



Queensland

# Justice and Other Legislation Amendment Bill 2023





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# Justice and Other Legislation Amendment Bill 2023

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# 2023

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## A Bill

for

**An Act to amend the *Acts Interpretation Act 1954*, the *Appeal Costs Fund Act 1973*, the *Attorney-General Act 1999*, the *Civil Liability Act 2003*, the *Civil Proceedings Act 2011*, the *Cremations Act 2003*, the Criminal Code, the *Criminal Law (Sexual Offences) Act 1978*, the *District Court of Queensland Act 1967*, the *Electoral Act 1992*, the *Funeral Benefit Business Act 1982*, the *Human Rights Act 2019*, the *Justices of the Peace and Commissioners for Declarations Act 1991*, the *Justices Regulation 2014*, the *Legal Profession Act 2007*, the *Legal Profession Regulation 2017*, the *Limitation of Actions Act 1974*, the *Magistrates Act 1991*, the *Magistrates Courts Act 1921*, the *Motor Accident Insurance Act 1994*, the *Oaths Act 1867*, the *Oaths Regulation 2022*, the *Ombudsman Act 2001*, the *Penalties and Sentences Act 1992*, the *Personal Injuries Proceedings Act 2002*, the *Public Guardian Act 2014*, the *Queensland Civil and Administrative Tribunal Act 2009*, the *Referendums Act 1997*, the *Statutory Instruments Act 1992*, the *Supreme Court of Queensland Act 1991*, the *Trust Accounts Act 1973*, the *Uniform Civil Procedure (Fees) Regulation 2019*, the *Victims of Crime Assistance Act 2009*, the *Youth Justice Act 1992* and the**

**legislation mentioned in schedule 1 for particular purposes, and  
to repeal the *Court Funds Act 1973***

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Justice and Other Legislation  
Amendment Act 2023*. 4  
5

**Clause 2 Commencement** 6

(1) The following provisions commence on 1 July 2024— 7

- part 5 8
- part 21 9
- part 26 10

(2) The following provisions commence on a day to be fixed by  
proclamation— 11  
12

- part 2 13
- part 3, division 2 14
- sections 40 to 43 15
- section 50 16
- part 9 17
- part 12 18
- part 14 19
- part 15 20
- sections 109 to 116, 118 and 119 21
- part 17 22
- section 138(3) and (4) 23
- part 25 24

[s 3]

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- sections 187, 193 and 196 1
- parts 32 to 37 2
- schedule 1 3

## **Part 2** 4

# **Amendment of Acts** 4

# **Interpretation Act 1954** 5

### **Clause 3** 6 **Act amended** 6

This part amends the *Acts Interpretation Act 1954*. 7

### **Clause 4** 8 **Insertion of new s 14CA** 8

After section 14C— 9

*insert*— 10

#### **14CA Other changes that do not affect general law** 11

(1) If— 12

(a) a provision of an Act expressly provides for 13  
an obligation to comply with the principles 14  
of natural justice; and 15

(b) the provision is replaced by a corresponding 16  
provision that does not expressly provide for 17  
the obligation; 18

the absence of an express provision for the 19  
obligation in the corresponding provision does 20  
not limit or otherwise affect an obligation under 21  
the corresponding provision to comply with 22  
procedural fairness implied under the general law. 23

(2) If— 24

(a) a provision of an Act expressly provides for 25  
a function to be performed reasonably or a 26  
power to be exercised reasonably; and 27

---

|                 |   |                             |
|-----------------|---|-----------------------------|
|                 | (b) the provision is replaced by a corresponding provision that does not expressly provide for the function to be performed reasonably or the power to be exercised reasonably;   | 1<br>2<br>3<br>4            |
|                 | the absence of an express provision for the matter in the corresponding provision does not limit or otherwise affect an obligation under the corresponding provision to perform the function reasonably or exercise the power reasonably implied under the general law. | 5<br>6<br>7<br>8<br>9<br>10 |
|                 | (3) For this section, a provision of an Act (a <i>former provision</i> ) is replaced by a corresponding provision if—   | 11<br>12<br>13              |
|                 | (a) an amendment of the Act omits the former provision and inserts a corresponding provision, whether in the same or a different location; or   | 14<br>15<br>16<br>17        |
|                 | (b) the former provision is amended and the amended provision is a corresponding provision; or  | 18<br>19<br>20              |
|                 | (c) the Act is repealed by an Act that includes a corresponding provision to the former provision.  | 21<br>22<br>23              |
|                 | (4) In this section—  | 24                          |
|                 | <i>corresponding provision</i> , to another provision, means a provision that is substantially the same as, or substantially equivalent to, the other provision.  | 25<br>26<br>27<br>28        |
| <b>Clause 5</b> | <b>Amendment of s 15C (Commencement of citation and commencement provisions on date of assent etc.)</b>   | 29<br>30                    |
|                 | Section 15C—  | 31                          |
|                 | <i>insert—</i>  | 32                          |
|                 | (4) A reference in this section to the provisions of an   | 33                          |

---

[s 6]

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|                 |  |                      |
|-----------------|--|----------------------|
|                 | Act providing for its citation includes a reference to the Act's long title.   | 1<br>2               |
| <b>Clause 6</b> | <b>Amendment of s 24B (Acting appointments)</b>  | 3                    |
|                 | (1) Section 24B(5)—  | 4                    |
|                 | <i>omit, insert—</i>   | 5                    |
|                 | (5) If the appointee is acting in the office because of a vacancy in the office—   | 6<br>7               |
|                 | (a) the term of the appointment may not be more than 1 year; and   | 8<br>9               |
|                 | (b) the appointee may be reappointed to act in the office, but the term of each reappointment may not be more than 1 year.                               | 10<br>11<br>12       |
|                 | (2) Section 24B—   | 13                   |
|                 | <i>insert—</i>   | 14                   |
|                 | (6A) Subsection (6)(c) does not prevent a further appointment of the appointee to act for a period ending later than a year from the day of the vacancy. | 15<br>16<br>17<br>18 |
| <b>Clause 7</b> | <b>Amendment of s 33 (References to Ministers, departments and chief executives)</b>   | 19<br>20             |
|                 | (1) Section 33, heading, ‘, departments and chief executives’—   | 21                   |
|                 | <i>omit.</i>   | 22                   |
|                 | (2) Section 33(9), ‘subsection (7)’—   | 23                   |
|                 | <i>omit, insert—</i>   | 24                   |
|                 | subsection (2)   | 25                   |
|                 | (3) Section 33(12), ‘subsection (11)’—   | 26                   |
|                 | <i>omit, insert—</i>   | 27                   |
|                 | subsection (2)   | 28                   |



- 
- (4) Section 33(13)(b), ‘this section’— 1  
*omit, insert*— 2  
any of sections 33 to 33AB 3
- (5) Section 33(6) to (9)— 4  
*relocate* to section 33AA as inserted by this Act and *renumber* 5  
as section 33AA(1) to (4). 6
- (6) Section 33(10) to (12)— 7  
*relocate* to section 33AB as inserted by this Act and *renumber* 8  
as section 33AB(1) to (3). 9
- (7) Section 33(13)— 10  
*relocate* to section 33AC as inserted by this Act. 11

- Clause 8 Insertion of new ss 33AA–33AC** 12
- After section 33— 13  
*insert*— 14
- 33AA References to departments** 15
- 33AB References to chief executives** 16
- 33AC Provisions administered by 2 or more Ministers** 17  
18

- Clause 9 Amendment of s 37 (Measurement of distance)** 19
- (1) Section 37, ‘an Act’— 20  
*omit, insert*— 21  
a pre-2023 provision 22
- (2) Section 37— 23  
*insert*— 24  
(2) In applying a post-2023 provision, distance is to 25

[s 10]

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|                  |   |                      |
|------------------|---|----------------------|
|                  | be measured in a straight line on a horizontal plane.   | 1<br>2               |
| (3)              | In this section—  | 3                    |
|                  | <i>post-2023 provision</i> means a provision enacted after the commencement of the <i>Justice and Other Legislation Amendment Act 2023</i> , section 9. | 4<br>5<br>6          |
|                  | <i>pre-2023 provision</i> means a provision other than a post-2023 provision.   | 7<br>8               |
|                  | <i>provision</i> means a provision of an Act.   | 9                    |
| <b>Clause 10</b> | <b>Amendment of sch 1 (Meaning of commonly used words and expressions)</b>  | 10<br>11             |
| (1)              | Schedule 1, definition <i>document</i> —  | 12                   |
|                  | <i>omit.</i>  | 13                   |
| (2)              | Schedule 1—   | 14                   |
|                  | <i>insert</i> —   | 15                   |
|                  | <i>document</i> —   | 16                   |
| (a)              | means a record of information, however recorded; and  | 17<br>18             |
| (b)              | includes—   | 19                   |
| (i)              | a thing on which there is writing; and  | 20                   |
| (ii)             | a thing on which there are marks, symbols or perforations having a meaning for persons qualified to interpret them; and                                 | 21<br>22<br>23<br>24 |
| (iii)            | an electronic document.   | 25                   |
|                  | <i>electronic document</i> means—   | 26                   |
| (a)              | a thing from which sounds, images or writings can be reproduced with or without the aid of anything else; or  | 27<br>28<br>29       |

- 
- (b) a record of information reproduced from a thing mentioned in paragraph (a); or
- (c) a record of information that exists in digital form and is capable of being reproduced, transmitted, stored or duplicated by electronic means.
- insolvent under administration*** see the Corporations Act, section 9.
- police commissioner*** means the commissioner of the police service under the *Police Service Administration Act 1990*.
- spent conviction*** means a conviction—
- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11 of that Act.
- (3) Schedule 1, definition *chief executive*, paragraph (e), ‘section 33’—
- omit, insert*—
- section 33AB
- (4) Schedule 1, definition *department*, ‘section 33’—
- omit, insert*—
- section 33AA

[s 11]

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|                   |   |                      |
|-------------------|---|----------------------|
| <b>Part 3</b>     | <b>Amendment of Appeal Costs Fund Act 1973</b>  | 1<br>2               |
| <b>Division 1</b> | <b>Amendments commencing on assent</b>  | 3<br>4               |
| <b>Clause 11</b>  | <b>Act amended</b>  | 5                    |
|                   | This part amends the <i>Appeal Costs Fund Act 1973</i> .  | 6                    |
| <b>Clause 12</b>  | <b>Amendment of s 5 (Appeal Costs Fund)</b>   | 7                    |
|                   | Section 5(5), ‘16, 18,’—  | 8                    |
|                   | <i>omit.</i>  | 9                    |
| <b>Clause 13</b>  | <b>Insertion of new s 14A</b>   | 10                   |
|                   | After section 14—   | 11                   |
|                   | <i>insert—</i>  | 12                   |
|                   | <b>14A Time limit for applying to board for payment</b>   | 13                   |
|                   | (1) The board must not issue a certificate to a person under section 14(1) for a payment from the fund unless the person applies to the board for a certificate under this section. | 14<br>15<br>16<br>17 |
|                   | (2) An application must be made within 1 year after—  | 18<br>19             |
|                   | (a) the day an indemnity certificate for the payment is granted; or   | 20<br>21             |
|                   | (b) if the person is entitled to the payment without the grant of an indemnity certificate—the day on which the entitlement arises.   | 22<br>23<br>24<br>25 |
|                   | (3) However, the board may accept an application made after the time required under subsection (2)  | 26<br>27             |

---

|                  |   |             |
|------------------|---|-------------|
|                  | if the board is satisfied it would be reasonable to do so, having regard to—                          | 1<br>2      |
|                  | (a) the length of the delay; and  | 3           |
|                  | (b) the reasons for the delay; and  | 4           |
|                  | (c) the likely financial and other consequences for the person if the certificate is not granted; and | 5<br>6<br>7 |
|                  | (d) any other relevant matter.  | 8           |
| <b>Clause 14</b> | <b>Replacement of pt 4, hdg (Indemnity certificates)</b>  | 9           |
|                  | Part 4, heading—  | 10          |
|                  | <i>omit, insert—</i>  | 11          |
|                  | <b>Part 4</b>   |             |
|                  | <b>Guideline proceedings</b>  | 12          |
| <b>Clause 15</b> | <b>Omission of pt 4, div 1 (Generally)</b>  | 13          |
|                  | Part 4, division 1—   | 14          |
|                  | <i>omit.</i>  | 15          |
| <b>Clause 16</b> | <b>Omission of pt 4, div 2, hdg (Guideline proceeding)</b>  | 16          |
|                  | Part 4, division 2, heading—  | 17          |
|                  | <i>omit.</i>  | 18          |
| <b>Clause 17</b> | <b>Amendment of s 20A (Definitions for div 2)</b>   | 19          |
|                  | (1) Section 20A, heading, ‘div 2’—  | 20          |
|                  | <i>omit, insert—</i>  | 21          |
|                  | <b>part</b>   | 22          |
|                  | (2) Section 20A, ‘division’—  | 23          |
|                  | <i>omit, insert—</i>  | 24          |
|                  | part  | 25          |

---

[s 18]

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|                  |  |    |
|------------------|--|----|
| <b>Clause 18</b> | <b>Omission of pt 4, div 3, hdg (Discretion)</b>   | 1  |
|                  | Part 4, division 3, heading—   | 2  |
|                  | <i>omit.</i>   | 3  |
| <b>Clause 19</b> | <b>Insertion of new s 24A</b>  | 4  |
|                  | After section 24—  | 5  |
|                  | <i>insert—</i>   | 6  |
|                  | <b>24A No payments to Legal Aid Queensland or service providers</b>  | 7  |
|                  |  | 8  |
|                  | The board must not make a payment from the fund—   | 9  |
|                  |  | 10 |
|                  | (a) to Legal Aid Queensland; or  | 11 |
|                  | (b) to a Legal Aid service provider, in relation to a proceeding for which the Legal Aid service provider gave legal assistance under the <i>Legal Aid Queensland Act 1997</i> . | 12 |
|                  |  | 13 |
|                  |  | 14 |
|                  |  | 15 |
| <b>Clause 20</b> | <b>Insertion of new pt 6, div 1, hdg</b>   | 16 |
|                  | After part 6, heading—   | 17 |
|                  | <i>insert—</i>   | 18 |
|                  | <b>Division 1</b>  | 19 |
|                  | <b>Transitional provision for Court and Civil Legislation Amendment Act 2017</b>   | 20 |
|                  |  | 21 |
| <b>Clause 21</b> | <b>Omission of ss 28 and 30</b>  | 22 |
|                  | Sections 28 and 30—  | 23 |
|                  | <i>omit.</i>   | 24 |
| <b>Clause 22</b> | <b>Insertion of new pt 6, div 2</b>  | 25 |
|                  | Part 6—  | 26 |

*insert—*

**Division 2 Transitional provisions for  
Justice and Other  
Legislation Amendment  
Act 2023**

**32 Definitions for division**

In this division—

*amending Act* means the *Justice and Other  
Legislation Amendment Act 2023*.

*former*, for a provision of this Act, means the  
provision as in force immediately before the  
commencement of the amending Act.

**33 Application of former pt 4, div 1 to current  
appeals and certificates**

Despite its repeal by the amending Act, former  
part 4, division 1 continues to apply in relation  
to—

(a) an appeal started before the commencement;  
and

(b) an indemnity certificate granted before the  
commencement.

**34 Time limit for claiming payments for finalised  
proceedings**

(1) This section applies if—

(a) a person is entitled to a payment from the  
fund in relation to a proceeding that was  
finally dealt with before the  
commencement; and

[s 23]

---

|                   |  |                      |
|-------------------|--|----------------------|
|                   | (b) the person did not apply to the board for a certificate under section 14(1) before the commencement.   | 1<br>2<br>3          |
|                   | (2) Section 14A applies in relation to the payment as if the reference in section 14A(2) to 1 year were a reference to 2 years.  | 4<br>5<br>6          |
|                   | <b>35 Payments to Legal Aid Queensland or service providers</b>  | 7<br>8               |
|                   | Section 24A does not prevent a payment from the fund to Legal Aid Queensland or a Legal Aid service provider in accordance with a certificate of the board issued before the commencement.                   | 9<br>10<br>11<br>12  |
| <b>Division 2</b> | <b>Amendments commencing on proclamation</b>   | 13<br>14             |
| <b>Clause 23</b>  | <b>Amendment of s 5 (Appeal Costs Fund)</b>  | 15                   |
|                   | Section 5(4)—  | 16                   |
|                   | <i>omit, insert—</i>   | 17                   |
|                   | (4) The amounts received for the fund are amounts paid to the department as part of its vote under the <i>Financial Accountability Act 2009</i> and made available by the department for use under this Act. | 18<br>19<br>20<br>21 |
| <b>Clause 24</b>  | <b>Replacement of pt 3, hdg (Finance)</b>  | 22                   |
|                   | Part 3, heading—   | 23                   |
|                   | <i>omit, insert—</i>   | 24                   |
|                   | <b>Part 3 Payments</b>   | 25                   |



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|                  |  |                    |
|------------------|--|--------------------|
| <b>Clause 25</b> | <b>Omission of ss 10–13</b>  | 1                  |
|                  | Sections 10 to 13—   | 2                  |
|                  | <i>omit.</i>   | 3                  |
| <b>Clause 26</b> | <b>Insertion of new s 36</b>   | 4                  |
|                  | After section 35—  | 5                  |
|                  | <i>insert—</i>   | 6                  |
|                  | <b>36 Payment of fees into the fund</b>  | 7                  |
|                  | (1) Despite its repeal by the amending Act, former section 12 continues to apply in relation to amounts paid to the proper officer of a court before the commencement. | 8<br>9<br>10<br>11 |
|                  | (2) Despite its repeal by the amending Act, former section 13 continues to apply to an amount received by the Minister under former section 12.                        | 12<br>13<br>14     |
| <b>Part 4</b>    | <b>Amendment of<br/>Attorney-General Act 1999</b>  | 15<br>16           |
| <b>Clause 27</b> | <b>Act amended</b>   | 17                 |
|                  | This part amends the <i>Attorney-General Act 1999</i> .  | 18                 |
| <b>Clause 28</b> | <b>Amendment of s 5 (Principal functions)</b>  | 19                 |
|                  | Section 5, editor’s note—  | 20                 |
|                  | <i>omit.</i>   | 21                 |
| <b>Clause 29</b> | <b>Amendment of s 7 (Specific powers)</b>  | 22                 |
|                  | (1) Section 7(1)(a), editor’s note—  | 23                 |
|                  | <i>omit.</i>   | 24                 |

[s 30]

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- (2) Section 7(1)(b), editor’s note— 1  
*omit, insert*— 2  
*Note*— 3  
See the *Criminal Code*, section 563. 4
- (3) Section 7(1)(g), after ‘start’— 5  
*insert*— 6  
or continue 7
- (4) Section 7(1)(l), editor’s note— 8  
*omit.* 9

- Clause 30 Amendment of s 10 (Refusal of relator application)** 10  
Section 10(1)(a), after ‘start’— 11  
*insert*— 12  
or continue 13

**Part 5 Amendment of Civil Liability Act 2003** 14  
15

- Clause 31 Act amended** 16  
This part amends the *Civil Liability Act 2003*. 17

- Clause 32 Amendment of s 58 (Damages for loss of consortium or loss of servitium)** 18  
19
- (1) Section 58(1)(b), ‘prescribed under a regulation’— 20  
*omit, insert*— 21  
fixed by the Minister, by written notice under 22  
section 75, 23
- (2) Section 58(1)(b), note— 24  
*omit.* 25

---

|                  |   |                      |
|------------------|---|----------------------|
| <b>Clause 33</b> | <b>Replacement of s 62 (Calculation of general damages)</b>   | 1                    |
|                  | Section 62—   | 2                    |
|                  | <i>omit, insert—</i>  | 3                    |
|                  | <b>62 Calculation of general damages</b>  | 4                    |
|                  | (1) For an injury arising after 1 December 2002, general damages must be calculated under this section.   | 5<br>6<br>7          |
|                  | (2) The Minister may make a notice under section 75, for a financial year, fixing the following for each injury scale value—  | 8<br>9<br>10         |
|                  | (a) a base amount, if any;  | 11                   |
|                  | (b) a variable amount.  | 12                   |
|                  | (3) Without limiting subsection (2)(b), a notice is taken to fix a variable amount for an injury scale value if the notice states the way in which the variable amount is to be worked out. | 13<br>14<br>15<br>16 |
|                  | (4) The general damages for an injury are the sum of the following amounts, fixed by the notice under subsection (2), for the period within which the injury arose—                         | 17<br>18<br>19<br>20 |
|                  | (a) any base amount for the injury scale value for the injury;  | 21<br>22             |
|                  | (b) the variable amount for the injury scale value for the injury.  | 23<br>24             |
| <b>Clause 34</b> | <b>Amendment of s 64 (Court required to inform parties of proposed award)</b>   | 25<br>26             |
|                  | (1) Section 64(2), ‘prescribed under a regulation’—   | 27                   |
|                  | <i>omit, insert—</i>  | 28                   |
|                  | fixed by the Minister, by written notice under section 75,  | 29<br>30             |
|                  | (2) Section 64(2), note—  | 31                   |

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[s 35]

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*omit.* 1

**Clause 35 Replacement of s 75 (Indexation of particular amounts)** 2

Section 75— 3

*omit, insert—* 4

**75 Indexation of particular amounts** 5

(1) The Minister must, before each financial year starts, make a notice for the financial year fixing amounts for or under the following provisions— 6  
7  
8

(a) section 58(1)(b); 9

(b) section 62(2)(a) and (b); 10

(c) section 64(2). 11

(2) The amount fixed for or under a provision mentioned in subsection (1) for a purpose is to be the amount last fixed by the Minister for the purpose adjusted by the percentage change in average weekly earnings between the current financial year and the last financial year and rounded to the nearest 10 dollars (rounding one-half upwards). 12  
13  
14  
15  
16  
17  
18  
19

(3) However, subsection (4) applies if— 20

(a) the percentage change in average weekly earnings between the current financial year and the last financial year would reduce or would not change the amount fixed for a purpose; or 21  
22  
23  
24  
25

(b) the percentage change in average weekly earnings between the current financial year and the last financial year is not available from the Australian Statistician. 26  
27  
28  
29

(4) The Minister must fix an amount for the purpose that is not less than the amount for the purpose last fixed by the Minister. 30  
31  
32

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|                  |  |   |                      |
|------------------|--|---|----------------------|
| (5)              | The Minister’s notice is subordinate legislation.  | 1   |                      |
| (6)              | Despite subsection (1), the Minister may make a notice for a financial year, after 1 July in the financial year, that has retrospective operation to 1 July in the financial year. | 2<br>3<br>4<br>5  |                      |
| (7)              | Subsection (6) applies despite the <i>Statutory Instruments Act 1992</i> , section 34.   | 6<br>7  |                      |
| (8)              | In this section—   | 8   |                      |
|                  | <i>current financial year</i> , for a notice, means the financial year immediately before the financial year for which the notice is made.   | 9<br>10<br>11   |                      |
|                  | <i>last financial year</i> , for a notice, means the financial year immediately before the current financial year.   | 12<br>13<br>14  |                      |
| <b>Clause 36</b> | <b>Insertion of new ch 5, pt 9</b>   | 15  |                      |
|                  | Chapter 5—   | 16  |                      |
|                  | <i>insert</i> —  | 17  |                      |
|                  | <b>Part 9</b>  | <b>Transitional provisions<br/>for Justice and Other<br/>Legislation<br/>Amendment Act 2023</b> | 18<br>19<br>20<br>21 |
| <b>87</b>        | <b>Definitions for part</b>  | 22  |                      |
|                  | In this part—  | 23  |                      |
|                  | <i>former</i> , for a provision of this Act, means the provision as in force immediately before the commencement.  | 24<br>25<br>26  |                      |
|                  | <i>new</i> , for a provision of this Act, means the provision in force from the commencement.  | 27<br>28  |                      |

[s 37]

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- 88 First notice made by the Minister** 1
- (1) This section applies in relation to the first notice 2  
made by the Minister under new section 75(1). 3
- (2) For new section 75(2) and (4), a reference to the 4  
amount last fixed by the Minister for a purpose is 5  
taken to be a reference to the amount prescribed 6  
for the purpose by a regulation, made under 7  
former section 75, as in force immediately before 8  
the commencement. 9
- 89 Existing prescribed amounts** 10
- (1) This section applies in relation to each amount 11  
that, immediately before the commencement, was 12  
prescribed by regulation for or under former 13  
section 58(1)(b), 62(2) or 64(2) for a period. 14
- (2) The amount continues to have effect as if it had 15  
been fixed under new section 75(1). 16
- (3) The Minister may, for information only, include 17  
the amount in the notice made by the Minister 18  
under new section 75(1) as the amount fixed for or 19  
under section 58(1)(b), 62(2) or 64(2) for the 20  
period. 21

- Clause 37 Amendment of sch 2 (Dictionary)** 22
- (1) Schedule 2, definition *food donor*, ‘section 38A(1)’— 23  
*omit, insert—* 24  
section 38(1) 25
- (2) Schedule 2, definition *motor vehicle*, ‘*Transport Operations* 26  
*(Road Use Management—Vehicle Registration) Regulation* 27  
*2010*’— 28  
*omit, insert—* 29  
*Transport Operations (Road Use* 30  
*Management—Vehicle Registration) Regulation* 31

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|                  |  |                |
|------------------|--|----------------|
|                  | 2021   | 1              |
| <b>Part 6</b>    | <b>Amendment of Civil Proceedings Act 2011</b>   | 2              |
|                  |  | 3              |
| <b>Clause 38</b> | <b>Act amended</b>   | 4              |
|                  | This part amends the <i>Civil Proceedings Act 2011</i> .   | 5              |
| <b>Clause 39</b> | <b>Replacement of s 59 (Interest after money order)</b>  | 6              |
|                  | Section 59—  | 7              |
|                  | <i>omit, insert—</i>   | 8              |
|                  | <b>59 Interest after money order</b>   | 9              |
|                  | (1) This section applies in relation to a money order except to the extent the court otherwise orders.                                     | 10<br>11       |
|                  | (2) Interest is payable from the date of the money order on the money order debt.  | 12<br>13       |
|                  | (3) The interest is payable at the rate prescribed under a practice direction made under the <i>Supreme Court of Queensland Act 1991</i> . | 14<br>15<br>16 |
|                  | (4) However—   | 17             |
|                  | (a) if—  | 18             |
|                  | (i) the money order is for payment of a stated amount for damages or costs; and  | 19<br>20<br>21 |
|                  | (ii) the amount is paid in full within 21 days after the date of the order;  | 22<br>23       |
|                  | interest on the damages or costs is not payable; and   | 24<br>25       |
|                  | (b) if—  | 26             |

[s 40]

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|                  |   |                      |
|------------------|---|----------------------|
|                  | (i) the money order is or includes an order for the payment of costs in an amount to be ascertained, under the rules or otherwise, after the order is made; and                         | 1<br>2<br>3<br>4     |
|                  | (ii) the amount for costs is paid in full within 21 days after the day the amount has been ascertained and becomes payable under the rules or otherwise;                                | 5<br>6<br>7<br>8     |
|                  | interest on the costs is not payable.   | 9                    |
| (5)              | This section does not apply in relation to a proceeding for a cause of action arising before 21 December 1972.  | 10<br>11<br>12       |
| (6)              | In this section—  | 13                   |
|                  | <i>money order</i> —  | 14                   |
| (a)              | includes an order for the payment of costs in an amount to be ascertained, under the rules or otherwise, after the order is made; and   | 15<br>16<br>17       |
| (b)              | does not include an order of the registrar, made under the rules, about the amount payable for costs under a money order.   | 18<br>19<br>20       |
|                  | <i>money order debt</i> , for a money order for the payment of costs in an amount to be ascertained after the order is made, means the amount ascertained under the rules or otherwise. | 21<br>22<br>23<br>24 |
| <b>Clause 40</b> | <b>Insertion of new pt 11A</b>  | 25                   |
|                  | After part 11—  | 26                   |
|                  | <i>insert</i> —   | 27                   |
|                  | <b>Part 11A Court funds</b>   | 28                   |
|                  | <b>Division 1 Preliminary</b>   | 29                   |



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|   |                      |
|---|----------------------|
| <b>75A Definitions for part</b>   | 1                    |
| In this part—   | 2                    |
| <i>interest</i> includes dividends and periodical income.   | 3<br>4               |
| <i>money in court</i> means—  | 5                    |
| (a) an amount paid into court under a law or a court order; or  | 6<br>7               |
| (b) an amount placed to the credit of a proceeding or account in a court, including—  | 8<br>9<br>10         |
| (i) interest accrued on an amount mentioned in paragraph (a); and   | 11<br>12             |
| (ii) interest accrued on securities in court.   | 13                   |
| <i>registrar</i> includes a person who, under rules of court, discharges a duty or performs a function of a registrar.                                | 14<br>15<br>16       |
| <i>securities</i> —   | 17                   |
| (a) includes debentures, stocks and shares; but   | 18                   |
| (b) does not include a thing prescribed by regulation not to be a security.   | 19<br>20             |
| <i>securities in court</i> means—   | 21                   |
| (a) securities deposited into court under a law or court order; or  | 22<br>23             |
| (b) securities placed to the credit of a proceeding or account in a court, including securities acquired using money in court or securities in court. | 24<br>25<br>26<br>27 |
| <br>  |                      |
| <b>Division 2</b>   | <b>28</b>            |
| <b>Money and securities in court</b>  | <b>29</b>            |

[s 40]

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### **75B Court suitors fund**

- |   |    |
|---|----|
|   | 1  |
| (1) The Court Suitors Fund established under the        | 2  |
| repealed <i>Court Funds Act 1973</i> is continued in    | 3  |
| existence under this Act.                               | 4  |
| (2) The fund is to be administered by the chief         | 5  |
| executive.  | 6  |
| (3) The fund does not form part of the consolidated     | 7  |
| fund.   | 8  |
| (4) Accounts for the fund must be kept as part of the   | 9  |
| departmental accounts of the department.                | 10 |
| (5) However, amounts received for the fund must be      | 11 |
| deposited in a departmental financial institution       | 12 |
| account of the department used only for amounts         | 13 |
| received for the fund.                                  | 14 |
| (6) An amount paid into court as money in court must    | 15 |
| be paid into the fund at the time, and in the way,      | 16 |
| prescribed by regulation.                               | 17 |
| (7) In this section—                                    | 18 |
| <i>departmental accounts</i> , of the department, means | 19 |
| the accounts of the department under the                | 20 |
| <i>Financial Accountability Act 2009</i> , section 69.  | 21 |
| <i>departmental financial institution account</i> , of  | 22 |
| the department, means an account of the                 | 23 |
| department under the <i>Financial Accountability</i>    | 24 |
| <i>Act 2009</i> , section 83.                           | 25 |

### **75C Dealing with money and securities in court**

- |   |    |
|---|----|
|   | 26 |
| (1) Money in court and securities in court may be     | 27 |
| dealt with only in accordance with this Act, the      | 28 |
| rules of court and any court order about the money    | 29 |
| or securities.  | 30 |
| (2) In this section—                                  | 31 |
| <i>dealt with</i> means paid, delivered, transferred, | 32 |
| invested or sold.                                     | 33 |

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|   |   |
|---|---|
| <b>75D Vesting of money and securities in court</b> | 1 |
| (1) This section applies to—                        | 2 |
| (a) an amount paid into court as money in court;    | 3 |
| or  | 4 |
| (b) securities deposited into court as securities   | 5 |
| in court.   | 6 |
| (2) The amount or securities vest in the chief      | 7 |
| executive on behalf of the court without any        | 8 |
| conveyance, transfer or assignment.                 | 9 |

|                  |   |    |
|------------------|---|----|
| <b>Clause 41</b> | <b>Amendment of s 107 (Regulation-making power)</b> | 10 |
|                  | Section 107—  | 11 |
|                  | <i>insert—</i>                                      | 12 |
|                  | (4) A regulation under part 11A may make provision  | 13 |
|                  | about money in court or securities in court,        | 14 |
|                  | including provision about any of the following—     | 15 |
|                  | (a) the procedure for paying money into court       | 16 |
|                  | or depositing securities into court;                | 17 |
|                  | (b) the affidavits or other documents that must     | 18 |
|                  | be completed or given in relation to the            | 19 |
|                  | payment of money into court or deposit of           | 20 |
|                  | securities into court;                              | 21 |
|                  | (c) the keeping of records relating to money in     | 22 |
|                  | court or securities in court;                       | 23 |
|                  | (d) the remittance of money or securities by the    | 24 |
|                  | registrar of a court to the chief executive;        | 25 |
|                  | (e) the investment of money in court or             | 26 |
|                  | securities in court;                                | 27 |
|                  | (f) how the chief executive or the registrar of a   | 28 |
|                  | court may or must deal with money in court          | 29 |
|                  | or securities in court;                             | 30 |
|                  | (g) interest on money in court, including           | 31 |
|                  | provision about the rate or calculation of          | 32 |

[s 42]

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|                  |   |  |                    |
|------------------|---|--|--------------------|
|                  | interest and the way in which, and times at which, interest must be paid;   | 1<br>2   |                    |
|                  | (h) the payment or transfer of money or securities out of court.  | 3<br>4   |                    |
| <b>Clause 42</b> | <b>Insertion of new pt 18</b>   | 5  |                    |
|                  | After part 17—  | 6  |                    |
|                  | <i>insert—</i>  | 7  |                    |
|                  | <b>Part 18</b>  | <b>Transitional provision<br/>for Justice and Other<br/>Legislation<br/>Amendment Act 2023</b> | 8<br>9<br>10<br>11 |
|                  | <b>113 Vesting of money and securities in court</b>   | 12   |                    |
|                  | (1) This section applies to money and securities that, immediately before the commencement, were vested in the Minister under the repealed <i>Court Funds Act 1973</i> , section 8. | 13<br>14<br>15<br>16   |                    |
|                  | (2) On the commencement, the money and securities vest in the chief executive under section 75D.  | 17<br>18   |                    |
| <b>Clause 43</b> | <b>Amendment of sch 1 (Dictionary)</b>  | 19   |                    |
|                  | Schedule 1—   | 20   |                    |
|                  | <i>insert—</i>  | 21   |                    |
|                  | <i>interest</i> , for part 11A, see section 75A.  | 22   |                    |
|                  | <i>money in court</i> , for part 11A, see section 75A.  | 23   |                    |
|                  | <i>registrar</i> , for part 11A, see section 75A.   | 24   |                    |
|                  | <i>securities</i> , for part 11A, see section 75A.  | 25   |                    |
|                  | <i>securities in court</i> , for part 11A, see section 75A.   | 26   |                    |

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|                  |  |    |
|------------------|--|----|
| <b>Part 7</b>    | <b>Amendment of Cremations Act 2003</b>  | 1  |
|                  |  | 2  |
| <b>Clause 44</b> | <b>Act amended</b>   | 3  |
|                  | This part amends the <i>Cremations Act 2003</i> .  | 4  |
| <b>Clause 45</b> | <b>Insertion of new s 5A</b>   | 5  |
|                  | After section 5—   | 6  |
|                  | <i>insert—</i>   | 7  |
|                  | <b>5A Permission to cremate given by interstate coroner</b>  | 8  |
|                  |  | 9  |
|                  | (1) This section applies if an interstate coroner for another State gives permission, under a law of that State, to cremate human remains.   | 10 |
|                  |  | 11 |
|                  |  | 12 |
|                  | (2) A person who cremates the human remains in Queensland under the permission does not commit an offence against section 5 if a doctor has— | 13 |
|                  |  | 14 |
|                  |  | 15 |
|                  |  | 16 |
|                  | (a) examined the remains and made any necessary inquiries; and   | 17 |
|                  |  | 18 |
|                  | (b) issued a certificate that the doctor is satisfied the remains do not pose a cremation risk.  | 19 |
|                  |  | 20 |
|                  | (3) In this section—   | 21 |
|                  | <i>interstate coroner</i> , for another State, means a person who may exercise the functions of a coroner under a law of that State.         | 22 |
|                  |  | 23 |
|                  |  | 24 |
| <b>Clause 46</b> | <b>Amendment of s 14 (Record keeping—person in charge of crematorium)</b>  | 25 |
|                  |  | 26 |
|                  | (1) Section 14—  | 27 |
|                  | <i>insert—</i>   | 28 |

[s 47]

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|                  |               |  |                  |
|------------------|---------------|--|------------------|
|                  | (3A)          | If section 5A applies in relation to a cremation, the person in charge of a crematorium must keep at the crematorium a copy of each of the following for 15 years after the cremation— | 1<br>2<br>3<br>4 |
|                  | (a)           | the permission mentioned in section 5A(2);   | 5                |
|                  | (b)           | the certificate mentioned in section 5A(2)(b).   | 6<br>7           |
|                  |               | Maximum penalty—80 penalty units.  | 8                |
|                  | (2)           | Section 14(3A) to (5)—   | 9                |
|                  |               | <i>renumber</i> as section 14(4) to (6).   | 10               |
| <b>Clause 47</b> |               | <b>Amendment of s 15 (Record keeping—former owner of crematorium)</b>  | 11<br>12         |
|                  |               | Section 15(1), ‘section 14(3)’—  | 13               |
|                  |               | <i>omit, insert</i> —  | 14               |
|                  |               | section 14(3) or (4)   | 15               |
|                  | <b>Part 8</b> | <b>Amendment of Criminal Code</b>  | 16               |
| <b>Clause 48</b> |               | <b>Code amended</b>  | 17               |
|                  |               | This part amends the Criminal Code.  | 18               |
| <b>Clause 49</b> |               | <b>Amendment of s 319A (Termination of pregnancy performed by unqualified person)</b>  | 19<br>20         |
|                  |               | Section 319A(3), definition <i>assisting</i> , paragraph (a)(ii) and (iii)—  | 21<br>22         |
|                  |               | <i>omit, insert</i> —  | 23               |
|                  |               | (ii) supplying a termination drug for use in the termination; and  | 24<br>25         |

---

|                  |  |    |
|------------------|--|----|
|                  | (iii) procuring the supply of a termination drug               | 1  |
|                  | from an unqualified person for use in the                      | 2  |
|                  | termination; and   | 3  |
|                  | (iv) administering a termination drug; but                     | 4  |
| <b>Clause 50</b> | <b>Amendment of s 564 (Form of indictment)</b>                 | 5  |
|                  | Section 564—   | 6  |
|                  | <i>insert—</i>   | 7  |
|                  | (3B) An indictment for an offence committed in                 | 8  |
|                  | relation to a pregnant person that allegedly                   | 9  |
|                  | resulted in destroying the life of the person’s                | 10 |
|                  | unborn child may also state the name, or a                     | 11 |
|                  | description, of the unborn child.                              | 12 |
| <b>Part 9</b>    | <b>Amendment of Criminal Law</b>                               | 13 |
|                  | <b>(Sexual Offences) Act 1978</b>                              | 14 |
| <b>Clause 51</b> | <b>Act amended</b>   | 15 |
|                  | This part amends the <i>Criminal Law (Sexual Offences) Act</i> | 16 |
|                  | <i>1978.</i>   | 17 |
| <b>Clause 52</b> | <b>Amendment of s 3 (Definitions)</b>                          | 18 |
|                  | Section 3—   | 19 |
|                  | <i>insert—</i>   | 20 |
|                  | <i>accredited media entity</i> means an entity listed as       | 21 |
|                  | an accredited media entity in the Supreme Court’s              | 22 |
|                  | media accreditation policy.                                    | 23 |
|                  | <i>eligible person</i> , in relation to a charge of a          | 24 |
|                  | prescribed sexual offence, means the                           | 25 |
|                  | complainant, the defendant or the prosecution.                 | 26 |
|                  | <i>identifying matter</i> , in relation to a defendant,        | 27 |

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[s 53]

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|                  |  |                                  |
|------------------|--|----------------------------------|
|                  | means—   | 1                                |
|                  | (a) the name, address, place of employment or another particular of the defendant or another person that is likely to lead to the identification of the defendant; or  | 2<br>3<br>4<br>5                 |
|                  | (b) a photograph, picture, videotape, digital image or other visual representation of the defendant or another person that is likely to lead to the identification of the defendant.   | 6<br>7<br>8<br>9                 |
|                  | <i>interim order</i> see section 7D(1).  | 10                               |
|                  | <i>non-publication order</i> see section 7(2).   | 11                               |
|                  | <i>sentenced</i> means sentenced by a Magistrates Court.   | 12<br>13                         |
|                  | <i>Supreme Court’s media accreditation policy</i> means the media accreditation policy in effect and made under or appended to a practice direction of the Supreme Court.  | 14<br>15<br>16<br>17             |
| <b>Clause 53</b> | <b>Replacement of s 7 (Publication prematurely of defendant’s identity prohibited)</b>   | 18<br>19                         |
|                  | Section 7—   | 20                               |
|                  | <i>omit, insert</i> —  | 21                               |
|                  | <b>7 Application for non-publication order, and notice of application</b>  | 22<br>23                         |
|                  | (1) This section applies if a defendant is charged with a prescribed sexual offence.   | 24<br>25                         |
|                  | (2) An eligible person may apply to a Magistrates Court for an order (a <i>non-publication order</i> ) prohibiting the publication, before the defendant is committed for trial or sentence or sentenced on the charge, of identifying matter relating to the defendant. | 26<br>27<br>28<br>29<br>30<br>31 |
|                  | (3) The applicant must give 3 business days’ notice of their intention to make the application to—   | 32<br>33                         |



- 
- (a) the court; and 1
  - (b) each other eligible person. 2
  - (4) However, the court may hear an application for a 3  
non-publication order despite the failure of the 4  
applicant to give notice under subsection (3) if the 5  
court is satisfied— 6
    - (a) there is a good reason for notice not having 7  
been given under subsection (3); or 8
    - (b) it is in the interests of justice that the court 9  
hear the application without notice having 10  
been given under subsection (3). 11
  - (5) Also, if the applicant is the defendant, notice to 12  
the complainant— 13
    - (a) must not be given personally by the 14  
defendant; and 15
    - (b) must be given by the prosecution giving a 16  
copy of the notice to the complainant or 17  
another person nominated to receive 18  
correspondence on the complainant’s behalf 19  
in relation to the matter. 20
  - (6) Notice under subsection (5) may be given by 21  
electronic communication. 22

**7A Notifications to accredited media entities** 23

- (1) On receiving a notice under section 7(3), the court 24  
must take reasonable steps to ensure that each 25  
accredited media entity is notified of the 26  
application. 27
- (2) The notification may be by electronic 28  
communication or any other way the court 29  
considers appropriate. 30

[s 53]

---

- 7B Grounds for non-publication order** 1
- The court may make a non-publication order if 2  
satisfied of one or more of the following 3  
grounds— 4
- (a) the order is necessary to prevent prejudice to 5  
the proper administration of justice; 6
  - (b) the order is necessary to prevent undue 7  
hardship or distress to a complainant or 8  
witness in relation to the charge; 9
  - (c) the order is necessary to protect the safety of 10  
any person. 11
- 7C Procedure for making non-publication order** 12
- (1) Each of the following persons may appear and be 13  
heard by the court on an application for a 14  
non-publication order— 15
    - (a) the applicant; 16
    - (b) an eligible person in relation to the charge to 17  
which the application relates; 18
    - (c) an accredited media entity; 19
    - (d) any other person whom the court considers 20  
has sufficient interest in the question of 21  
whether the order should be made. 22
  - (2) The court may order that the application be heard 23  
in closed court. 24
  - (3) In hearing the application the court— 25
    - (a) may receive and take into account evidence 26  
of any kind that it considers credible or 27  
trustworthy in the circumstances; and 28
    - (b) must consider the following— 29
      - (i) the primacy of the principle of open 30  
justice; 31

- 
- |   |                            |
|---|----------------------------|
| (ii) the public interest;   | 1                          |
| (iii) any submissions made or views expressed by or on behalf of the complainant about the application;   | 2<br>3<br>4                |
| (iv) any special vulnerabilities of the complainant or the defendant;   | 5<br>6                     |
| (v) any cultural considerations relating to the complainant or the defendant;   | 7<br>8                     |
| (vi) the potential effect of publication in a rural or remote community;  | 9<br>10                    |
| (vii) the potential to prejudice any future court proceedings;  | 11<br>12                   |
| (viii) the history and context of any relationship between the complainant and the defendant (including, for example, any domestic violence history);                               | 13<br>14<br>15<br>16<br>17 |
| (ix) any other matter the court considers relevant.   | 18<br>19                   |
| (4) If the court grants the application, the court must state in the order—   | 20<br>21                   |
| (a) the grounds on which the order is made; and   | 22                         |
| (b) any identifying matter that is not covered by the order; and  | 23<br>24                   |
| (c) the extent to which publication of identifying matter is prohibited; and  | 25<br>26                   |
| (d) that the order ceases to have effect when the defendant is committed for trial or sentence or sentenced on the charge or when the charge is withdrawn, whichever happens first. | 27<br>28<br>29<br>30<br>31 |

|   |                            |
|---|----------------------------|
| <b>7D Interim orders</b>  | 1                          |
| (1) If an application is made to the court for a non-publication order, the court may, without determining the merits of the application, make an order (an <i>interim order</i> ) prohibiting the publication of identifying matter relating to the defendant. | 2<br>3<br>4<br>5<br>6<br>7 |
| (2) An interim order has effect until—  | 8                          |
| (a) it is revoked by the court; or  | 9                          |
| (b) the court finally decides the application.  | 10                         |
| (3) If the court makes an interim order, the court must hear and decide the application as a matter of urgency and, where practicable, within 72 hours after making the interim order.  | 11<br>12<br>13<br>14       |
| <b>7E Review of non-publication order</b>   | 15                         |
| (1) The court may review a non-publication order made by the court—   | 16<br>17                   |
| (a) on the court’s own motion; or   | 18                         |
| (b) on the application of a person mentioned in section 7C(1)(a) to (d).  | 19<br>20                   |
| (2) Each of the persons mentioned in section 7C(1)(a) to (d) is entitled to appear and be heard by the court on the review.   | 21<br>22<br>23             |
| (3) On a review the court may confirm, vary or revoke the order.  | 24<br>25                   |
| <b>7F Contravention of interim order or non-publication order</b>   | 26<br>27                   |
| (1) A person must not contravene an interim order or a non-publication order.   | 28<br>29                   |
| Maximum penalty—  | 30                         |

---

|                  |   |                     |
|------------------|---|---------------------|
|                  | (a) for an individual—100 penalty units or 2 years imprisonment; or   | 1<br>2              |
|                  | (b) for a corporation—1,000 penalty units.  | 3                   |
|                  | <i>Note—</i>  | 4                   |
|                  | If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 12, to have also committed the offence. | 5<br>6<br>7<br>8    |
|                  | (2) However, a person does not commit an offence against subsection (1) merely because of a statement or representation made or published by the person—                | 9<br>10<br>11<br>12 |
|                  | (a) in a report specified in section 8(1); or   | 13                  |
|                  | (b) for an authorised purpose mentioned in section 11.  | 14<br>15            |
| <b>Clause 54</b> | <b>Amendment of s 8 (Exempted reports)</b>  | 16                  |
|                  | (1) Section 8(1), ‘6 and 7’—  | 17                  |
|                  | <i>omit, insert—</i>  | 18                  |
|                  | 6 and 7F(1)   | 19                  |
|                  | (2) Section 8(2)—   | 20                  |
|                  | <i>omit.</i>  | 21                  |
| <b>Clause 55</b> | <b>Amendment of s 9 (Act affords additional protection)</b>   | 22                  |
|                  | Section 9, ‘6 and 7’—   | 23                  |
|                  | <i>omit, insert—</i>  | 24                  |
|                  | 6 and 7F  | 25                  |
| <b>Clause 56</b> | <b>Amendment of s 10 (When other publication of complainant’s or defendant’s identity is prohibited)</b>  | 26<br>27            |
|                  | (1) Section 10, heading, ‘or defendant’s’—  | 28                  |

[s 57]

---

*omit.* 1

(2) Section 10(1), from ‘identification’ to ‘commits’— 2

*omit, insert—* 3

identification of a complainant commits 4

(3) Section 10(2), ‘subsection (1)(a)’— 5

*omit, insert—* 6

subsection (1) 7

**Clause 57 Amendment of s 10A (Provisions do not affect other laws)** 8

Section 10A, ‘6, 7’— 9

*omit, insert—* 10

6, 7F 11

**Clause 58 Amendment of s 11 (Authorised purposes)** 12

Section 11(1), ‘section 10’— 13

*omit, insert—* 14

sections 7F(2) and 10(1) 15

**Clause 59 Amendment of s 12 (Executive officer may be taken to have committed offence)** 16  
17

(1) Section 12(4), definition *deemed executive liability provision*,  
third dot point— 18  
19

*omit.* 20

(2) Section 12(4), definition *deemed executive liability provision*,  
fourth dot point, ‘7(4)’— 21  
22

*omit, insert—* 23

7F(1) 24

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|                  |   |                                    |    |
|------------------|---|------------------------------------|----|
| <b>Clause 60</b> | <b>Insertion of new pt 4, div 1, hdg</b>                      | 1                                  |    |
|                  | Part 4—   | 2                                  |    |
|                  | <i>insert</i> —   | 3                                  |    |
|                  | <b>Division 1</b>   | <b>Transitional provisions for</b> | 4  |
|                  |   | <b>Criminal Law Amendment</b>      | 5  |
|                  |   | <b>Act 2000 and Evidence</b>       | 6  |
|                  |   | <b>(Protection of Children)</b>    | 7  |
|                  |   | <b>Amendment Act 2003</b>          | 8  |
| <br>             |   |                                    |    |
| <b>Clause 61</b> | <b>Insertion of new pt 4, div 2</b>                           | 9                                  |    |
|                  | Part 4—   | 10                                 |    |
|                  | <i>insert</i> —   | 11                                 |    |
|                  | <b>Division 2</b>   | <b>Transitional provisions for</b> | 12 |
|                  |   | <b>Justice and Other</b>           | 13 |
|                  |   | <b>Legislation Amendment</b>       | 14 |
|                  |   | <b>Bill 2023</b>                   | 15 |
|                  |   |                                    |    |
|                  | <b>16 Existing proceedings</b>                                | 16                                 |    |
|                  | (1) Despite the <i>Acts Interpretation Act 1954</i> , section | 17                                 |    |
|                  | 20—   | 18                                 |    |
|                  | (a) a proceeding on a charge of an offence                    | 19                                 |    |
|                  | against former section 7 or 10(1)(b),                         | 20                                 |    |
|                  | including a proceeding under former section                   | 21                                 |    |
|                  | 12, may not be started or continued; and                      | 22                                 |    |
|                  | (b) on the commencement, a charge of an                       | 23                                 |    |
|                  | offence against former section 7 or 10(1)(b)                  | 24                                 |    |
|                  | made but not dealt with before the                            | 25                                 |    |
|                  | commencement is taken to be withdrawn.                        | 26                                 |    |
|                  | (2) In this section—  | 27                                 |    |
|                  | <i>former</i> , in relation to a provision of this Act,       | 28                                 |    |

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[s 62]

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means the provision as in force before the commencement. 1  
2

**17 Application of amended Act** 3

(1) The amended Act applies in relation to a defendant charged with a prescribed sexual offence whether the defendant was charged before or after the commencement. 4  
5  
6  
7

(2) In this section— 8

*amended Act* means this Act as amended by the *Justice and Other Legislation Amendment Act 2023*. 9  
10  
11

**Part 10 Amendment of District Court of Queensland Act 1967** 12  
13

**Clause 62 Act amended** 14

This part amends the *District Court of Queensland Act 1967*. 15

**Clause 63 Insertion of new s 69A** 16

After section 69— 17

*insert*— 18

**69A Preliminary disclosure orders** 19

(1) The District Court has jurisdiction to make orders under this section. 20  
21

(2) On application, the court may make, under the rules, a preliminary disclosure order for the purpose of enabling the applicant to— 22  
23  
24

(a) ascertain the identity or whereabouts of a prospective defendant; or 25  
26



- 
- (b) make a decision about starting a relevant proceeding. 1  
2
- (3) In this section— 3
- identity*, of a prospective defendant, includes the name and occupation, if any, of the prospective defendant. 4  
5  
6
- prospective defendant*, in relation to an applicant, means a person against whom the applicant intends to start a relevant proceeding. 7  
8  
9
- relevant proceeding* means a proceeding for which the District Court has jurisdiction. 10  
11
- whereabouts*, of a prospective defendant, includes a place of residence, registered office, place of business or other location of the prospective defendant. 12  
13  
14  
15

## **Part 11**                      **Amendment of Electoral Act 1992**                      16 17

**Clause 64**      **Act amended**                      18  
                    This part amends the *Electoral Act 1992*.                      19

**Clause 65**      **Amendment of s 7 (Functions and powers of commission)**                      20  
                    Section 7(1)(g), ‘to’—                      21  
                    *omit*.                      23

**Clause 66**      **Amendment of s 51 (Making electoral redistribution)**                      24  
                    Section 51(1), ‘within 60 days’—                      25  
                    *omit, insert*—                      26  
                    as soon as practicable                      27

[s 67]

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|                  |  |    |
|------------------|--|----|
| <b>Clause 67</b> | <b>Amendment of s 59 (Preparation of electoral rolls)</b>                | 1  |
|                  | Section 59(1)(b), before ‘the cut-off day’—                              | 2  |
|                  | <i>insert</i> —  | 3  |
|                  | 6p.m. on   | 4  |
| <b>Clause 68</b> | <b>Amendment of s 65 (Enrolment and transfer of enrolment)</b>           | 5  |
|                  | (1) Section 65(5), ‘from the end of’—                                    | 6  |
|                  | <i>omit, insert</i> —  | 7  |
|                  | from 6p.m. on  | 8  |
|                  | (2) Section 65(7)(b)(i), after ‘after’—                                  | 9  |
|                  | <i>insert</i> —  | 10 |
|                  | 6p.m. on   | 11 |
| <b>Clause 69</b> | <b>Amendment of s 101A (Supply of electoral rolls and ballot papers)</b> | 12 |
|                  | Section 101A(1)(a), after ‘as at’—                                       | 13 |
|                  | <i>insert</i> —  | 14 |
|                  | 6p.m. on   | 15 |
| <b>Clause 70</b> | <b>Amendment of s 106 (Who may vote)</b>                                 | 16 |
|                  | Section 106(1)(d)(ii), after ‘after’—                                    | 17 |
|                  | <i>insert</i> —  | 18 |
|                  | 6p.m. on   | 19 |
| <b>Clause 71</b> | <b>Amendment of s 114 (Who may make declaration vote)</b>                | 20 |
|                  | Section 114(2)(a)(iii), ‘section 184A(2)(d)’—                            | 21 |
|                  | <i>omit, insert</i> —  | 22 |
|                  | section 184A(2)(b)   | 23 |
|                  |  | 24 |
|                  |  | 25 |

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|                  |   |                             |
|------------------|---|-----------------------------|
| <b>Clause 72</b> | <b>Amendment of s 121C (Audit of electronically assisted voting for an election)</b>  | 1<br>2                      |
|                  | (1) Section 121C—   | 3                           |
|                  | <i>insert</i> —   | 4                           |
|                  | (2A) However, an audit does not need to be conducted in relation to a by-election unless the commissioner considers that there has been a significant change in the information technology used under the procedures for electronically assisted voting since the last audit was conducted. | 5<br>6<br>7<br>8<br>9<br>10 |
|                  | (2) Section 121C(2A) to (5)—  | 11                          |
|                  | <i>renumber</i> as section 121C(3) to (6).  | 12                          |
| <b>Clause 73</b> | <b>Insertion of new s 125A</b>  | 13                          |
|                  | After section 125—  | 14                          |
|                  | <i>insert</i> —   | 15                          |
|                  | <b>125A Saving of ballot papers not in declaration envelopes</b>  | 16<br>17                    |
|                  | (1) This section applies if—  | 18                          |
|                  | (a) the commission or the returning officer for an electoral district receives an envelope (an <i>outer envelope</i> ) containing a ballot paper and a declaration envelope; but  | 19<br>20<br>21<br>22        |
|                  | (b) the ballot paper is not in the declaration envelope.  | 23<br>24                    |
|                  | (2) Members of the commission’s staff must—   | 25                          |
|                  | (a) examine the contents of the outer envelope under section 125 to determine whether the ballot paper in the outer envelope is to be accepted for counting; and  | 26<br>27<br>28<br>29        |
|                  | (b) deal with the ballot paper in the outer envelope under section 125 as if the ballot paper had been in the declaration envelope.   | 30<br>31<br>32              |

[s 74]

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|                  |   |    |
|------------------|---|----|
| <b>Clause 74</b> | <b>Amendment of s 305 (Definitions for division)</b>  | 1  |
|                  | Section 305, before definition <i>participant</i> —   | 2  |
|                  | <i>insert</i> —   | 3  |
|                  | In this division—   | 4  |
| <b>Part 12</b>   | <b>Amendment of Funeral Benefit Business Act 1982</b>   | 5  |
|                  |   | 6  |
| <b>Clause 75</b> | <b>Act amended</b>  | 7  |
|                  | This part amends the <i>Funeral Benefit Business Act 1982</i> .   | 8  |
| <b>Clause 76</b> | <b>Amendment of s 5 (Definitions)</b>   | 9  |
| (1)              | Section 5, definition <i>authorised accountant</i> , paragraph (c),<br>'The Institute of Chartered Accountants in Australia'— | 10 |
|                  | <i>omit, insert</i> —   | 11 |
|                  | Chartered Accountants Australia and New<br>Zealand  | 12 |
|                  |   | 13 |
|                  |   | 14 |
| (2)              | Section 5, definition <i>part 4 corporation</i> —   | 15 |
|                  | <i>insert</i> —   | 16 |
|                  | <i>Note</i> —   | 17 |
|                  | The <i>Second-hand Dealers and Pawnbrokers Act 2003</i> ,<br>section 139 commenced on 1 December 2003.                        | 18 |
|                  |   | 19 |
| <b>Clause 77</b> | <b>Amendment of s 8 (Application of pt 3)</b>   | 20 |
|                  | Section 8—  | 21 |
|                  | <i>insert</i> —   | 22 |
|                  | <i>Note</i> —   | 23 |
|                  | The <i>Second-hand Dealers and Pawnbrokers Act 2003</i> ,<br>section 139 commenced on 1 December 2003.                        | 24 |
|                  |   | 25 |

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|                  |   |    |
|------------------|---|----|
| <b>Clause 78</b> | <b>Amendment of s 24 (Application of pt 4)</b>                  | 1  |
|                  | Section 24—   | 2  |
|                  | <i>insert—</i>  | 3  |
|                  | <i>Note—</i>  | 4  |
|                  | The <i>Second-hand Dealers and Pawnbrokers Act 2003</i> ,       | 5  |
|                  | section 139 commenced on 1 December 2003.                       | 6  |
| <br>             |   |    |
| <b>Clause 79</b> | <b>Amendment of s 25 (Meaning of <i>nominated property</i>)</b> | 7  |
|                  | Section 25—   | 8  |
|                  | <i>insert—</i>  | 9  |
|                  | <i>Note—</i>  | 10 |
|                  | Section 31 was repealed by the <i>Second-hand Dealers</i>       | 11 |
|                  | <i>and Pawnbrokers Act 2003</i> on 1 December 2003.             | 12 |
| <br>             |   |    |
| <b>Clause 80</b> | <b>Amendment of s 58 (Application of pt 6)</b>                  | 13 |
|                  | Section 58—   | 14 |
|                  | <i>insert—</i>  | 15 |
|                  | <i>Note—</i>  | 16 |
|                  | The <i>Second-hand Dealers and Pawnbrokers Act 2003</i> ,       | 17 |
|                  | section 139 commenced on 1 December 2003.                       | 18 |
| <br>             |   |    |
| <b>Clause 81</b> | <b>Amendment of s 73 (Application of pt 7)</b>                  | 19 |
|                  | Section 73—   | 20 |
|                  | <i>insert—</i>  | 21 |
|                  | <i>Note—</i>  | 22 |
|                  | The <i>Second-hand Dealers and Pawnbrokers Act 2003</i> ,       | 23 |
|                  | section 139 commenced on 1 December 2003.                       | 24 |
| <br>             |   |    |
| <b>Clause 82</b> | <b>Amendment of s 79 (Application of Trusts Act 1973)</b>       | 25 |
|                  | Section 79(2), ‘benefits’—                                      | 26 |

[s 83]

---

*omit, insert—* 1  
benefit 2

|                  |   |              |
|------------------|---|--------------|
| <b>Clause 83</b> | <b>Replacement of s 80 (Application of Trust Accounts Act 1973)</b>                                       | 3<br>4       |
|                  | Section 80—   | 5            |
|                  | <i>omit, insert—</i>  | 6            |
|                  | <b>80 Application of Trust Accounts Act 1973</b>  | 7            |
|                  | (1) If a payment is made by or on behalf of a contributor to an entity under a funeral benefit agreement— | 8<br>9<br>10 |
|                  | (a) the entity is a trustee under the <i>Trust Accounts Act 1973</i> ; and                                | 11<br>12     |
|                  | (b) the payment is trust moneys within the meaning of the <i>Trust Accounts Act 1973</i> .                | 13<br>14     |
|                  | (2) Subsection (1)(a) does not apply to—  | 15           |
|                  | (a) an authorised deposit-taking institution under the <i>Banking Act 1959</i> (Cwlth); or                | 16<br>17     |
|                  | (b) a company registered under the <i>Life Insurance Act 1995</i> (Cwlth).                                | 18<br>19     |
|                  | <i>Note—</i>  | 20           |
|                  | See the <i>Trust Accounts Act 1973</i> , section 4AA.   | 21           |

## **Part 13**                      **Amendment of Human Rights Act 2019**                      22 23

|                  |   |    |
|------------------|---|----|
| <b>Clause 84</b> | <b>Act amended</b>                                  | 24 |
|                  | This part amends the <i>Human Rights Act 2019</i> . | 25 |

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|                  |   |                |
|------------------|---|----------------|
| <b>Clause 85</b> | <b>Amendment of s 52 (Notice to Attorney-General and commission)</b>  | 1<br>2         |
|                  | Section 52(1)(a), ‘Supreme Court or District Court’—  | 3              |
|                  | <i>omit, insert—</i>  | 4              |
|                  | Supreme Court, District Court, Land Court or<br>Land Appeal Court   | 5<br>6         |
| <b>Part 14</b>   | <b>Amendment of Justices of the<br/>Peace and Commissioners for<br/>Declarations Act 1991</b>   | 7<br>8<br>9    |
| <b>Clause 86</b> | <b>Act amended</b>  | 10             |
|                  | This part amends the <i>Justices of the Peace and Commissioners<br/>for Declarations Act 1991</i> .                                     | 11<br>12       |
| <b>Clause 87</b> | <b>Amendment of s 3 (Definitions)</b>   | 13             |
|                  | (1) Section 3, definition <i>criminal history</i> —   | 14             |
|                  | <i>omit.</i>  | 15             |
|                  | (2) Section 3—  | 16             |
|                  | <i>insert—</i>  | 17             |
|                  | <i>appointee</i> , for part 3A, see section 31A.  | 18             |
|                  | <i>appointment</i> , for part 3A, see section 31A.  | 19             |
|                  | <i>approved training course</i> , for part 3A, see section<br>31A.  | 20<br>21       |
|                  | <i>code of conduct</i> means a code of conduct in effect<br>under section 31G.  | 22<br>23       |
|                  | <i>conviction</i> means a finding of guilt or acceptance<br>of a plea of guilty by a court, whether or not a<br>conviction is recorded. | 24<br>25<br>26 |
|                  | <i>criminal history</i> of a person—  | 27             |

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[s 88]

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|                  |   |                |
|------------------|---|----------------|
|                  | (a) means the person's convictions of offences committed in Queensland or elsewhere; and                                  | 1<br>2         |
|                  | (b) despite the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> , section 6, includes spent convictions.       | 3<br>4<br>5    |
|                  | <i>disqualifying conviction</i> see section 17A.  | 6              |
|                  | <i>ground for revoking an appointment</i> , for part 3A, see section 31A.   | 7<br>8         |
|                  | <i>information notice</i> means a notice complying with the QCAT Act, section 157(2).                                     | 9<br>10        |
|                  | <i>investigator's report</i> , for part 3A, see section 31A.  | 11<br>12       |
| <b>Clause 88</b> | <b>Amendment of s 15 (Appointments of justices of the peace and commissioners for declarations)</b>                       | 13<br>14       |
|                  | Section 15(5)—  | 15             |
|                  | <i>omit.</i>  | 16             |
| <b>Clause 89</b> | <b>Insertion of new s 15A</b>   | 17             |
|                  | After section 15—   | 18             |
|                  | <i>insert—</i>  | 19             |
|                  | <b>15A Application for appointment</b>  | 20             |
|                  | (1) A person may apply to the chief executive for appointment as a justice of the peace or commissioner for declarations. | 21<br>22<br>23 |
|                  | (2) The application must be—  | 24             |
|                  | (a) in the approved form; and   | 25             |
|                  | (b) accompanied by the fee prescribed by regulation; and  | 26<br>27       |
|                  | (c) otherwise made in the way prescribed by regulation.   | 28<br>29       |



- 
- (3) The chief executive must consider the application and decide under this part whether or not the person is qualified for appointment. 1  
2  
3
- (4) If the person has a disqualifying conviction— 4
- (a) the application must include an application for an exemption under section 17B (an *exemption application*) in relation to the conviction; and 5  
6  
7  
8
- (b) the chief executive must decide the exemption application before deciding whether the person is qualified for appointment. 9  
10  
11  
12
- (5) The chief executive may ask the person for further information the chief executive needs to decide the application. 13  
14  
15
- (6) The application lapses if— 16
- (a) the chief executive gives the applicant a notice— 17  
18
- (i) asking the applicant to do something to comply with this section including, for example, submitting an exemption application that is required under subsection (4)(a); or 19  
20  
21  
22  
23
- (ii) asking the applicant for further information under subsection (5); and 24  
25
- (b) the chief executive states a day (the *due day*), at least 30 days after the day the notice is given, by which the applicant must comply with the request; and 26  
27  
28  
29
- (c) the applicant does not comply with the request by the due day or any later day allowed by the chief executive. 30  
31  
32
- (7) If the chief executive decides the person is qualified for appointment— 33  
34

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---

|                  |   |                |
|------------------|---|----------------|
|                  | (a) the chief executive must notify the Minister of the decision; and   | 1<br>2         |
|                  | (b) the Minister must recommend to the Governor in Council that the person be appointed.  | 3<br>4<br>5    |
|                  | (8) If the chief executive decides the person is not qualified for appointment—   | 6<br>7         |
|                  | (a) the chief executive must give the person an information notice for the decision; and  | 8<br>9         |
|                  | (b) the person may apply to QCAT, as provided under the QCAT Act, for a review of the decision.                                       | 10<br>11<br>12 |
| <b>Clause 90</b> | <b>Replacement of ss 16 and 17</b>  | 13             |
|                  | Sections 16 and 17—   | 14             |
|                  | <i>omit, insert—</i>  | 15             |
|                  | <b>16 Qualification for appointment</b>   | 16             |
|                  | (1) Subject to subsection (2), a person is qualified for appointment as a justice of the peace or a commissioner for declarations if— | 17<br>18<br>19 |
|                  | (a) the chief executive is satisfied under section 17 that the person is suitable for appointment; and                                | 20<br>21<br>22 |
|                  | (b) the person is an adult; and   | 23             |
|                  | (c) for a person other than an Australian lawyer—the person has completed any pre-appointment training course; and                    | 24<br>25<br>26 |
|                  | (d) the person is an Australian citizen; and  | 27             |
|                  | (e) the person—   | 28             |
|                  | (i) ordinarily resides in Queensland; or  | 29             |
|                  | (ii) works, or proposes to work, in Queensland and cannot perform that  | 30<br>31       |

---

work unless the person is a justice of 1  
the peace or a commissioner for 2  
declarations. 3

(2) A person is not qualified for appointment as a 4  
justice of the peace or a commissioner for 5  
declarations if— 6

(a) the person is an insolvent under 7  
administration; or 8

(b) the person has a disqualifying conviction; or 9

(c) a previous appointment of the person as a 10  
justice of the peace or a commissioner for 11  
declarations was revoked within the 12  
previous 5 years. 13

(3) In this section— 14

*pre-appointment training course* means a 15  
training course approved under section 32(1)(a). 16

## **17 Suitability for appointment** 17

(1) In deciding whether a person is suitable to be 18  
appointed as a justice of the peace or a 19  
commissioner for declarations, or continue to 20  
hold office, the chief executive may consider— 21

(a) the person's character and standing in the 22  
community; and 23

(b) anything that may affect the person's ability 24  
to competently fulfil the duties of a justice 25  
of the peace or a commissioner for 26  
declarations; and 27

(c) whether the person has ever— 28

(i) held an occupational licence that has 29  
been suspended or revoked; or 30

(ii) been disqualified from holding an 31  
occupational licence; and 32

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---

- (d) whether the person has ever been convicted of an offence and, if so—
- (i) the number of offences of which the person has been convicted; and
- (ii) the following matters relating to each offence—
- (A) the nature and seriousness of the offence;
- (B) the penalty imposed for the offence;
- (C) the person’s age when they committed the offence;
- (D) how long ago the person committed the offence; and
- (e) for a person holding office or who has held office—whether the person has ever contravened the code of conduct without reasonable excuse and, if so, the number, recency, nature and seriousness of the contraventions; and
- (f) anything else relevant to the person’s suitability to hold office.
- (2) In this section—
- occupational licence* means a licence, permit or other authority to work in a profession, business, trade or industry.
- office* means office as an appointed justice of the peace or appointed commissioner for declarations.
- revoked* includes cancelled.

## 17A Disqualifying convictions

- (1) A *disqualifying conviction* is—

- 
- (a) a conviction, including a spent conviction,  
for—
    - (i) an indictable offence; or
    - (ii) an offence involving dishonesty; or
    - (iii) an offence involving a breach of  
confidentiality; or
    - (iv) an offence against this Act; or
  - (b) a conviction, including a spent conviction,  
for an offence for which a sentence of  
imprisonment was imposed, even if the  
sentence was suspended.
  - (2) However, a conviction of a person is not a  
*disqualifying conviction* if the chief executive has  
granted the person an exemption under section  
17B in relation to the conviction.

### **17B Exemptions for disqualifying convictions**

- (1) A person who is a justice of the peace or  
commissioner for declarations, or is applying  
under section 15A for appointment, may apply to  
the chief executive for an exemption in relation to  
a conviction mentioned in section 17A(1).
- (2) The application must be—
  - (a) in the approved form; and
  - (b) accompanied by the fee prescribed by  
regulation; and
  - (c) otherwise made in the way prescribed by  
regulation.
- (3) The chief executive may grant the exemption if  
satisfied—
  - (a) it would be appropriate to grant the  
exemption, having regard to the matters  
mentioned in section 17(1)(d); and

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---

- (b) because of special circumstances, it would be in the public interest to appoint the person as a justice of the peace or a commissioner for declarations or allow the person to continue to hold that office. 1  
2  
3  
4  
5
- Example of special circumstances—* 6
- A particular community has needs that may not be sufficiently and appropriately served unless the person is appointed or continues in office. 7  
8  
9
- (4) The chief executive may not grant the exemption if the conviction is for an offence against this Act. 10  
11
- (5) The chief executive may ask the person for further information the chief executive needs to decide the application. 12  
13  
14
- (6) The application lapses if— 15
- (a) the chief executive gives the applicant a notice— 16  
17
- (i) asking the applicant to do something to comply with this section; or 18  
19
- (ii) asking the applicant for further information under subsection (5); and 20  
21
- (b) the chief executive states a day (the **due day**), at least 30 days after the day the notice is given, by which the applicant must comply with the request; and 22  
23  
24  
25
- (c) the applicant does not comply with the request by the due day or any later day allowed by the chief executive. 26  
27  
28
- (7) If the chief executive decides to grant the exemption, the chief executive must give the person written notice of the decision. 29  
30  
31
- (8) If the chief executive decides not to grant the exemption— 32  
33

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|                  |   |                |
|------------------|---|----------------|
|                  | (a) the chief executive must give the person an information notice for the decision; and                          | 1<br>2         |
|                  | (b) the person may apply to QCAT, as provided under the QCAT Act, for a review of the decision.                   | 3<br>4<br>5    |
| <b>Clause 91</b> | <b>Omission of s 18 (Cessation of office on disqualification)</b>   | 6              |
|                  | Section 18—   | 7              |
|                  | <i>omit.</i>  | 8              |
| <b>Clause 92</b> | <b>Insertion of new s 22A</b>   | 9              |
|                  | After section 22—   | 10             |
|                  | <i>insert—</i>  | 11             |
|                  | <b>22A End of appointment</b>   | 12             |
|                  | A person stops holding office as an appointed justice of the peace or appointed commissioner for declarations if— | 13<br>14<br>15 |
|                  | (a) the person resigns from office under section 23; or   | 16<br>17       |
|                  | (b) the Governor in Council revokes the person’s appointment under section 24; or                                 | 18<br>19       |
|                  | (c) the person stops holding the office under section 25; or  | 20<br>21       |
|                  | (d) the person—   | 22             |
|                  | (i) stops being an Australian citizen; or   | 23             |
|                  | (ii) becomes an insolvent under administration.   | 24<br>25       |
| <b>Clause 93</b> | <b>Amendment of s 24 (Revocation of appointment)</b>  | 26             |
|                  | (1) Section 24(1), ‘for such reason as the Governor in Council thinks fit’—                                       | 27<br>28       |

[s 94]

---

*omit.* 1

(2) Section 24(1)— 2

*insert—* 3

*Note—* 4

See part 3A (Suspension and revocation of 5

appointments). 6

**Clause 94 Amendment of s 26 (Notification of cessation of office)** 7

(1) Section 26(1), from ‘by virtue’ to ‘this Act’— 8

*omit, insert—* 9

as mentioned in section 22A(d) 10

(2) Section 26(2), from ‘by virtue’ to ‘this Act’— 11

*omit, insert—* 12

as mentioned in section 22A(d) 13

**Clause 95 Amendment of s 27 (Return of certificate of registration and seal of office)** 14  
15

(1) Section 27(1), ‘under section 17(1)(a), (b) or (c),’— 16

*omit, insert—* 17

as mentioned in section 22A(d) 18

(2) Section 27(2), ‘section 25(3)(b),’— 19

*omit, insert—* 20

section 25(4)(b) 21

**Clause 96 Insertion of new pt 3A** 22

After part 3— 23

*insert—* 24



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|  |  |                      |
|--|--|----------------------|
| <b>Part 3A</b>   | <b>Suspension and<br/>revocation of<br/>appointments</b> | 1<br>2<br>3          |
| <b>31A Definitions for part</b>  |  | 4                    |
| In this part—  |  | 5                    |
| <i>appointee</i> means a person holding office as an<br>appointed justice of the peace or appointed<br>commissioner for declarations.                  |  | 6<br>7<br>8          |
| <i>appointment</i> means appointment as an appointed<br>justice of the peace or appointed commissioner<br>for declarations.                            |  | 9<br>10<br>11        |
| <i>approved training course</i> means a training course<br>approved under section 32(1)(b).  |  | 12<br>13             |
| <i>ground for revoking an appointment</i> means a<br>matter stated in section 31B(a), (b), (c) or (d).   |  | 14<br>15             |
| <i>investigator’s report</i> means a report under section<br>31D(4).   |  | 16<br>17             |
| <b>31B Grounds for revoking appointment</b>  |  | 18                   |
| The Minister may recommend to the Governor in<br>Council that an appointee’s appointment be<br>revoked if the chief executive is satisfied that—       |  | 19<br>20<br>21       |
| (a) having regard to the matters stated in section<br>17, the appointee is no longer a suitable<br>person to hold the appointment; or                  |  | 22<br>23<br>24       |
| (b) the appointee has seriously or repeatedly<br>contravened the code of conduct and does<br>not have a reasonable excuse for the<br>contravention; or |  | 25<br>26<br>27<br>28 |
| (c) section 16(1)(e) no longer applies to the<br>appointee; or   |  | 29<br>30             |

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---

(d) the person has a disqualifying conviction. 1

**31C Suspension of appointment** 2

(1) The chief executive may, by notice given to an appointee, suspend their appointment if— 3  
4

(a) the chief executive believes a ground exists for revoking the appointment; or 5  
6

(b) the chief executive considers an investigation is warranted as to whether a ground exists for revoking the appointment; or 7  
8  
9  
10

(c) the appointee has been charged with— 11

(i) an indictable offence; or 12

(ii) an offence involving dishonesty; or 13

(iii) an offence involving a breach of confidentiality; or 14  
15

(iv) an offence against this Act; or 16

(d) the chief executive is satisfied the appointee has not complied with a requirement under section 32(2) and does not have a reasonable excuse for the non-compliance. 17  
18  
19  
20

(2) The chief executive must give a notice to the appointee ending the suspension if— 21  
22

(a) for a suspension under subsection (1)(a) because the person has a disqualifying conviction—the chief executive grants an exemption under section 17B in relation to the conviction or the person otherwise ceases to have a disqualifying conviction; or 23  
24  
25  
26  
27  
28

(b) an investigation under section 31D is completed and, after receiving the investigator's report, the chief executive does not believe a ground exists for revoking the appointment; or 29  
30  
31  
32  
33

- 
- (c) the Minister gives the chief executive a notice under section 31E(3)(b); or
  - (d) for a suspension under subsection (1)(c)—the charge is finally dealt with other than by convicting the appointee; or
  - (e) for a suspension under subsection (1)(d)—the appointee complies with the requirement or the chief executive is satisfied the appointee has a reasonable excuse for the non-compliance.
- (3) Before, or as soon as practicable after, suspending an appointment under subsection (1)(b), the chief executive must make a request under section 31D(1).
  - (4) An appointment may be suspended under more than 1 ground mentioned in subsection (1).

### **31D Investigation**

- (1) The chief executive may ask an appropriately qualified officer of the department (an *investigator*) to carry out an investigation as to whether a ground exists for revoking an appointment.
- (2) The investigator must give a notice to the appointee stating—
  - (a) that the investigator is conducting an investigation as to whether a ground exists for revoking the appointee’s appointment; and
  - (b) the reason for the investigation; and
  - (c) that, on or before a stated day no earlier than 21 days after the notice is given, the appointee may make oral or written representations to the investigator about any matter relevant to whether a ground exists

[s 96]

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- for revoking the appointee’s appointment; 1
- and 2
- (d) that, after the investigation is completed, the 3  
investigator will give a report about the 4  
investigation to the chief executive. 5
- (3) The investigator must consider any 6  
representations received from the appointee 7  
within the time stated under subsection (2)(c) or 8  
any further time allowed by the investigator. 9
- (4) After completing the investigation, the 10  
investigator must— 11
  - (a) give the chief executive a written report of 12  
the investigator’s findings; and 13
  - (b) give a copy of the report to the appointee. 14
- (5) If the investigator does not consider a ground 15  
exists for revoking the appointment, the report 16  
may include a recommendation the investigator 17  
considers appropriate including, for example, that 18  
the appointee make an apology or complete 19  
particular training. 20

**31E Chief executive must notify Minister** 21

- (1) The chief executive must give a notice to the 22  
Minister if— 23
  - (a) the chief executive believes a ground exists 24  
for revoking an appointment and does not 25  
consider an investigation under section 31D 26  
is warranted; or 27
  - (b) an investigation under section 31D is 28  
conducted and, after receiving the 29  
investigator’s report, the chief executive 30  
believes a ground exists for revoking an 31  
appointment. 32
- (2) The notice must— 33

- 
- (a) state the ground that the chief executive believes to exist; and
  - (b) outline the facts and circumstances forming the basis for the chief executive's belief; and
  - (c) if the chief executive has received an investigator's report—include a copy of the report.
- (3) After considering the notice, the Minister must—
- (a) give the appointee a show cause notice under section 31F; or
  - (b) notify the chief executive that the Minister has decided not to give the appointee a show cause notice under section 31F.

### **31F Show cause notice before recommending revocation**

Before making a recommendation to the Governor in Council that an appointment be revoked, the Minister must—

- (a) give the appointee a notice (a *show cause notice*) stating—
  - (i) that the Minister proposes to make the recommendation; and
  - (ii) the reason for the proposed recommendation; and
  - (iii) that the appointee may make a written submission to the Minister, within a stated period of at least 20 business days, about the proposed recommendation; and
- (b) consider any submissions received from the appointee within the time stated under paragraph (a)(iii) or any further time allowed by the Minister.

[s 97]

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|                  |   |                      |
|------------------|---|----------------------|
| <b>Clause 97</b> | <b>Insertion of new s 31G</b>   | 1                    |
|                  | Before section 32—  | 2                    |
|                  | <i>insert—</i>  | 3                    |
|                  | <b>31G Code of conduct</b>  | 4                    |
|                  | (1) The chief executive may make a code of conduct for justices of the peace and commissioners for declarations.  | 5<br>6<br>7          |
|                  | (2) The code must be approved by regulation and takes effect—   | 8<br>9               |
|                  | (a) on the day it is approved; or   | 10                   |
|                  | (b) if a later day is fixed in the code—on that day.  | 11<br>12             |
|                  | (3) When a regulation under subsection (2) is tabled in the Legislative Assembly under the <i>Statutory Instruments Act 1992</i> , section 49, it must be accompanied by a copy of the approved code. | 13<br>14<br>15<br>16 |
|                  | (4) The chief executive must ensure that, while the code is in effect, it is published on the whole-of-government website.  | 17<br>18<br>19       |
|                  | (5) In this section—  | 20                   |
|                  | <i>whole-of-government website</i> means—   | 21                   |
|                  | (a) <a href="http://www.qld.gov.au">www.qld.gov.au</a> ; or   | 22                   |
|                  | (b) another website prescribed by regulation.   | 23                   |
| <b>Clause 98</b> | <b>Amendment of s 32 (Approved training courses)</b>  | 24                   |
|                  | (1) Section 32, ‘Minister’—   | 25                   |
|                  | <i>omit, insert—</i>  | 26                   |
|                  | chief executive   | 27                   |
|                  | (2) Section 32—   | 28                   |
|                  | <i>insert—</i>  | 29                   |

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|                   |   |                       |
|-------------------|---|-----------------------|
|                   | (2) The chief executive may, by notice given to an appointed justice of the peace or appointed commissioner for declarations, require them to complete an approved training course by a stated day. | 1<br>2<br>3<br>4<br>5 |
| <b>Clause 99</b>  | <b>Amendment of s 33 (Inquiries about person's appropriateness to hold office)</b>  | 6<br>7                |
|                   | Section 33(4)—  | 8                     |
|                   | <i>omit, insert—</i>  | 9                     |
|                   | (4) The commissioner may also notify the chief executive if an appointee is charged with, or convicted of, an offence.  | 10<br>11<br>12        |
|                   | (5) A notification under subsection (4) may be made under arrangements between the commissioner and the chief executive, including an arrangement for the electronic transfer of information.       | 13<br>14<br>15<br>16  |
|                   | (6) In this section—  | 17                    |
|                   | <i>appointee</i> means a person holding office as an appointed justice of the peace or appointed commissioner for declarations.   | 18<br>19<br>20        |
| <b>Clause 100</b> | <b>Insertion of new s 33A</b>   | 21                    |
|                   | After section 33—   | 22                    |
|                   | <i>insert—</i>  | 23                    |
|                   | <b>33A Confidentiality</b>  | 24                    |
|                   | (1) This section applies to a person who—   | 25                    |
|                   | (a) is, or has been, a public service employee performing functions under or relating to the administration of this Act; and  | 26<br>27<br>28        |
|                   | (b) in that capacity, has acquired or has access to personal information about another person.  | 29<br>30<br>31        |

[s 101]

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|                   |   |                            |
|-------------------|---|----------------------------|
|                   | (2) The person must not disclose the information to anyone else, or use the information, other than under this section.   | 1<br>2<br>3                |
|                   | Maximum penalty—20 penalty units.   | 4                          |
|                   | (3) The person may disclose or use the information—   | 5                          |
|                   | (a) to the extent the disclosure or use is—   | 6                          |
|                   | (i) necessary to perform the person’s functions under or relating to this Act; or   | 7<br>8<br>9                |
|                   | (ii) otherwise required or permitted under this Act or another law; or  | 10<br>11                   |
|                   | (b) with the consent of the person to whom the information relates; or  | 12<br>13                   |
|                   | (c) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal.   | 14<br>15<br>16             |
|                   | (4) In this section—  | 17                         |
|                   | <i>disclose</i> includes give access to.  | 18                         |
|                   | <i>information</i> includes a document.   | 19                         |
|                   | <i>personal information</i> means information about a person’s affairs.   | 20<br>21                   |
| <b>Clause 101</b> | <b>Amendment of s 34 (Wrongfully acting as justice of the peace or commissioner for declarations)</b>   | 22<br>23                   |
|                   | Section 34—   | 24                         |
|                   | <i>insert</i> —   | 25                         |
|                   | (3) In a proceeding for an offence against subsection (1), it is a defence for the person to prove that, at the time they assumed to act in the office, they did not know, and could not reasonably be expected to have known, that they did not hold the office. | 26<br>27<br>28<br>29<br>30 |



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|                   |   |                       |
|-------------------|---|-----------------------|
| <b>Clause 102</b> | <b>Insertion of new s 34A</b>   | 1                     |
|                   | After section 34—   | 2                     |
|                   | <i>insert—</i>  | 3                     |
|                   | <b>34A Validity of particular acts</b>  | 4                     |
|                   | Anything done by a person in the person’s<br>purported capacity as an appointed justice of the<br>peace or appointed commissioner for declarations<br>is not invalid only because, at the time the thing<br>was done— | 5<br>6<br>7<br>8<br>9 |
|                   | (a) the person was not validly appointed under<br>section 15; or  | 10<br>11              |
|                   | (b) the person’s appointment—   | 12                    |
|                   | (i) had lapsed under section 21; or   | 13                    |
|                   | (ii) had ended as mentioned in section<br>22A; or   | 14<br>15              |
|                   | (iii) was suspended under section 31C.  | 16                    |
| <b>Clause 103</b> | <b>Amendment of s 39 (Evidentiary provisions)</b>   | 17                    |
|                   | Section 39(1)(a)(iv), from ‘a person’ to ‘occurred’—  | 18                    |
|                   | <i>omit, insert—</i>  | 19                    |
|                   | an insolvent under administration or a person with<br>a stated conviction   | 20<br>21              |
| <b>Clause 104</b> | <b>Insertion of new s 41A</b>   | 22                    |
|                   | After section 41—   | 23                    |
|                   | <i>insert—</i>  | 24                    |
|                   | <b>41A Citizenship requirement for continuing<br/>justices</b>  | 25<br>26              |
|                   | Section 16(1)(d) does not apply to a person who,<br>on the commencement of this Act, continued in<br>office as a justice of the peace under section 41(a)   | 27<br>28<br>29        |

[s 105]

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and has continuously held that office since that  
time. 1  
2

**Part 15** **Amendment of Justices** 3  
**Regulation 2014** 4

**Clause 105** **Regulation amended** 5  
This part amends the *Justices Regulation 2014*. 6

**Clause 106** **Amendment of sch 3 (Fees)** 7  
Schedule 3, item 1, second column, ‘101.40’— 8  
*omit, insert—* 9  
105.35 10

**Part 16** **Amendment of Legal** 11  
**Profession Act 2007** 12

**Clause 107** **Act amended** 13  
This part amends the *Legal Profession Act 2007*. 14

**Clause 108** **Amendment of s 30 (Eligibility for admission to the legal** 15  
**profession under this Act)** 16  
Section 30(1)— 17  
*insert—* 18  
(d) has sufficient knowledge of written and 19  
spoken English to engage in legal practice. 20

**Clause 109** **Amendment of s 300 (Definitions for pt 3.4)** 21  
(1) Section 300— 22

*insert—*

***detailed disclosure threshold amount*** means—

(a) the amount prescribed by regulation for this definition; or

(b) if no amount is prescribed—\$3,000.

***disclosure threshold amount*** means—

(a) the amount prescribed by regulation for this definition; or

(b) if no amount is prescribed—\$750.

(2) Section 300, definition *sophisticated client*, ‘section 308 or 309(1)’—

*omit, insert—*

section 307B, 308 or 309(1)

**Clause 110 Insertion of new ss 307A and 307B**

Before section 308—

*insert—*

**307A When disclosure is not required**

A law practice is not required to make a disclosure under this division for a matter if the total amount of the legal costs in the matter, excluding disbursements and exclusive of GST, is not likely to exceed the disclosure threshold amount.

**307B Abbreviated disclosure of costs to clients**

(1) A law practice may make a disclosure under this section for a matter if the total amount of the legal costs in the matter, excluding disbursements and exclusive of GST, is not likely to exceed the detailed disclosure threshold amount.

(2) The law practice must disclose to the client under

[s 111]

---

|                   |  |                            |
|-------------------|--|----------------------------|
|                   | this division—   | 1                          |
|                   | (a) in general terms, the legal services that will be provided to the client; and  | 2<br>3                     |
|                   | (b) the basis on which legal costs will be calculated, including whether a scale of costs applies to any of the legal costs; and   | 4<br>5<br>6                |
|                   | (c) an estimate of the total amount of the legal costs; and  | 7<br>8                     |
|                   | (d) an estimate of the total amount of disbursements; and  | 9<br>10                    |
|                   | (e) the client’s right to—   | 11                         |
|                   | (i) negotiate a costs agreement with the law practice; and   | 12<br>13                   |
|                   | (ii) receive a bill from the law practice; and   | 14                         |
|                   | (iii) request an itemised bill after receipt of a lump sum bill; and   | 15<br>16                   |
|                   | (iv) be notified under section 315 of any substantial change to the matters disclosed under this section.  | 17<br>18<br>19             |
| <b>Clause 111</b> | <b>Amendment of s 308 (Disclosure of costs to clients)</b>   | 20                         |
|                   | (1) Section 308, heading, ‘Disclosure’—  | 21                         |
|                   | <i>omit, insert—</i>   | 22                         |
|                   | <b>Detailed disclosure</b>   | 23                         |
|                   | (2) Section 308, before subsection (1)—  | 24                         |
|                   | <i>insert—</i>   | 25                         |
|                   | (1AA) This section applies in relation to a matter if the total amount of the legal costs in the matter, excluding disbursements and exclusive of GST, is likely to exceed the detailed disclosure threshold amount. | 26<br>27<br>28<br>29<br>30 |
|                   | (1AB) This section also applies in relation to a matter  | 31                         |

- 
- if— 1
- (a) the total amount of the legal costs in the 2  
matter, excluding disbursements and 3  
exclusive of GST, is likely to exceed the 4  
disclosure threshold amount; and 5
- (b) the law practice does not make a disclosure 6  
to the client about the matter under section 7  
307B. 8
- (1AC) This section may apply to a matter under 9  
subsection (1) even if the law practice has 10  
previously made a disclosure to the client about 11  
the matter under section 307B. 12
- (3) Section 308(1), ‘A law practice must disclose to a client’— 13  
*omit, insert—* 14  
The law practice must disclose to the client 15
- (4) Section 308(1)(e), ‘subsection (2)’— 16  
*omit, insert—* 17  
subsection (5) 18
- (5) Section 308(2), ‘subsection (1)(e)’— 19  
*omit, insert—* 20  
subsection (4)(e) 21
- (6) Section 308(4), ‘subsection (1)(f)’— 22  
*omit, insert—* 23  
subsection (4)(f) 24
- (7) Section 308(5), ‘subsection (1)(b)(i)’— 25  
*omit, insert—* 26  
subsection (4)(b)(i) 27
- (8) Section 308(1AA) to (5)— 28  
*renumber* as section 308(1) to (8). 29

[s 112]

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|                   |  |                      |
|-------------------|--|----------------------|
| <b>Clause 112</b> | <b>Amendment of s 309 (Disclosure if another law practice is to be retained)</b>   | 1<br>2               |
|                   | (1) Section 309(1)—  | 3                    |
|                   | <i>omit, insert—</i>   | 4                    |
|                   | (1) If a law practice intends to retain another law practice on behalf of a client, the first law practice must disclose to the client—  | 5<br>6<br>7          |
|                   | (a) if the law practice makes a disclosure to the client under section 307B—the details mentioned in section 307B(2)(b), (c) and (d) in relation to the other law practice; or | 8<br>9<br>10<br>11   |
|                   | (b) if the law practice makes a disclosure to the client under section 308—the details mentioned in section 308(4)(a), (c) and (d) in relation to the other law practice.      | 12<br>13<br>14<br>15 |
|                   | (1A) The disclosure required under subsection (1) is in addition to the disclosure required under section 307B or 308.   | 16<br>17<br>18       |
|                   | (2) Section 309(2), ‘section 308’—   | 19                   |
|                   | <i>omit, insert—</i>   | 20                   |
|                   | section 307B or 308  | 21                   |
| <b>Clause 113</b> | <b>Replacement of s 310 (How and when must disclosure be made to a client)</b>   | 22<br>23             |
|                   | Section 310—   | 24                   |
|                   | <i>omit, insert—</i>   | 25                   |
|                   | <b>310 When disclosure must be made</b>  | 26                   |
|                   | (1) Disclosure under section 307B or 308 must be made before, or as soon as practicable after, a law practice is retained in a matter.   | 27<br>28<br>29       |
|                   | (2) However—   | 30                   |

- 
- (a) if, under section 307A, no disclosure is made at the time a law practice is retained in a matter, disclosure under section 307B or 308 must be made as soon as practicable after section 307A ceases to apply; and
  - (b) if disclosure is made under section 307B in relation to a matter, disclosure under section 308 must be made as soon as practicable after section 308 starts to apply.
  - (3) Disclosure under section 309(1) must be made before, or as soon as practicable after, the other law practice is retained.

### **310A How disclosure must be made**

- (1) Disclosure under section 307B—
  - (a) may be made orally or in writing; but
  - (b) if made orally, must be confirmed in writing as soon as practicable after the time that disclosure must be made under section 310.
- (2) Subsection (1)(b) does not apply if the law practice's provision of legal services for the matter is completed before the confirmation in writing is required.
- (3) Disclosure under section 308 must be made in writing.
- (4) Disclosure under section 309(1) must be made—
  - (a) if disclosure to the client has been made under section 307B—orally or in writing; or
  - (b) if disclosure to the client has been made under section 308—in writing.
- (5) Disclosure under section 307B, 308 or 309(1) may be made in a costs agreement or an offer to enter into a costs agreement but, in that case, the disclosure must be in a prominent position at the

[s 114]

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|                   |   |    |
|-------------------|---|----|
|                   | beginning of the agreement or offer.  | 1  |
| <b>Clause 114</b> | <b>Amendment of s 311 (Exceptions to requirement for disclosure)</b>  | 2  |
|                   |   | 3  |
|                   | (1) Section 311(1), ‘section 308 or 309(1)’—  | 4  |
|                   | <i>omit, insert—</i>  | 5  |
|                   | section 307B, 308 or 309(1)   | 6  |
|                   | (2) Section 311(1)(a)—  | 7  |
|                   | <i>omit.</i>  | 8  |
|                   | (3) Section 311(1)(b)(i), ‘section 308 or 309(1)’—  | 9  |
|                   | <i>omit, insert—</i>  | 10 |
|                   | section 307A, 308 or 309(1)   | 11 |
|                   | (4) Section 311(2)—   | 12 |
|                   | <i>omit.</i>  | 13 |
|                   | (5) Section 311(5)(b), ‘section 308’—   | 14 |
|                   | <i>omit, insert—</i>  | 15 |
|                   | section 307B or 308   | 16 |
| <b>Clause 115</b> | <b>Amendment of s 581B (Reference to document includes reference to reproductions from electronic document)</b> | 17 |
|                   |   | 18 |
|                   | Section 581B(2)—  | 19 |
|                   | <i>omit.</i>  | 20 |
| <b>Clause 116</b> | <b>Amendment of s 581D (Powers of special investigators)</b>  | 21 |
|                   |   |    |
|                   | Section 581D(5)—  | 22 |
|                   | <i>omit.</i>  | 23 |
| <b>Clause 117</b> | <b>Amendment of s 598 (Constitution of tribunal)</b>  | 24 |
|                   |   |    |
|                   | (1) Section 598(1), ‘For’—  | 25 |



---

*omit, insert—*

Subject to subsections (2) and (3), for

(2) Section 598—

*insert—*

(1A) For a proceeding on an application under section 328, the tribunal is to be constituted by a judicial member.

(3) Section 598(2), from ‘However’ to ‘proceeding’—

*omit, insert—*

For a proceeding for which the tribunal has not been constituted

(4) Section 598(1A) to (3)—

*renumber* as section 598(2) to (4).

**Clause 118 Insertion of new s 713A**

After section 713—

*insert—*

**713A Destruction of client documents**

(1) A law practice may destroy a client document relating to a matter if—

(a) it is at least 7 years since the completion of the matter; and

(b) the law practice has been unable, despite making reasonable efforts, to obtain instructions from the client about the destruction of the document; and

(c) it is reasonable in the circumstances, having regard to the nature and content of the document, to destroy the document.

(2) Destruction of a client document by a law practice, other than as provided by subsection (1)

[s 119]

---

|   |    |
|---|----|
| or on instructions from the client, is capable of       | 1  |
| constituting unsatisfactory professional conduct        | 2  |
| or professional misconduct on the part of—              | 3  |
| (a) any Australian legal practitioner involved in       | 4  |
| the destruction; and                                    | 5  |
| (b) if an associate of the law practice involved        | 6  |
| in the destruction is not a principal of the            | 7  |
| law practice—a principal of the practice.               | 8  |
| (3) The law society may destroy a client document       | 9  |
| relating to a matter if—                                | 10 |
| (a) the law society holds the document because          | 11 |
| of the appointment, under part 5.5, of a                | 12 |
| receiver for the law practice that was                  | 13 |
| engaged by the client to provide legal                  | 14 |
| services for the matter; and                            | 15 |
| (b) it is at least 7 years since the end of the law     | 16 |
| practice’s engagement by the client to                  | 17 |
| provide legal services for the matter; and              | 18 |
| (c) the law society has been unable, despite            | 19 |
| making reasonable efforts, to obtain                    | 20 |
| instructions from the client about the                  | 21 |
| destruction of the document; and                        | 22 |
| (d) it is reasonable in the circumstances, having       | 23 |
| regard to the nature and content of the                 | 24 |
| document, to destroy the document.                      | 25 |
| (4) In this section—                                    | 26 |
| <i>client document</i> means a document to which a      | 27 |
| client is entitled.                                     | 28 |
| <i>law practice</i> includes a community legal service. | 29 |
| <b>Clause 119 Amendment of sch 2 (Dictionary)</b>       | 30 |
| Schedule 2—   | 31 |
| <i>insert</i> —   | 32 |

*detailed disclosure threshold amount*, for chapter 3, part 3.4, see section 300. 1  
2

*disclosure threshold amount*, for chapter 3, part 3.4, see section 300. 3  
4

**Part 17** **Amendment of Legal Profession Regulation 2017** 5  
6

**Clause 120** **Regulation amended** 7  
This part amends the *Legal Profession Regulation 2017*. 8

**Clause 121** **Amendment of s 70 (Exceptions to requirement for disclosure—Act, s 311)** 9  
10  
(1) Section 70(1)— 11  
*omit.* 12  
(2) Section 70(2), ‘section 308 or 309(1)’— 13  
*omit, insert—* 14  
section 307B, 308 or 309(1) 15

**Part 18** **Amendment of Limitation of Actions Act 1974** 16  
17

**Clause 122** **Act amended** 18  
This part amends the *Limitation of Actions Act 1974*. 19

**Clause 123** **Amendment of s 18 (Accrual of right of action in cases of certain tenancies)** 20  
21  
Section 18(2A), ‘the tenancy’— 22  
*omit, insert—* 23

[s 124]

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|                   |   |    |
|-------------------|---|----|
|                   | a tenancy to which subsection (2) applies   | 1  |
| <b>Part 19</b>    | <b>Amendment of Magistrates Act 1991</b>  | 2  |
|                   |   | 3  |
| <b>Clause 124</b> | <b>Act amended</b>  | 4  |
|                   | This part amends the <i>Magistrates Act 1991</i> .  | 5  |
| <b>Clause 125</b> | <b>Amendment of s 12 (Functions of Chief Magistrate)</b>  | 6  |
|                   | (1) Section 12(2)(f), ‘supervising magistrate’—   | 7  |
|                   | <i>omit, insert—</i>  | 8  |
|                   | regional coordinating magistrate  | 9  |
|                   | (2) Section 12(5)—  | 10 |
|                   | <i>omit.</i>  | 11 |
|                   | (3) Section 12(6) to (8)—   | 12 |
|                   | <i>renumber</i> as section 12(5) to (7).  | 13 |
| <b>Clause 126</b> | <b>Amendment of s 19 (Presiding at meetings)</b>  | 14 |
|                   | Section 19(1), ‘deputy’—  | 15 |
|                   | <i>omit, insert—</i>  | 16 |
|                   | chairperson   | 17 |
| <b>Clause 127</b> | <b>Amendment of s 47 (Terms and conditions of employment—full-time and part-time magistrates)</b> | 18 |
|                   | (1) Section 47(3)—  | 19 |
|                   | <i>omit.</i>  | 20 |
|                   | (2) Section 47(4) and (5)—  | 21 |
|                   | <i>renumber</i> as section 47(3) and (4).   | 22 |
|                   |   | 23 |

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|                   |  |                      |
|-------------------|--|----------------------|
| <b>Part 20</b>    | <b>Amendment of Magistrates<br/>Courts Act 1921</b>  | 1<br>2               |
| <b>Clause 128</b> | <b>Act amended</b>   | 3                    |
|                   | This part amends the <i>Magistrates Courts Act 1921</i> .  | 4                    |
| <b>Clause 129</b> | <b>Insertion of new s 4AB</b>  | 5                    |
|                   | After section 4AA—   | 6                    |
|                   | <i>insert—</i>   | 7                    |
|                   | <b>4AB Preliminary disclosure orders</b>   | 8                    |
|                   | (1) A Magistrates Court has jurisdiction to make orders under this section.  | 9<br>10              |
|                   | (2) On application, the court may make, under the rules, a preliminary disclosure order for the purpose of enabling the applicant to—                                | 11<br>12<br>13       |
|                   | (a) ascertain the identity or whereabouts of a prospective defendant; or   | 14<br>15             |
|                   | (b) make a decision about starting a relevant proceeding.  | 16<br>17             |
|                   | (3) In this section—   | 18                   |
|                   | <i>identity</i> , of a prospective defendant, includes the name and occupation, if any, of the prospective defendant.  | 19<br>20<br>21       |
|                   | <i>prospective defendant</i> , in relation to an applicant, means a person against whom the applicant intends to start a relevant proceeding.                        | 22<br>23<br>24       |
|                   | <i>relevant proceeding</i> means a proceeding for which a Magistrates Court has jurisdiction.  | 25<br>26             |
|                   | <i>whereabouts</i> , of a prospective defendant, includes a place of residence, registered office, place of business or other location of the prospective defendant. | 27<br>28<br>29<br>30 |

[s 130]

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**Part 21** **Amendment of Motor Accident Insurance Act 1994** 1  
2

**Clause 130 Act amended** 3

This part amends the *Motor Accident Insurance Act 1994*. 4

**Clause 131 Amendment of s 4 (Definitions)** 5

(1) Section 4, definitions *declared costs limit*, *lower offer limit* and *upper offer limit*— 6  
7

*omit*. 8

(2) Section 4— 9

*insert*— 10

*declared costs limit* means the amount fixed by the Minister under section 100A as the declared costs limit. 11  
12  
13

*lower offer limit* means the amount fixed by the Minister under section 100A as the lower offer limit. 14  
15  
16

*upper offer limit* means the amount fixed by the Minister under section 100A as the upper offer limit. 17  
18  
19

(3) Section 4, definition *industry deed*, editor's note— 20

*omit, insert*— 21

*Note*— 22

For a statement of the subjects that may be covered by the industry deed, see section 65. 23  
24

**Clause 132 Amendment of s 30 (Transfer of CTP business)** 25

Section 30(4), editor's note— 26

*omit*. 27

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|                   |  |                                  |
|-------------------|--|----------------------------------|
| <b>Clause 133</b> | <b>Amendment of s 33 (Nominal Defendant as the insurer)</b>  | 1                                |
|                   | Section 33(6), editor's note—  | 2                                |
|                   | <i>omit.</i>   | 3                                |
| <b>Clause 134</b> | <b>Replacement of s 100A (Indexation of particular amounts)</b>  | 4                                |
|                   | Section 100A—  | 5                                |
|                   | <i>omit, insert—</i>   | 6                                |
|                   | <b>100A Indexation of particular amounts</b>   | 7                                |
|                   | (1) The Minister must, before each financial year starts, make a notice for the financial year fixing—   | 8<br>9<br>10                     |
|                   | (a) an amount as the declared costs limit; and   | 11                               |
|                   | (b) an amount as the lower offer limit; and  | 12                               |
|                   | (c) an amount as the upper offer limit.  | 13                               |
|                   | (2) The amount fixed for a limit is to be the amount last fixed by the Minister for the limit adjusted by the percentage change in average weekly earnings between the current financial year and the last financial year and rounded to the nearest 10 dollars (rounding one-half upwards). | 14<br>15<br>16<br>17<br>18<br>19 |
|                   | (3) However, subsection (4) applies if—  | 20                               |
|                   | (a) the percentage change in average weekly earnings between the current financial year and the last financial year would reduce or would not change the amount fixed as the limit; or   | 21<br>22<br>23<br>24<br>25       |
|                   | (b) the percentage change in average weekly earnings between the current financial year and the last financial year is not available from the Australian Statistician.   | 26<br>27<br>28<br>29             |
|                   | (4) The Minister must fix an amount for each limit that is not less than the amount for the limit last fixed by the Minister.  | 30<br>31<br>32                   |

[s 135]

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|                   |  |                                    |
|-------------------|--|------------------------------------|
|                   | (5) The Minister’s notice is subordinate legislation.  | 1                                  |
|                   | (6) Despite subsection (1), the Minister may make a notice for a financial year, after 1 July in the financial year, that has retrospective operation to 1 July in the financial year. | 2<br>3<br>4<br>5                   |
|                   | (7) Subsection (6) applies despite the <i>Statutory Instruments Act 1992</i> , section 34.   | 6<br>7                             |
|                   | (8) In this section—   | 8                                  |
|                   | <i>current financial year</i> , for a notice, means the financial year immediately before the financial year for which the notice is made.   | 9<br>10<br>11                      |
|                   | <i>last financial year</i> , for a notice, means the financial year immediately before the current financial year.   | 12<br>13<br>14                     |
| <b>Clause 135</b> | <b>Insertion of new pt 7, div 8</b>  | 15                                 |
|                   | Part 7—  | 16                                 |
|                   | <i>insert</i> —  | 17                                 |
|                   | <b>Division 8</b>  | <b>Transitional provisions for</b> |
|                   |  | <b>Justice and Other</b>           |
|                   |  | <b>Legislation Amendment</b>       |
|                   |  | <b>Act 2023</b>                    |
|                   |  | 18<br>19<br>20<br>21               |
|                   | <b>117 Definition for division</b>   | 22                                 |
|                   | In this division—  | 23                                 |
|                   | <i>new section 100A</i> means section 100A as in force from the commencement.  | 24<br>25                           |
|                   | <b>118 First notice made by the Minister</b>   | 26                                 |
|                   | (1) This section applies in relation to the first notice made by the Minister under new section 100A.  | 27<br>28                           |



---

|                   |   |                         |
|-------------------|---|-------------------------|
|                   | (2) For new section 100A(2) and (4), a reference to the amount last fixed by the Minister is taken to be a reference to the amount last prescribed by regulation for the limit.                                       | 1<br>2<br>3<br>4        |
|                   | <b>119 Existing prescribed limits for particular definitions</b>  | 5<br>6                  |
|                   | (1) This section applies in relation to each amount that, immediately before the commencement, was prescribed by regulation as the declared costs limit, the lower offer limit or the upper offer limit for a period. | 7<br>8<br>9<br>10<br>11 |
|                   | (2) The amount continues to have effect as if it had been fixed under new section 100A.   | 12<br>13                |
|                   | (3) The Minister may, for information only, include the amount in the notice made by the Minister under new section 100A.   | 14<br>15<br>16          |
| <b>Clause 136</b> | <b>Amendment of sch (Policy of insurance)</b>   | 17                      |
|                   | Schedule, section 1(3)(a), ‘Editor’s note—’—  | 18                      |
|                   | <i>omit, insert—</i>  | 19                      |
|                   | <i>Note—</i>  | 20                      |
|                   | <b>Part 22</b>  |                         |
|                   | <b>Amendment of Oaths Act 1867</b>  | 21                      |
| <b>Clause 137</b> | <b>Act amended</b>  | 22                      |
|                   | This part amends the <i>Oaths Act 1867</i> .  | 23                      |
| <b>Clause 138</b> | <b>Amendment of s 1B (Definitions)</b>  | 24                      |
|                   | (1) Section 1B, definition <i>confirm—</i>  | 25                      |
|                   | <i>omit.</i>  | 26                      |

[s 139]

---

- (2) Section 1B— 1  
*insert*— 2  
***confirm***, a document, means attest or otherwise 3  
confirm a document by signing the document. 4
- (3) Section 1B, definitions *document*, *electronic document* and 5  
*physical document*— 6  
*omit*. 7
- (4) Section 1B— 8  
*insert*— 9  
***physical document*** means a document other than 10  
an electronic document. 11

- Clause 139 Amendment of s 12 (Special witnesses)** 12  
Section 12(1)(b)— 13  
*omit, insert*— 14
- (b) a government legal officer under the *Legal* 15  
*Profession Act 2007* who— 16
- (i) is an Australian lawyer but not an 17  
Australian legal practitioner; and 18
- (ii) witnesses documents in the course of 19  
the government work engaged in by the 20  
officer; or 21

- Clause 140 Amendment of pt 4, div 2, hdg (General requirement for** 22  
**affidavits and declarations)** 23  
Part 4, division 2, heading, ‘requirement’— 24  
*omit, insert*— 25  
**requirements** 26

---

|                   |   |                      |
|-------------------|---|----------------------|
| <b>Clause 141</b> | <b>Insertion of new s 13AA and 13AB</b>   | 1                    |
|                   | Before section 13A—   | 2                    |
|                   | <i>insert—</i>  | 3                    |
|                   | <b>13AA Application of division</b>   | 4                    |
|                   | This division applies in relation to an affidavit or<br>declaration—  | 5<br>6               |
|                   | (a) whether the signatory, substitute signatory<br>or witness is present in person or by audio<br>visual link; and  | 7<br>8<br>9          |
|                   | (b) whether the affidavit or declaration is<br>physically signed or electronically signed.  | 10<br>11             |
|                   | <i>Note—</i>  | 12                   |
|                   | See also part 6A for additional requirements for an<br>affidavit or declaration made by audio visual link.  | 13<br>14             |
|                   | <b>13AB Execution requirements</b>  | 15                   |
|                   | (1) An affidavit or declaration must be in writing.   | 16                   |
|                   | (2) An affidavit or declaration is executed only if it<br>is—   | 17<br>18             |
|                   | (a) witnessed under this part and, if applicable,<br>part 6A; and   | 19<br>20             |
|                   | (b) signed by the signatory or a substitute<br>signatory; and   | 21<br>22             |
|                   | (c) confirmed by the witness for the document.  | 23                   |
|                   | <i>Note—</i>  | 24                   |
|                   | See also section 31U in relation to how a person<br>who witnesses a document by audio visual link<br>must confirm the document.   | 25<br>26<br>27       |
|                   | (3) If an affidavit or declaration is to be filed or<br>admitted into evidence in a proceeding,<br>subsection (2) applies subject to a rule of court or<br>practice direction applying to the document. | 28<br>29<br>30<br>31 |
|                   | (4) Subsection (2) does not limit a requirement   | 32                   |

[s 142]

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|                   |  |                      |
|-------------------|--|----------------------|
|                   | relating to an affidavit or declaration under another Act or law.  | 1<br>2               |
| <b>Clause 142</b> | <b>Amendment of s 13A (Accepted method for electronically signing affidavits or declarations)</b>  | 3<br>4               |
|                   | Section 13A, heading, ‘affidavits or declarations’—  | 5                    |
|                   | <i>omit, insert—</i>   | 6                    |
|                   | <b>affidavit or declaration</b>  | 7                    |
| <b>Clause 143</b> | <b>Amendment of s 13B (Jurat of affidavit)</b>   | 8                    |
|                   | Section 13B(2)(e)—   | 9                    |
|                   | <i>omit, insert—</i>   | 10                   |
|                   | (e) that the signatory understands that a person who makes an affidavit that the person knows is false in a material particular commits an offence.  | 11<br>12<br>13<br>14 |
| <b>Clause 144</b> | <b>Amendment of s 13C (Statement in declaration)</b>   | 15                   |
|                   | Section 13C(2)(e)—   | 16                   |
|                   | <i>omit, insert—</i>   | 17                   |
|                   | (e) that the signatory understands that a person who makes a declaration that the person knows is false in a material particular commits an offence. | 18<br>19<br>20<br>21 |
| <b>Clause 145</b> | <b>Replacement of ss 13D and 13E</b>   | 22                   |
|                   | Sections 13D and 13E—  | 23                   |
|                   | <i>omit, insert—</i>   | 24                   |
|                   | <b>13D General requirements for witnessing affidavit or declaration</b>  | 25<br>26             |
|                   | A witness for an affidavit or declaration must not   | 27                   |

- 
- confirm the document unless— 1
- (a) the person takes reasonable steps to verify— 2
- (i) the identity of the signatory; and 3
- (ii) that the name of the signatory matches 4  
the name of the signatory written on or 5  
in the document; and 6
- (b) the person is satisfied the signatory is— 7
- (i) freely and voluntarily signing the 8  
document; or 9
- (ii) freely and voluntarily directing the 10  
substitute signatory to sign the 11  
document. 12
- Note—* 13
- See also section 31T in relation to witnessing a 14  
document by audio visual link. 15

**13E Information to be included about witness** 16

- (1) A special witness for an affidavit or declaration 17  
that is electronically signed or witnessed by audio 18  
visual link must include the following 19  
information on the document— 20
- (a) the witness’s full name; 21
- (b) that the witness is a special witness; 22
- (c) the type of special witness under section 23  
12(1) that the witness is; 24
- Examples of types of special witness—* 25
- an Australian legal practitioner 26
  - a justice approved by the chief executive 27  
under section 12(2) 28
  - a commissioner for declarations approved by 29  
the chief executive under section 12(2) 30
- (d) for a witness who is an Australian legal 31  
practitioner and an employee of, or a partner 32

[s 145]

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- in, a law practice—the name of the law practice; 1  
2
- (e) for a witness who is not a witness mentioned in paragraph (d) and not a special witness under section 12(1)(c)— 3  
4  
5
- (i) the name of the witness’s place of employment; or 6  
7
- (ii) the witness’s employment address or home address; or 8  
9
- (iii) the witness’s telephone number; or 10
- (iv) the witness’s email address; 11
- (f) for a document witnessed by audio visual link—that the witness understands, and has complied with, the requirements for witnessing a document by audio visual link; 12  
13  
14  
15
- (g) other information prescribed by regulation for this subsection. 16  
17
- Example of information to be included on an affidavit or a declaration for a special witness who is an Australian legal practitioner and who witnesses the document by audio visual link—* 18  
19  
20  
21
- Jane Anne Doe 22
- Australian legal practitioner, ABC Legal 23
- Special witness under the *Oaths Act 1867* 24
- I understand the requirements for witnessing a document by audio visual link and have complied with those requirements. 25  
26  
27
- (2) A witness for an affidavit or declaration that is physically signed in the physical presence of the witness must include the following information on the document— 28  
29  
30  
31
- (a) the witness’s full name; 32
- (b) the type of witness under section 16A or 16B that the witness is; 33  
34

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|   |                            |
|---|----------------------------|
| <i>Examples of types of witness—</i>  | 1                          |
| • a lawyer  | 2                          |
| • a justice of the peace  | 3                          |
| (c) for a witness who is not a justice or commissioner for declarations under the law of the State, the Commonwealth or another State—  | 4<br>5<br>6<br>7           |
| (i) the name of the witness’s place of employment; or   | 8<br>9                     |
| (ii) the witness’s employment address or home address; or   | 10<br>11                   |
| (iii) the witness’s telephone number; or  | 12                         |
| (iv) the witness’s email address;   | 13                         |
| (d) other information prescribed by regulation for this subsection.   | 14<br>15                   |
| (3) A witness for an affidavit or declaration who is a person prescribed by regulation under section 16A(1)(e), 16B(1)(d), 16C(2), 31Q(2) or 31S(1) must include the following information on the document— | 16<br>17<br>18<br>19<br>20 |
| (a) the witness’s full name;  | 21                         |
| (b) other information prescribed by regulation for this subsection.   | 22<br>23                   |
| <i>Note—</i>  | 24                         |
| See also the <i>Justices of the Peace and Commissioners for Declarations Act 1991</i> , section 31 for other requirements applying to a justice of the peace or commissioner for declarations.              | 25<br>26<br>27<br>28       |
| <b>Clause 146 Insertion of new ss 13G and 13H</b>   | 29                         |
| After section 13F—  | 30                         |
| <i>insert—</i>  | 31                         |

[s 146]

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|   |                            |
|---|----------------------------|
| <b>13G Substitute signatories</b>   | 1                          |
| (1) The signatory for an affidavit or declaration may direct another person (a <i>substitute signatory</i> ) to sign the document for them.   | 2<br>3<br>4                |
| (2) However, each of the following persons is excluded from signing an affidavit or declaration as a substitute signatory—  | 5<br>6<br>7                |
| (a) a person witnessing the document;   | 8                          |
| (b) if the document is to be filed or admitted into evidence in a proceeding by or for a party—a person who is another party to the proceeding or a relation of another party to the proceeding.  | 9<br>10<br>11<br>12<br>13  |
| <i>Note—</i>  | 14                         |
| See also section 31P for further limitations on who may be a substitute signatory if the direction to sign is given by audio visual link. A person may also be excluded under another Act or law from signing a document as a substitute signatory. | 15<br>16<br>17<br>18<br>19 |
| (3) In this section—  | 20                         |
| <i>relation</i> , of a person, see the <i>Powers of Attorney Act 1998</i> , schedule 3.   | 21<br>22                   |
| <b>13H Witnessing signature of substitute signatory</b>   | 23                         |
| (1) This section applies if the signatory for an affidavit or declaration directs a substitute signatory to sign the document for them.   | 24<br>25<br>26             |
| (2) The witness for the signing of the affidavit or declaration by the substitute signatory must—   | 27<br>28                   |
| (a) observe the signatory direct the substitute signatory to sign the document; and   | 29<br>30                   |
| (b) be satisfied that the substitute signatory is not excluded from signing the document as the substitute signatory under section 13G or 31P.  | 31<br>32<br>33<br>34       |



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|                   |  |          |
|-------------------|--|----------|
|                   | <i>Note—</i>   | 1        |
|                   | See also section 13D for other requirements relating to a witness for an affidavit or declaration.         | 2<br>3   |
| <b>Clause 147</b> | <b>Amendment of s 16A (Who may witness affidavits)</b>   | 4        |
|                   | Section 16A(1)(e), ‘section’—  | 5        |
|                   | <i>omit, insert—</i>   | 6        |
|                   | subsection   | 7        |
| <b>Clause 148</b> | <b>Amendment of s 16B (Who may witness declarations)</b>   | 8        |
|                   | Section 16B(1)(d), ‘section’—  | 9        |
|                   | <i>omit, insert—</i>   | 10       |
|                   | subsection   | 11       |
| <b>Clause 149</b> | <b>Amendment of s 16C (Affidavit or declaration electronically signed in physical presence of witness)</b> | 12<br>13 |
|                   | (1) Section 16C(1), note—  | 14       |
|                   | <i>omit.</i>   | 15       |
|                   | (2) Section 16C(2), ‘section’—   | 16       |
|                   | <i>omit, insert—</i>   | 17       |
|                   | subsection   | 18       |
|                   | (3) Section 16C(3), ‘this section’—  | 19       |
|                   | <i>omit, insert—</i>   | 20       |
|                   | that subsection  | 21       |
| <b>Clause 150</b> | <b>Amendment of s 31B (Definitions for part)</b>   | 22       |
|                   | Section 31B, definition <i>confirm—</i>  | 23       |
|                   | <i>omit.</i>   | 24       |

[s 151]

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|                   |   |    |
|-------------------|---|----|
| <b>Clause 151</b> | <b>Amendment of s 31E (Presence by audio visual link)</b>   | 1  |
|                   | Section 31E(b), ‘section 31S’—  | 2  |
|                   | <i>omit, insert—</i>  | 3  |
|                   | section 31Q(2) or 31S(1)  | 4  |
| <b>Clause 152</b> | <b>Amendment of s 31J (Presence by audio visual link)</b>   | 5  |
|                   | Section 31J(b), ‘section 31S’—  | 6  |
|                   | <i>omit, insert—</i>  | 7  |
|                   | section 31Q(2) or 31S(1)  | 8  |
| <b>Clause 153</b> | <b>Replacement of s 31P (Persons who may be directed to sign)</b>                                       | 9  |
|                   | Section 31P—  | 10 |
|                   | <i>omit, insert—</i>  | 11 |
|                   | <b>31P Who may be a substitute signatory</b>  | 12 |
|                   | A person may be directed by audio visual link to sign a document for a signatory only if the person is— | 13 |
|                   | (a) an Australian legal practitioner; or  | 14 |
|                   | (b) a government legal officer under the <i>Legal Profession Act 2007</i> who—                          | 15 |
|                   | (i) is an Australian lawyer but not an Australian legal practitioner; and                               | 16 |
|                   | (ii) witnesses documents in the course of the government work engaged in by the officer; or             | 17 |
|                   | (c) an employee of the public trustee.  | 18 |
|                   | <i>Note—</i>  | 19 |
|                   | See also section 13G.   | 20 |
|                   |   | 21 |
|                   |   | 22 |
|                   |   | 23 |
|                   |   | 24 |
|                   |   | 25 |
|                   |   | 26 |
|                   |   | 27 |

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|                   |  |  |
|-------------------|--|--|
| <b>Clause 154</b> | <b>Amendment of s 31Q (Substitute signatory signing in physical presence of witness requires special witness)</b>  | 1<br>2   |
| (1)               | Section 31Q, heading, after ‘special witness’—<br><i>insert</i> —<br><b>or another prescribed person</b>   | 3<br>4<br>5  |
| (2)               | Section 31Q(2), after ‘for the document’—<br><i>insert</i> —<br>or another person prescribed by regulation for this subsection   | 6<br>7<br>8<br>9   |
| (3)               | Section 31Q—<br><i>insert</i> —<br>(2A) However, a regulation made under subsection (2) may provide that a person prescribed for that subsection—<br>(a) may witness a document only of a prescribed type and subject to any prescribed conditions; or<br>(b) may not witness a document of a prescribed type. | 10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19 |
| (4)               | Section 31Q(2A) and (3)—<br><i>renumber</i> as section 31Q(3) and (4).   | 20<br>21   |
| <b>Clause 155</b> | <b>Omission of s 31R (Witness must observe direction and verify particular matters)</b><br>Section 31R—<br><i>omit.</i>  | 22<br>23<br>24<br>25                                     |
| <b>Clause 156</b> | <b>Amendment of s 31S (Witness must be special witness or another prescribed person)</b><br>(1) Section 31S(1), ‘section’—<br><i>omit, insert</i> —  | 26<br>27<br>28<br>29                                     |

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[s 157]

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|                   |   |    |
|-------------------|---|----|
|                   | subsection  | 1  |
| (2)               | Section 31S(2), ‘this section’—   | 2  |
|                   | <i>omit, insert</i> —   | 3  |
|                   | that subsection   | 4  |
| <b>Clause 157</b> | <b>Replacement of s 31T (General requirements for witnessing documents)</b>   | 5  |
|                   | Section 31T—  | 6  |
|                   | <i>omit, insert</i> —   | 7  |
|                   | <b>31T General requirements for witnessing documents</b>  | 8  |
|                   | A document may be witnessed by audio visual link only if—   | 9  |
|                   | (a) the audio visual link enables the witness to be satisfied, by the sounds and images made by the link, that the signatory or substitute signatory is signing the document; and | 10 |
|                   | (b) the witness forms the satisfaction under paragraph (a) in real time.  | 11 |
|                   | <i>Note</i> —   | 12 |
|                   | See also sections 13D, 13E and 13H for additional requirements.   | 13 |
|                   |   | 14 |
|                   |   | 15 |
|                   |   | 16 |
|                   |   | 17 |
|                   |   | 18 |
|                   |   | 19 |
|                   |   | 20 |
|                   |   | 21 |
| <b>Part 23</b>    | <b>Amendment of Oaths Regulation 2022</b>   | 22 |
|                   |   | 23 |
| <b>Clause 158</b> | <b>Regulation amended</b>   | 24 |
|                   | This part amends the <i>Oaths Regulation 2022</i> .   | 25 |
| <b>Clause 159</b> | <b>Omission of ss 2A and 2B</b>   | 26 |
|                   | Sections 2A and 2B—   | 27 |

---

*omit.*

1

**Clause 160**    **Amendment of s 3 (Information witness must include on affidavit—Act, s 13E)**

2  
3

Section 3, ‘section 13E(d)’—

4

*omit, insert—*

5

section 13E(3)

6

**Clause 161**    **Amendment of s 4 (Prescribed persons for witnessing affidavits—Act, s 16A)**

7  
8

Section 3, ‘section 16A(1)(e)’—

9

*omit, insert—*

10

section 16A(1)

11

**Part 24**                    **Amendment of Ombudsman Act 2001**

12  
13

**Clause 162**    **Act amended**

14

This part amends the *Ombudsman Act 2001*.

15

**Clause 163**    **Amendment of s 31 (Power of court if noncompliance with investigation requirement)**

16  
17

Section 31(3), note, from ‘chapter 11’—

18

*omit, insert—*

19

chapter 11, part 4.

20

[s 164]

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|                   |   |  |
|-------------------|---|--|
| <b>Part 25</b>    | <b>Amendment of Penalties and Sentences Act 1992</b>  | 1  |
|                   |   | 2  |
| <b>Clause 164</b> | <b>Act amended</b>  | 3  |
|                   | This part amends the <i>Penalties and Sentences Act 1992</i> .  | 4  |
| <b>Clause 165</b> | <b>Amendment of s 9 (Sentencing guidelines)</b>   | 5  |
| (1)               | Section 9—  | 6  |
|                   | <i>insert—</i>  | 7  |
| (9C)              | In determining the appropriate sentence for an offender convicted of a relevant serious offence committed in relation to a pregnant person that resulted in destroying the life of the person's unborn child, the court must treat the destruction of the unborn child's life as an aggravating factor, unless the court considers it is not reasonable because of the exceptional circumstances of the case. | 8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16 |
| (2)               | Section 9(12)—  | 17   |
|                   | <i>insert—</i>  | 18   |
|                   | <i>relevant serious offence</i> means an offence against—   | 19<br>20   |
| (a)               | the following provisions of the Criminal Code—  | 21<br>22   |
| (i)               | sections 302 and 305;   | 23   |
| (ii)              | sections 303 and 310;   | 24   |
| (iii)             | section 320;  | 25   |
| (iv)              | section 323;  | 26   |
| (v)               | section 328A;   | 27   |
| (vi)              | section 339; and  | 28   |

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|                   |  |                                  |
|-------------------|--|----------------------------------|
|                   | (b) the <i>Transport Operations (Road Use Management) Act 1995</i> , section 83.   | 1<br>2                           |
| <b>Clause 166</b> | <b>Amendment of s 179I (Definitions for part)</b>  | 3                                |
|                   | Section 179I, definition <i>victim</i> , after ‘section 5(3)’—   | 4                                |
|                   | <i>insert—</i>   | 5                                |
|                   | or (5)   | 6                                |
| <b>Part 26</b>    | <b>Amendment of Personal Injuries Proceedings Act 2002</b>   | 7<br>8                           |
| <b>Clause 167</b> | <b>Act amended</b>   | 9                                |
|                   | This part amends the <i>Personal Injuries Proceedings Act 2002</i> .   | 10                               |
| <b>Clause 168</b> | <b>Replacement of s 75A (Indexation of particular amounts)</b>   | 11                               |
|                   | Section 75A—   | 12                               |
|                   | <i>omit, insert—</i>   | 13                               |
|                   | <b>75A Indexation of particular amounts</b>  | 14                               |
|                   | (1) The Minister must, before each financial year starts, make a notice for the financial year fixing—   | 15<br>16<br>17                   |
|                   | (a) an amount as the declared costs limit; and   | 18                               |
|                   | (b) an amount as the lower offer limit; and  | 19                               |
|                   | (c) an amount as the upper offer limit.  | 20                               |
|                   | (2) The amount fixed for a limit is to be the amount last fixed by the Minister for the limit adjusted by the percentage change in average weekly earnings between the current financial year and the last financial year and rounded to the nearest 10 dollars (rounding one-half upwards). | 21<br>22<br>23<br>24<br>25<br>26 |

[s 169]

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|                   |  |                       |
|-------------------|--|-----------------------|
| (3)               | However, subsection (4) applies if—  | 1                     |
| (a)               | the percentage change in average weekly earnings between the current financial year and the last financial year would reduce or would not change the amount fixed as the limit; or | 2<br>3<br>4<br>5<br>6 |
| (b)               | the percentage change in average weekly earnings between the current financial year and the last financial year is not available from the Australian Statistician.                 | 7<br>8<br>9<br>10     |
| (4)               | The Minister must fix an amount for the limit that is not less than the amount for the limit last fixed by the Minister.   | 11<br>12<br>13        |
| (5)               | The Minister’s notice is subordinate legislation.  | 14                    |
| (6)               | Despite subsection (1), the Minister may make a notice for a financial year, after 1 July in the financial year, that has retrospective operation to 1 July in the financial year. | 15<br>16<br>17<br>18  |
| (7)               | Subsection (6) applies despite the <i>Statutory Instruments Act 1992</i> , section 34.   | 19<br>20              |
| (8)               | In this section—   | 21                    |
|                   | <i>current financial year</i> , for a notice, means the financial year immediately before the financial year for which the notice is made.   | 22<br>23<br>24        |
|                   | <i>last financial year</i> , for a notice, means the financial year immediately before the current financial year.   | 25<br>26<br>27        |
| <b>Clause 169</b> | <b>Insertion of new ch 4, pt 10</b>  | 28                    |
|                   | Chapter 4—   | 29                    |
|                   | <i>insert</i> —  | 30                    |



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|                |   |                            |
|----------------|---|----------------------------|
| <b>Part 10</b> | <b>Transitional provisions<br/>for Justice and Other<br/>Legislation<br/>Amendment Act 2023</b>   | 1<br>2<br>3<br>4           |
| <b>89</b>      | <b>Definition for part</b>  | 5                          |
|                | In this part—   | 6                          |
|                | <i>new section 75A</i> means section 75A as in force<br>from the commencement.  | 7<br>8                     |
| <b>90</b>      | <b>First notice made by Minister</b>  | 9                          |
| (1)            | This section applies in relation to the first notice<br>made by the Minister under new section 75A.   | 10<br>11                   |
| (2)            | For new section 75A(2) and (4), a reference to the<br>amount last fixed by the Minister is taken to be a<br>reference to the amount last prescribed by<br>regulation for the limit.   | 12<br>13<br>14<br>15       |
| <b>91</b>      | <b>Existing prescribed limits for particular<br/>definitions</b>  | 16<br>17                   |
| (1)            | This section applies in relation to each amount<br>that, immediately before the commencement, was<br>prescribed by regulation as the declared costs<br>limit, the lower offer limit or the upper offer limit<br>for a period. | 18<br>19<br>20<br>21<br>22 |
| (2)            | The amount continues to have effect as if it had<br>been fixed under new section 75A.   | 23<br>24                   |
| (3)            | The Minister may, for information only, include<br>the amount in the notice made by the Minister<br>under new section 75A.  | 25<br>26<br>27             |

[s 170]

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|                   |   |    |
|-------------------|---|----|
| <b>Clause 170</b> | <b>Amendment of sch 1 (Dictionary)</b>  | 1  |
| (1)               | Schedule 1, definitions <i>declared costs limit</i> , <i>lower offer limit</i> and <i>upper offer limit</i> —     | 2  |
|                   | <i>omit.</i>  | 3  |
|                   |   | 4  |
| (2)               | Schedule 1—   | 5  |
|                   | <i>insert</i> —   | 6  |
|                   | <i>declared costs limit</i> means the amount fixed by the Minister under section 75A as the declared costs limit. | 7  |
|                   |   | 8  |
|                   |   | 9  |
|                   | <i>lower offer limit</i> means the amount fixed by the Minister under section 75A as the lower offer limit.       | 10 |
|                   |   | 11 |
|                   |   | 12 |
|                   | <i>upper offer limit</i> means the amount fixed by the Minister under section 75A as the upper offer limit.       | 13 |
|                   |   | 14 |
|                   |   | 15 |
| <b>Part 27</b>    | <b>Amendment of Public Guardian Act 2014</b>  | 16 |
|                   |   | 17 |
| <b>Clause 171</b> | <b>Act amended</b>  | 18 |
|                   | This part amends the <i>Public Guardian Act 2014</i> .  | 19 |
| <b>Clause 172</b> | <b>Amendment of s 26 (Power of court if noncompliance with attendance notice)</b>                                 | 20 |
|                   | Section 26(3), note, from ‘chapter 11’—   | 21 |
|                   | <i>omit, insert</i> —   | 22 |
|                   | chapter 11, part 4.   | 23 |
|                   |   | 24 |
| <b>Clause 173</b> | <b>Replacement of s 113 (Resignation, suspension and termination of community visitor)</b>                        | 25 |
|                   | Section 113—  | 26 |
|                   |   | 27 |

---

*omit, insert—*

**113 Vacancy in office**

- (1) The office of a community visitor becomes vacant and the person's appointment as a community visitor ends if—
- (a) the community visitor completes a fixed term and is not reappointed; or
  - (b) the community visitor resigns by notice of resignation given to the public guardian—
    - (i) at least 2 weeks before the notice is to take effect; or
    - (ii) within a shorter period approved by the public guardian; or
  - (c) for a community visitor (adult)—the person is, or becomes, ineligible to hold office under section 110(2); or
  - (d) for a community visitor (child)—the person is, or becomes, ineligible to hold office under section 111(2).
- (2) A notice of resignation mentioned in subsection (1)(b) takes effect in accordance with its terms and without needing the acceptance of the public guardian.

**113A Termination of community visitor**

- (1) The public guardian may terminate the appointment of a community visitor if the community visitor has been convicted of an offence the public guardian considers makes the person unsuitable to perform the duties of a community visitor.
- (2) In this section—
- convicted* means found guilty, or having a plea of guilty accepted, by a court, whether or not a

[s 174]

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|                   |  |                      |
|-------------------|--|----------------------|
|                   | conviction is recorded.  | 1                    |
| <b>Clause 174</b> | <b>Amendment of ch 5, pt 5, hdg</b>  | 2                    |
|                   | Chapter 5, part 5, heading, after ‘engaged’—   | 3                    |
|                   | <i>insert—</i>   | 4                    |
|                   | <b>or continue</b>   | 5                    |
| <b>Clause 175</b> | <b>Insertion of new ch 5, pt 5, div 1, hdg</b>   | 6                    |
|                   | Before section 119—  | 7                    |
|                   | <i>insert—</i>   | 8                    |
|                   | <b>Division 1</b>  | 9                    |
|                   | <b>Suitability of persons to be<br/>or continue to be engaged<br/>as community visitors</b>  | 10<br>11             |
| <b>Clause 176</b> | <b>Replacement of s 119</b>  | 12                   |
|                   | Section 119—   | 13                   |
|                   | <i>omit, insert—</i>   | 14                   |
|                   | <b>119 Application of division</b>   | 15                   |
|                   | This division applies, despite the <i>Public Sector<br/>Act 2022</i> , chapter 3, part 5, in relation to assessing<br>the suitability of a person to be, or continue to be,<br>appointed as a community visitor. | 16<br>17<br>18<br>19 |
|                   | <b>119A Disclosure of criminal history</b>   | 20                   |
|                   | A person seeking to be engaged by the public<br>guardian as a community visitor must disclose to<br>the public guardian, before being engaged—   | 21<br>22<br>23       |
|                   | (a) whether or not the person has a criminal<br>history; and   | 24<br>25             |

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|                   |   |                |
|-------------------|---|----------------|
|                   | (b) if the person has a criminal history—the person’s complete criminal history.  | 1<br>2         |
| <b>Clause 177</b> | <b>Amendment of s 120 (Investigations about suitability of applicant to be community visitor or child advocacy officer)</b> | 3<br>4<br>5    |
|                   | (1) Section 120, heading, from ‘of’—<br><i>omit.</i>  | 6<br>7         |
|                   | (2) Section 120(1), from ‘be’—<br><i>omit, insert—</i><br>be, or continue to be, a community visitor.                       | 8<br>9<br>10   |
| <b>Clause 178</b> | <b>Replacement of s 121 (Community visitor or child advocacy officer to disclose change in criminal history)</b>            | 11<br>12       |
|                   | Section 121—<br><i>omit, insert—</i>  | 13<br>14       |
|                   | <b>121 Community visitor to disclose change in criminal history</b>   | 15<br>16       |
|                   | (1) This section applies if there is a change in the criminal history of a community visitor.                               | 17<br>18       |
|                   | (2) The community visitor must immediately disclose the details of the change to the public guardian.                       | 19<br>20<br>21 |
|                   | (3) The disclosure under subsection (2) must be in the approved form.   | 22<br>23       |
|                   | (4) The information disclosed about a conviction or charge in the visitor’s criminal history must include—                  | 24<br>25<br>26 |
|                   | (a) the existence of the conviction or charge;<br>and   | 27<br>28       |
|                   | (b) when the offence was committed or alleged to have been committed; and   | 29<br>30       |

[s 179]

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|                   |  |                  |
|-------------------|--|------------------|
|                   | (c) the details of the offence or alleged offence;<br>and  | 1<br>2           |
|                   | (d) for a conviction—whether or not a<br>conviction was recorded and the sentence<br>imposed on the visitor.   | 3<br>4<br>5      |
|                   | (5) For a community visitor who does not have a<br>criminal history, there is taken to be a change to<br>the visitor’s criminal history if the visitor acquires<br>a criminal history. | 6<br>7<br>8<br>9 |
| <b>Clause 179</b> | <b>Amendment of s 122 (Failing to make disclosure or<br/>making false, misleading or incomplete disclosure)</b>  | 10<br>11         |
|                   | (1) Section 122(1), ‘or child advocacy officer’—<br><i>omit.</i>   | 12<br>13         |
|                   | (2) Section 122(1)(a) from ‘section 119’ to ‘officer’—<br><i>omit, insert—</i><br>section 119A or 121, unless the visitor  | 14<br>15<br>16   |
|                   | (3) Section 122(2), ‘or officer’—<br><i>omit.</i>  | 17<br>18         |
|                   | (4) Section 122(2)(b), ‘or officer’s’—<br><i>omit.</i>   | 19<br>20         |
| <b>Clause 180</b> | <b>Amendment of s 123 (Person to be advised of information<br/>obtained from commissioner of the police service)</b>   | 21<br>22         |
|                   | Section 123(2), ‘or child advocacy officer’—<br><i>omit.</i>   | 23<br>24         |
| <b>Clause 181</b> | <b>Amendment of s 124 (Use of information obtained under<br/>this part)</b>  | 25<br>26         |
|                   | (1) Section 124(2), from ‘be’—<br><i>omit, insert—</i>   | 27<br>28         |

---

|                   |  |    |
|-------------------|--|----|
|                   | be, or continue to be, a community visitor.  | 1  |
| (2)               | Section 124(3)(b), ‘or child advocacy officer’—  | 2  |
|                   | <i>omit.</i>   | 3  |
| <b>Clause 182</b> | <b>Replacement of s 125 (Guidelines for dealing with information obtained under this part)</b>                               | 4  |
|                   | Section 125—   | 5  |
|                   | <i>omit, insert—</i>   | 6  |
|                   | <b>125 Guidelines for dealing with information obtained under this part</b>  | 7  |
|                   | (1) The public guardian may make a guideline for dealing with information obtained under this part.                          | 8  |
|                   | (2) The purpose of the guidelines is to ensure—  | 9  |
|                   | (a) procedural fairness is afforded to a person about whom the information is obtained; and                                  | 10 |
|                   | (b) only relevant information is used in assessing the person’s suitability to be appointed as a community visitor; and      | 11 |
|                   | (c) decisions about the suitability of persons, based on the information, are made consistently.                             | 12 |
|                   | (3) If the public guardian makes a guideline under subsection (1), the public guardian must give a copy of the guideline to— | 13 |
|                   | (a) a person seeking to be engaged by the public guardian as a community visitor; and  | 14 |
|                   | (b) if a community visitor asks for a copy of the guideline—the community visitor.   | 15 |
| <b>Clause 183</b> | <b>Insertion of new ch 5, pt 5, div 2</b>  | 16 |
|                   | Chapter 5, part 5—   | 17 |

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[s 184]

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*insert—*

**Division 2                      Suitability of persons to be  
engaged as child advocacy  
officers**

**125A Disclosure of criminal history**

A person seeking to be engaged by the public guardian as a child advocacy officer must disclose to the public guardian, before being engaged—

- (a) whether or not the person has a criminal history; and
- (b) if the person has a criminal history—the person’s complete criminal history.

**Clause 184      Insertion of new ch 7, pt 4**

Chapter 7—

*insert—*

**Part 4                              Transitional provisions  
for Justice and Other  
Legislation  
Amendment Act 2023**

**197 Definition for part**

In this part—

*former*, for a provision of this Act, means the provision as in force from time to time before the commencement.

**198 Existing suspensions**

- (1) This section applies if—



- 
- (a) before the commencement a community visitor was suspended; and 1  
2
- (b) immediately before the commencement the suspension was still in effect. 3  
4
- (2) From the commencement, the suspension continues under the *Public Sector Act 2022*, section 101. 5  
6  
7

**199 Termination notices given before commencement** 8  
9

- (1) This section applies if— 10
- (a) the public guardian gave a community visitor a notice of termination before the commencement; and 11  
12  
13
- (b) on the commencement the termination had not yet taken effect. 14  
15
- (2) Former section 113 continues to apply in relation to the termination as if the *Justice and Other Legislation Amendment Act 2023*, part 27 had not commenced. 16  
17  
18  
19

**200 Particular community visitors go out of office** 20

- (1) This section applies to a community visitor if, immediately before the commencement, under former section 110(2) or former section 111(2), the community visitor could not hold office. 21  
22  
23  
24
- (2) On the commencement, the community visitor goes out of office and the person's appointment as a community visitor ends. 25  
26  
27

**Clause 185 Amendment of sch 1 (Dictionary)** 28

- Schedule 1, definition *criminal history*, paragraph (a), 'record'— 29  
30

[s 186]

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*omit, insert—* 1  
history 2

**Part 28** **Amendment of Queensland** 3  
**Civil and Administrative** 4  
**Tribunal Act 2009** 5

**Clause 186 Act amended** 6  
This part amends the *Queensland Civil and Administrative* 7  
*Tribunal Act 2009*. 8

**Clause 187 Amendment of s 188 (Removal from office)** 9  
Section 188(1)(c), ‘as defined under the Corporations Act’— 10  
*omit.* 11

**Clause 188 Amendment of s 191 (Acting senior members)** 12  
Section 191(5) to (9)— 13  
*omit, insert—* 14  
(5) The Minister may appoint a person to act as a 15  
senior member. 16  
(6) The president may appoint a person from the 17  
senior members pool to act as a senior member. 18  
(7) An appointment may be made under subsection 19  
(5) or (6) if— 20  
(a) there is a vacancy in the office of a senior 21  
member; or 22  
(b) a senior member is absent or for any other 23  
reason is unable to perform the functions of 24  
the office; or 25

---

|                   |   |                            |
|-------------------|---|----------------------------|
| (c)               | the appointment is required for the proper functioning of the tribunal.   | 1<br>2                     |
| (8)               | A person appointed to act as a senior member—   | 3                          |
| (a)               | has all the functions and powers of a senior member; and  | 4<br>5                     |
| (b)               | is taken to be a senior member for all purposes relating to this Act or an enabling Act.  | 6<br>7<br>8                |
| (9)               | Without limiting subsection (8), section 187 applies to a person acting as senior member as if the person were a senior member.   | 9<br>10<br>11              |
| (10)              | An appointment to act as a senior member may be for a period of not more than 6 months.   | 12<br>13                   |
| (11)              | A person appointed to act as a senior member may be appointed to act as a senior member for a further period if—  | 14<br>15<br>16             |
| (a)               | the term of the appointment does not immediately follow the person’s previous appointment as acting senior member; or   | 17<br>18<br>19             |
| (b)               | the appointment is continuous on 1 or more of the person’s previous appointments as acting senior member and the total period of the continuous appointments is not more than 6 months. | 20<br>21<br>22<br>23<br>24 |
| (12)              | The Minister or president may at any time cancel the appointment of a person to act as a senior member.   | 25<br>26<br>27             |
| <b>Clause 189</b> | <b>Replacement of s 191A (Acting ordinary members)</b>  | 28                         |
|                   | Section 191A—   | 29                         |
|                   | <i>omit, insert—</i>  | 30                         |
|                   | <b>191A Acting ordinary members</b>   | 31                         |
| (1)               | The Minister must establish a pool of persons to  | 32                         |

---

[s 189]

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- act as ordinary members (the *ordinary members pool*). 1  
2
- (2) The Minister may approve a person as a member 3  
of the ordinary members pool only if the person is 4  
eligible to be appointed to the office of ordinary 5  
member under section 183(4). 6
- (3) The Minister may— 7
- (a) approve a person as a member of the 8  
ordinary members pool for a specified time; 9  
and 10
- (b) cancel the approval of a person as a member 11  
of the ordinary members pool at any time. 12
- (4) The Minister may approve a person as a member 13  
of the ordinary members pool only after 14  
consultation with the president. 15
- (5) The Minister may appoint a person to act as an 16  
ordinary member. 17
- (6) The president may appoint a person from the 18  
ordinary members pool to act as an ordinary 19  
member. 20
- (7) An appointment may be made under subsection 21  
(5) or (6) if— 22
- (a) there is a vacancy in the office of an 23  
ordinary member; or 24
- (b) an ordinary member is absent or for any 25  
other reason is unable to perform the 26  
functions of the office; or 27
- (c) the appointment is required for the proper 28  
functioning of the tribunal. 29
- (8) A person appointed to act as an ordinary 30  
member— 31
- (a) has all the functions and powers of an 32  
ordinary member; and 33

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|                   |   |                            |
|-------------------|---|----------------------------|
|                   | (b) is taken to be an ordinary member for all purposes relating to this Act or an enabling Act.   | 1<br>2<br>3                |
|                   | (9) Without limiting subsection (8), section 187 applies to a person acting as ordinary member as if the person were an ordinary member.  | 4<br>5<br>6                |
|                   | (10) An appointment to act as an ordinary member may be for a period of not more than 6 months.   | 7<br>8                     |
|                   | (11) A person appointed to act as an ordinary member may be appointed to act as an ordinary member for a further period if—   | 9<br>10<br>11              |
|                   | (a) the term of the appointment does not immediately follow the person’s previous appointment as acting ordinary member; or   | 12<br>13<br>14             |
|                   | (b) the appointment is continuous on 1 or more of the person’s previous appointments as acting ordinary member and the total period of the continuous appointments is not more than 6 months. | 15<br>16<br>17<br>18<br>19 |
|                   | (12) The Minister or president may at any time cancel the appointment of a person to act as an ordinary member.   | 20<br>21<br>22             |
| <b>Clause 190</b> | <b>Amendment of s 192 (Appointment of supplementary members)</b>  | 23<br>24                   |
|                   | (1) Section 192(2), ‘or magistrate’—  | 25                         |
|                   | <i>omit, insert—</i>  | 26                         |
|                   | , magistrate or member of the Land Court  | 27                         |
|                   | (2) Section 192(3)—   | 28                         |
|                   | <i>insert—</i>  | 29                         |
|                   | (d) for appointing a member of the Land Court—the President of the Land Court.  | 30<br>31                   |
|                   | (3) Section 192(4)—   | 32                         |

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[s 190]

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|  |                            |
|--|----------------------------|
| <i>insert—</i>   | 1                          |
| (d) with the President of the Land Court about<br>using members of the Land Court appointed<br>as supplementary members to perform their<br>functions under this Act.  | 2<br>3<br>4<br>5           |
| (4) Section 192(5) and (6)—  | 6                          |
| <i>omit, insert—</i>   | 7                          |
| (5) The arrangement may provide for the following<br>for a judge, magistrate or member of the Land<br>Court to whom the arrangement applies—   | 8<br>9<br>10               |
| (a) the matters the judge, magistrate or member<br>may hear and decide;  | 11<br>12                   |
| (b) the time the judge, magistrate or member<br>may allocate to performing functions as a<br>supplementary member;   | 13<br>14<br>15             |
| (c) the places at which the judge, magistrate or<br>member may constitute the tribunal.  | 16<br>17                   |
| (6) A judge, magistrate or member of the Land Court<br>to whom the arrangement applies may perform a<br>function as a supplementary member only as<br>authorised, and in the way provided, under the<br>arrangement. | 18<br>19<br>20<br>21<br>22 |
| (5) Section 192(9)—  | 23                         |
| <i>omit, insert—</i>   | 24                         |
| (9) The appointment of a magistrate or member of the<br>Land Court as a supplementary member does not<br>affect—   | 25<br>26<br>27             |
| (a) the magistrate’s or member’s tenure of<br>office or status as a magistrate or member of<br>the Land Court; or  | 28<br>29<br>30             |
| (b) the payment of the magistrate’s or member’s<br>salary or allowances as a magistrate or<br>member of the Land Court; or   | 31<br>32<br>33             |

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|                   |  |                |
|-------------------|--|----------------|
|                   | (c) any other right or privilege the magistrate or member has as a magistrate or member of the Land Court. | 1<br>2<br>3    |
| (6)               | Section 192(10) and (11), after ‘a magistrate’—<br><i>insert</i> —<br>or member of the Land Court          | 4<br>5<br>6    |
| <b>Clause 191</b> | <b>Amendment of s 193 (Vacancy of office)</b>  | 7              |
|                   | Section 193(a)—<br><i>insert</i> —   | 8<br>9         |
|                   | (iv) for a supplementary member who is a member of the Land Court—a member of the Land Court; or           | 10<br>11<br>12 |
| <b>Clause 192</b> | <b>Amendment of s 198 (Appointment of adjudicators)</b>  | 13             |
| (1)               | Section 198(5)—<br><i>omit.</i>  | 14<br>15       |
| (2)               | Section 198(8), from ‘, whether’ to ‘advertised’—<br><i>omit.</i>  | 16<br>17       |
| <b>Clause 193</b> | <b>Amendment of s 203 (Removal from office)</b>  | 18             |
|                   | Section 203(1)(c), ‘as defined under the Corporations Act’—<br><i>omit.</i>                                | 19<br>20       |
| <b>Clause 194</b> | <b>Replacement of s 206 (Acting adjudicators)</b>  | 21             |
|                   | Section 206—<br><i>omit, insert</i> —  | 22<br>23       |
|                   | <b>206 Acting adjudicators</b>   | 24             |
| (1)               | The Minister must establish a pool of persons to   | 25             |

[s 194]

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- act as adjudicators (the *adjudicators pool*). 1
- (2) The Minister may approve a person as a member 2  
of the adjudicators pool only if the person is 3  
eligible to be appointed to the office of 4  
adjudicator under section 198(6). 5
- (3) The Minister may— 6
- (a) approve a person as a member of the 7  
adjudicators pool for a specified time; and 8
- (b) cancel the approval of a person as a member 9  
of the adjudicators pool at any time. 10
- (4) The Minister may approve a person as a member 11  
of the adjudicators pool only after consultation 12  
with the president. 13
- (5) The Minister may appoint a person to act as an 14  
adjudicator. 15
- (6) The president may appoint a person from the 16  
adjudicators pool to act as an adjudicator. 17
- (7) An appointment may be made under subsection 18  
(5) or (6) if— 19
- (a) there is a vacancy in the office of an 20  
adjudicator; or 21
- (b) an adjudicator is absent or for any other 22  
reason is unable to perform the functions of 23  
the office; or 24
- (c) the appointment is required for the proper 25  
functioning of the tribunal. 26
- (8) A person appointed to act as an adjudicator— 27
- (a) has all the functions and powers of an 28  
adjudicator; and 29
- (b) is taken to be an adjudicator for all purposes 30  
relating to this Act or an enabling Act. 31
- (9) Without limiting subsection (8), section 202 32  
applies to a person acting as adjudicator as if the 33



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|                   |   |                            |
|-------------------|---|----------------------------|
|                   | person were an adjudicator.   | 1                          |
| (10)              | An appointment to act as an adjudicator may be for a period of not more than 6 months.  | 2<br>3                     |
| (11)              | A person appointed to act as adjudicator may be appointed to act as adjudicator for a further period if—  | 4<br>5<br>6                |
| (a)               | the term of the appointment does not immediately follow the person’s previous appointment as acting adjudicator; or   | 7<br>8<br>9                |
| (b)               | the term of the appointment is continuous on 1 or more of the person’s previous appointments as acting adjudicator and the total period of the continuous appointments is not more than 6 months. | 10<br>11<br>12<br>13<br>14 |
| (12)              | The Minister or president may at any time cancel the appointment of a person to act as an adjudicator.  | 15<br>16<br>17             |
| <b>Clause 195</b> | <b>Amendment of s 206O (Appointment)</b>  | 18                         |
| (1)               | Section 206O(5)—<br><i>omit.</i>  | 19<br>20                   |
| (2)               | Section 206O(8), from ‘, whether’ to ‘advertised’—<br><i>omit.</i>  | 21<br>22                   |
| <b>Clause 196</b> | <b>Amendment of s 206T (Removal from office)</b>  | 23                         |
|                   | Section 206T(1)(c), ‘as defined under the Corporations Act’—<br><i>omit.</i>  | 24<br>25<br>26             |
| <b>Clause 197</b> | <b>Amendment of ch 4, pt 5, hdg (The Queensland Civil and Administrative Tribunal Registry)</b>   | 27<br>28                   |
|                   | Chapter 4, part 5, heading, after ‘Registry’—   | 29                         |

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[s 198]

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*insert—* 1  
**and associates** 2

**Clause 198 Insertion of new s 212A** 3

After section 212— 4

*insert—* 5

**212A Associates to senior members** 6

- (1) The president may appoint a person nominated by a senior member as an associate to the member. 7
- (2) An associate is to be paid the remuneration and allowances decided by the Governor in Council. 9
- (3) An associate holds office on the terms and conditions decided by the Governor in Council. 11
- (4) An associate is appointed under this Act and not the *Public Sector Act 2022*. 13

**Clause 199 Amendment of s 228 (Oath of office)** 15

Section 228(2)(b)(i) and (ii), after ‘president’— 16

*insert—* 17

or deputy president 18

**Clause 200 Insertion of new ch 10, pt 3** 19

Chapter 10— 20

*insert—* 21

**Part 3 Transitional provision  
for Justice and Other  
Legislation  
Amendment Act 2023** 22  
23  
24  
25

---

**290 Existing associates to senior members**

- (1) This section applies to a person who, immediately before the commencement, held an appointment under the *Public Sector Act 2022* as an associate to a senior member.
- (2) From the commencement—
- (a) the person’s appointment as an associate to the senior member continues on the same terms that applied immediately before the commencement; and
- (b) despite section 212A, the person continues to be a public service employee under the *Public Sector Act 2022*.

**Clause 201 Amendment of sch 3 (Dictionary)**

- (1) Schedule 3, definition *former judge*, paragraph (b)—  
*omit, insert—*
- (b) a former judge of a court of the Commonwealth or another State other than—
- (i) a magistrates court of the Commonwealth or another State; or
- (ii) the Federal Circuit and Family Court of Australia (Division 2).
- (2) Schedule 3, definition *judicial member*, paragraph (a)(iii), ‘or District Court judge’—  
*omit, insert—*  
, District Court judge or member of the Land Court

[s 202]

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|                   |  |                      |
|-------------------|--|----------------------|
| <b>Part 29</b>    | <b>Amendment of Referendums Act 1997</b>   | 1<br>2               |
| <b>Clause 202</b> | <b>Act amended</b>   | 3                    |
|                   | This part amends the <i>Referendums Act 1997</i> .   | 4                    |
| <b>Clause 203</b> | <b>Amendment of s 17A (Supply of electoral rolls and ballot papers)</b>  | 5<br>6               |
|                   | Section 17A(1)(a), after ‘as at’—  | 7                    |
|                   | <i>insert—</i>   | 8                    |
|                   | 6p.m. on   | 9                    |
| <b>Clause 204</b> | <b>Amendment of s 21 (Who may vote)</b>  | 10                   |
|                   | Section 21(1)(d)(ii), after ‘after’—   | 11                   |
|                   | <i>insert—</i>   | 12                   |
|                   | 6p.m. on   | 13                   |
| <b>Clause 205</b> | <b>Insertion s 36A</b>   | 14                   |
|                   | After section 36—  | 15                   |
|                   | <i>insert—</i>   | 16                   |
|                   | <b>36A Saving of ballot papers not in declaration envelopes</b>  | 17<br>18             |
|                   | (1) This section applies if—   | 19                   |
|                   | (a) the commission or the returning officer for an electoral district receives an envelope (an <i>outer envelope</i> ) containing a ballot paper and a declaration envelope; but | 20<br>21<br>22<br>23 |
|                   | (b) the ballot paper is not in the declaration envelope.   | 24<br>25             |
|                   | (2) Members of the commission’s staff must—  | 26                   |

- (a) examine the contents of the outer envelope under section 36 to determine whether the ballot paper in the outer envelope is to be accepted for counting; and
- (b) deal with the ballot paper in the outer envelope under section 36 as if the ballot paper had been in the declaration envelope.

**Part 30** **Amendment of Statutory Instruments Act 1992**

**Clause 206** **Act amended**  
This part amends the *Statutory Instruments Act 1992*.

**Clause 207** **Replacement of s 30B (Statutory instrument may exempt from fee)**  
Section 30B—  
*omit, insert—*  
**30B Statutory instrument may exempt from fee**  
(1) If a power is conferred under a law for a statutory instrument to prescribe a fee, the power includes a power to—  
(a) exempt any person or matter from payment of all or part of the fee; or  
(b) waive payment of all or part of the fee for any person or matter; or  
(c) refund all or part of an amount of the fee paid by a person; or  
(d) provide for a stated person to grant an exemption, or make a waiver or refund, mentioned in paragraph (a), (b) or (c).  
(2) If—

[s 208]

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- |      |  |                      |
|------|--|----------------------|
| (a)  | a law requires payment of a fee prescribed under a statutory instrument by a person or for a matter; and   | 1<br>2<br>3          |
| (b)  | either—  | 4                    |
| (i)  | the person or matter is exempted under the statutory instrument from payment of all or part of the fee; or   | 5<br>6<br>7          |
| (ii) | all or part of the fee is waived for the person or matter under the statutory instrument;  | 8<br>9<br>10         |
|      | the requirement to pay the fee is taken to have been satisfied to the extent of the exemption or waiver.   | 11<br>12<br>13       |
| (3)  | A provision of a statutory instrument under which a fee is refunded, or a person may refund a fee, does not authorise the payment of an amount from the consolidated fund. | 14<br>15<br>16<br>17 |

|                |  |          |
|----------------|--|----------|
| <b>Part 31</b> | <b>Amendment of Supreme Court of Queensland Act 1991</b> | 18<br>19 |
|----------------|--|----------|

|                   |  |    |
|-------------------|--|----|
| <b>Clause 208</b> | <b>Act amended</b>   | 20 |
|                   | This part amends the <i>Supreme Court of Queensland Act 1991</i> . | 21 |

|                   |  |          |
|-------------------|--|----------|
| <b>Clause 209</b> | <b>Amendment of s 86 (Admission guidelines)</b>              | 22       |
| (1)               | Section 86(2) to (4)—  | 23       |
|                   | <i>omit, insert—</i>   | 24       |
| (2)               | A guideline takes effect—                                    | 25       |
| (a)               | on the first day it is published under subsection (3)(a); or | 26<br>27 |
| (b)               | if a later day is fixed in the guideline—on that day.        | 28<br>29 |



[s 213]

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|                   |   |                |
|-------------------|---|----------------|
|                   | <i>funeral benefit agreement</i> see the <i>Funeral Benefit Business Act 1982</i> , section 5.  | 1<br>2         |
|                   | <i>trustee</i> see section 4AA.   | 3              |
|                   | <i>trust moneys</i> , in relation to a trustee, means moneys received for or on behalf of a contributor that is a party to a funeral benefit agreement. | 4<br>5<br>6    |
| <b>Clause 213</b> | <b>Insertion of new s 4AA</b>   | 7              |
|                   | Before section 4A—  | 8              |
|                   | <i>insert—</i>  | 9              |
|                   | <b>4AA Meaning of trustee</b>   | 10             |
|                   | (1) A <i>trustee</i> is an entity, other than a contributor, that is a party to a funeral benefit agreement entered into on or after 1 December 2003.   | 11<br>12<br>13 |
|                   | (2) However, the following are not <i>trustees</i> —  | 14             |
|                   | (a) an authorised deposit-taking institution under the <i>Banking Act 1959</i> (Cwlth);   | 15<br>16       |
|                   | (b) a company registered under the <i>Life Insurance Act 1995</i> (Cwlth).  | 17<br>18       |
| <b>Clause 214</b> | <b>Omission of s 4C (Act continues to apply to particular persons after they stop being trustees)</b>   | 19<br>20       |
|                   | Section 4C—   | 21             |
|                   | <i>omit.</i>  | 22             |
| <b>Clause 215</b> | <b>Insertion of new pt 2, hdg</b>   | 23             |
|                   | Before section 5—   | 24             |
|                   | <i>insert—</i>  | 25             |
|                   | <b>Part 2</b> <b>Trust accounts</b>   | 26             |



|                   |  |                      |
|-------------------|--|----------------------|
| <b>Clause 216</b> | <b>Omission of s 8 (Purposes for which money may be withdrawn from trust account)</b>                                  | 1<br>2               |
|                   | Section 8—   | 3                    |
|                   | <i>omit.</i>   | 4                    |
| <b>Clause 217</b> | <b>Omission of s 11 (Claims and liens not affected)</b>  | 5                    |
|                   | Section 11—  | 6                    |
|                   | <i>omit.</i>   | 7                    |
| <b>Clause 218</b> | <b>Insertion of new pt 3, hdg</b>  | 8                    |
|                   | After section 13—  | 9                    |
|                   | <i>insert—</i>   | 10                   |
|                   | <b>Part 3                      Audits and auditors</b>   | 11                   |
| <b>Clause 219</b> | <b>Amendment of s 15 (Qualifications, resignation, termination of appointment of auditor)</b>                          | 12<br>13             |
|                   | (1) Section 15(1)(d)—  | 14                   |
|                   | <i>omit, insert—</i>   | 15                   |
|                   | (d) is not—  | 16                   |
|                   | (i) a person registered as an auditor under the Corporations Act, part 9.2; or   | 17<br>18             |
|                   | (ii) a member of CPA Australia who is entitled to use the letters ‘CPA’ or ‘FCPA’; or                                  | 19<br>20<br>21       |
|                   | (iii) a member of Chartered Accountants Australia and New Zealand who is entitled to use the letters ‘CA’ of ‘FCA’; or | 22<br>23<br>24<br>25 |
|                   | (iv) a member of the Institute of Public Accountants who is entitled to use the letters ‘MIPA’ or ‘FIPA’; or           | 26<br>27<br>28       |

[s 220]

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|                   |  |                            |
|-------------------|--|----------------------------|
|                   | (v) a person approved by the chief executive who has completed a tertiary course of study in accounting with an auditing component from an institute prescribed under the Corporations Act, section 1280(2A); or | 1<br>2<br>3<br>4<br>5<br>6 |
| (2)               | Section 15(2)(d)—<br><i>omit, insert—</i>  | 7<br>8                     |
|                   | (d) each member of the firm is—  | 9                          |
|                   | (i) a person registered as an auditor under the Corporations Act, part 9.2; or   | 10<br>11                   |
|                   | (ii) a member of CPA Australia who is entitled to use the letters ‘CPA’ or ‘FCPA’; or  | 12<br>13<br>14             |
|                   | (iii) a member of Chartered Accountants Australia and New Zealand who is entitled to use the letters ‘CA’ of ‘FCA’; or   | 15<br>16<br>17<br>18       |
|                   | (iv) a member of the Institute of Public Accountants who is entitled to use the letters ‘MIPA’ or ‘FIPA’; or   | 19<br>20<br>21             |
|                   | (v) a person approved by the Minister;   | 22                         |
| <b>Clause 220</b> | <b>Amendment of s 17 (Duties of auditor)</b>   | 23                         |
|                   | Section 17(b), ‘section 6, 7 or 8’—<br><i>omit, insert—</i>  | 24<br>25                   |
|                   | section 6 or 7   | 26                         |
| <b>Clause 221</b> | <b>Amendment of s 21 (Power of Minister to appoint independent auditor)</b>  | 27<br>28                   |
|                   | Section 21(1), ‘the auditor-general, an officer of the auditor-general or’—  | 29<br>30                   |

---

*omit.*

1

|                   |  |        |
|-------------------|--|--------|
| <b>Clause 222</b> | <b>Amendment of s 22 (Power of Minister to appoint independent auditor upon application of client)</b> | 2<br>3 |
|                   | Section 22(1), ‘the auditor-general, an officer of the auditor-general or’—                            | 4<br>5 |
|                   | <i>omit.</i>   | 6      |

|                   |                                   |   |
|-------------------|-----------------------------------|---|
| <b>Clause 223</b> | <b>Insertion of new pt 4, hdg</b> | 7 |
|                   | After section 26—                 | 8 |
|                   | <i>insert</i> —                   | 9 |

## **Part 4                      Miscellaneous**

10

|                   |  |          |
|-------------------|--|----------|
| <b>Clause 224</b> | <b>Omission of s 28A (Supervising entity to report annually to Minister)</b> | 11<br>12 |
|                   | Section 28A—   | 13       |
|                   | <i>omit.</i>   | 14       |

|                   |                                 |    |
|-------------------|---------------------------------|----|
| <b>Clause 225</b> | <b>Omission of ss 31 and 32</b> | 15 |
|                   | Sections 31 and 32—             | 16 |
|                   | <i>omit.</i>                    | 17 |

|                   |                             |    |
|-------------------|-----------------------------|----|
| <b>Clause 226</b> | <b>Omission of ss 34–36</b> | 18 |
|                   | Sections 34 to 36—          | 19 |
|                   | <i>omit.</i>                | 20 |

|                   |  |    |
|-------------------|--|----|
| <b>Clause 227</b> | <b>Amendment of s 41 (Regulations)</b> | 21 |
|                   | (1) Section 41, heading—               | 22 |
|                   | <i>omit, insert</i> —                  | 23 |

[s 228]

---

**41 Regulation-making power**

(2) Section 41(2)(c), ‘trustees’—

*omit, insert—*

trustees’

**Clause 228 Insertion of new s 42**

After section 41—

*insert—*

**42 Transitional regulation-making power**

(1) A regulation (a *transitional regulation*) may make provision about a matter for which—

(a) it is necessary or convenient to assist in returning security lodged with the chief executive under repealed section 31; and

(b) this Act does not make provision or enough provision.

(2) A transitional regulation may have retrospective operation to a day that is not earlier than the day of the commencement.

(3) A transitional regulation must declare it is a transitional regulation.

(4) This section and any transitional regulation expire 2 years after the day of the commencement.

**Clause 229 Insertion of new pt 5**

After section 43—

*insert—*

---

|               |  |                                  |
|---------------|--|----------------------------------|
| <b>Part 5</b> | <b>Transitional provisions<br/>for Justice and Other<br/>Legislation<br/>Amendment Act 2023</b>  | 1<br>2<br>3<br>4                 |
| <b>44</b>     | <b>Definitions for part</b>  | 5                                |
|               | In this part—  | 6                                |
|               | <i>former</i> , for a provision of this Act, means the<br>provision as in force immediately before the<br>commencement.  | 7<br>8<br>9                      |
|               | <i>former trustee</i> means a person who, immediately<br>before the commencement—  | 10<br>11                         |
|               | (a) was a public accountant and trustee; or  | 12                               |
|               | (b) was a former public accountant under<br>former section 4C.   | 13<br>14                         |
|               | <i>new</i> , for a provision of this Act, means the<br>provision as in force from the commencement.  | 15<br>16                         |
| <b>45</b>     | <b>Proceedings for particular offences</b>   | 17                               |
|               | (1) This section applies in relation to an offence<br>against this Act committed by a person before the<br>commencement.   | 18<br>19<br>20                   |
|               | (2) Without limiting the <i>Acts Interpretation Act 1954</i> ,<br>section 20, a proceeding for the offence may be<br>started or continued, and the person may be<br>convicted of and punished for the offence, as if<br>the <i>Justice and Other Legislation Amendment Act<br/>2023</i> , part 32 had not commenced. | 21<br>22<br>23<br>24<br>25<br>26 |
|               | (3) Subsection (2) applies despite the <i>Criminal Code</i> ,<br>section 11.   | 27<br>28                         |

[s 229]

---

|   |                  |
|---|------------------|
| <b>46 Continuing application of Act to former trustees</b>  | 1<br>2           |
| (1) This Act, as in force immediately before the commencement, other than the excluded provisions, continues to apply in relation to a former trustee during the transition period. | 3<br>4<br>5<br>6 |
| (2) This section is subject to sections 48, 49 and 50.  | 7                |
| (3) In this section—  | 8                |
| <i>excluded provisions</i> means—   | 9                |
| (a) the following provisions—   | 10               |
| (i) section 5;  | 11               |
| (ii) section 6(1), (2), (5) and (6);  | 12               |
| (iii) sections 7 to 13;   | 13               |
| (iv) section 18(1), (2) and (3);  | 14               |
| (v) section 19(1); and  | 15               |
| (b) from the day that is 1 year after the commencement—section 16(1).   | 16<br>17         |
| <i>transition period</i> means the period—  | 18               |
| (a) starting on the commencement; and   | 19               |
| (b) ending on the day that is 2 years after the commencement.   | 20<br>21         |
| <b>47 Existing requirement to keep records</b>  | 22               |
| Former section 6(5) continues to apply to a former trustee in relation to a record made by a former trustee before the commencement.  | 23<br>24<br>25   |
| <b>48 Existing requirement to give notices to supervising entity</b>  | 26<br>27         |
| (1) This section applies if a former trustee—   | 28               |

- 
- (a) was subject to a requirement under section 1  
5(1), (2), (4), (5) or (6) (each a **former** 2  
**notification provision**) to lodge with or give 3  
to the supervising entity notice of a matter; 4  
and 5
- (b) did not comply with the requirement before 6  
the commencement. 7
- (2) The former notification provision continues to 8  
apply to the former trustee in relation to the 9  
requirement. 10

**49 Continuing application of ss 12 and 13** 11

- (1) Subsection (2) applies if— 12
- (a) before the commencement a former trustee 13  
received a demand mentioned in section 14  
12(3) or 13 (each a **relevant provision**); and 15
- (b) the former trustee did not comply with the 16  
relevant provision before the 17  
commencement. 18
- (2) The relevant provision continues to apply to the 19  
former trustee in relation to dealing with the 20  
demand or former trust moneys. 21
- (3) Subsection (4) applies if before the 22  
commencement the trustee received written 23  
notice under former section 12(4) that ownership 24  
of moneys is in dispute. 25
- (4) Former section 12(4) continues to apply in 26  
relation to the former trustee. 27
- (5) In this section— 28  
**former trust moneys** means moneys that 29  
immediately before the commencement were 30  
trust moneys. 31

[s 230]

---

- 50 Unannounced examination exemption** 1
- (1) This section applies if a former trustee or an auditor appointed by a former trustee— 2  
3
- (a) was subject to a requirement under section 4  
18(3) to give a statement to the supervising 5  
entity; and 6
- (b) did not comply with the requirement before 7  
the commencement. 8
- (2) Section 18(3) continues to apply to the former 9  
trustee or the auditor appointed by the former 10  
trustee in relation to the requirement. 11

- 51 Existing appeals** 12
- (1) This section applies in relation to an appeal to a 13  
court under this Act started, but not decided, 14  
before the commencement. 15
- (2) The court may continue to hear, and decide, the 16  
appeal under former section 35 as if the *Justice 17  
and Other Legislation Amendment Act 2023*, part 18  
32 had not commenced. 19

**Part 33** **Amendment of Uniform Civil** 20  
**Procedure (Fees) Regulation** 21  
**2019** 22

**Clause 230** **Regulation amended** 23  
This part amends the *Uniform Civil Procedure (Fees)* 24  
*Regulation 2019*. 25

**Clause 231** **Amendment of sch 1 (Supreme Court and District Court fees)** 26  
27  
(1) Schedule 1, item 1(1)(a), second column, ‘2,882.00’— 28



---

|   |    |
|---|----|
| <i>omit, insert—</i>                                      | 1  |
| 2,911.90  | 2  |
| (2) Schedule 1, item 1(1)(b), second column, ‘1,203.00’—  | 3  |
| <i>omit, insert—</i>                                      | 4  |
| 1,232.90  | 5  |
| (3) Schedule 1, item 1(2)(a), second column, ‘2,882.00’—  | 6  |
| <i>omit, insert—</i>                                      | 7  |
| 2,991.90  | 8  |
| (4) Schedule 1, item 1(2)(b), second column, ‘1,203.00’—  | 9  |
| <i>omit, insert—</i>                                      | 10 |
| 1,232.90  | 11 |
| (5) Schedule 1, item 1(3)(a), second column, ‘2,023.00’—  | 12 |
| <i>omit, insert—</i>                                      | 13 |
| 2,052.90  | 14 |
| (6) Schedule 1, item 1(3)(b), second column, ‘1,008.00’—  | 15 |
| <i>omit, insert—</i>                                      | 16 |
| 1,037.90  | 17 |
| (7) Schedule 1, item 1(3)(a), third column, ‘1,816.00’—   | 18 |
| <i>omit, insert—</i>                                      | 19 |
| 1,838.85  | 20 |
| (8) Schedule 1, item 1(3)(b), third column, ‘911.00’—     | 21 |
| <i>omit, insert—</i>                                      | 22 |
| 933.85  | 23 |
| (9) Schedule 1, item 1(4)(a), second column, ‘2,023.00’—  | 24 |
| <i>omit, insert—</i>                                      | 25 |
| 2,052.90  | 26 |
| (10) Schedule 1, item 1(4)(b), second column, ‘1,008.00’— | 27 |

[s 232]

---

*omit, insert—* 1

1,037.90 2

(11) Schedule 1, item 1(4)(a), third column, ‘1,816.00’— 3

*omit, insert—* 4

1,838.85 5

(12) Schedule 1, item 1(4)(b), third column, ‘911.00’— 6

*omit, insert—* 7

933.85 8

**Clause 232 Amendment of sch 2 (Magistrates Courts fees)** 9

(1) Schedule 2, item 1(a), second column, ‘182.40’— 10

*omit, insert—* 11

186.35 12

(2) Schedule 2, item 1(b), second column, ‘253.90’— 13

*omit, insert—* 14

257.85 15

(3) Schedule 2, item 1(c), second column, ‘272.80’— 16

*omit, insert—* 17

276.75 18

(4) Schedule 2, item 1(d)(i), second column, ‘350.90’— 19

*omit, insert—* 20

354.85 21

(5) Schedule 2, item 1(d)(ii), second column, ‘553.30’— 22

*omit, insert—* 23

557.25 24

(6) Schedule 2, item 1(e)(i), second column, ‘416.30’— 25

*omit, insert—* 26

---

|                   |  |    |
|-------------------|--|----|
|                   | 420.25   | 1  |
| (7)               | Schedule 2, item 1(e)(ii), second column, ‘691.50’—  | 2  |
|                   | <i>omit, insert—</i>   | 3  |
|                   | 695.45   | 4  |
| <b>Part 34</b>    | <b>Amendment of Victims of</b>   | 5  |
|                   | <b>Crime Assistance Act 2009</b>   | 6  |
| <b>Clause 233</b> | <b>Act amended</b>   | 7  |
|                   | This part amends the <i>Victims of Crime Assistance Act 2009</i> .   | 8  |
| <b>Clause 234</b> | <b>Amendment of s 5 (Meaning of <i>victim</i>)</b>   | 9  |
| (1)               | Section 5—   | 10 |
|                   | <i>insert—</i>   | 11 |
| (1A)              | Subsection (3) applies if a victim mentioned in subsection (1)(a) is pregnant when the crime is committed and, as a result of the commission of the crime—   | 12 |
|                   | (a) the person sustains a bodily injury that results in the destruction of the life of the person’s unborn child; or   | 13 |
|                   | (b) the person dies, resulting in the destruction of the life of the person’s unborn child.  | 14 |
| (1B)              | For sections 18 to 20 and schedule 1AA, part 1, <i>victim</i> includes a person who has suffered harm because the person would, if the unborn child had been born alive, have been a family member of the child. | 15 |
| (2)               | Section 5(2), after ‘subsection (1)(b) or (c)’—  | 16 |
|                   | <i>insert—</i>   | 17 |
|                   | or (3)   | 18 |

---

[s 235]

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- (3) Section 5(3), after ‘subsection (1)’— 1  
*insert*— 2  
or (3) 3  
(4) Section 5(1A) to (3)— 4  
*renumber* as section 5(2) to (5). 5

- Clause 235 Amendment of s 21 (Scheme for financial assistance)** 6  
Section 21(1)(b), from ‘expenses for’— 7  
*omit, insert*— 8  
expenses for— 9  
(a) a primary victim of an act of violence; or 10  
(b) an unborn child of a primary victim of an act 11  
of violence. 12

- Clause 236 Amendment of s 23 (Assistance for victim available only 13  
in 1 capacity)** 14  
Section 23(3)— 15  
*omit, insert*— 16  
(3) This section does not prevent— 17  
(a) a primary victim of an act of violence also 18  
being granted assistance for funeral 19  
expenses for the unborn child of the primary 20  
victim; or 21  
(b) a witness secondary victim or related victim 22  
of an act of violence also being granted 23  
assistance for funeral expenses for— 24  
(i) a primary victim of the act of violence; 25  
or 26  
(ii) an unborn child of a primary victim of 27  
the act of violence. 28

|                   |  |                            |
|-------------------|--|----------------------------|
| <b>Clause 237</b> | <b>Replacement of ch 3, pt 8 (Person who incurs funeral expenses for primary victim’s funeral)</b>   | 1<br>2                     |
|                   | Chapter 3, part 8—   | 3                          |
|                   | <i>omit, insert—</i>   | 4                          |
|                   | <b>Part 8</b>  | 5                          |
|                   | <b>Funeral expense assistance</b>  | 6                          |
|                   | <b>50 Eligibility and assistance</b>   | 7                          |
|                   | (1) A person is eligible for assistance under this section ( <i>funeral expense assistance</i> ) if the person incurs, or is reasonably likely to incur, funeral expenses for the funeral of—        | 8<br>9<br>10<br>11         |
|                   | (a) a primary victim of an act of violence who dies as a direct result of the act; or  | 12<br>13                   |
|                   | (b) if a primary victim of an act of violence is pregnant when the act is committed and, as a direct result of the act, the life of the primary victim’s unborn child is destroyed—the unborn child. | 14<br>15<br>16<br>17<br>18 |
|                   | (2) However, if the person committed the act of violence mentioned in subsection (1), the person is not eligible for funeral expense assistance.   | 19<br>20<br>21             |
|                   | (3) A person eligible for funeral expense assistance under subsection (1) may be granted up to \$8,000 for funeral expenses incurred, or reasonably likely to be incurred, by the person for—        | 22<br>23<br>24<br>25       |
|                   | (a) if subsection (1)(a) applies—each primary victim; or   | 26<br>27                   |
|                   | (b) if subsection (1)(b) applies—each unborn child of the primary victim.  | 28<br>29                   |
|                   | (4) However, if more than 1 person is eligible for funeral expense assistance for a primary victim or unborn child, only a combined total of up to   | 30<br>31<br>32             |

[s 238]

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|                   |  |                      |
|-------------------|--|----------------------|
|                   | \$8,000 may be granted to the persons for the funeral expenses for each primary victim or unborn child.  | 1<br>2<br>3          |
|                   | (5) To remove any doubt, it is declared that a person may, in relation to an act of violence, be eligible for—   | 4<br>5<br>6          |
|                   | (a) funeral expense assistance for a primary victim even though the person is also a witness secondary victim or related victim of the act; and            | 7<br>8<br>9<br>10    |
|                   | (b) funeral expense assistance for an unborn child even though the person is also a primary victim, witness secondary victim or related victim of the act. | 11<br>12<br>13<br>14 |
| <b>Clause 238</b> | <b>Amendment of s 56 (Who may apply for funeral expense assistance)</b>  | 15<br>16             |
|                   | Section 56, from ‘who incurs’ to ‘violence’—   | 17                   |
|                   | <i>omit, insert—</i>   | 18                   |
|                   | who may be eligible for assistance under section 50  | 19<br>20             |
| <b>Clause 239</b> | <b>Amendment of s 58 (Time limit)</b>  | 21                   |
|                   | Section 58(1)—   | 22                   |
|                   | <i>omit, insert—</i>   | 23                   |
|                   | (1) An application for funeral expense assistance must be made within—   | 24<br>25             |
|                   | (a) for a primary victim—3 years after the death of the victim; or   | 26<br>27             |
|                   | (b) for an unborn child of a primary victim—3 years after the life of the unborn child is destroyed.   | 28<br>29<br>30       |

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|                   |   |                            |
|-------------------|---|----------------------------|
| <b>Clause 240</b> | <b>Insertion of new ch 9</b>  | 1                          |
|                   | After chapter 8—  | 2                          |
|                   | <i>insert</i> —   | 3                          |
|                   | <b>Chapter 9 Transitional provision for Justice and Other Legislation Amendment Act 2023</b>  | 4<br>5<br>6<br>7<br>8<br>9 |
|                   | <b>220 Application of s 5 and ch 3</b>  | 10                         |
|                   | (1) Section 5, as amended by the amending Act, applies in relation to a crime only if the crime is committed after the commencement.          | 11<br>12<br>13             |
|                   | (2) Chapter 3, as amended by the amending Act, applies in relation to an act of violence only if the act is committed after the commencement. | 14<br>15<br>16             |
|                   | (3) In this section—  | 17                         |
|                   | <i>amending Act</i> means the <i>Justice and Other Legislation Amendment Act 2023</i> .   | 18<br>19                   |
| <b>Clause 241</b> | <b>Amendment of sch 1AA (Charter of victims' rights)</b>  | 20                         |
|                   | Schedule 1AA, part 1, divisions 1 and 3, note, 'section 5(3)'—  | 21<br>22                   |
|                   | <i>omit, insert</i> —   | 23                         |
|                   | section 5(5)  | 24                         |

[s 242]

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|                   |  |          |
|-------------------|--|----------|
| <b>Clause 242</b> | <b>Amendment of sch 2 (Amounts and categories for special assistance)</b>                        | 1<br>2   |
| (1)               | Schedule 2, section 1(3), definition <i>very serious injury</i> , item 1(b), ‘loss of a fetus’—  | 3<br>4   |
|                   | <i>omit, insert—</i>   | 5        |
|                   | destruction of the life of an unborn child   | 6        |
| (2)               | Schedule 2, section 3(1)(d)—   | 7        |
|                   | <i>omit, insert—</i>   | 8        |
|                   | (d) an act that constitutes an offence under the Criminal Code, section 229B.                    | 9<br>10  |
| <b>Clause 243</b> | <b>Amendment of sch 3 (Dictionary)</b>   | 11       |
| (1)               | Schedule 3, definition <i>funeral expense assistance</i> —                                       | 12       |
|                   | <i>omit.</i>   | 13       |
| (2)               | Schedule 3—  | 14       |
|                   | <i>insert—</i>   | 15       |
|                   | <i>funeral expense assistance</i> see section 50(1).   | 16       |
| <b>Part 35</b>    | <b>Amendment of Youth Justice Act 1992</b>   | 17<br>18 |
| <b>Clause 244</b> | <b>Act amended</b>   | 19       |
|                   | This part amends the <i>Youth Justice Act 1992</i> .   | 20       |
| <b>Clause 245</b> | <b>Amendment of s 150 (Sentencing principles)</b>  | 21       |
| (1)               | Section 150—   | 22       |
|                   | <i>insert—</i>   | 23       |
|                   | (3B) In determining the appropriate sentence for a child convicted of a relevant serious offence | 24<br>25 |



[s 246]

committed in relation to a pregnant person that  
resulted in destroying the life of the person's  
unborn child, the court must treat the destruction  
of the unborn child's life as an aggravating factor,  
unless the court considers it is not reasonable  
because of the exceptional circumstances of the  
case.

(2) Section 150(6)— 8

*insert—* 9

*relevant serious offence* means an offence  
against— 10 11

(a) the following provisions of the Criminal  
Code— 12 13

(i) sections 302 and 305; 14

(ii) sections 303 and 310; 15

(iii) section 320; 16

(iv) section 323; 17

(v) section 328A; 18

(vi) section 339; and 19

(b) the *Transport Operations (Road Use  
Management) Act 1995*, section 83. 20 21

## Part 36 Repeal 22

Clause 246 Repeal 23

The *Court Funds Act 1973*, No.73 is repealed. 24

[s 247]

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**Part 37**                      **Other amendments**                      1

**Clause 247**      **Legislation amended**                      2

                    Schedule 1 amends the legislation it mentions.                      3

|                   |  |          |
|-------------------|--|----------|
| <b>Schedule 1</b> | <b>Other amendments</b>  | 1        |
|                   | section 247  | 2        |
| <b>Part 1</b>     | <b>Amendments relating to the<br/>Acts Interpretation Act 1954</b>                                     | 3<br>4   |
| <b>1</b>          | <b>Amendments for definition <i>electronic document</i></b>  | 5        |
|                   | Each of the following provisions is amended by omitting the<br>definition <i>electronic document</i> — | 6<br>7   |
|                   | • <i>Architects Act 2002</i> , schedule 2  | 8        |
|                   | • <i>Biosecurity Act 2014</i> , schedule 4   | 9        |
|                   | • <i>Building Boost Grant Act 2011</i> , schedule  | 10       |
|                   | • <i>Disability Services Act 2006</i> , schedule 8   | 11       |
|                   | • <i>Education (Accreditation of Non-State Schools) Act<br/>2017</i> , schedule 1                      | 12<br>13 |
|                   | • <i>Education and Care Services Act 2013</i> , section 136 and<br>schedule 1                          | 14<br>15 |
|                   | • <i>Education (Overseas Students) Act 2018</i> , schedule 1   | 16       |
|                   | • <i>Electoral Act 1992</i> , schedule 1   | 17       |
|                   | • <i>Environmental Offsets Act 2014</i> , schedule 2   | 18       |
|                   | • <i>Exhibited Animals Act 2015</i> , schedule 2   | 19       |
|                   | • <i>Fair Trading Inspectors Act 2014</i> , schedule 1   | 20       |
|                   | • <i>Farm Business Debt Mediation Act 2017</i> , schedule 1  | 21       |
|                   | • <i>Fisheries Act 1994</i> , schedule 1   | 22       |
|                   | • <i>Further Education and Training Act 2014</i> , section 113<br>and schedule 1                       | 23<br>24 |
|                   | • <i>Health Ombudsman Act 2013</i> , schedule 1  | 25       |

Schedule 1

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| •        | <i>Hospital and Health Boards Act 2011</i> , section 201 and schedule 2  | 1<br>2   |
| •        | <i>Industrial Relations Act 2016</i> , section 898 and schedule 5  | 3<br>4   |
| •        | <i>Labour Hire Licensing Act 2017</i> , schedule 1   | 5        |
| •        | <i>Land Act 1994</i> , section 390C and schedule 6   | 6        |
| •        | <i>Local Government Act 2009</i> , schedule 4  | 7        |
| •        | <i>Medicines and Poisons Act 2019</i> , schedule 1   | 8        |
| •        | <i>Mental Health Act 2016</i> , section 554 and schedule 3   | 9        |
| •        | <i>Motor Accident Insurance Act 1994</i> , section 4   | 10       |
| •        | <i>Professional Engineers Act 2002</i> , schedule 2  | 11       |
| •        | <i>Queensland Building and Construction Commission Act 1991</i> , section 103G and schedule 2                  | 12<br>13 |
| •        | <i>Racing Integrity Act 2016</i> , schedule 1  | 14       |
| •        | <i>Waste Reduction and Recycling Act 2011</i> , section 181 and schedule 1.                                    | 15<br>16 |
| <b>2</b> | <b>Amendments for definition <i>insolvent under administration</i></b>   | 17<br>18 |
| (1)      | Each of the following provisions is amended by omitting the definition <i>insolvent under administration</i> — | 19<br>20 |
| •        | <i>Building and Construction Industry (Portable Long Service Leave) Act 1991</i> , section 62A(4)              | 21<br>22 |
| •        | <i>Community Services Industry (Portable Long Service Leave) Act 2020</i> , schedule 2                         | 23<br>24 |
| •        | <i>Crime and Corruption Act 2001</i> , schedule 2  | 25       |
| •        | <i>Cross River Rail Delivery Authority Act 2016</i> , schedule 1   | 26<br>27 |
| •        | <i>Debt Collectors (Field Agents and Collection Agents) Act 2014</i> , schedule 2                              | 28<br>29 |
| •        | <i>Education (Accreditation of Non-State Schools) Act 2017</i> , section 108(7)                                | 30<br>31 |

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| • | <i>Exhibited Animals Act 2015</i> , schedule 2   | 1              |
| • | <i>Explosives Regulation 2017</i> , section 43(3)  | 2              |
| • | <i>Health and Wellbeing Queensland Act 2019</i> , schedule 1   | 3              |
| • | <i>Local Government Act 2009</i> , schedule 4  | 4              |
| • | <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> , schedule 2                                      | 5<br>6         |
| • | <i>Motor Dealers and Chattel Auctioneers Act 2014</i> ,<br>schedule 3  | 7<br>8         |
| • | <i>Professional Standards Act 2004</i> , schedule 2  | 9              |
| • | <i>Property Occupations Act 2014</i> , schedule 2  | 10             |
| • | <i>Queensland Building and Construction Commission Act 1991</i> , schedule 2                                       | 11<br>12       |
| • | <i>Queensland Rail Transit Authority Act 2013</i> , schedule 1   | 13             |
| • | <i>Queensland Veterans' Council Act 2021</i> , schedule 1  | 14             |
| • | <i>Resources Safety and Health Queensland Act 2020</i> ,<br>schedule 1   | 15<br>16       |
| • | the following provisions of the <i>Retirement Villages Act 1999</i> —  | 17<br>18       |
| • | section 87   | 19             |
| • | schedule   | 20             |
| • | <i>South East Queensland Water (Restructuring) Act 2007</i> ,<br>schedule 3  | 21<br>22       |
| • | <i>South-East Queensland Water (Distribution and Retail Restructuring) Act 2009</i> , schedule                     | 23<br>24       |
| • | <i>TAFE Queensland Act 2013</i> , section 19(7)  | 25             |
| • | <i>Trade and Investment Queensland Act 2013</i> , section<br>22(2)   | 26<br>27       |
| • | <i>Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015</i> , schedule 7. | 28<br>29<br>30 |

## Schedule 1

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| (2) Each of the following provisions is amended by omitting   | 1  |
| ‘under the Corporations Act, section 9’—  | 2  |
| • the following provisions of the <i>Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984</i> — | 3  |
| • section 60H(a)  | 4  |
| • section 60RB(b)   | 5  |
| • the following provisions of the <i>Coroners Act 2003</i> —  | 6  |
| • section 91L(2)(a)   | 7  |
| • section 91P(1)(c)   | 8  |
| • <i>Director of Child Protection Litigation Act 2016</i> , section 32(1)(c)  | 9  |
| • <i>Disaster Management Act 2003</i> , section 16J(1)(a)(iii)  | 10 |
| • <i>Economic Development Act 2012</i> , section 134(6)(b)  | 11 |
| • the following provisions of the <i>Family and Child Commission Act 2014</i> —   | 12 |
| • section 15(1)(a)(iii)   | 13 |
| • section 29X(4)(b)   | 14 |
| • the following provisions of the <i>Farm Business Debt Mediation Act 2017</i> —  | 15 |
| • section 11(1)(a)  | 16 |
| • section 60(3)(a)  | 17 |
| • <i>Gold Coast Waterways Authority Act 2012</i> , schedule 2, definition <i>disqualified person</i> , paragraph (g)                    | 18 |
| • <i>Hospital and Health Boards Act 2011</i> , section 28(a)  | 19 |
| • the following provisions of the <i>Labour Hire Licensing Act 2017</i> —   | 20 |
| • section 24(1)(d)  | 21 |
| • section 27(1)(e)  | 22 |
| • <i>Labour Hire Licensing Regulation 2018</i> , section 10(1)(a)   | 23 |
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- *Major Sports Facilities Act 2001*, section 14(2)(a) 1
  - *Multicultural Recognition Act 2016*, section 11(1)(b) 2
  - *Public Guardian Act 2014*, section 99(1)(a)(iii) 3
  - the following provisions of the *Public Trustee Act 1978*— 4  
5
    - section 117ZF(b) 6
    - section 117ZI(1)(a) 7
  - *Queensland Independent Remuneration Tribunal Act 2013*, section 11(2)(j) 8  
9
  - *Queensland Mental Health Commission Act 2013*, section 21(1)(c) 10  
11
  - the following provisions of the *Queensland Plan Act 2014*— 12  
13
    - section 23(2)(a) 14
    - section 27(b) 15
  - the following provisions of the *Queensland Reconstruction Authority Act 2011*— 16  
17
    - section 21(1)(e) 18
    - section 33(1)(e) 19
  - *River Improvement Trust Act 1940*, section 5C(1)(b) 20
  - the following provisions of the *Tourism and Events Queensland Act 2012*— 21  
22
    - section 17(1)(c) 23
    - section 23(1)(c) 24
  - *Voluntary Assisted Dying Act 2021*, section 124(3)(a) 25
  - *Waste Reduction and Recycling Act 2011*, schedule 1, definition *eligible individual*, paragraph (a) 26  
27
  - *Water Act 2000*, section 471(e) 28
  - *Work Health and Safety Act 2011*, section 38(1)(c). 29
- (3) Each of the following provisions is amended by omitting 30  
‘within the meaning of the Corporations Act, section 9’— 31
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## Schedule 1

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- *Architects Act 2002*, schedule 2, definition *affected by bankruptcy action* 1  
2
  - *Biosecurity Act 2014*, section 72(a) 3
  - the following provisions of the *Building Industry Fairness (Security of Payment) Act 2017*— 4  
5
    - section 53B(1)(b) 6
    - section 151(c) 7
    - section 161(2)(a)(iv) 8
  - *Carers (Recognition) Act 2008*, section 18(2)(c) 9
  - *Food Production (Safety) Act 2000*, schedule 1, section 1(1)(a) 10  
11
  - *Gaming Machine Act 1991*, section 214A(2)(b) 12
  - *Housing (Freeholding of Land) Act 1957*, section 6A(c) 13
  - *Plumbing and Drainage Act 2018*, section 112(1)(c) 14
  - *Professional Engineers Act 2002*, schedule 2, definition *affected by bankruptcy action* 15  
16
  - *Racing Act 2002*, schedule 1, definition *affected by bankruptcy action* 17  
18
  - *Racing Integrity Act 2016*, schedule 1, definition *affected by bankruptcy action* 19  
20
  - *State Penalties Enforcement Regulation 2014*, section 19AT(c) 21  
22
  - *Tourism Services Act 2003*, section 14(b) 23
  - *Transport Operations (Marine Safety) Regulation 2016*, section 35(4), definition *relevant proceeding*. 24  
25
  - (4) The *Auditor-General Act 2009*, section 17(c) is amended by 26  
omitting ‘as defined in the Corporations Act, section 9’. 27
  - (5) Each of the following provisions is amended by omitting 28  
‘within the meaning of the Corporations Act’— 29
    - *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*, section 19(1)(a) 30  
31
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| •        | <i>Surveyors Act 2003</i> , section 16(1)(a).   | 1        |
| <b>3</b> | <b>Amendments for definition <i>police commissioner</i></b>   | 2        |
|          | Each of the following provisions is amended by omitting the definition <i>police commissioner</i> — | 3<br>4   |
| •        | <i>Adoption Act 2009</i> , schedule 3   | 5        |
| •        | <i>Architects Act 2002</i> , schedule 2   | 6        |
| •        | <i>Child Protection Act 1999</i> , schedule 3   | 7        |
| •        | <i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i> , schedule 5   | 8<br>9   |
| •        | <i>City of Brisbane Act 2010</i> , schedule 2   | 10       |
| •        | the following provisions of the <i>Community Services Act 2007</i> —                                | 11<br>12 |
| •        | section 104   | 13       |
| •        | schedule 2  | 14       |
| •        | <i>Disability Services Act 2006</i> , schedule 8  | 15       |
| •        | <i>Domestic and Family Violence Protection Act 2012</i> , schedule                                  | 16<br>17 |
| •        | the following provisions of the <i>Education (General Provisions) Act 2006</i> —                    | 18<br>19 |
| •        | section 175A  | 20       |
| •        | section 280   | 21       |
| •        | schedule 4  | 22       |
| •        | <i>Evidence Act 1977</i> , schedule 3   | 23       |
| •        | <i>Gaming Machine Act 1991</i> , schedule 2   | 24       |
| •        | <i>Liquor Act 1992</i> , section 4  | 25       |
| •        | <i>Local Government Act 2009</i> , schedule 4   | 26       |
| •        | <i>Medicines and Poisons Act 2019</i> , schedule 1  | 27       |

## Schedule 1

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| •        | <i>Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020</i> , schedule 1     | 1<br>2<br>3    |
| •        | <i>Ministerial and Other Office Holder Staff Act 2010</i> , schedule   | 4<br>5         |
| •        | <i>Parliamentary Service Act 1988</i> , section 4  | 6              |
| •        | <i>Professional Engineers Act 2002</i> , schedule 2  | 7              |
| •        | <i>Public Sector Act 2022</i> , schedule 2   | 8              |
| •        | <i>Racing Act 2002</i> , schedule 1  | 9              |
| •        | <i>Racing Integrity Act 2016</i> , schedule 1  | 10             |
| •        | <i>Rail Safety National Law (Queensland) Regulation 2017</i> , schedule 1  | 11<br>12       |
| •        | the following provisions of the <i>State Penalties Enforcement Act 1999</i> —  | 13<br>14       |
| •        | section 134A   | 15             |
| •        | schedule 2   | 16             |
| •        | <i>Telecommunications Interception Act 2009</i> , schedule   | 17             |
| •        | <i>Tow Truck Act 1973</i> , schedule 2   | 18             |
| •        | <i>Transport Infrastructure Act 1994</i> , section 46(9)   | 19             |
| •        | <i>Victims of Crime Assistance Act 2009</i> , schedule 3   | 20             |
| •        | <i>Working with Children (Risk Management and Screening) Act 2000</i> , schedule 7.                                      | 21<br>22       |
| <b>4</b> | <b>Amendments for definition <i>spent conviction</i></b>   | 23             |
|          | Each of the following provisions is amended by omitting the definition <i>spent conviction</i> —                         | 24<br>25       |
| •        | <i>Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984</i> , section 21         | 26<br>27       |
| •        | <i>Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Regulation 2008</i> , schedule 21 | 28<br>29<br>30 |

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| • <i>Animal Care and Protection Act 2001</i> , section 50  | 1        |
| • <i>Animal Management (Cats and Dogs) Act 2008</i> ,<br>schedule 2                                      | 2<br>3   |
| • <i>Architects Act 2002</i> , schedule 2  | 4        |
| • <i>Biosecurity Act 2014</i> , schedule 4   | 5        |
| • the following provisions of the <i>Building Industry<br/>Fairness (Security of Payment) Act 2017</i> — | 6<br>7   |
| • section 158  | 8        |
| • schedule 2   | 9        |
| • <i>Central Queensland University Act 1998</i> , schedule 2   | 10       |
| • <i>Child Protection Act 1999</i> , schedule 3  | 11       |
| • <i>City of Brisbane Act 2010</i> , schedule 2  | 12       |
| • <i>Civil Partnerships Act 2011</i> , section 20(8)   | 13       |
| • Criminal Code, section 1   | 14       |
| • <i>Cross River Rail Delivery Authority Act 2016</i> , schedule<br>1                                    | 15<br>16 |
| • <i>Economic Development Act 2012</i> , section 160(7)  | 17       |
| • <i>Education (Accreditation of Non-State Schools) Act<br/>2017</i> , schedule 1                        | 18<br>19 |
| • <i>Education (Queensland College of Teachers) Act 2005</i> ,<br>schedule 3                             | 20<br>21 |
| • <i>Education (Queensland Curriculum and Assessment<br/>Authority) Act 2014</i> , schedule 1            | 22<br>23 |
| • <i>Evidence Act 1977</i> , section 21AZX(6)  | 24       |
| • <i>Exhibited Animals Act 2015</i> , schedule 2   | 25       |
| • <i>Fair Trading Inspectors Act 2014</i> , schedule 1   | 26       |
| • <i>Family and Child Commission Act 2014</i> , schedule 1   | 27       |
| • <i>Family Responsibilities Commission Act 2008</i> , schedule  | 28       |
| • <i>Farm Business Debt Mediation Act 2017</i> , schedule 1  | 29       |
| • <i>Food Act 2006</i> , schedule 3  | 30       |

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Schedule 1

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| • | <i>Gas Supply Act 2003</i> , schedule 2  | 1        |
| • | <i>Grammar Schools Act 2016</i> , schedule 1   | 2        |
| • | <i>Griffith University Act 1998</i> , schedule 2   | 3        |
| • | <i>Guide, Hearing and Assistance Dogs Act 2009</i> , schedule 4                                    | 4<br>5   |
| • | <i>Health and Wellbeing Queensland Act 2019</i> , schedule 1                                       | 6        |
| • | <i>Hospital Foundations Act 2018</i> , schedule 1  | 7        |
| • | <i>James Cook University Act 1997</i> , schedule 2   | 8        |
| • | <i>Jobs Queensland Act 2015</i> , schedule 1   | 9        |
| • | <i>Land Act 1994</i> , schedule 6  | 10       |
| • | <i>Local Government Act 2009</i> , schedule 4  | 11       |
| • | <i>Major Sports Facilities Act 2001</i> , schedule 2   | 12       |
| • | the following provisions of the <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> — | 13<br>14 |
| • | section 196A   | 15       |
| • | schedule 2   | 16       |
| • | <i>Plumbing and Drainage Act 2018</i> , schedule 1   | 17       |
| • | <i>Professional Engineers Act 2002</i> , schedule 2  | 18       |
| • | <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i> , schedule 2    | 19<br>20 |
| • | <i>Public Sector Act 2022</i> , schedule 2   | 21       |
| • | the following provisions of the <i>Public Trustee Act 1978</i> —                                   | 22<br>23 |
| • | section 6  | 24       |
| • | schedule 117V  | 25       |
| • | <i>Queensland Building and Construction Commission Act 1991</i> , schedule 2                       | 26<br>27 |
| • | <i>Queensland Heritage Act 1992</i> , schedule   | 28       |
| • | <i>Queensland Independent Remuneration Tribunal Act 2013</i> , schedule 1                          | 29<br>30 |

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| • <i>Queensland Rail Transit Authority Act 2013</i> , schedule 1                                     | 1        |
| • <i>Queensland University of Technology Act 1998</i> ,<br>schedule 2                                | 2<br>3   |
| • <i>Queensland Veterans' Council Act 2021</i> , schedule 1  | 4        |
| • <i>Racing Act 2002</i> , schedule 1  | 5        |
| • <i>Racing Integrity Act 2016</i> , section 252BD(3)  | 6        |
| • <i>Residential Services (Accreditation) Act 2002</i> , schedule<br>2                               | 7<br>8   |
| • <i>Resources Safety and Health Queensland Act 2020</i> ,<br>schedule 1                             | 9<br>10  |
| • <i>Retirement Villages Act 1999</i> , section 87   | 11       |
| • <i>South Bank Corporation Act 1989</i> , section 11(6)   | 12       |
| • <i>South East Queensland Water (Restructuring) Act 2007</i> ,<br>schedule 3                        | 13<br>14 |
| • <i>South-East Queensland Water (Distribution and Retail<br/>Restructuring) Act 2009</i> , schedule | 15<br>16 |
| • <i>TAFE Queensland Act 2013</i> , schedule 1   | 17       |
| • <i>Trade and Investment Queensland Act 2013</i> , section<br>22(2)                                 | 18<br>19 |
| • <i>Transport Operations (Passenger Transport) Act 1994</i> ,<br>section 111B(5)                    | 20<br>21 |
| • <i>University of Queensland Act 1998</i> , schedule 2  | 22       |
| • <i>University of Southern Queensland Act 1998</i> , schedule 2                                     | 23       |
| • <i>University of the Sunshine Coast Act 1998</i> , schedule 2                                      | 24       |
| • <i>Vegetation Management Act 1999</i> , schedule   | 25       |
| • <i>Victims of Crime Assistance Act 2009</i> , schedule 3   | 26       |
| • <i>Waste Reduction and Recycling Act 2011</i> , schedule 1   | 27       |
| • <i>Water Act 2000</i> , schedule 4   | 28       |
| • <i>Weapons Act 1990</i> , schedule 2   | 29       |
| • <i>Work Health and Safety Regulation 2011</i> , schedule 19.                                       | 30       |

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| <b>5</b> | <b>Amendments for references to s 36</b>   | 1              |
|          | Each of the following provisions is amended by omitting ‘section 36’ and inserting ‘schedule 1’—                                 | 2<br>3         |
|          | • <i>Architects Act 2002</i> , section 9(a), editor’s note   | 4              |
|          | • the following provisions of the <i>Criminal Practice Rules 1999</i> —  | 5<br>6         |
|          | • rule 20(1), editor’s note  | 7              |
|          | • rule 38, editor’s note   | 8              |
|          | • rule 39(1), editor’s note  | 9              |
|          | • <i>Criminal Proceeds Confiscation Act 2002</i> , section 93D(1), note  | 10<br>11       |
|          | • the following provisions of the <i>Disability Services Act 2006</i> —  | 12<br>13       |
|          | • section 220(3), editor’s note  | 14             |
|          | • section 258(4), editor’s note  | 15             |
|          | • <i>Electrical Safety Act 2002</i> , section 247A, definition amended, note   | 16<br>17       |
|          | • <i>Fair Trading (Code of Practice—Fitness Industry) Regulation 2003</i> , schedule, definition <i>supplier</i> , editor’s note | 18<br>19<br>20 |
|          | • the following provisions of the <i>Housing Act 2003</i> —  | 21             |
|          | • section 6(g)(iii), note  | 22             |
|          | • schedule 4, definition <i>state provider</i> , note  | 23             |
|          | • <i>Torres Strait Islander Cultural Heritage Act 2003</i> , section 9(a), editor’s note.  | 24<br>25       |
| <b>6</b> | <b>Amendment of Brisbane Olympic and Paralympic Games Arrangements Act 2021</b>  | 26<br>27       |
|          | (1) This section amends the <i>Brisbane Olympic and Paralympic Games Arrangements Act 2021</i> .                                 | 28<br>29       |
|          | (2) Section 24(5)—   | 30             |

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|-----------|--|-------------|
|           | <i>omit.</i>   | 1           |
| <b>7</b>  | <b>Amendment of Building Act 1975</b>  | 2           |
|           | (1) This section amends the <i>Building Act 1975</i> .   | 3           |
|           | (2) Schedule 2, definition <i>convicted</i> , paragraph 2—   | 4           |
|           | <i>omit, insert—</i>   | 5           |
|           | 2 For paragraph 1, a conviction includes a finding of guilt, or the acceptance of a plea of guilty, by a court, whether or not a conviction is recorded. | 6<br>7<br>8 |
| <b>8</b>  | <b>Amendment of Casino Control Act 1982</b>  | 9           |
|           | (1) This section amends the <i>Casino Control Act 1982</i> .   | 10          |
|           | (2) Section 44(4)—   | 11          |
|           | <i>omit.</i>   | 12          |
| <b>9</b>  | <b>Amendment of Community Services Act 2007</b>  | 13          |
|           | (1) This section amends the <i>Community Services Act 2007</i> .   | 14          |
|           | (2) Section 9(4), ‘section 33(2), (7) and (11) does’—  | 15          |
|           | <i>omit, insert—</i>   | 16          |
|           | sections 33(2), 33AA(2) and 33AB(2) do   | 17          |
|           | (3) Section 9(4), note, ‘section 33 deals’—  | 18          |
|           | <i>omit, insert—</i>   | 19          |
|           | sections 33, 33AA and 33AB deal  | 20          |
| <b>10</b> | <b>Amendment of Community Services Industry (Portable Long Service Leave) Act 2020</b>   | 21<br>22    |
|           | (1) This section amends the <i>Community Services Industry (Portable Long Service Leave) Act 2020</i> .  | 23<br>24    |
|           | (2) Section 22(2)—   | 25          |
|           | <i>omit.</i>   | 26          |

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| <b>11</b> | <b>Amendment of Contract Cleaning Industry (Portable Long Service Leave) Act 2005</b>                    | 1<br>2   |
|           | (1) This section amends the <i>Contract Cleaning Industry (Portable Long Service Leave) Act 2005</i> .   | 3<br>4   |
|           | (2) Section 19(2)—<br><i>omit.</i>   | 5<br>6   |
| <b>12</b> | <b>Amendment of Coroners Act 2003</b>  | 7        |
|           | (1) This section amends the <i>Coroners Act 2003</i> .   | 8        |
|           | (2) Section 91L(3)—<br><i>omit.</i>  | 9<br>10  |
| <b>13</b> | <b>Amendment of Education (Queensland College of Teachers) Act 2005</b>                                  | 11<br>12 |
|           | (1) This section amends the <i>Education (Queensland College of Teachers) Act 2005</i> .                 | 13<br>14 |
|           | (2) Section 246(1)(b), from ‘within’ to ‘ <i>administration</i> ’—<br><i>omit.</i>                       | 15<br>16 |
| <b>14</b> | <b>Amendment of Education (Queensland Curriculum and Assessment Authority) Act 2014</b>                  | 17<br>18 |
|           | (1) This section amends the <i>Education (Queensland Curriculum and Assessment Authority) Act 2014</i> . | 19<br>20 |
|           | (2) Section 29(7)—<br><i>omit.</i>   | 21<br>22 |
| <b>15</b> | <b>Amendment of Environmental Protection Act 1994</b>  | 23       |
|           | (1) This section amends the <i>Environmental Protection Act 1994</i> .                                   | 24       |
|           | (2) Section 484B, heading, ‘Definitions’—<br><i>omit, insert—</i>  | 25<br>26 |
|           | <b>Definition</b>  | 27       |



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|           | (3) Section 484B, definition <i>spent conviction</i> —                       | 1  |
|           | <i>omit.</i>   | 2  |
| <b>16</b> | <b>Amendment of Fisheries Act 1994</b>                                       | 3  |
|           | (1) This section amends the <i>Fisheries Act 1994</i> .                      | 4  |
|           | (2) Section 173D, heading, ‘Definitions’—                                    | 5  |
|           | <i>omit, insert</i> —  | 6  |
|           | <b>Definition</b>  | 7  |
|           | (3) Section 173D, definition <i>spent conviction</i> —                       | 8  |
|           | <i>omit.</i>   | 9  |
| <b>17</b> | <b>Amendment of Fisheries (General) Regulation 2019</b>                      | 10 |
|           | (1) This section amends the <i>Fisheries (General) Regulation 2019</i> .     | 11 |
|           | (2) Section 64(3)—   | 12 |
|           | <i>omit.</i>   | 13 |
| <b>18</b> | <b>Amendment of Further Education and Training Act 2014</b>                  | 14 |
|           | (1) This section amends the <i>Further Education and Training Act 2014</i> . | 15 |
|           |  | 16 |
|           | (2) Section 112W(2)—   | 17 |
|           | <i>omit.</i>   | 18 |
| <b>19</b> | <b>Amendment of Gaming Machine Act 1991</b>                                  | 19 |
|           | (1) This section amends the <i>Gaming Machine Act 1991</i> .                 | 20 |
|           | (2) Section 214A(6)—   | 21 |
|           | <i>omit.</i>   | 22 |
| <b>20</b> | <b>Amendment of Grammar Schools Act 2016</b>                                 | 23 |
|           | (1) This section amends the <i>Grammar Schools Act 2016</i> .                | 24 |

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|           |  |    |
|-----------|--|----|
| (2)       | Section 18(7)—   | 1  |
|           | <i>omit.</i>   | 2  |
| <b>21</b> | <b>Amendment of Health Ombudsman Act 2013</b>                                      | 3  |
| (1)       | This section amends the <i>Health Ombudsman Act 2013</i> .                         | 4  |
| (2)       | Section 250(3)—  | 5  |
|           | <i>omit.</i>   | 6  |
| <b>22</b> | <b>Amendment of Hospital Foundations Act 2018</b>                                  | 7  |
| (1)       | This section amends the <i>Hospital Foundations Act 2018</i> .                     | 8  |
| (2)       | Section 33(2)—   | 9  |
|           | <i>omit.</i>   | 10 |
| <b>23</b> | <b>Amendment of Interactive Gambling (Player Protection) Act 1998</b>              | 11 |
| (1)       | This section amends the <i>Interactive Gambling (Player Protection) Act 1998</i> . | 13 |
| (2)       | Section 77(4)—   | 15 |
|           | <i>omit.</i>   | 16 |
| <b>24</b> | <b>Amendment of Jobs Queensland Act 2015</b>                                       | 17 |
| (1)       | This section amends the <i>Jobs Queensland Act 2015</i> .                          | 18 |
| (2)       | Section 12(2)—   | 19 |
|           | <i>omit.</i>   | 20 |
| <b>25</b> | <b>Amendment of Keno Act 1996</b>  | 21 |
| (1)       | This section amends the <i>Keno Act 1996</i> .                                     | 22 |
| (2)       | Section 61(4)—   | 23 |
|           | <i>omit.</i>   | 24 |

|           |  |    |
|-----------|--|----|
| <b>26</b> | <b>Amendment of Land Access Ombudsman Act 2017</b>                                 | 1  |
|           | (1) This section amends the <i>Land Access Ombudsman Act 2017</i> .                | 2  |
|           | (2) Section 10(2)—   | 3  |
|           | <i>omit.</i>   | 4  |
|           | (3) Section 15(a)(ii), ‘section 10(1)’—  | 5  |
|           | <i>omit, insert—</i>   | 6  |
|           | section 10.  | 7  |
| <br>      |  |    |
| <b>27</b> | <b>Amendment of Lotteries Act 1997</b>   | 8  |
|           | (1) This section amends the <i>Lotteries Act 1997</i> .                            | 9  |
|           | (2) Section 59(4)—   | 10 |
|           | <i>omit.</i>   | 11 |
| <br>      |  |    |
| <b>28</b> | <b>Amendment of Multicultural Recognition Act 2016</b>                             | 12 |
|           | (1) This section amends the <i>Multicultural Recognition Act 2016</i> .            | 13 |
|           | (2) Section 11(2)—   | 14 |
|           | <i>omit.</i>   | 15 |
| <br>      |  |    |
| <b>29</b> | <b>Amendment of Nature Conservation (Animals) Regulation 2020</b>                  | 16 |
|           | (1) This section amends the <i>Nature Conservation (Animals) Regulation 2020</i> . | 17 |
|           | (2) Section 238(3)—  | 18 |
|           | <i>omit.</i>   | 19 |
|           |  | 20 |
|           |  | 21 |
| <br>      |  |    |
| <b>30</b> | <b>Amendment of Pharmacy Business Ownership Act 2001</b>                           | 22 |
|           | (1) This section amends the <i>Pharmacy Business Ownership Act 2001</i> .          | 23 |
|           |  | 24 |
|           | (2) Section 139G(5)—   | 25 |
|           | <i>omit.</i>   | 26 |

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|-----------|--|----|
| <b>31</b> | <b>Amendment of Plumbing and Drainage Act 2018</b>   | 1  |
| (1)       | This section amends the <i>Plumbing and Drainage Act 2018</i> .                                      | 2  |
| (2)       | Section 120(5)—  | 3  |
|           | <i>omit.</i>   | 4  |
| <b>32</b> | <b>Amendment of Powers of Attorney Act 1998</b>  | 5  |
| (1)       | This section amends the <i>Powers of Attorney Act 1998</i> .   | 6  |
| (2)       | Section 24A, definitions <i>document</i> , <i>electronic document</i> and <i>physical document</i> — | 7  |
|           | <i>omit.</i>   | 8  |
| (3)       | Section 24A—   | 10 |
|           | <i>insert</i> —  | 11 |
|           | <b><i>physical document</i></b> means a document other than<br>an electronic document.               | 12 |
|           |  | 13 |
| (4)       | Schedule 3, definitions <i>document</i> and <i>electronic document</i> —                             | 14 |
|           | <i>omit.</i>   | 15 |
| <b>33</b> | <b>Amendment of Public Safety Preservation Act 1986</b>  | 16 |
| (1)       | This section amends the <i>Public Safety Preservation Act 1986</i> .                                 | 17 |
| (2)       | Section 8AE(10)—   | 18 |
|           | <i>omit.</i>   | 19 |
| <b>34</b> | <b>Amendment of Queensland Civil and Administrative<br/>Tribunal Rules 2009</b>                      | 20 |
|           |  | 21 |
| (1)       | This section amends the <i>Queensland Civil and Administrative<br/>Tribunal Rules 2009</i> .         | 22 |
|           |  | 23 |
| (2)       | Rule 97D(4)—   | 24 |
|           | <i>omit.</i>   | 25 |

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|-----------|---|----|
| <b>35</b> | <b>Amendment of Reprints Act 1992</b>   | 1  |
|           | (1) This section amends the <i>Reprints Act 1992</i> .  | 2  |
|           | (2) Section 39, example 2, from ‘section 33’ to ‘section 36’—   | 3  |
|           | <i>omit, insert—</i>  | 4  |
|           | section 33 (References to Ministers), 33AA  | 5  |
|           | (References to departments), 33AB (References   | 6  |
|           | to chief executives) and schedule 1   | 7  |
| <br>      |   |    |
| <b>36</b> | <b>Amendment of Rural and Regional Adjustment Regulation 2011</b>   | 8  |
|           | (1) This section amends the <i>Rural and Regional Adjustment Regulation 2011</i> .                                | 9  |
|           | (2) Each of the following provisions is amended by omitting the definition <i>insolvent under administration—</i> | 10 |
|           | • schedule 17, section 5(4)   | 11 |
|           | • schedule 18, section 5(3)   | 12 |
|           | • schedule 37, section 3  | 13 |
|           | • schedule 38, section 3  | 14 |
|           | • schedule 45, section 5(4).  | 15 |
|           | (3) Schedule 27, section 6(2)—  | 16 |
|           | <i>omit.</i>  | 17 |
|           |   | 18 |
|           |   | 19 |
|           |   | 20 |
| <br>      |   |    |
| <b>37</b> | <b>Amendment of Second-hand Dealers and Pawnbrokers Act 2003</b>  | 21 |
|           | (1) This section amends the <i>Second-hand Dealers and Pawnbrokers Act 2003</i> .                                 | 22 |
|           | (2) Section 7(5)—   | 23 |
|           | <i>omit.</i>  | 24 |
|           |   | 25 |
|           |   | 26 |
| <br>      |   |    |
| <b>38</b> | <b>Amendment of Surveyors Act 2003</b>  | 27 |
|           | (1) This section amends the <i>Surveyors Act 2003</i> .   | 28 |

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|   |    |
|---|----|
| (2) Section 16(2)—  | 1  |
| <i>omit.</i>  | 2  |
| <b>39 Amendment of Uniform Civil Procedure Rules 1999</b>   | 3  |
| (1) This section amends the <i>Uniform Civil Procedure Rules 1999</i> .   | 4  |
| (2) Rule 211(1), note, definition <i>document</i> —   | 5  |
| <i>omit, insert—</i>  | 6  |
| <i>document</i> —   | 7  |
| (a) means a record of information, however recorded; and  | 8  |
|   | 9  |
| (b) includes—   | 10 |
| (i) anything on which there is writing; and   | 11 |
| (ii) anything on which there are marks, symbols or perforations having a meaning for persons qualified to interpret them; and | 12 |
|   | 13 |
|   | 14 |
|   | 15 |
| (iii) an electronic document.   | 16 |
| (3) Rule 434(4), definition <i>electronic document</i> —  | 17 |
| <i>omit.</i>  | 18 |
| (4) Rule 959A, definition <i>electronic document</i> —  | 19 |
| <i>omit.</i>  | 20 |
| (5) Schedule 3, definition <i>electronic document</i> —   | 21 |
| <i>omit.</i>  | 22 |
| <b>40 Amendment of Voluntary Assisted Dying Act 2021</b>  | 23 |
| (1) This section amends the <i>Voluntary Assisted Dying Act 2021</i> .  | 24 |
| (2) Section 124(4)—   | 25 |
| <i>omit.</i>  | 26 |

|               |  |    |
|---------------|--|----|
| <b>41</b>     | <b>Amendment of Wagering Act 1998</b>  | 1  |
|               | (1) This section amends the <i>Wagering Act 1998</i> .                                 | 2  |
|               | (2) Section 123(4)—  | 3  |
|               | <i>omit.</i>   | 4  |
| <b>42</b>     | <b>Amendment of Workers' Compensation and Rehabilitation Act 2003</b>                  | 5  |
|               | (1) This section amends the <i>Workers' Compensation and Rehabilitation Act 2003</i> . | 6  |
|               | (2) Section 532M(2)—   | 7  |
|               | <i>omit.</i>   | 8  |
|               | (3) Section 532Q(5)—   | 9  |
|               | <i>omit.</i>   | 10 |
|               |  | 11 |
|               |  | 12 |
| <b>Part 2</b> | <b>Amendment for repeal of Court Funds Act 1973</b>                                    | 13 |
|               |  | 14 |
| <b>43</b>     | <b>Amendment of Uniform Civil Procedure Rules 1999</b>                                 | 15 |
|               | (1) This section amends the <i>Uniform Civil Procedure Rules 1999</i> .                | 16 |
|               | (2) Rule 561(3), ' <i>Court Funds Act 1973</i> '—                                      | 17 |
|               | <i>omit, insert—</i>   | 18 |
|               | <i>Civil Proceedings Act 2011</i> , part 11A   | 19 |