particular circumstances.’.

**PART 8—AMENDMENT OF CRIMES
(CONFISCATION) ACT 1989**

Act amended in pt 8

Clause **23.** This part amends the *Crimes (Confiscation) Act 1989*.

Amendment of s 51 (Provisions concerning the public trustee)

Clause **24.** Section 51(3), ‘, senior deputy public trustee or acting public trustee’—

omit.

Amendment of sch 2 (Serious offences)

Clause **25.(1)** Schedule 2, items 1, 2, 3 and 4 to 9—

renumber as items 4, 6, 7 and 9 to 14.

(2) Schedule 2—

insert—

1. *Classification of Computer Games and Images Act 1995*

2. *Classification of Films Act 1991*

3. *Classification of Publications Act 1991*

5. *Fair Trading Act 1989*, part 3, divisions 1 and 2⁴

⁴ Part 3 (Trade practices), division 1 (General rules) and division 2 (Unsolicited goods and services)

*Justice and Other Legislation (Miscellaneous
Provisions) (No. 2)*

- 8.** *Health (Drugs and Poisons) Regulation 1996*. 1
(3) Schedule 2, item 9 as renumbered, from ‘part 6’— 2
omit, insert— 3
‘part 6, division 35’. 4

**PART 9—AMENDMENT OF DIRECTOR OF PUBLIC
PROSECUTIONS ACT 1984** 5
6

Act amended in pt 9 7

- Clause **26.** This part amends the *Director of Public Prosecutions Act 1984*. 8

Amendment of s 11 (Powers of Director) 9

- Clause **27.(1)** Section 11(1), from ‘, from time to time’— 10
omit, insert— 11
‘may, from time to time, do any of the following’. 12
(2) Section 11(1)(a) and (b), ‘may’— 13
omit. 14
(3) Section 11(1)— 15
insert— 16
‘(c) give guidelines to a person to whom section 24A(1)⁶ applies 17
stating that specified information is confidential information for 18
the purposes of section 24A.’. 19

⁵ Part 6 (Obligatory provisions and offences), division 3 (Provisions concerning sale of liquor by unlicensed persons or on unlicensed premises)

⁶ Section 24A (Prohibition on disclosure of information)

*Justice and Other Legislation (Miscellaneous
Provisions) (No. 2)*

	Insertion of new s 24A	1
Clause	28. After section 24—	2
	<i>insert—</i>	3
	‘Prohibition on disclosure of information	4
	‘24A.(1) A person who is or was employed for the purposes of this Act must not disclose confidential information that came to the person’s knowledge because of the employment.	5 6 7
	Maximum penalty—100 penalty units.	8
	‘(2) Subsection (1) applies to information that came to the person’s knowledge directly or incidentally because of the employment or because of an opportunity given by the employment.	9 10 11
	‘(3) However, subsection (1) does not apply to a disclosure by the person of information—	12 13
	(a) under this or another Act; or	14
	(b) under a requirement of a court or tribunal.	15
	<i>Example of a disclosure under this Act—</i>	16
	A witness’ statement disclosed for the purposes of a trial.	17
	‘(4) The offence is committed even if—	18
	(a) the person knew the information before it came to his or her knowledge because of employment for the purposes of this Act; or	19 20 21
	(b) the information later stops being confidential.	22
	‘(5) In this section—	23
	“confidential information” , for a person to whom subsection (1) applies, includes information stated to be confidential information for the purposes of this section under a guideline given to the person under section 11(1)(c). ⁷	24 25 26 27
	“employed” includes—	28

⁷ Section 11 (Powers of Director)

*Justice and Other Legislation (Miscellaneous
Provisions) (No. 2)*

- | | | |
|--|---|---|
| | (a) appointed; and | 1 |
| | (b) engaged; and | 2 |
| | (c) requested to assist under section 13.’. | 3 |

PART 10—AMENDMENT OF DISTRICT COURTS ACT 1967	4 5
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Act amended in pt 10	6
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Clause	29. This part amends the <i>District Courts Act 1967</i> .	7
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Amendment of long title	8
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Clause	30. Long title, ‘ District Courts ’—	9
	<i>omit, insert—</i>	10
	‘ the District Court ’.	11

Amendment of s 1 (Short title)	12
---------------------------------------	----

Clause	31. Section 1, ‘ <i>Courts</i> ’—	13
	<i>omit, insert—</i>	14
	‘ <i>Court</i> ’.	15

Amendment of pt 2 (Courts, judges, registries and officers)	16
--	----

Clause	32. Part 2, heading and division 1—	17
	<i>omit, insert—</i>	18

‘PART 2—COURT, JUDGES, REGISTRIES AND OFFICERS	1 2
 <i>‘Division 1—Court</i>	 3
‘Establishment of the District Court	4
‘4. The District Court is established.	5
 ‘Members and constitution of Court	 6
‘5.(1) The members of the District Court are the District Court judges.	7
‘(2) The District Court is constituted by any one of its members.	8
 ‘Where the Court may be held	 9
‘6.(1) The District Court may be constituted at any place.	10
‘(2) The District Court as constituted by any of its members may sit in more than 1 place at the same time.	11 12
‘(3) A regulation may declare—	13
(a) the places at which the District Court is to be held; or	14
(b) that the District Court is no longer to be held at a place.	15
‘(4) The District Court held at a place may be referred to as the District Court at the place.	16 17
<i>Example—</i>	18
If the District Court is held at Toowoomba, the District Court at that place may be referred to as the District Court at Toowoomba.	19 20
 ‘Declaration of districts	 21
‘7.(1) A regulation may declare a district for the District Court at a place.	22
‘(2) The district has the same name as the place.	23

*Justice and Other Legislation (Miscellaneous
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<i>Example—</i>	1
The name of the district for the District Court at Toowoomba, is the Toowoomba District Court district.	2 3
‘(3) The district must consist of—	4
(a) 1 Magistrates Courts district; or	5
(b) 1 division of a Magistrates Courts district; or	6
(c) if the District Court district would form 1 continuous area—	7
(i) 2 or more Magistrates Courts districts; or	8
(ii) 2 or more divisions of a Magistrates Courts district; or	9
(iii) 1 or more Magistrates Courts districts and 1 or more divisions of a Magistrates Courts district.	10 11
‘(4) If the District Court is no longer to be held at a place, a regulation may declare that all proceedings pending in the court at the place must be continued in the court at a specified place.	12 13 14
 ‘Court to be a court of record	 15
‘8. The District Court is a court of record and has civil and criminal jurisdiction as provided under this or another Act.	16 17
 ‘Statewide jurisdiction	 18
‘8A. The District Court has jurisdiction throughout Queensland.	19
 ‘Seals of the court	 20
‘8B.(1) The District Court must have a seal, and may have the other seals that may be required for the business and administration of the court.	21 22
‘(2) All notices, summons, certificates, warrants and other process, issued by the registrar must be sealed with a seal mentioned in subsection (1).’.	23 24 25

Justice and Other Legislation (Miscellaneous Provisions) (No. 2)

	Omission of s 16 (Retirement of judge)	1
Clause	33. Section 16—	2
	<i>omit.</i>	3
	Insertion of new s 139	4
Clause	34. After section 138—	5
	<i>insert—</i>	6
	‘Transitional—establishment of the District Court	7
	‘139.(1) On the commencement of part 2, division 1—	8
	(a) the District Courts in existence on the commencement (the “ previous District Courts ”) are amalgamated into the District Court; and	9 10 11
	(b) the places at which the previous District Courts were held are the places at which the District Court is to be held; and	12 13
	(c) the district assigned to a previous District Court held at a place is the district for the District Court to be held at the place; and	14 15
	(d) any jurisdiction or power of the previous District Courts or a judge of a previous District Court or the previous District Courts becomes jurisdiction or power of the District Court or a judge of the District Court; and	16 17 18 19
	(e) anything else done or existing in relation to a previous District Court continues, and is taken to be done or existing in relation to the District Court or the corresponding district of the District Court; and	20 21 22 23
	(f) a proceeding pending in a previous District Court is to be continued in the District Court at the place at which it would have continued if part 2, division 1 had not been enacted; and	24 25 26
	(g) each judge of a previous District Court or the previous District Courts becomes a judge of the District Court; and	27 28
	(h) the Chief Judge of District Courts becomes the Chief Judge of the District Court.	29 30

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- ‘(2) Part 2, division 1 does not affect—
- (a) any appointment, subject to the name changes mentioned in subsection (1)(f) and (g); or
 - (b) the seniority of a judge; or
 - (c) any principle or rule of law or equity; or
 - (d) any right, privilege or liability.
- ‘(3) In an Act or document, if the context permits—
- (a) a reference to the *District Courts Act 1967* is taken to be a reference to the *District Court Act 1967*; and
 - (b) a reference to the *District Courts Rules 1968* is taken to be a reference to the *District Court Rules 1968*; and
 - (c) a reference to a District Court or the District Courts is taken to be a reference to the District Court; and
 - (d) a reference to a District Court held at a place is a reference to the District Court held at the place; and
 - (e) a reference to a judge of a District Court or to a judge of District Courts is taken to be a reference to a judge of the District Court; and
 - (f) a reference to the Chief Judge of District Courts is a reference to the Chief Judge of the District Court.’.

PART 11—AMENDMENT OF EVIDENCE ACT 1977

Act amended in pt 11

Clause 35. This part amends the *Evidence Act 1977*.

Amendment of s 105 (Certified reproductions of certain official documents etc. to be admissible without further proof)

Clause 36. Section 105(1), definition “**approved person**”, ‘declared under a

*Justice and Other Legislation (Miscellaneous
Provisions) (No. 2)*

regulation’—	1
<i>omit, insert</i> —	2
‘the Minister declares by gazette notice’.	3

PART 12—AMENDMENT OF FAIR TRADING ACT 1989	4 5
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Act amended in pt 12	6
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Clause	37. This part amends the <i>Fair Trading Act 1989</i> .	7
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Amendment of s 82 (Compliance with information standard)	8
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Clause	38. Section 82(1), penalty, ‘400 penalty units’—	9
	<i>omit, insert</i> —	10
	‘540 penalty units’.	11

Amendment of s 84 (Compliance with safety standard)	12
--	----

Clause	39. Section 84(1), penalty, ‘400 penalty units’—	13
	<i>omit, insert</i> —	14
	‘540 penalty units’.	15

PART 13—AMENDMENT OF GIRL GUIDES ASSOCIATION ACT 1970	16 17
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Act amended in pt 13	18
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Clause	40. This part amends the <i>Girl Guides Association Act 1970</i> .	19
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Justice and Other Legislation (Miscellaneous Provisions) (No. 2)

	Amendment of long title	1
Clause	41. Long title, ‘ the Girl Guides Association (Queensland, Australia) ’—	2
	<i>omit, insert—</i>	3
	<i>omit, insert—</i>	4
	‘ Guides Queensland ’.	5
	Amendment of s 1 (Short title)	6
Clause	42. Section 1, ‘ <i>Girl Guides Association</i> ’—	7
	<i>omit, insert—</i>	8
	‘ <i>Guides Queensland</i> ’.	9
	Amendment of s 2 (Meaning of terms)	10
Clause	43. Section 2, definitions “ Branch ” and “ council ”, ‘the Girl Guides Association (Queensland, Australia)’—	11
	<i>omit, insert—</i>	12
	<i>omit, insert—</i>	13
	‘Guides Queensland’.	14
	Amendment of s 3 (Incorporation of the Council)	15
Clause	44. Section 3(1)—	16
	<i>omit, insert—</i>	17
	‘(1) The corporation named the Girl Guides Association (Queensland, Australia) as formerly established is continued in existence under the name Guides Queensland.’.	18
		19
		20
	Amendment of s 4 (Registration of Royal Charters and constitution)	21
Clause	45. Section 4(7)(a)(i) and (b), ‘Secretary’—	22
	<i>omit, insert—</i>	23
	‘executive officer’.	24

*Justice and Other Legislation (Miscellaneous
Provisions) (No. 2)*

	Amendment of s 6 (Transfer of property to corporation)	1
Clause	46. Section 6(3)(a), ‘Secretary’—	2
	<i>omit, insert—</i>	3
	‘executive officer’.	4
	Amendment of s 7 (Dealing with property by the corporation)	5
Clause	47.(1) Section 7(a), ‘in the first instance’—	6
	<i>omit.</i>	7
	(2) Section 7(b) from ‘at’ to ‘if’—	8
	<i>omit, insert—</i>	9
	‘the proposed lease, mortgage or sale, if’.	10
	Amendment of s 9 (Custody and use of the seal)	11
Clause	48. Section 9(1), ‘Secretary’—	12
	<i>omit, insert—</i>	13
	‘executive officer’.	14
	Amendment of s 10 (Service of notices)	15
Clause	49. Section 10(1), ‘Secretary’—	16
	<i>omit, insert—</i>	17
	‘executive officer’.	18
	Amendment of s 11 (Receipts etc.)	19
Clause	50. Section 11(a)(i), ‘Secretary’—	20
	<i>omit, insert—</i>	21
	‘executive officer’.	22

*Justice and Other Legislation (Miscellaneous
Provisions) (No. 2)*

	Insertion of new s 14	1
Clause	51. After section 13—	2
	<i>insert—</i>	3
	‘Transitional consequential on change to Girl Guides Association (Queensland, Australia)	4
	‘14.(1) Anything done or existing in relation to Girl Guides Association (Queensland, Australia) continues, and is taken to be done or existing in relation to Guides Queensland.	6
		7
		8
	(2) In an Act or document, a reference to the Girl Guides Association (Queensland, Australia) may, if the context permits, be taken to be a reference to Guides Queensland.’.	9
		10
		11
	 PART 14—AMENDMENT OF JUSTICES ACT 1886	 12
	Act amended in pt 14	13
Clause	52. This part amends the <i>Justices Act 1886</i> .	14
	Amendment of s 22B (Magistrates Court districts)	15
Clause	53.(1) Section 22B, heading, ‘ Court ’—	16
	<i>omit, insert—</i>	17
	‘Courts’.	18
	(2) Section 22B(1A)(a), after ‘ Court ’—	19
	<i>insert—</i>	20
	‘, if constituted by a magistrate,’.	21

Justice and Other Legislation (Miscellaneous Provisions) (No. 2)

	Amendment of s 53 (When justice may issue summons)	1
Clause	54. Section 53(3) to (5)—	2
	<i>omit.</i>	3
	Insertion of new s 53A	4
Clause	55. After section 53—	5
	<i>insert—</i>	6
	‘Power, after summons issued, to order mediation	7
	‘53A.(1) If a summons has been issued under section 53, the clerk of the court for the place where the defendant is required to appear may order the complainant to submit the matter to mediation under the <i>Dispute Resolution Centres Act 1990</i> (an “order to mediate”).	8 9 10 11
	‘(2) The clerk of the court may make an order to mediate if—	12
	(a) the clerk considers that the matter would be better resolved by mediation than by proceeding on the summons; or	13 14
	(b) the complainant consents to the order.	15
	‘(3) The clerk of the court may, at any time, refer a summons to a Magistrate for directions as to whether or not to make an order.	16 17
	‘(4) An order to mediate must be in the approved form.	18
	‘(5) If an order to mediate is made—	19
	(a) the clerk of the court must give notice of the order to the complainant and defendant; and	20 21
	(b) the summons may not be served, and no other action may be taken on the summons, unless a clerk of the court orders that the summons may be proceeded with.	22 23 24
	‘(6) If the clerk of the court for the place where the defendant is required to appear is satisfied that an event mentioned in subsection (7) has happened, the clerk of the court may order that the summons may be proceeded with.	25 26 27 28
	‘(7) The events are—	29

Justice and Other Legislation (Miscellaneous Provisions) (No. 2)

- | | | |
|-----|--|------------------|
| (a) | if the complainant consented to the order—the complainant withdraws the consent; or | 1
2 |
| (b) | the matter of the complaint may not be mediated at a convenient place because of a decision made by the director of a dispute resolution centre under the <i>Dispute Resolution Centres Act 1990</i> , section 30(1); or | 3
4
5
6 |
| (c) | the defendant refuses to attend at, or participate in, a mediation session under that Act, or either party withdraws from a mediation session under that Act; or | 7
8
9 |
| (d) | the director of a dispute resolution centre declines under section 32(1) of that Act to consent to the acceptance of the matter of the complaint for mediation; or | 10
11
12 |
| (e) | a mediation session attended by the complainant and the defendant is terminated under section 32(2) of that Act. | 13
14 |

‘(8) A clerk of the court may be satisfied about the happening of an event even if the only information before the clerk is from the complainant.’ 15
16

Amendment of s 54 (Form of summons and filing of complaint and summons) 17
18

Clause 56. Section 54— 19
insert— 20

‘(5) If the complainant gives the clerk of the court written notice that the dispute has been resolved by mediation— 21
22

- | | | |
|-----|---|----------|
| (a) | the filing fee paid on lodgement of the summons must be refunded; and | 23
24 |
| (b) | the summons may not be served, and no other action may be taken on the summons.’. | 25
26 |

Amendment of s 98B (Definitions) 27

Clause 57. Section 98B, definition “authorised person”— 28
insert— 29

*Justice and Other Legislation (Miscellaneous
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‘(e) if a person is not appointed under a regulation for a matter mentioned in paragraphs (a) to (d)—the administering authority for the infringement notice offence.’ 1
2
3

Insertion of new pt 4A, div 1A 4

Clause **58.** After section 98B— 5
insert— 6
‘Division 1A—Service of documents under this part generally 7

‘Service of documents 8

‘98BA.(1) A document may be served under this part as provided for under the *Acts Interpretation Act 1954*, section 39. 9
10

‘(2) Service by post— 11

(a) may be effected by properly addressing, prepaying and posting the document as a letter; and 12
13

(b) is taken to have been effected at the time at which the letter would be delivered in the ordinary course of post. 14
15

‘(3) The *Acts Interpretation Act 1954*, section 39A(2) applies to this part. 16

‘(4) This section is taken to have commenced on 1 July 1992.’. 17

Amendment of s 98N (Reminder notices) 18

Clause **59.(1)** Section 98N(4), from ‘prescribed’— 19
omit, insert— 20

‘fixed by the chief executive by gazette notice for the cost of serving a reminder notice.’. 21
22

(2) Section 98N— 23

insert— 24

‘(5) The amount fixed by the chief executive must be not more than the reasonable cost of serving notice.’. 25
26

*Justice and Other Legislation (Miscellaneous
Provisions) (No. 2)*

Amendment of s 147A (Power of justices to reopen proceedings and rectify orders)—

Clause **60.** Section 147(1), ‘1988’—
omit, insert—
‘1992’.

1
2
3
4
5

Replacement of s 159 (The sum allowed for costs to be specified in the conviction or order)

Clause **61.** Section 159—
omit, insert—

6
7
8
9

‘Amount allowed for costs to be stated in conviction or order

‘159.(1) An order for costs made under this division must be stated in the conviction or order or order of dismissal, or order striking out the complaint for want of jurisdiction.

10
11
12
13

‘(2) The order must state—

14

(a) if the defendant and complainant agree on all the necessary or proper costs to be allowed—the amount allowed for costs; or

15
16

(b) if the defendant and complainant can not agree on all the necessary or proper costs to be allowed—the costs are to be taxed by the clerk of the court.

17
18
19

‘(3) On taxation, the clerk may only allow costs set out in the scale of costs prescribed under this Act.

20
21

‘(4) The clerk’s taxation may be reviewed by a Magistrate on the application of the defendant or complainant.’.

22
23

Amendment of s 179 (Meaning of terms)

24

Clause **62.** Section 179, definition “**reciprocating State or Territory**”, after ‘to’—
insert—
‘be’.

25
26
27
28

*Justice and Other Legislation (Miscellaneous
Provisions) (No. 2)*

	Amendment of s 222 (Appeal to a single judge)	1
Clause	63.(1) Section 222—	2
	<i>insert—</i>	3
	‘ (1B) Also, this section does not apply to a person convicted of a summary offence by the Supreme Court or District Court under the Criminal Code, section 651 ⁸ ’.	4 5 6
	(2) Section 222—	7
	<i>insert—</i>	8
	‘ (2E) Despite subsection (2)(a)(i), if the appellant is in custody, the appeal must be heard in the District Court district where the appellant is in custody.’	9 10 11
	‘ (2F) Subsection (2E) is subject to the <i>District Court Act 1867</i> .’.	12

PART 15—AMENDMENT OF JUVENILE JUSTICE ACT 1992	13 14
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Act amended in pt 15	15
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Clause	64. This part amends the <i>Juvenile Justice Act 1992</i> .	16
--------	--	----

Amendment of s 55 (Infringement notices)	17
---	----

Clause	65. Section 55(2), ‘part 4A’—	18
	<i>omit, insert—</i>	19
	‘part 4A, division 3 ⁹ ’.	20

⁸ Section 651 (Supreme Court and District Court may decide summary offences)

⁹ Part 4A (Infringement notices), division 3 (Enforcement of infringement notices by registration)

**PART 16—AMENDMENT OF LAW REFORM
COMMISSION ACT 1968**

	Act amended in pt 16	1 2
Clause	66. This part amends the <i>Law Reform Commission Act 1968</i> .	3 4
	Amendment of s 3 (Constitution of Commission)	5
Clause	67. Section 3(2), from ‘shall’— <i>omit, insert—</i> ‘must consist of at least 3 members, who may be full-time or part-time members.’.	6 7 8 9

**PART 17—AMENDMENT OF LEGAL AID
QUEENSLAND ACT 1997**

	Act amended in pt 17	10 11
Clause	68. This part amends the <i>Legal Aid Queensland Act 1997</i> .	12 13
	Amendment of s 80 (Protection from liability)	14
Clause	69. Section 80(1) and (2), after ‘employee’— <i>insert—</i> ‘or a member of the board’.	15 16 17
	Amendment of s 82 (Secrecy)	18
Clause	70. Section 82(1)—	19

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insert—

‘(c) a member of the board.’.

1

2

**PART 18—AMENDMENT OF MOBILE HOMES
ACT 1989**

3

4

Act amended in pt 18

5

Clause **71.** This part amends the *Mobile Homes Act 1989*.

6

Amendment of s 4 (Particulars of agreement)

7

Clause **72.** After section 4(1)—

8

insert—

9

‘(1AA) An offence against subsection (1) is a continuing offence and—

10

(a) continues, despite the end of the 3 month period, until the written statement is given; and

11

12

(b) may be charged in 1 or more complaints for periods the offence continues.’.

13

14

Amendment of s 12E (Warrants—applications made otherwise than in person)

15

16

Clause **73.** Section 12E(1)(b), ‘officer’s’—

17

omit, insert—

18

‘inspector’s’.

19

**PART 19—AMENDMENT OF PENALTIES AND
SENTENCES ACT 1992**

	1
	2
Act amended in pt 19	3
Clause 74. This part amends the <i>Penalties and Sentences Act 1992</i> .	4
Insertion of new s 146A	5
Clause 75. After section 146—	6
<i>insert—</i>	7
‘Summons or warrant for offender whose sentence of imprisonment has been suspended	8
	9
‘146A.(1) This section applies if—	10
(a) an order has been made under section 144 ¹⁰ for an offender; and	11
(b) a police officer or an authorised commission officer suspects, on reasonable grounds, that the offender has committed an offence, in or outside Queensland, during the operational period of the order; and	12 13 14 15
(c) imprisonment may be imposed if the offender is convicted, in or outside Queensland, of the suspected offence.	16 17
‘(2) The officer may, by a complaint to a magistrate, apply for a summons requiring the offender to appear before the court that made the order.	18 19 20
‘(3) The magistrate may issue the summons or, instead of issuing the summons, issue a warrant, in the approved form, directed to all police officers to arrest the offender and bring the offender before the court that made the order to be further dealt with according to law.	21 22 23 24
‘(4) The summons or warrant issued under this section is of no effect unless and until the offender is convicted of an offence that enables a court to deal with the offender under section 147.	25 26 27

¹⁰ Section 144 (Sentence of imprisonment may be suspended)

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- ‘(5) The magistrate must issue the summons or warrant if the magistrate is satisfied the grounds for issuing the summons or warrant exist. 1
2
- ‘(6) However, the warrant may be issued only if— 3
- (a) the complaint is under oath; and 4
- (b) the magistrate is satisfied the offender would not appear in answer to a summons. 5
6
- ‘(7) Further, the magistrate may refuse to issue the warrant if the magistrate considers it would be unjust to issue the warrant. 7
8
- ‘(8) The summons or warrant may state the suspected offence in general terms.’. 9
10

**PART 20—AMENDMENT OF PRISONERS
(INTERSTATE TRANSFER) ACT 1982** 11
12

Act amended in pt 20 13

Clause **76.** This part amends the *Prisoners (Interstate Transfer) Act 1982*. 14

Amendment of s 2 (Definitions) 15

Clause **77.(1)** Section 2, definitions, “**Australian Capital Territory**”, “**corresponding Minister**”, “**Governor**”, “**joint prisoner**” and “**sentence of imprisonment**”— 16
17
18

omit. 19

(2) Section 2— 20

insert— 21

“**corresponding Minister**”, for a participating State, means the Minister of that State who is responsible for the administration of the interstate law of that State. 22
23
24

“**Governor**”, for the Australian Capital Territory, means— 25

Justice and Other Legislation (Miscellaneous Provisions) (No. 2)

(a) in this section, definition **“indeterminate sentence”** and in section 27(4)—the Governor-General; 1
2

(b) in section 27(5)(b)—the Governor-General, or the Executive within the meaning of the *Australian Capital Territory (Self Government Act 1988* (Cwlth). 3
4
5

“joint prisoner” see section 2A. 6

“sentence of imprisonment” see section 2B. 7

Insertion of new ss 2A and 2B 8

Clause **78.** After section 2— 9

insert— 10

‘Meaning of “joint prisoner” 11

2A. A **“joint prisoner”** is a person on whom both of the following sentences have been imposed— 12
13

(a) a Commonwealth sentence of imprisonment; 14

(b) any of the following sentences of imprisonment— 15

(i) a State sentence of imprisonment; 16

(ii) a State sentence of imprisonment as defined under an interstate law; 17
18

(iii) an ACT sentence of imprisonment as defined under the *Prisoners (Interstate Transfer) Act 1993* (ACT); 19
20

(iv) a Territory sentence of imprisonment within the meaning of the *Prisoners (Interstate Transfer) Act 1983* (NT). 21
22

‘Meaning of “sentence of imprisonment” 23

2B. Each of the following is a **“sentence of imprisonment”**— 24

(a) a State sentence of imprisonment; 25

(b) a State sentence of imprisonment as defined by an interstate law; 26

(c) an ACT sentence of imprisonment as defined by the *Prisoners* 27

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(Interstate Transfer) Act 1993 (ACT); 1

(d) a Territory sentence of imprisonment within the meaning of the 2
Prisoners (Interstate Transfer) Act 1983 (NT); 3

(e) if relevant—a Commonwealth sentence of imprisonment.’ 4

PART 21—AMENDMENT OF PUBLIC TRUSTEE 5
ACT 1978 6

Act amended in pt 21 7

Clause **79.** This part amends the *Public Trustee Act 1978*. 8

**Amendment of s 97B (Application of unclaimed superannuation
benefit provisions)** 9
10

Clause **80.** Section 97B(1), ‘division’— 11

omit, insert— 12

‘part’. 13

Amendment of section 98 (Definitions) 14

Clause **81.** Section 98, definition “**unclaimed moneys**”, paragraph (a), ‘6 years 15
or’— 16

omit, insert— 17

‘2 years’. 18

Amendment of s 116 (Funds held by Public Trustee to be transferred) 19

Clause **82.** Section 116, ‘the term of 6 years next preceding’— 20

omit, insert— 21

‘the previous 2 years’. 22

PART 22—AMENDMENT OF QUEENSLAND LAW SOCIETY ACT 1952

	1
	2
	3
Clause	4
	5
Clause	6
	7
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	9
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	16
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	19
	20
	21
Clause	22
	23
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	27

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- | | |
|--|------------------|
| this section; or | 1 |
| (b) a written notice in accordance with subsection 2A. | 2 |
| ‘(2A) A notice under subsection (2)(b) must— | 3 |
| (a) identify the proposed mortgage (or mortgage) to which the notice applies; and | 4
5 |
| (b) state that the practitioner holds the mortgage fidelity insurance cover required to be held under this Act for claims arising out of the mortgage and will keep the insurance current as required under the Act; and | 6
7
8
9 |
| (c) state the following details about the insurance— | 10 |
| (i) date of policy and policy number; | 11 |
| (ii) insurer’s name; | 12 |
| (iii) the amount of insurance for each claim arising out of the mortgage; and | 13
14 |
| (d) state that the client is entitled to a copy of the policy, and proof of payment of the premium, from the practitioner if the client asks for them.’. | 15
16
17 |

PART 23—AMENDMENT OF SECURITY PROVIDERS ACT 1993	18 19
---	----------

Act amended in pt 23	20
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Clause	86. This part amends the <i>Security Providers Act 1993</i> .	21
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Amendment of s 41 (Power to require information from certain persons)	22 23
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Clause	87. Section 41— <i>insert—</i>	24 25
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*Justice and Other Legislation (Miscellaneous
Provisions) (No. 2)*

- ‘(1A) The inspector may require the information to be given— 1
- (a) to the inspector or another specified inspector; or 2
- (b) at the place the requirement is made or at another stated place; or 3
- (c) immediately or at, by or within a stated time; or 4
- (d) in person or in another specified way.’. 5

PART 24—AMENDMENT OF TRAVEL AGENTS ACT 1988 6
7

Act amended in pt 24 8

- Clause **88.** This part amends the *Travel Agents Act 1988*. 9

Amendment of section 45 (Powers of entry etc.) 10

- Clause **89.(1)** Section 45, heading— 11

omit, insert— 12

‘Certain powers of entry etc. for records required to be kept under Act’ 13
14

(2) Section 45(5) to (7)— 15

omit, insert— 16

‘(5) This section does not limit sections 45A to 45F.’. 17

Insertion of new ss 45A to 45H 18

- Clause **90.** After section 45— 19

insert— 20

‘Entry of place by authorised officer 21

‘45A.(1) An authorised officer may enter a place if— 22

Justice and Other Legislation (Miscellaneous Provisions) (No. 2)

- (a) the occupier of the place consents to the entry; or 1
- (b) it is a public place and the entry is made when the place is open to the public; or 2
3
- (c) the authorised officer believes on reasonable grounds that business as a travel agent is being carried on at the place, or records relating to a business as a travel agent are kept at the place, and the entry is made when the place is open for business; 4
5
6
7
8
or 8
- (d) the entry is authorised by a warrant. 9
- ‘(2) Subsection (1)(c) does not authorise entry to a place that is, or is part of, a dwelling house. 10
11
- ‘Warrants 12**
- ‘45B.(1) An authorised officer may apply to a magistrate for a warrant for a place. 13
14
- ‘(2) The application must— 15
- (a) be sworn; and 16
- (b) set out the grounds on which the warrant is sought. 17
- ‘(3) The magistrate may refuse to consider the application until the authorised officer gives the magistrate all the information the magistrate requires about the application in the way the magistrate requires. 18
19
20
- Example— 21*
- The magistrate may require that additional information supporting the application be given by a statutory declaration. 22
23
- ‘(4) The magistrate may issue a warrant only if the magistrate is satisfied there are reasonable grounds for suspecting that— 24
25
- (a) there is a particular thing (the “**evidence**”) that may provide evidence of the commission of an offence against this Act; and 26
27
- (b) the evidence is, or may be within the next 7 days, at the place. 28
- ‘(5) The warrant must state— 29
- (a) that the authorised officer is authorised, with assistance and force 30

Justice and Other Legislation (Miscellaneous Provisions) (No. 2)

that may be necessary and reasonable—	1
(i) to enter the place; and	2
(ii) to exercise the authorised officer’s powers under this Act; and	3 4
(b) the evidence for which the warrant is issued; and	5
(c) the hours of the day when entry may be made; and	6
(d) the day (within 14 days after the warrant’s issue) on which the warrant stops having effect.	7 8
 ‘Warrants—applications made otherwise than in person	 9
‘45C.(1) An authorised officer may apply for a warrant by phone, fax, radio or another form of communication if the authorised officer considers it necessary because of—	10 11 12
(a) urgent circumstances; or	13
(b) other special circumstances, including, for example, the officer’s remote location.	14 15
‘(2) Before applying for the warrant, the authorised officer must prepare an application that sets out the grounds on which the warrant is sought.	16 17
‘(3) The authorised officer may apply for the warrant before the application is sworn.	18 19
‘(4) If the magistrate issues the warrant and it is reasonably practicable to fax a copy of it to the authorised officer, the magistrate must immediately fax the copy to the authorised officer.	20 21 22
‘(5) If the magistrate issues the warrant but it is not reasonably practicable to fax a copy of it to the authorised officer—	23 24
(a) the magistrate must—	25
(i) tell the authorised officer what the terms of the warrant are; and	26 27
(ii) tell the authorised officer the date and time the warrant was signed; and	28 29

Justice and Other Legislation (Miscellaneous Provisions) (No. 2)

- (iii) record the reasons for issuing the warrant on the warrant;
and 1
2
- (b) the authorised officer must— 3
- (i) complete a form of warrant in the same terms as the warrant
issued by the magistrate; and 4
5
- (ii) write on the warrant form the name of the magistrate and the
date and time the magistrate signed the warrant. 6
7
- ‘(6) The facsimile warrant, or the warrant form properly completed by
the authorised officer, is authority for the entry and the exercise of the other
powers authorised by the warrant issued by the magistrate. 8
9
10
- ‘(7) The authorised officer must send to the magistrate— 11
- (a) the sworn application; and 12
- (b) if a warrant form was completed by the authorised officer—the
completed warrant form. 13
14
- ‘(8) The sworn application and any completed warrant form must be sent
to the magistrate at the earliest practicable opportunity. 15
16
- ‘(9) On receipt of the application and any warrant form, the magistrate
must attach them to the warrant issued by the magistrate. 17
18
- ‘(10) If— 19
- (a) it is material for a court to be satisfied that the exercise of a power
was authorised by a warrant issued under this section; and 20
21
- (b) the warrant is not produced in evidence; 22
- the court must assume the exercise of power was not authorised by a
warrant, unless the contrary is proved. 23
24
- ‘Authorised officer’s general powers in a place 25**
- ‘45D.(1) After entering a place under section 45A,¹¹ an authorised officer
may exercise a power mentioned in subsection (2) only if— 26
27
- (a) the occupier of the place consents to the exercise of the power; or 28

¹¹ Section 45A (Entry of place by authorised officer)

*Justice and Other Legislation (Miscellaneous
Provisions) (No. 2)*

- (b) the entry was authorised by a warrant. 1
- ‘(2) The authorised officer may— 2
- (a) search any part of the place; or 3
- (b) if entry was authorised by a warrant—seize the evidence for 4
which the warrant was issued; or 5
- (c) in any case—seize a thing if the authorised officer believes on 6
reasonable grounds that— 7
- (i) the thing is evidence of the commission of an offence 8
against this Act; and 9
- (ii) the seizure is necessary to prevent— 10
- (A) the concealment, loss or destruction of the thing; or 11
- (B) the use of the thing in committing, continuing or 12
repeating an offence against this Act; or 13
- (d) inspect, examine, photograph or film anything in or on the place; 14
or 15
- (e) take extracts from, or make copies of, any documents in or on the 16
place; or 17
- (f) take into or onto the place any person, equipment and materials 18
that the authorised officer reasonably requires for the purpose of 19
exercising any powers in relation to the place; or 20
- (g) require a person in or on the place, or the occupier of the place, to 21
give the authorised officer reasonable help for the exercise of the 22
powers mentioned in paragraphs (a) to (f). 23
- ‘(3) A person who is required by an authorised officer under 24
subsection (2)(g) to give the authorised officer reasonable help for the 25
exercise of a power must comply with the requirement, unless the person 26
has a reasonable excuse for not complying with it. 27
- ‘(4) If the help is required to be given by a person by— 28
- (a) answering a question; or 29
- (b) producing a document (other than a document required to be kept 30
by the person under this Act); 31

*Justice and Other Legislation (Miscellaneous
Provisions) (No. 2)*

it is a reasonable excuse for the person to fail to comply with the requirement on the ground that the information or document might tend to incriminate the person.

‘Power to require name and address

‘45E.(1) An authorised officer may require a person to state the person’s name and address if the authorised officer—

- (a) finds the person committing an offence against this Act; or
- (b) finds the person in circumstances that lead, or has information that leads, the authorised officer to suspect on reasonable grounds that the person has committed, or assisted in the commission of, an offence against this Act.

‘(2) When making the requirement, the authorised officer must warn the person that it is an offence to fail to state the person’s name and address, unless the person has a reasonable excuse.

‘(3) The authorised officer may require the person to give evidence of the correctness of the person’s name or address if the authorised officer suspects, on reasonable grounds, that the name or address given is false.

‘(4) A person must comply with an authorised officer’s requirement under subsection (1) or (3), unless the person has a reasonable excuse for not complying with it.

Maximum penalty—60 penalty units.

‘(5) The person does not commit an offence against this section if—

- (a) the authorised officer required the person to state the person’s name and address on suspicion of the person having committed an offence against this Act; and
- (b) the person is not proved to have committed the offence.

‘Procedure after thing seized

‘45F.(1) As soon as practicable after a thing is seized by an authorised

Justice and Other Legislation (Miscellaneous Provisions) (No. 2)

officer under section 45D, ¹² the authorised officer must give a receipt for it to the person from whom it was seized.	1 2
‘(2) The authorised officer must allow a person who would be entitled to the seized thing if it were not in the authorised officers’s possession—	3 4
(a) to inspect it; or	5
(b) if it is a document—to take extracts from it or make copies of it.	6
‘(3) The authorised officer must return the seized thing to the person at the end of—	7 8
(a) 1 year; or	9
(b) if a prosecution for an offence involving it is started within 1 year—the proceeding for the offence and any appeal from the proceeding.	10 11 12
‘(4) Despite subsection (3), the authorised officer must return the seized thing to the person if the authorised officer is satisfied that—	13 14
(a) its retention as evidence is no longer necessary; and	15
(b) its return is not likely to result in its use in repeating the offence.	16
 ‘Obstructing etc. authorised officers	 17
‘45G. A person must not obstruct, hinder or resist an authorised officer in the exercise of a power, unless the person has a reasonable excuse.	18 19
Maximum penalty—60 penalty units.	20
 ‘Compensation	 21
‘45H.(1) A person may claim compensation from the State if the person incurs loss or expense because of the exercise or purported exercise of a power under sections 45 to 45F.	22 23 24
‘(2) Payment of compensation may be claimed and ordered in a proceeding for—	25 26

¹² Section 45D (Authorised officer’s general powers in a place)

*Justice and Other Legislation (Miscellaneous
Provisions) (No. 2)*

- | | |
|---|--------|
| (a) compensation brought in a court of competent jurisdiction; or | 1 |
| (b) an offence against this Act brought against the person making the claim for compensation. | 2
3 |

‘(3) A court may order the payment of compensation for the loss or expense only if it is satisfied that it is just to make the order in the circumstances of the particular case.’.	4 5 6
---	-------------

PART 25—AMENDMENT OF TRUSTS ACT 1973

7

Act amended in pt 25

8

Clause	91. This part amends the <i>Trusts Act 1973</i> .	9
--------	---	---

Amendment of s 21 (Authorised investments)

10

Clause	92.(1) Section 21(1), ‘in manner following, that is to say’—	11
	<i>omit, insert—</i>	12
	‘in the following way’.	13
	(2) Section 21(1)—	14
	<i>insert—</i>	15
	‘(1) in a common fund established under the <i>Public Trustee Act 1978</i> .’.	16 17
		18

SCHEDULE	1
MINOR AMENDMENTS	2
section 3	3
ACTS INTERPRETATION ACT 1954	4
1. Section 36, definitions “District Court” and “District Court judge”—	5
<i>omit, insert—</i>	6
<i>omit, insert—</i>	7
‘ “District Court” means the District Court established under the <i>District Court Act 1967</i> .	8
	9
“District Court judge” means a judge of the District Court.’.	10
BILLS OF SALE AND OTHER INSTRUMENTS ACT 1955	11
ACT 1955	12
1. Section 6(1), definition “office of the registrar”, paragraphs (a) to (c), ‘office of the registrar of the Supreme Court’—	13
<i>omit, insert—</i>	14
<i>omit, insert—</i>	15
‘Office of Consumer Affairs’.	16
2. Section 6(1), definition “office of the registrar”, paragraph (d), ‘office of the department’—	17
<i>omit, insert—</i>	18
<i>omit, insert—</i>	19
‘Office of Consumer Affairs’.	20

SCHEDULE (continued)

COLLECTIONS ACT 1966

- | | |
|---|----|
| 1. Section 16(1), ‘or cities or towns’— | 1 |
| <i>omit, insert—</i> | 2 |
| ‘or cities and towns’. | 3 |
|
 | |
| 2. Section 35(4), from ‘pursuant’ to ‘transferred’— | 4 |
| <i>omit, insert—</i> | 5 |
| ‘under the regulation’. | 6 |
|
 | |
| 3. Sections 35C(4) and 35D(2), ‘by order in council pursuant to’— | 7 |
| <i>omit, insert—</i> | 8 |
| ‘under’. | 9 |
|
 | |
| 4. Section 47(3)(za), ‘formed as prescribed by the regulations under the <i>Education Act 1964</i>’— | 10 |
| <i>omit, insert—</i> | 11 |
| ‘established under the <i>Education (General Provisions) Act 1989</i> ’. | 12 |

COMMISSIONS OF INQUIRY ACT 1950

- | | |
|--|----|
| 1. Section 33 (second mention), subsection (2)— | 13 |
| <i>relocate</i> to section 33 (first mention) as subsection (2). | 14 |
|
 | |
| 2. Section 33 (second mention)— | 15 |
| <i>omit.</i> | 16 |

SCHEDULE (continued)

CONSUMER CREDIT CODE

1. Schedule 1, definition “credit contract”, ‘section 7’—

omit, insert—

‘section 5’.

COOPERATIVES ACT 1997

1. Section 218(1), after ‘for’—

insert—

‘the’.

2. Section 300, ‘bodies corporate’—

omit.

3. Section 341(5), ‘subsection (4)’—

omit, insert—

‘subsection (1)(a)’.

4. Section 354(2), ‘the Supreme Court of another State’—

omit, insert—

‘a court of another State’.

5. Section 396(1), from ‘when’ to ‘warrant’—

omit.

1

2

3

4

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6

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8

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10

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14

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SCHEDULE (continued)

6. Section 397(1), from ‘when’ to ‘consent’—	1
<i>omit, insert—</i>	2
‘other than under a warrant’.	3
7. Schedule 2, part 3, heading, ‘BODIES’—	4
<i>omit, insert—</i>	5
‘CORPORATIONS’.	6
8. Schedule 2, section 22, heading, ‘bodies corporate’—	7
<i>omit, insert—</i>	8
‘corporations’.	9
9. Schedule 8, definition “deposit taking cooperative”, ‘deposit taking’—	10
<i>omit, insert—</i>	11
‘deposit-taking’.	12
CRIMINAL CODE ACT 1899	13
1. Section 6(3), ‘or a’—	14
<i>omit, insert—</i>	15
‘or’.	16
	17

SCHEDULE (continued)

CRIMINAL CODE

1. Section 14A(1) and (3), ‘200 miles’—	1
<i>omit, insert—</i>	2
‘320 km’.	3
2. Section 51(1)(a) and (2), ‘of a proclamation by the Governor in Council in that behalf’—	4
<i>omit, insert—</i>	5
‘under a regulation’.	6
3. Section 54A(6), definition “government corporation”, ‘by order in council’—	7
<i>omit, insert—</i>	8
‘under a regulation’.	9
4. Section 98, definitions “election” and “parliamentary election”, ‘Referendums Act 1989’—	10
<i>omit, insert—</i>	11
‘Referendums Act 1997’.	12
5. Section 208(1), penalty, at the end—	13
<i>insert—</i>	14
‘.’.	15
	16
	17
	18
	19

SCHEDULE (continued)

6. Section 334(2), ‘ordinance’—	1
<i>omit, insert—</i>	2
‘ordnance’.	3
7. Section 442A(1), definition “local government”, ‘authority constituted’—	4
<i>omit, insert—</i>	5
‘government established’.	6
8. Section 450F(2), ‘order in council’—	7
<i>omit, insert—</i>	8
‘gazette notice’.	9
9. Section 450H(2), ‘Commissioner for Transport’—	10
<i>omit, insert—</i>	11
‘chief executive of the department in which the <i>Traffic Act 1949</i> is administered’.	12
10. Section 506, heading ‘under Factories and Shops Act’—	13
<i>omit, insert—</i>	14
‘relating to regulation of factories and shops’.	15
11. Sections 534(4) and 543A(2), ‘Industrial Conciliation and Arbitration Act 1932’—	16
<i>omit, insert—</i>	17
‘ <i>Workplace Relations Act 1997</i> ’.	18
	19
	20
	21

SCHEDULE (continued)

12. Section 568(7), ‘(4)’—	1
<i>omit, insert—</i>	2
‘(6)’.	3
13. Section 590(2)(d), ‘if’—	4
<i>omit.</i>	5
14. Section 590A(2)(d) and (6)(b) and (c), ‘Director of Prosecutions’—	6
<i>omit, insert—</i>	7
‘director of public prosecutions’.	8
15. Section 651(1), after ‘subject to’—	9
<i>insert—</i>	10
‘section 652(2) to (4) and’.	11
16. Section 651(2)(e), after ‘offence’—	12
<i>insert—</i>	13
‘, or a copy,’.	14
17. Section 652(4), ‘or copy’—	15
<i>omit, insert—</i>	16
‘, or a copy,’.	17
18. Section 668D, after ‘indictment’—	18
<i>insert—</i>	19

SCHEDULE (continued)

‘, or a person convicted of a summary offence by the Supreme Court or District Court under section 651,’. 1
2

19. Section 668D— 3

insert— 4

‘(2) A person summarily convicted under section 651 may appeal to the court, with the leave of the court, against the sentence passed on conviction, including any order made under that section.’. 5
6
7

20. Section 671K(3), ‘1921’— 8

omit, insert— 9

‘1995’. 10

21. Section 676, ‘Chapters 44 and 47’— 11

omit, insert— 12

‘chapter 44’. 13

CRIMINAL LAW AMENDMENT ACT 1945 14

1. Section 18(1B)— 15

omit. 16

2. Section 18(9), ‘Secretary for Health and Home Affairs’— 17

omit, insert— 18

‘chief executive of the department in which the *Health Services Act 1991* is administered’. 19
20

SCHEDULE (continued)

- | | |
|---|---|
| 3. Section 18(9A), ‘Prisons Act 1890, section 52’— | 1 |
| <i>omit, insert—</i> | 2 |
| ‘Corrective Services Act 1988, section 69’. | 3 |

ELECTORAL ACT 1992 4

- | | |
|---|---|
| 1. Section 61(10)(c), ‘or 185’— | 5 |
| <i>omit.</i> | 6 |
| 2. Section 140(2), ‘deposit filing’— | 7 |
| <i>omit, insert—</i> | 8 |
| ‘amount deposited’. | 9 |

FAIR TRADING ACT 1989 10

- | | |
|---|----------|
| 1. Section 5, definition “bureau”— | 11 |
| <i>omit.</i> | 12 |
| 2. Section 5— | 13 |
| <i>insert—</i> | 14 |
| ‘ “office” means the Office of Consumer Affairs established under this Act.’. | 15
16 |
| 3. Sections 18, 21, 34, 89, 90, 104, 105, 109 and 110, ‘bureau’— | 17 |
| <i>omit, insert—</i> | 18 |
| ‘office’. | 19 |

SCHEDULE (continued)

4. Part 2, division 2, heading, ‘Consumer Affairs Bureau’—	1
<i>omit, insert—</i>	2
‘Office of Consumer Affairs’.	3
5. Section 20, heading—	4
<i>omit, insert—</i>	5
‘Office of Consumer Affairs’.	6
6. Section 20(1), ‘a Consumer Affairs Bureau’—	7
<i>omit, insert—</i>	8
‘an Office of Consumer Affairs’.	9
7. Section 20(2), ‘bureau’—	10
<i>omit, insert—</i>	11
‘office’.	12
8. Section 20—	13
<i>insert—</i>	14
‘(3) The Consumer Affairs Bureau in existence immediately before the commencement of this subsection is continued in existence as the Office of Consumer Affairs.	15 16 17
‘(4) Anything done or existing in relation to the Consumer Affairs Bureau continues, and is taken to be done or existing in relation to the Office of Consumer Affairs.	18 19 20
‘(5) In an Act or document, if the context permits, a reference to the Consumer Affairs Bureau is taken to be a reference to the Office of Consumer Affairs.	21 22 23

SCHEDULE (continued)

‘(6) This subsection and subsections (3) to (5) expire 1 year after they commence.’. 1
2

9. Section 90(6A), ‘subsection’— 3

omit, insert— 4

‘section’. 5

FREEDOM OF INFORMATION ACT 1992 6

1. Schedule 2, item 1— 7

renumber and relocate as item 3. 8

LAND SALES ACT 1984 9

1. Section 14, ‘section 11(3)’— 10

omit, insert— 11

‘section 11(1)’. 12

2. Section 23(1)(b), at the end— 13

insert— 14

‘or’. 15

3. Section 26, ‘section 23(3)’— 16

omit, insert— 17

‘section 23(1)’. 18

SCHEDULE (continued)

- | | |
|--|-------|
| 4. Section 30E(1)(b), ‘officer’s’— | 1 |
| <i>omit, insert—</i> | 2 |
| ‘inspector’s’. | 3 |
|
5. Section 30F(4), from ‘it’ to ‘reasonable’— |
4 |
| <i>omit, insert—</i> | 5 |
| ‘it is a reasonable’. | 6 |

LAW REFORM ACT 1995 7

- | | |
|--|----|
| 1. Section 16, heading, at the end— | 8 |
| <i>insert—</i> | 9 |
| ‘and other prescribed persons’. | 10 |

LEGAL PRACTITIONERS ACT 1995 11

- | | |
|---|--------|
| 1. Section 49, ‘Act’— | 12 |
| <i>omit, insert—</i> | 13 |
| ‘part’. | 14 |
|
2. Schedule, section 1, ‘society of’— |
15 |
| <i>omit, insert—</i> | 16 |
| ‘Queensland Law Society Incorporated (the “society”) of’. | 17 |
|
3. Schedule, section 1, ‘guarantee fund’— |
18 |
| <i>omit, insert—</i> | 19 |

SCHEDULE (continued)

‘Legal Practitioners’ Fidelity Guarantee Fund established under the
Queensland Law Society Act 1952. 1
2

4. Schedule, section 3, ‘society and the commission’— 3

omit, insert— 4

‘Queensland Law Society Incorporated and the Legal Aid Commission’. 5

5. Schedule, section 5— 6

omit. 7

PAWNBROKERS ACT 1984 8

1. Section 27(5)(b)— 9

omit. 10

2. Section 27(5)(c)— 11

renumber as section 27(5)(b). 12

PRIMARY PRODUCERS ORGANISATION AND 13

MARKETING ACT 1926 14

1. Section 56(2)(i), ‘association formed’ to ‘1923’— 15

omit, insert— 16

‘registered under the *Cooperatives Act 1997*.’. 17

SCHEDULE (continued)

**QUEENSLAND LAW SOCIETY LEGISLATION
AMENDMENT ACT 1997** 1
2

- 1. Part 3—** 3
omit. 4

RETIREMENT VILLAGES ACT 1988 5

- 1. Section 52(2C)—** 6
omit. 7

- 2. Section 54(d)—** 8
omit. 9

- 3. Section 54(e)—** 10
renumber as section 54(d). 11

**SECOND-HAND DEALERS AND COLLECTORS
ACT 1984** 12
13

- 1. Section 27(5)(b)—** 14
omit. 15

- 2. Section 27(5)(c)—** 16
renumber as section 27(5)(b). 17

SCHEDULE (continued)

SMALL CLAIMS TRIBUNALS ACT 1973

	1
1. Section 4, definition “metropolitan district”, ‘Decentralisation of Magistrates Courts Act 1965’—	2
<i>omit, insert—</i>	3
<i>omit, insert—</i>	4
‘Justices Act 1886’.	5
2. Section 15(5), ‘appointed pursuant to this subsection’—	6
<i>omit.</i>	7
3. Section 20(2)(b), ‘section 16(1)(b)’—	8
<i>omit, insert—</i>	9
‘section 16(1)(b),’.	10
4. Section 23A(3)(b), ‘Department of Justice’—	11
<i>omit, insert—</i>	12
‘department’.	13
5. Section 34(2A), ‘this subsection’—	14
<i>omit, insert—</i>	15
‘subsection (2)’.	16
6. Section 42(4)(d), ‘subsection 3(a) or (b)’—	17
<i>omit, insert—</i>	18
‘subsection (3)(a) or (b)’.	19

SCHEDULE (continued)

STORAGE LIENS ACT 1973

- | | |
|---|----|
| 1. Section 5(2), ‘shall be in writing’— | 1 |
| <i>omit, insert—</i> | 2 |
| ‘must be in the approved form’. | 3 |
|
 | |
| 2. Sections 5(2)(b) and 6(3)(b), ‘of the warehouse’— | 5 |
| <i>omit.</i> | 6 |
|
 | |
| 3. Section 6(2), ‘, containing the prescribed particulars,’ | 7 |
| <i>omit.</i> | 8 |
|
 | |
| 4. After section 19— | 9 |
| <i>insert—</i> | 10 |
| ‘Approval of forms | 11 |
| ‘19A. The chief executive may approve forms for use under this Act.’. | 12 |

SUPREME COURT OF QUEENSLAND ACT 1991

- | | |
|--|----|
| 1. Section 2A, ‘(Consolidated Provisions)’— | 13 |
| <i>omit.</i> | 14 |
|
 | |
| 2. Schedule 2, part 1, ‘(Consolidated Provisions)’— | 16 |
| <i>omit.</i> | 17 |

SCHEDULE (continued)

SUPREME COURT ACT 1995

1. Section 300(3), after ‘*Supreme Court Act 1921*’—

insert—

‘, other than a reference to a provision of that Act that was relocated to the *Legal Practitioners Acts Amendment Act 1968*,’.

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