



Queensland

Peace and Good Behaviour Regulation 2020

Subordinate Legislation 2020 No. 166

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 2020*.

2 Commencement

This regulation commences on 1 September 2020.

3 Definitions

In this regulation—

approved form means a form approved under section 99 of the Act.

complainant means a person making a complaint under section 5 of the Act.

defendant means a person complained against under section 5 of the Act.

4 Filing requirements if summons or warrant issued

- (1) This section applies if a justice issues a summons or warrant under section 5(2A) of the Act on a complaint made to the justice under section 5 of the Act.
- (2) The complainant must, as soon as practicable, file with a clerk of the court in the court for the district in which the complaint is made—
 - (a) the complaint; and
 - (b) if the justice issues a summons—3 copies of the summons; and
 - (c) if the justice issues a warrant—a copy of the warrant.

5 Requirements if summons or warrant not issued

- (1) This section applies if a justice decides not to issue a summons or warrant under section 5(2A) of the Act on a complaint made to the justice under section 5 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 court for the district in which the complaint is made.

6 Filing requirements if mediation ordered

- (1) This section applies if a justice orders a complainant to submit the matter of the complaint to mediation under section 5(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.

7 Service of complaint and summons

When a person serves a summons issued under section 5(2A) of the Act on the defendant to whom it is directed, the person must also serve the defendant a copy of the complaint to which the summons relates.

8 Approved form for complaint

- (1) A complaint under section 5 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 5(2A) of the Act in relation to a complaint 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 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 issuing the summons;
 - (f) the date the summons issues.

10 Matters to be included in warrant

A warrant under section 5(2A) of the Act in relation to a complaint 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);

- (e) that the warrant authorises the police officers to apprehend the defendant and to cause the defendant to be brought before a court to answer the complaint;
- (f) the date the warrant ends;
- (g) the name, location and signature of the justice issuing the warrant;
- (h) the date the warrant issues.

11 Matters to be included in an order

An order for mediation of the matter of a complaint under section 5(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 to be submitted to mediation;
- (d) the date the justice orders the matter be submitted to mediation.

12 Repeal

The Peace and Good Behaviour Regulation 2010, SL No. 232 is repealed.

13 Transitional provision—references to repealed Peace and Good Behaviour Regulation 2010

In a document, a reference to the repealed *Peace and Good Behaviour Regulation 2010* may, if the context permits, be taken to be a reference to this regulation.

ENDNOTES

- 1 Made by the Governor in Council on 27 August 2020.
- 2 Notified on the Queensland legislation website on 28 August 2020.
- 3 The administering agency is the Department of Justice and Attorney-General.

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