

Queensland



# **REGULATORY OFFENCES ACT 1985**

**Reprinted as in force on 3 November 1994  
(includes amendments up to Act No. 17 of 1989)**

**Reprint No. 1**

**This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy**

# Information about this reprint

This Act is reprinted as at 3 November 1994. The reprint—

- shows the law as amended by all amendments that commenced on or before that day
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (Pt 4, Div 2)
- update references (Pt 4, Div 3)
- express gender specific provisions in a way consistent with current legislative drafting practice (s 24)
- use different spelling consistent with current legislative drafting practice (s 26(2))
- use standard punctuation consistent with current legislative drafting practice (s 27)
- use conjunctives and disjunctives consistent with current legislative drafting practice (s 28)
- use expressions consistent with current legislative drafting practice (s 29)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current legislative drafting practice (s 35)
- omit provisions that are no longer required (ss 37, 39 and 40)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43)
- make all necessary consequential amendments (s 7(1)(k)).

**Also see Endnotes for information about—**

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint**
- **editorial changes made in the reprint, including—**
  - **Table of changed names and titles**
  - **Table of obsolete and redundant provisions**
  - **Table of renumbered provisions.**

# Queensland



## REGULATORY OFFENCES ACT 1985

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# REGULATORY OFFENCES ACT 1985

[as amended by all amendments that commenced on or before 3 November 1994<sup>2</sup>]

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

### **Short title**

1. This Act may be cited as the *Regulatory Offences Act 1985*<sup>3-7</sup>.

### **Commencement**

2.(1) This section and section 1 shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act shall commence on a day appointed by proclamation.

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

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

### **Interpretation**

4. In this Act—

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

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

“**shop**” includes a motor garage or service station.

**Unauthorised dealing with shop goods**

**5.(1)** Any person who, with respect to goods in a shop of a value of \$150 or less—

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

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

**(2)** It is a defence to a charge of an offence defined in subsection (1)(c) to prove the taking away of the goods was not dishonest.

**Leaving hotel etc. without payment**

**6.(1)** Any person who, with respect to food, drink, accommodation, or like goods and services, of the value of \$150 or less obtained from any restaurant or hotel, motel, boarding house or like premises—

- (a) leaves such premises without discharging, or attempting honestly, or making proper arrangements, to discharge, his or her lawful indebtedness therefor; or
- (b) purports to pay for them with a cheque that is not met on presentation or a credit card or similar document the person is not authorised to use;

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

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

**Unauthorised damage to property**

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

**Manner of proceeding against offender**

8.(1) A police officer may arrest without warrant any person who has or whom the officer suspects on reasonable grounds has committed any of the offences defined in this Act.

(2) The power and authority to proceed against an offender by way of complaint and summons under the *Justices Act 1886* shall also lie and have full force and effect.

(3) Where a person has been arrested in respect of any of the offences defined in this Act, a police officer at the police establishment to which the person is taken after arrest or where the person is in custody may take all such particulars as the officer considers necessary for the identification of that person, including the person's photograph and finger prints and palm prints.

(3A) However, if the person is found not guilty of the offence in question or is not proceeded against, any photograph or finger prints or palm prints taken pursuant to subsection (3A) shall be destroyed in the person's presence or in the presence of a person nominated by the person.

(4) Any police officer may appear before a Magistrates Court and act on behalf of the prosecution in proceedings in respect of any of the offences defined in this Act.

**Further power to fine**

9.(1) The court convicting an offender of an offence defined in this Act may also order the offender to pay by way of fine an amount not exceeding the costs of bringing the charge, including the costs of all reasonable investigations relating thereto, the costs of court and the cost of compensating any person injured thereby.

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(2) The court may make such order as it deems just for the payment of that part of the fine representing compensation.

**ENDNOTES****1 Index to Endnotes**

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**2 Date to which amendments incorporated**

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 3 November 1994. Future amendments of the Regulatory Offences Act 1985 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

**3 List of legislation****Regulatory Offences Act 1985 No. 32**

date of assent 17 April 1985

ss 1–2 commenced on date of assent

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

as amended by—

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

date of assent 30 March 1989

ss 1–2 commenced on date of assent

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

## 4 List of annotations

### Key to abbreviations in list of annotations

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
exp	=	expires/expired
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
R1	=	Reprint No. 1
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

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

**Act not to alter the Criminal Code**

s 3 amd R1 (see RA s 37)

**Interpretation**

s 4 def “goods” ins 1989 No. 17 s 74

**Unauthorised dealing with shop goods**

s 5 sub 1989 No. 17 s 75

**Amendments of The Criminal Code**

s 10 om R1 (see RA s 40)

## 5 Table of changed names and titles

### TABLE OF CHANGED NAMES AND TITLES under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
member (of the police force)	police officer	Police Service Administration Act 1990 s 11.1(1)(c) (see also s 1.4)

**6 Table of obsolete and redundant provisions**TABLE OF OBSOLETE AND REDUNDANT PROVISIONS  
under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1954 s 32A

**7 Table of renumbered provisions**TABLE OF RENUMBERED PROVISIONS  
under the Reprints Act 1992 s 43

Previous	Renumbered as
8(3), 2nd sentence	8(3A)