



Queensland

# Law Reform Amendment Bill 2011





## Queensland

# Law Reform Amendment Bill 2011

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# 2011

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## A Bill

for

***An Act to amend the Animal Management (Cats and Dogs) Act 2008, Anti-Discrimination Act 1991, Births, Deaths and Marriages Registration Act 2003, Child Employment Act 2006, Child Employment Regulation 2009, Classification of Films Act 1991, Corrective Services Act 2006, Criminal Code, Criminal Law (Rehabilitation of Offenders) Act 1986, Dispute Resolution Centres Act 1990, District Court of Queensland Act 1967, Evidence Act 1977, Guardianship and Administration Act 2000, Guide, Hearing and Assistance Dogs Act 2009, Jury Act 1995, Justices Act 1886, Justices of the Peace and Commissioners for Declarations Act 1991, Land Court Act 2000, Legal Profession Act 2007, Magistrates Act 1991, Manufactured Homes (Residential Parks) Act 2003, Motor Accident Insurance Act 1994, Peaceful Assembly Act 1992, Penalties and Sentences Act 1992, Queensland Civil and Administrative Tribunal Act 2009, Recording of Evidence Act 1962, State Penalties Enforcement Act 1999 and Trustee Companies Act 1968 for particular purposes, and to make minor amendments of the legislation stated in the schedule***

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[s 1]

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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 *Law Reform Amendment Act* 4  
*2011*. 5

**Clause 2 Commencement** 6  
The following provisions commence on a day to be fixed by 7  
proclamation— 8  
(a) part 7; 9  
(b) section 108, other than to the extent it inserts definition 10  
*serious offence*; 11  
(c) sections 109 to 116; 12  
(d) section 125, to the extent it inserts section 221; 13  
(e) sections 146 and 148. 14

**Part 2 Amendment of Animal** 15  
**Management (Cats and Dogs)** 16  
**Act 2008** 17

**Clause 3 Act amended** 18  
This part amends the *Animal Management (Cats and Dogs)* 19  
*Act 2008*. 20

<b>Clause 4</b>	<b>Amendment of s 194 (Relevant person must ensure dog does not attack or cause fear)</b>	1 2
	(1) Section 194(1), penalty, paragraph (a)— <i>omit.</i>	3 4
	(2) Section 194(1), penalty, paragraphs (b) to (d)— <i>renumber</i> as paragraphs (a) to (c).	5 6
<b>Clause 5</b>	<b>Amendment of s 195 (Prohibition on allowing or encouraging dog to attack or cause fear)</b>	7 8
	(1) Section 195(1), penalty, paragraph (a)— <i>omit.</i>	9 10
	(2) Section 195(1), penalty, paragraphs (b) to (d)— <i>renumber</i> as paragraphs (a) to (c).	11 12
<b>Part 3</b>	<b>Amendment of Anti-Discrimination Act 1991</b>	13 14
<b>Clause 6</b>	<b>Act amended</b>	15
	This part amends the <i>Anti-Discrimination Act 1991</i> .	16
<b>Clause 7</b>	<b>Insertion of new s 140A</b>	17
	After section 140— <i>insert—</i>	18 19
<b>‘140A</b>	<b>Commissioner may reject or stay complaints before referral to tribunal</b>	20 21
	‘(1) The commissioner may reject or stay a complaint before it is referred to the tribunal if the commissioner is of the reasonable opinion that the act or omission that is the subject	22 23 24

[s 8]

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of the complaint may be more effectively or conveniently  
dealt with by another entity. 1  
2

‘(2) The commissioner may reject a complaint before it is referred 3  
to the tribunal if the commissioner is of the reasonable 4  
opinion that the act or omission that is the subject of the 5  
complaint has been adequately dealt with by another entity.’. 6

**Clause 8 Amendment of s 154A (Investigation of complaint) 7**

Section 154A, from ‘accepted’— 8

*omit, insert— 9*

‘at any time after the complaint is received by the 10  
commissioner.’. 11

**Clause 9 Amendment of s 168 (Frivolous etc. complaint lapses) 12**

Section 168(3), after ‘lapses’— 13

*insert— 14*

‘and the complainant can not make a further complaint 15  
relating to the act or omission that was the subject of the 16  
complaint’. 17

**Clause 10 Insertion of new s 168A 18**

After section 168— 19

*insert— 20*

**‘168A Complaint may lapse if dealt with elsewhere 21**

‘(1) If, at any time after a complaint is accepted and before it is 22  
referred to the tribunal, the commissioner is of the reasonable 23  
opinion that the act or omission that is the subject of the 24  
complaint— 25

(a) has been adequately dealt with by another entity; or 26

(b) may be more effectively or conveniently dealt with by 27  
another entity; 28

the commissioner may decide to require the complainant to show cause why the complaint should not lapse.

‘(2) The commissioner must tell the complainant in writing that the complaint may lapse unless the complainant is able to show to the commissioner’s satisfaction within 28 days that the act or omission that is the subject of the complaint has not been adequately dealt with, or may not be effectively or conveniently dealt with, by another entity.

‘(3) If, at the end of 28 days, the commissioner is of the reasonable opinion that the act or omission that is the subject of the complaint—

(a) has been adequately dealt with by another entity; or

(b) may be more effectively or conveniently dealt with by another entity;

the commissioner must write to the complainant and the respondent as soon as practicable to tell them that the complaint has lapsed.

‘(4) The complaint then lapses and the complainant can not make a further complaint relating to the act or omission that was the subject of the complaint.’.

# **Clause 11 Replacement of s 170 (Complainant may withdraw complaint)**

Section 170—

*omit, insert—*

## **‘170 Complainant may withdraw complaint**

‘(1) The commissioner must not deal with a complaint, during the period mentioned in subsection (2), if the complainant gives written notice that the complainant does not want to continue with the complaint.

‘(2) The commissioner must tell the complainant in writing that the complaint will lapse within 28 days unless the complainant gives the commissioner another written notice that the complainant intends to continue with the complaint.

[s 12]

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- ‘(3) If the complainant gives the commissioner notice under subsection (2), the commissioner must resume dealing with the complaint. 1  
2  
3
- ‘(4) If the complainant does not give the commissioner notice under subsection (2), the complaint then lapses and the complainant can not make a further complaint relating to the act or omission that was the subject of the complaint. 4  
5  
6  
7
- ‘(5) The commissioner must write to the respondent as soon as practicable to tell the respondent that the complaint has lapsed.’. 8  
9  
10

**Part 4** **Amendment of Births, Deaths and Marriages Registration Act 2003** 11  
12  
13

**Clause 12 Act amended** 14

This part amends the *Births, Deaths and Marriages Registration Act 2003*. 15  
16

**Clause 13 Amendment of s 34 (The registrar)** 17

Section 34(1), ‘Governor in Council’— 18

*omit, insert—* 19

‘chief executive’. 20

**Clause 14 Amendment of s 35 (The deputy registrar)** 21

Section 35(1), ‘Governor in Council’— 22

*omit, insert—* 23

‘chief executive’. 24



<b>Part 5</b>	<b>Amendment of Child Employment Act 2006</b>	1
		2
<b>Clause 15</b>	<b>Act amended</b>	3
	This part amends the <i>Child Employment Act 2006</i> .	4
<b>Clause 16</b>	<b>Amendment of s 8 (Meaning of <i>work</i> in relation to a child)</b>	5
	Section 8(3), ‘section 8A’—	6
	<i>omit, insert—</i>	7
	‘sections 8A to 8C’.	8
<b>Clause 17</b>	<b>Insertion of new s 8C</b>	9
	After section 8B—	10
	<i>insert—</i>	11
<b>‘8C</b>	<b>Prohibition on inappropriate roles and situations</b>	12
	‘(1) An employer must not require or permit a child to work in a role or situation that is inappropriate for the child, having regard to the child’s age, emotional and psychological development, maturity and sensitivity.	13
	Maximum penalty—100 penalty units.	14
	‘(2) Without limiting subsection (1), the child may not—	15
	(a) be exposed to scenes or situations that are likely to distress or embarrass the child; or	16
	(b) be made distressed to obtain a more realistic depiction of a particular emotional reaction; or	17
	(c) perform an act of an explicit sexual nature or be present in an area while another person performs an act of an explicit sexual nature; or	18
	(d) be present while another person is—	19
	(i) nude; or	20
		21
		22
		23
		24
		25
		26
		27

[s 18]

- (ii) clothed or covered in another way so— 1
  - (A) the person’s sexual organs or anus are 2
    - visible; or 3
    - (B) if the person is a female who is at least 5 4
      - years—her breasts are visible. 5
- ‘(3) Subsection (2)(d) does not apply if— 6
  - (a) the child is under 12 months; and 7
  - (b) a parent of the child, who is not the employer of the 8
    - child, has given the employer written consent to 9
      - whichever of the following is relevant— 10
      - (i) the child being present while the other person is 11
        - nude; 12
        - (ii) the child being present while the other person is 13
          - clothed or covered in another way so the person’s 14
            - sexual organs or anus are visible; 15
            - (iii) the child being present while the other person is 16
              - clothed or covered in another way so the person’s 17
                - breasts are visible; and 18
        - (c) a parent of the child is present while the child is present 19
          - and the other person is as mentioned in subsection 20
            - (2)(d)(i) or (ii). 21
      - ‘(4) However, a consent under subsection (3)(b)(ii) or (iii) need 22
        - not cover all matters mentioned in the subsection so long as 23
          - all matters in the subsection relevant to the work the child is to 24
            - do are covered.’. 25

<b>Clause 18</b>	<b>Insertion of new s 40</b>	26
	After section 39—	27
	<i>insert—</i>	28
<b>‘40</b>	<b>Effect of regulation amendment by the Law Reform Amendment Act 2011</b>	29
		30
	‘The amendment of the <i>Child Employment Regulation 2006</i>	31
	by the <i>Law Reform Amendment Act 2011</i> does not affect the	32

[s 19]

power of the Governor in Council to further amend the  
regulation or to repeal it.’. 1  
2

## Part 6 Amendment of Child Employment Regulation 2006 3 4

**Clause 19 Regulation amended** 5  
This part amends the *Child Employment Regulation 2006*. 6

**Clause 20 Omission of s 12 (Prohibition on inappropriate roles and situations)** 7  
Section 12— 8  
*omit.* 9  
10

**Clause 21 Amendment of s 25 (Employer’s duty about presence of parent)** 11  
Section 25(3), ‘section 8A(2)(c) of the Act or section 12(4)(c)’— 12  
13  
14  
*omit, insert—* 15  
‘section 8A(2)(c) or 8C(3)(c) of the Act’. 16

## Part 7 Amendment of Classification of Films Act 1991 17 18

**Clause 22 Act amended** 19  
This part amends the *Classification of Films Act 1991*. 20

[s 23]

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<b>Clause 23</b>	<b>Amendment of s 3 (Definitions)</b>	1
	Section 3, definition <i>approved organisation</i> —	2
	<i>omit.</i>	3
<b>Clause 24</b>	<b>Replacement of pt 7, hdg (Exhibition of films by approved organisations)</b>	4
	Part 7, heading—	5
	<i>omit, insert</i> —	6
	<b>‘Part 7 Exemptions’.</b>	7
<b>Clause 25</b>	<b>Omission of s 56 (Approval of organisation)</b>	8
	Section 56—	9
	<i>omit.</i>	10
<b>Clause 26</b>	<b>Replacement of ss 57 and 58</b>	11
	Sections 57 and 58—	12
	<i>omit, insert</i> —	13
<b>‘57</b>	<b>Application for exemption</b>	14
‘(1)	An entity may apply to the director for an exemption from this Act, or a provision of this Act, in relation to a particular film that the entity intends to exhibit.	15
‘(2)	The application must—	16
(a)	state the film and when the entity intends to exhibit the film; and	17
(b)	be accompanied by a synopsis of the story or events depicted in the film; and	18
(c)	be lodged with the director in writing.	19

<b>‘58</b>	<b>Exemption</b>	1
‘(1)	On receipt of an application under section 57, the director may, in writing, direct that this Act, or a specified provision of this Act, does not apply in relation to the exhibition by the entity of the film stated in the application.	2 3 4 5
‘(2)	In deciding the application for an exemption, the director must give effect to any directions or guidelines issued by the Minister about exemptions under this section.	6 7 8
‘(3)	The director may impose conditions on the exemption.	9
‘(4)	If the application is approved and the conditions (if any) are complied with—	10 11
(a)	this Act, or the provisions of this Act specified in the exemption, do not apply in relation to the exhibition of the film by the entity; and	12 13 14
(b)	the exhibition of the film is not an indecent or obscene publication for the purposes of the Criminal Code.’.	15 16
<b>Clause 27</b>	<b>Amendment of s 59 (Review by QCAT)</b>	17
	Section 59—	18
	<i>omit.</i>	19
<b>Clause 28</b>	<b>Insertion of new pt 9, div 5</b>	20
	Part 9—	21
	<i>insert—</i>	22
<b>‘Division 5</b>	<b>Law Reform Amendment Act 2011</b>	23
<b>‘76</b>	<b>Applications for exemption under s 57</b>	24
‘(1)	This section applies to an application for an exemption under section 57 made but not decided before the commencement of this section.	25 26 27
‘(2)	Sections 58 and 59 as in force immediately before the commencement of this section continue to apply in relation to	28 29

[s 29]

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the application as if the *Law Reform Amendment Act 2011* had  
not commenced.’. 1  
2

**Part 8** **Amendment of Corrective Services Act 2006** 3  
4

**Clause 29** **Act amended** 5

This part amends the *Corrective Services Act 2006*. 6

**Clause 30** **Insertion of new s 182A** 7

After section 182— 8

*insert—* 9

**‘182A Parole eligibility date for other serious offender** 10

‘(1) This section applies to a prisoner who is serving a term of  
imprisonment for a serious offence. 11  
12

‘(2) The prisoner’s parole eligibility date is the day after the day  
on which the prisoner has served 65% of the prisoner’s term  
of imprisonment for the offence. 13  
14  
15

‘(3) However, if a later parole eligibility date is fixed for the period  
of imprisonment under the *Penalties and Sentences Act 1992*,  
part 9, division 3, the prisoner’s parole eligibility date is the  
later date fixed under that division. 16  
17  
18  
19

‘(4) This section is subject to section 185. 20

‘(5) In this section— 21

*serious offence* means a serious offence under the *Penalties  
and Sentences Act 1992*.’. 22  
23

<b>Clause 31</b>	<b>Amendment of s 185 (Parole eligibility date for prisoner serving terms of imprisonment in particular circumstances)</b>	1
		2
		3
	Section 185(1) and (3), after ‘182,’—	4
	<i>insert—</i>	5
	‘182A,’.	6
<b>Clause 32</b>	<b>Amendment of s 194 (Types of parole orders granted by parole board)</b>	7
		8
	Section 194(5), definition <i>eligible prisoner</i> , paragraph (b), ‘181, 182,’—	9
		10
	<i>omit, insert—</i>	11
	‘section 181, 182, 182A,’.	12

## Part 9 Amendment of Criminal Code 13

<b>Clause 33</b>	<b>Code amended</b>	14
	This part amends the Criminal Code.	15
	<i>Note—</i>	16
	See also the amendments in the schedule.	17
<b>Clause 34</b>	<b>Amendment of s 228E (Defences for ss 228A–228D)</b>	18
	(1) Section 228E(5)(a), ‘R or’—	19
	<i>omit.</i>	20
	(2) Section 228E(8), definition <i>certificate—</i>	21
	<i>insert—</i>	22
	‘(c) for a film—a certificate mentioned in the <i>Classification of Films Act 1991</i> , section 60(1) signed or purporting to	23
		24

[s 35]

	be signed by the director or convenor within the meaning of that Act.’.	1 2
(3)	Section 228E(8), definition <i>classification exemption</i> , paragraph (b)— <i>renumber</i> as paragraph (c).	3 4 5
(4)	Section 228E(8), definition <i>classification exemption</i> — <i>insert</i> — ‘(b) for a film—the <i>Classification of Films Act 1991</i> , section 58; or’.	6 7 8 9
<b>Clause 35</b>	<b>Insertion of new s 334A</b>	10
	Chapter 29— <i>insert</i> —	11 12
	<b>‘334A Dangerous management of a dog</b>	13
‘(1)	A person responsible for a dog who, by an act or omission, manages the dog dangerously causing the death of or grievous bodily harm to another person through an attack by the dog commits a crime. Maximum penalty—10 years imprisonment.	14 15 16 17 18
‘(2)	Subsection (1) does not apply to a government entity but, subject to subsection (3), does apply to a person employed or engaged by a government entity.	19 20 21
‘(3)	Subsection (1) does not apply if— (a) the dog is a government entity dog; and (b) the person responsible for the dog is using the dog at the time of the act or omission to aid the person in exercising a power or performing a function under an Act of the State, the Commonwealth or another State.	22 23 24 25 26 27
‘(4)	In this section— <i>government entity</i> means— (a) the State, the Commonwealth or another State; or	28 29 30



- 
- (b) an instrumentality or agent of the State, the Commonwealth or another State. 1 2
- government entity dog*** means a dog— 3
- (a) owned by a government entity or a person engaged or employed by a government entity; and 4 5
- (b) kept by the owner to aid the exercise of a power or the performance of a function by a person under an Act of the State, the Commonwealth or another State. 6 7 8
- Examples—* 9
- a corrective services dog under the *Corrective Services Act 2006* 10
  - a drug detection dog, explosives detection dog or police dog under the *Police Powers and Responsibilities Act 2000* 11 12
- manages the dog dangerously*** means manages the dog in a way that is dangerous having regard to all the circumstances, including, for example— 13 14 15
- (a) the age, size and strength of the dog; and 16
- (b) the past conduct of the dog, its training and its temperament; and 17 18
- (c) the current medical and physical condition of the dog; and 19 20
- (d) whether the restraint of the dog was appropriate in all the circumstances; and 21 22
- (e) for the use of a dog to protect persons or premises—whether the use of the dog is appropriate in all the circumstances; and 23 24 25
- (f) for a person who has control of the dog and who permits or allows someone else to have actual custody of the dog—all the circumstances in which this happens, including, for example— 26 27 28 29
- (i) the choice of the other person; and 30
  - (ii) the conditions on which custody is permitted or allowed; and 31 32
-

[s 36]

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	(iii) the information and instructions provided to the other person.	1 2
	<i>person responsible for the dog</i> means—	3
	(a) a person who has control of the dog, even if someone else has the actual custody of the dog; or	4 5
	(b) a person who has custody of the dog.’.	6
<b>Clause 36</b>	<b>Amendment of s 651 (Court may decide summary offences if a person is charged on indictment)</b>	7 8
	(1) Section 651(7), definition <i>summary offence</i> , paragraph (d)— <i>renumber</i> as paragraph (e).	9 10
	(2) Section 651(7), definition <i>summary offence</i> — <i>insert</i> —	11 12
	‘(d) an indictable offence against this Code that must, under section 552B, be heard and decided summarily, unless the defendant has informed the court that he or she wants to be tried for the offence by jury under that section; or’.	13 14 15 16 17
<b>Part 10</b>	<b>Amendment of Criminal Law (Rehabilitation of Offenders) Act 1986</b>	18 19 20
<b>Clause 37</b>	<b>Act amended</b>  This part amends the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> .	21 22 23
<b>Clause 38</b>	<b>Amendment of s 7 (Section 6 not applicable in certain cases)</b>  Section 7(1)—	24 25 26

*insert—*

‘(e) a disclosure made by a person who, in the course of performing the person’s official duties, has custody of or access to a record kept by a court or tribunal or an official record of the State Reporting Bureau, if the disclosure is made as part of giving access to, or a copy of, the record under a provision of an Act.

*Examples of a provision of an Act—*

- section 154 of the *Justices Act 1886*
- rule 980 of the *Uniform Civil Procedure Rules*’.

## Part 11 Dispute Resolution Centres Act 1990

### Clause 39 Act amended

This part amends the *Dispute Resolution Centres Act 1990*.

### Clause 40 Amendment of s 2 (Interpretation)

Section 2, definitions *council* and *member—omit*.

### Clause 41 Amendment of pt 2, hdg (Administration)

Part 2, heading, ‘Administration’—  
*omit, insert—*  
‘Staff of dispute resolution centres’.

### Clause 42 Omission of pt 2, div 1 (The council)

Part 2, division 1—  
*omit*.

[s 43]

<b>Clause 43</b>	<b>Omission of pt 2, div 2, hdg (Staff of dispute resolution centre)</b>	1 2
	Part 2, division 2, heading—	3
	<i>omit.</i>	4
<b>Clause 44</b>	<b>Amendment of s 35 (Exoneration from liability)</b>	5
	(1) Section 35(1)(a) and (b)—	6
	<i>omit.</i>	7
	(2) Section 35(1)(c) and (d)—	8
	<i>renumber</i> as section 35(1)(a) and (b).	9
<b>Clause 45</b>	<b>Amendment of s 37 (Secrecy)</b>	10
	(1) Section 37(2)(e), ‘the council’—	11
	<i>omit, insert—</i>	12
	‘a director’.	13
	(2) Section 37(9), definition <i>relevant person</i> , paragraphs (a) to (f)—	14 15
	<i>omit, insert—</i>	16
	‘(a) a mediator;	17
	(b) a director;	18
	(c) a member of the staff of a dispute resolution centre;	19
	(d) a person making an evaluation under section 34, as in force at any time before its repeal;	20 21
	(e) a person carrying out research for, or with the approval of, a director.’.	22 23
<b>Clause 46</b>	<b>Amendment of s 38 (Power to accept appointment)</b>	24
	(1) Section 38(1)(a) and (b)—	25
	<i>omit, insert—</i>	26

- ‘(a) holding that office and also the office of a mediator; or 1  
(b) retaining any remuneration payable to the holder as a 2  
mediator.’. 3  
(2) Section 38(2), from ‘member of the council’ to ‘council or 4  
a’— 5  
*omit.* 6

**Clause 47 Insertion of new pt 6, hdg and pt 6, div 1, hdg 7**  
After section 41— 8  
*insert—* 9

**‘Part 6 Transitional provisions 10**

**‘Division 1 Justice and Other Legislation 11**  
**Amendment Act 2008’. 12**

**Clause 48 Insertion of new pt 6, div 2 13**  
After section 42— 14  
*insert—* 15

**‘Division 2 Law Reform Amendment Act 2011 16**

**‘43 Continuation of obligations about disclosure of 17**  
**information 18**

- ‘(1) Section 37 as in force immediately before the commencement 19  
of this section continues to apply to each member of the 20  
former council, despite the amendment of that section by the 21  
*Law Reform Amendment Act 2011.* 22  
‘(2) In this section— 23  
*former council* means the council established under part 2, 24  
division 1 as in force immediately before the commencement 25  
of this section.’. 26

[s 49]

<b>Part 12</b>	<b>Amendment of District Court of Queensland Act 1967</b>	1 2
<b>Clause 49</b>	<b>Act amended</b>	3
	This part amends the <i>District Court of Queensland Act 1967</i> .	4
	<i>Note—</i>	5
	See also the amendments in the schedule.	6
<b>Clause 50</b>	<b>Replacement of pt 2, div 3, hdg (Prerogative writs)</b>	7
	Part 2, division 3, heading—	8
	<i>omit, insert—</i>	9
	<b>‘Division 3 Applications under Judicial Review Act 1991’.</b>	10 11
<b>Clause 51</b>	<b>Omission of ss 29 and 30</b>	12
	Sections 29 and 30—	13
	<i>omit.</i>	14
<b>Clause 52</b>	<b>Replacement of s 31 (Judge not to be served with notice of application for prohibition)</b>	15 16
	Section 31—	17
	<i>omit, insert—</i>	18
<b>‘31</b>	<b>Judge not required to appear etc.</b>	19
	‘If an application for a statutory order of review of a District Court judge’s decision is made under the <i>Judicial Review Act 1991</i> —	20 21 22
	(a) the application must not be served on the District Court judge; and	23 24

[s 53]

- (b) the judge can not be required to appear or be heard on the application other than under an order of the Supreme Court; and
- (c) the judge is not liable for the payment of any costs relating to the application.’.

**Clause 53 Omission of ss 32 to 34**

Sections 32 to 34—

*omit.*

**Clause 54 Amendment of s 113 (Power of District Court on appeal from Magistrates Court)**

Section 113, from ‘had for’ to ‘leave to appeal’—

*omit.*

## **Part 13 Amendment of Evidence Act 1977**

**Clause 55 Act amended**

This part amends the *Evidence Act 1977*.

**Clause 56 Amendment of s 7 (Parties, their wives and husbands as witnesses)**

Section 7—

*insert—*

‘(3) To remove any doubt, it is declared that a party to a proceeding for subsections (1) and (2) includes a person who is the subject of an inquiry, reference or examination.’.

[s 57]

<b>Clause 57</b>	<b>Amendment of s 95A (DNA evidentiary certificate)</b>	1
	(1) Section 95A(3)—	2
	<i>omit, insert—</i>	3
	‘(3) If a party intends to rely on the certificate (the <i>relying party</i> ), the relying party must, at least 10 business days before the hearing day, give a copy of the certificate to each other party.	4
		5
		6
	‘(3A) If, at least 5 business days before the hearing day, a party other than the relying party gives a written notice to each other party that it requires the DNA analyst to give evidence, the relying party must call the DNA analyst to give evidence at the hearing.’.	7
		8
		9
		10
		11
	(2) Section 95A(5), ‘3 business’—	12
	<i>omit, insert—</i>	13
	‘5 business’.	14

<b>Part 14</b>	<b>Amendment of Guardianship and Administration Act 2000</b>	15
		16

<b>Clause 58</b>	<b>Act amended</b>	17
	This part amends the <i>Guardianship and Administration Act 2000</i> .	18
		19
<b>Clause 59</b>	<b>Amendment of s 231 (Appointment)</b>	20
	Section 231(2), ‘or part-time’—	21
	<i>omit, insert—</i>	22
	‘, part-time or casual’.	23



<b>Part 15</b>	<b>Amendment of Guide, Hearing and Assistance Dogs Act 2009</b>	1 2
<b>Clause 60</b>	<b>Act amended</b>	3
	This part amends the <i>Guide, Hearing and Assistance Dogs Act 2009</i> .	4 5
<b>Clause 61</b>	<b>Amendment of s 3 (Objects of Act)</b>	6
	(1) Section 3(2)(a), before ‘particular’—	7
	<i>insert—</i>	8
	‘places of accommodation and’.	9
	(2) Section 3(2)(b), before ‘particular’—	10
	<i>insert—</i>	11
	‘places of accommodation and’.	12
<b>Clause 62</b>	<b>Amendment of pt 2, hdg (Guide, hearing and assistance dogs in public places and public passenger vehicles)</b>	13 14
	Part 2, heading, after ‘in’—	15
	<i>insert—</i>	16
	‘places of accommodation,’.	17
<b>Clause 63</b>	<b>Amendment of s 6 (Definitions for pt 2)</b>	18
	Section 6—	19
	<i>insert—</i>	20
	‘ <i>place of accommodation</i> includes—	21
	(a) a house or flat; and	22
	(b) a hotel or motel; and	23
	(c) a boarding house or hostel; and	24
	(d) a caravan or caravan site; and	25

[s 64]

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|-----|--|--------|
| (e) | a manufactured home, or a site, under the <i>Manufactured Homes (Residential Parks) Act 2003</i> ; and | 1<br>2 |
| (f) | a camping site.’.  | 3      |

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|------------------|---|----------------|
| <b>Clause 64</b> | <b>Amendment of s 8 (People with a disability may be accompanied by their guide, hearing and assistance dogs)</b> | 4<br>5<br>6    |
| (1)              | Section 8(1), after ‘in a’—<br><i>insert—</i><br>‘place of accommodation,’.                                       | 7<br>8<br>9    |
| (2)              | Section 8(2), after ‘into a’—<br><i>insert—</i><br>‘place of accommodation,’.                                     | 10<br>11<br>12 |

- |                  |   |                |
|------------------|---|----------------|
| <b>Clause 65</b> | <b>Amendment of s 9 (Trainers and puppy carers may be accompanied by guide, hearing, assistance and trainee support dogs)</b> | 13<br>14<br>15 |
| (1)              | Section 9(1), after ‘in a’—<br><i>insert—</i><br>‘place of accommodation,’.   | 16<br>17<br>18 |
| (2)              | Section 9(2), after ‘into a’—<br><i>insert—</i><br>‘place of accommodation,’.   | 19<br>20<br>21 |

- |                  |   |                |
|------------------|---|----------------|
| <b>Clause 66</b> | <b>Amendment of pt 2, div 3, hdg (Obligations of persons exercising control of public places and public passenger vehicles)</b> | 22<br>23<br>24 |
|                  | Part 2, division 3, heading, after ‘control of’—<br><i>insert—</i><br>‘places of accommodation,’.                               | 25<br>26<br>27 |

<b>Clause 67</b>	<b>Amendment of s 11 (Who is a <i>person exercising control of a public place or public passenger vehicle</i>)</b>	1 2
(1)	Section 11, heading, after ‘of a’— <i>insert—</i> ‘ <b>place of accommodation,</b> ’.	3 4 5
(2)	Section 11, after ‘control of a’— <i>insert—</i> ‘place of accommodation,’.	6 7 8
<b>Clause 68</b>	<b>Amendment of s 13 (Obligations of persons exercising control of public places and public passenger vehicles)</b>	9 10
(1)	Section 13— <i>insert—</i>	11 12
‘(1A)	A person exercising control of a place of accommodation must not—	13 14
(a)	refuse to accept a reservation or application at the place for accommodation for an accompanied handler because the accompanied handler is accompanied by a guide, hearing, assistance or trainee support dog; or	15 16 17 18
(b)	refuse to enter into or fulfil an agreement to provide accommodation at the place for an accompanied handler because the accompanied handler is accompanied by a guide, hearing, assistance or trainee support dog; or	19 20 21 22
(c)	refuse to renew or extend the supply of accommodation for an accompanied handler at the place because the accompanied handler is accompanied by a guide, hearing, assistance or trainee support dog; or	23 24 25 26
(d)	impose a term as part of an agreement to provide accommodation for an accompanied handler at the place because the accompanied handler is accompanied by a guide, hearing, assistance or trainee support dog.	27 28 29 30
	Maximum penalty—100 penalty units.’.	31

[s 69]

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(2)	Section 13(3), definition <i>accompanied handler</i> , paragraph (a), after ‘by the’—	1
	<i>insert</i> —	2
	‘certified’.	3
(3)	Section 13(3)—	4
	<i>insert</i> —	5
	‘ <i>certified guide, hearing or assistance dog</i> means a guide, hearing, or assistance dog that is certified under part 4, division 2.’.	6
		7
		8
		9

<b>Clause 69</b>	<b>Amendment of s 65 (Guidelines for dealing with information)</b>	10
	Section 65(2)(c), ‘,’—	11
	<i>omit</i> .	12
		13

<b>Clause 70</b>	<b>Amendment of sch 4 (Dictionary)</b>	14
	Schedule 4—	15
	<i>insert</i> —	16
	‘ <i>place of accommodation</i> , for part 2, see section 6.’.	17

<b>Part 16</b>	<b>Amendment of Jury Act 1995</b>	18
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<b>Clause 71</b>	<b>Act amended</b>	19
	This part amends the <i>Jury Act 1995</i> .	20

<b>Clause 72</b>	<b>Amendment of s 34 (Reserve jurors)</b>	21
	Section 34(1), ‘not more than 3’—	22
	<i>omit, insert</i> —	23

‘1 or more’.

1

## Part 17                      Amendment of Justices Act 1886

2

3

### Clause 73            Act amended

4

This part amends the *Justices Act 1886*.

5

### Clause 74            Insertion of new s 23ED

6

Part 3, division 2A—

7

*insert—*

8

#### ‘23ED Conduct of proceeding by audio link or audio visual link by Magistrates Court outside district or division

9

10

‘(1) This section applies if—

11

(a) a Magistrates Court (the *original court*) has jurisdiction  
under this Act or another Act to hear a proceeding,  
including a criminal proceeding; and

12

13

14

(b) the original court is authorised under this Act or another  
Act (an *authorising law*) to conduct the proceeding  
using an audio link or audio visual link; and

15

16

17

*Examples of authorising laws—*

18

• part 6A of this Act

19

• *Evidence Act 1977*, part 3A

20

• *Penalties and Sentences Act 1992*, section 15A

21

(c) an alternative court considers it is in the interests of  
justice for the proceeding to be conducted by the  
alternative court by audio link or audio visual link under  
this section; and

22

23

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(d) a practice direction made by the Chief Magistrate  
provides for the proceeding to be conducted by the

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27

[s 74]

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- alternative court by audio link or audio visual link under  
this section.
- ‘(2) The alternative court may conduct the proceeding by using an  
audio link or audio visual link under the authorising law as if  
the alternative court—
- (a) had jurisdiction under the Act mentioned in subsection  
(1)(a) to hear the proceeding; and
- (b) were the original court for the purpose of the authorising  
law.
- ‘(3) This section applies to a proceeding started on or after the  
commencement of this section.
- ‘(4) For subsection (3), a criminal proceeding is started by—
- (a) the arrest of the defendant in the proceeding; or
- (b) the making of a complaint under this Act, section 42 in  
relation to the defendant in the proceeding; or
- (c) the serving of a notice to appear on the defendant in the  
proceeding under the *Police Powers and Responsibilities  
Act 2000*, section 382.
- ‘(5) In this section—
- alternative court***, in relation to a proceeding, means a  
Magistrates Court outside the district or division in which the  
proceeding would otherwise be required to be heard.
- audio link*** means facilities, including telephone, that enable  
reasonably contemporaneous and continuous audio  
communication between persons at different places.
- audio visual link*** means facilities, including closed-circuit  
television, that enable reasonably contemporaneous and  
continuous audio and visual communication between persons  
at different places, including, for example, video link  
facilities.’.

<b>Clause 75</b>	<b>Amendment of s 104 (Proceedings upon an examination of witnesses in relation to an indictable offence)</b>	1 2
	Section 104(5), ‘crown solicitor’—	3
	<i>omit, insert—</i>	4
	‘director of public prosecutions’.	5
<b>Clause 76</b>	<b>Amendment of s 154 (Copies of record)</b>	6
	Section 154—	7
	<i>insert—</i>	8
	‘(6) The Minister may delegate the Minister’s function under subsection (2) to the chief executive.’.	9 10
<b>Part 18</b>	<b>Amendment of Justices of the Peace and Commissioners for Declarations Act 1991</b>	11 12 13
<b>Clause 77</b>	<b>Act amended</b>	14
	This part amends the <i>Justices of the Peace and Commissioners for Declarations Act 1991</i> .	15 16
<b>Clause 78</b>	<b>Amendment of s 3 (Interpretation)</b>	17
	Section 3, definition <i>contact details</i> , after ‘number’—	18
	<i>insert—</i>	19
	‘, email address (if any)’.	20
<b>Clause 79</b>	<b>Amendment of s 13 (Register of justices of the peace and commissioners for declarations)</b>	21 22
	(1) Section 13(2)—	23

[s 80]

<i>omit, insert—</i>	1
‘(2) The register—	2
(a) must state, for each person who is justice of the peace or commissioner for declarations—	3
(i) the person’s name and contact details; and	4
(ii) the person’s particulars of appointment; and	5
(b) may be in hard copy or electronic form; and	6
(c) must be kept available for inspection on application under section 38A at any office of the registrar in Queensland.’	7
(2) Section 13(3)—	8
<i>omit.</i>	9
	10
	11
	12

<b>Clause 80</b>	<b>Amendment of s 21 (Registration of justices of the peace and commissioners for declarations)</b>	13
		14
(1)	Section 21(6) and (7)—	15
	<i>renumber</i> as section 21(7) and (8).	16
(2)	Section 21—	17
	<i>insert—</i>	18
‘(6)	However, the registrar need not notify the appointment and registration of a person under subsection (5) if the registrar considers withholding notification is necessary to protect the safety or wellbeing of the person or a relative of the person.	19
		20
		21
		22
	<i>Examples of persons for whom the registrar may consider withholding notification is necessary—</i>	23
		24
	• a person, or a relative of the person, whose occupation involves the administration or enforcement of the law, for example, a police officer, inspector or corrective services officer	25
		26
		27
	• a person who has reasonably held concerns for the safety or wellbeing of the person, or a relative, because of domestic violence or the commission of an offence’.	28
		29
		30



<b>Clause 81</b>	<b>Insertion of new s 38A</b>	1
	After section 38—	2
	<i>insert—</i>	3
<b>‘38A</b>	<b>Access to register</b>	4
	‘(1) A person may apply to the registrar to inspect the register.	5
	‘(2) The registrar may grant the application only if the registrar considers the applicant has a sufficient interest in inspecting the register.	6 7 8
	‘(3) The registrar may withhold from inspection the contact details of a particular person who is a justice of the peace or commissioner for declarations if the registrar considers it necessary to protect the safety or wellbeing of the person.	9 10 11 12
	<i>Examples of persons for whom the registrar may consider it necessary to protect the safety or wellbeing—</i>	13 14
	• a person, or a relative of the person, whose occupation involves the administration or enforcement of the law, for example, a police officer, inspector or corrective services officer	15 16 17
	• a person who has reasonably held concerns for the safety or wellbeing of the person, or a relative, because of domestic violence or the commission of an offence’.	18 19 20

<b>Part 19</b>	<b>Amendment of Land Court Act 2000</b>	21
		22

<b>Clause 82</b>	<b>Act amended</b>	23
	This part amends the <i>Land Court Act 2000</i> .	24
<b>Clause 83</b>	<b>Amendment of s 12 (Power to rehear matters)</b>	25
	Section 12(2), ‘by the court’—	26
	<i>omit, insert—</i>	27
	‘, unless a longer period is allowed by the court’.	28

[s 84]

---

<b>Clause 84</b>	<b>Amendment of s 31 (Rehearing after judicial registrar's decision)</b>	1 2
(1)	Section 31(2)— <i>renumber</i> as section 31(3).	3 4
(2)	Section 31— <i>insert</i> —	5 6
‘(2)	The party must apply to have the matter reheard within 42 days after the order containing the decision of the judicial registrar is made, unless a longer period is allowed by the court.’.	7 8 9 10
<b>Clause 85</b>	<b>Omission of pt 2, div 6C, hdg (Additional power of Land Court when exercising particular jurisdiction)</b>	11 12
	Part 2, division 6C, heading— <i>omit</i> .	13 14
<b>Clause 86</b>	<b>Amendment, relocation and renumbering of s 32J (Land Court has power of the Supreme Court for particular purposes)</b>	15 16 17
(1)	Section 32J, heading, ‘for particular purposes’— <i>omit</i> .	18 19
(2)	Section 32J(1)— <i>omit</i> .	20 21
(3)	Section 32J(2), ‘an Act’— <i>omit, insert</i> — ‘this or another Act’.	22 23 24
(4)	Section 32J(2) to (9)— <i>renumber</i> as section 32J(1) to (8).	25 26
(5)	Section 32J(5) to (8), as renumbered— <i>omit, insert</i> —	27 28

- 
- ‘(5) If, in the exercise of powers of the Supreme Court under subsection (1) or (2) the Land Court makes an order, the order may be made an order of the Supreme Court and enforced in the Supreme Court. 1  
2  
3  
4
- ‘(6) For subsection (5), it is enough to file the order in the Supreme Court. 5  
6
- ‘(7) Subsection (1) has effect subject to— 7
- (a) another provision of this Act; and 8
- (b) a provision of another Act under which jurisdiction is conferred on the Land Court.’. 9  
10
- (6) Section 32J— 11
- relocate and renumber as section 7A.* 12

**Clause 87 Amendment of s 34 (Costs)** 13

Section 34(5) and (6)— 14

*omit.* 15

**Clause 88 Amendment of s 48 (Registrar, deputy registrars and other officers)** 16  
17

Section 48(1), ‘Governor in Council’— 18

*omit, insert—* 19

‘chief executive’. 20

**Clause 89 Amendment of s 52 (Court records)** 21

Section 52(2)— 22

*omit.* 23

[s 90]

---

<b>Part 20</b>	<b>Amendment of Legal Profession Act 2007</b>	1
		2

<b>Clause 90</b>	<b>Act amended</b>	3
	This part amends the <i>Legal Profession Act 2007</i> .	4
	<i>Note—</i>	5
	See also the amendments in the schedule.	6

<b>Clause 91</b>	<b>Amendment of s 598 (Constitution of tribunal)</b>	7
	Section 598(1), from ‘judicial member’—	8
	<i>omit, insert—</i>	9
	‘judicial member who is—	10
	(a) a Supreme Court judge; or	11
	(b) a former Supreme Court judge who is nominated by the president to constitute the tribunal.’.	12
		13

<b>Part 21</b>	<b>Amendment of Magistrates Act 1991</b>	14
		15

<b>Clause 92</b>	<b>Act amended</b>	16
	This part amends the <i>Magistrates Act 1991</i> .	17

<b>Clause 93</b>	<b>Amendment of s 5 (Appointment of magistrates)</b>	18
	Section 5(7)—	19
	<i>omit, insert—</i>	20
	‘(7) The Governor in Council may appoint 1 or more magistrates as a Deputy Chief Magistrate.’.	21
		22

<b>Clause 94</b>	<b>Amendment of s 5A (Appointment of acting Deputy Chief Magistrate)</b>	1
		2
	Section 5A(1)—	3
	<i>omit, insert—</i>	4
	‘(1) This section applies if—	5
	(a) a Deputy Chief Magistrate’s position is vacant; or	6
	(b) a Deputy Chief Magistrate is not available to perform	7
	the functions of a Deputy Chief Magistrate, because of	8
	absence or another reason.’.	9
<b>Clause 95</b>	<b>Amendment of s 12 (Functions of Chief Magistrate)</b>	10
	(1) Section 12(2)(a) to (e)—	11
	<i>omit, insert—</i>	12
	‘(a) deciding the magistrates who are to constitute the	13
	Magistrates Courts at particular places appointed under	14
	section 22B(1)(c) of the <i>Justices Act 1886</i> ; and	15
	(b) deciding the places and times for constituting a circuit	16
	court, and the magistrate who is to constitute the circuit	17
	court; and	18
	(c) giving directions about the practices and procedures of	19
	Magistrates Courts; and	20
	(d) giving directions about the magistrates who are to	21
	exercise the jurisdiction and powers of Magistrates	22
	Courts in particular matters or particular classes of	23
	matters; and	24
	(e) allocating the functions to be exercised by particular	25
	magistrates and deciding how the functions are to be	26
	exercised, including, for example, deciding the days,	27
	places and times for constituting a Magistrates Court at	28
	a place; and	29
	(f) nominating a magistrate to be a supervising magistrate	30
	or a coordinating magistrate for the purpose of the	31
	allocation of work of the Magistrates Court; and	32

[s 96]

- (g) nominating a Deputy Chief Magistrate to act as the Chief Magistrate under section 14(b); and 1  
2
- (h) giving directions to an acting magistrate or acting judicial registrar about when the person is to carry out the duties of office of a magistrate or judicial registrar during the person's period of appointment.' 3  
4  
5  
6
- (2) Section 12(3) to (4)— 7  
*renumber* as section 12(4) to (6). 8
- (3) Section 12— 9  
*insert*— 10
- '(3) Also, the Chief Magistrate is responsible for directing the professional development and continuing education and training of magistrates.' 11  
12  
13
- (4) Section 12(5), as renumbered— 14  
*omit, insert*— 15
- '(5) The Chief Magistrate may delegate the Chief Magistrate's powers under subsection (2)(b), (d), (e) and (h) to— 16  
17
  - (a) a Deputy Chief Magistrate; or 18
  - (b) another magistrate appointed on a full-time basis.' 19
- (5) Section 12(6), as renumbered, 'subsection (2)(a) and (c)'— 20  
*omit, insert*— 21  
'subsections (2)(a), (b), (d) and (e) and (3)'. 22

**Clause 96 Amendment of pt 4, hdg (Deputy Chief Magistrate)** 23  
Part 4, heading, 'Magistrate'— 24  
*omit, insert*— 25  
'**Magistrates**'. 26

**Clause 97 Amendment of s 13 (Deputy Chief Magistrate)** 27  
(1) Section 13, heading, 'Magistrate'— 28

---

*omit, insert—* 1

**‘Magistrates’.** 2

(2) Section 13(1), ‘The Deputy’— 3

*omit, insert—* 4

**‘A Deputy’.** 5

(3) Section 13(2), ‘the Deputy’— 6

*omit, insert—* 7

**‘a Deputy’.** 8

**Clause 98      Amendment of s 14 (Functions of Deputy Chief Magistrate)** 9  
10

(1) Section 14, heading, ‘Magistrate’— 11

*omit, insert—* 12

**‘Magistrates’.** 13

(2) Section 14, ‘The Deputy’— 14

*omit, insert—* 15

**‘A Deputy’.** 16

(3) Section 14(b), after ‘may’— 17

*insert—* 18

**‘, if nominated by the Chief Magistrate,’.** 19

**Clause 99      Amendment of s 17 (Composition of advisory committee)** 20

Section 17(2)(a)— 21

*omit, insert—* 22

**‘(a) a Deputy Chief Magistrate, selected by the Chief Magistrate, who is the chairperson of the advisory committee; and’.** 23  
24  
25

[s 100]

<b>Clause 100</b>	<b>Amendment of s 19 (Presiding at meetings)</b>	1
	Section 19(1), after ‘Deputy Chief Magistrate’—	2
	<i>insert—</i>	3
	‘who is the chairperson of the advisory committee’.	4
 <b>Part 22</b>	 <b>Amendment of Manufactured Homes (Residential Parks) Act 2003</b>	 5 6 7
 <b>Clause 101</b>	 <b>Act amended</b>	 8
	This part amends the <i>Manufactured Homes (Residential Parks) Act 2003</i> .	9 10
 <b>Clause 102</b>	 <b>Amendment of s 99A (Separate charge by park owner not to be more than cost of supply for use of utility)</b>	 11 12
	(1) Section 99A, heading, ‘cost of supply for use’—	13
	<i>omit, insert—</i>	14
	‘amount charged for provision’.	15
	(2) Section 99A(2)—	16
	<i>omit, insert—</i>	17
	‘(2) The park owner must not charge the home owner an amount (the <b>relevant amount</b> ) for the use of the utility at the site that is more than the amount charged by the relevant supply authority for the provision of the utility at the site unless the relevant amount—	18 19 20 21 22
	(a) is stated, in the site agreement, for the provision of the utility at the site; or	23 24
	(b) is prescribed for this section under a regulation.	25
	Maximum penalty—20 penalty units.’.	26



<b>Part 23</b>	<b>Amendment of Motor Accident Insurance Act 1994</b>	1 2
<b>Clause 103</b>	<b>Act amended</b>	3
	This part amends the <i>Motor Accident Insurance Act 1994</i> .	4
<b>Clause 104</b>	<b>Amendment of s 68 (Review of the commission's decisions by QCAT)</b>	5 6
	(1) Section 68(2), from 'judicial member'—	7
	<i>omit, insert—</i>	8
	'judicial member who is a Supreme Court judge.'	9
	(2) Section 68—	10
	<i>insert—</i>	11
	'(4) In this section—	12
	<i>judicial member</i> see the QCAT Act, schedule 3.'	13
<b>Part 24</b>	<b>Amendment of Peaceful Assembly Act 1992</b>	14 15
<b>Clause 105</b>	<b>Act amended</b>	16
	This part amends the <i>Peaceful Assembly Act 1992</i> .	17
<b>Clause 106</b>	<b>Replacement of s 17 (Delegation of powers)</b>	18
	Section 17—	19
	<i>omit, insert—</i>	20

[s 107]

---

<b>‘17</b>	<b>Limitation on delegation</b>	1
	‘The Commissioner’s powers under this Act may, under the	2
	<i>Police Service Administration Act 1990</i> , section 4.10, be	3
	delegated only to a police officer who is of the rank of	4
	sergeant or higher.’.	5

<b>Part 25</b>	<b>Amendment of Penalties and</b>	6
	<b>Sentences Act 1992</b>	7

<b>Clause 107</b>	<b>Act amended</b>	8
	This part amends the <i>Penalties and Sentences Act 1992</i> .	9

<b>Clause 108</b>	<b>Amendment of s 4 (Definitions)</b>	10
	Section 4—	11
	<i>insert—</i>	12
	‘ <i>alcohol diversion condition</i> , for part 3, division 1, see	13
	section 19(2B).	14
	<i>alcohol information and education session</i> , for part 3,	15
	division 1, see section 15B.	16
	<i>eligible alcohol offence</i> , for part 3, division 1, see section	17
	15DA.	18
	<i>eligible alcohol offender</i> , for part 3, division 1, see section	19
	15CA.	20
	<i>serious offence</i> means a serious offence of which an offender	21
	is convicted under section 161BA.’.	22

<b>Clause 109</b>	<b>Amendment of s 15B (Definitions for div 1)</b>	23
	(1) Section 15B—	24
	<i>insert—</i>	25

*‘alcohol diversion condition* see section 19(2B).

*alcohol information and education session*, for an offender, means a single session, whether one-on-one or in a group, provided by an approved provider involving alcohol information and education and advice about treatment options.

*eligible alcohol offence* see section 15DA.

*eligible alcohol offender* see section 15CA.’.

(2) Section 15B, definition *attend*, after ‘for’—

*insert—*

‘an alcohol information and education session or’.

## Clause 110 Insertion of new s 15CA

After section 15C—

*insert—*

### ‘15CA Meaning of *eligible alcohol offender*

‘An *eligible alcohol offender* is a person charged with an eligible alcohol offence who has pleaded guilty to the offence.’.

## Clause 111 Insertion of new s 15DA

After section 15D—

*insert—*

### ‘15DA Meaning of *eligible alcohol offence*

‘An *eligible alcohol offence* is—

- (a) an offence by a person against the *Liquor Act 1992*, section 168B or 168C; or
- (b) an offence by a person against the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 34 or 38.’.

[s 112]

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<b>Clause 112</b>	<b>Amendment of s 15F (Meaning of <i>approved provider</i>)</b>	1
	Section 15F(1)—	2
	<i>omit, insert—</i>	3
	‘(1) An <b><i>approved provider</i></b> is an entity approved by the chief executive (health) by gazette notice to provide—	4
	(a) drug assessment and education sessions; or	5
	(b) alcohol information and education sessions.’.	6
<b>Clause 113</b>	<b>Amendment of s 17 (Making of order)</b>	7
	Section 17—	8
	<i>insert—</i>	9
	‘(3) Also, despite subsection (1), a court may make an order under section 19(1)(b) that includes an alcohol diversion condition if the matters mentioned in section 19(2B)(a) and (b) are satisfied.’.	10
<b>Clause 114</b>	<b>Amendment of s 19 (Order of court)</b>	11
	Section 19—	12
	<i>insert—</i>	13
	‘(2B) Also, without limiting subsection (2), the court may impose a condition that the offender must attend an alcohol information and education session by a stated date (an <b><i>alcohol diversion condition</i></b> ) if the offender—	14
	(a) is an eligible alcohol offender; and	15
	(b) consents to attending an alcohol information and education session.’.	16
<b>Clause 115</b>	<b>Amendment of s 20 (Contravention of order)</b>	17
	Section 20(1A), after ‘a drug diversion condition’—	18
	<i>insert—</i>	19

‘or an alcohol diversion condition’.

1

**Clause 116 Amendment of s 31 (Recognition—summary conviction)**

2

3

(1) Section 31, after ‘be released’—

4

*insert—*

5

‘by order of the court’.

6

(2) Section 31—

7

*insert—*

8

‘(2) In making an order under subsection (1), a court may impose any additional conditions it considers appropriate.’.

9

10

**Clause 117 Amendment of s 160A (Application of ss 160B–160D)**

11

Section 160A(5)(a), after ‘182(2)(a) or (b)’—

12

*insert—*

13

‘, 182A(2)’.

14

**Clause 118 Amendment of s 160C (Sentence of more than 3 years and not a serious violent offence or sexual offence)**

15

16

Section 160C, heading, after ‘serious violent offence’—

17

*insert—*

18

‘, serious offence’.

19

**Clause 119 Amendment of s 160D (Sentence for a serious violent offence or sexual offence)**

20

21

(1) Section 160D, heading, after ‘serious violent offence’—

22

*insert—*

23

‘, serious offence’.

24

(2) Section 160D(1), after ‘serious violent offence’—

25

[s 120]

---

*insert—* 1  
, a serious offence'. 2

**Clause 120 Amendment of s 160E (Automatic cancellation of parole release or eligibility dates)** 3  
4

Section 160E(1)(b)(i) and (2)(b)(i), after 'serious violent offence'— 5  
6  
*insert—* 7  
, a serious offence'. 8

**Clause 121 Amendment of pt 9A, hdg (Convictions of serious violent offences)** 9  
10

Part 9A, heading, after 'offences'— 11  
*insert—* 12  
'or serious offences'. 13

**Clause 122 Insertion of new pt 9A, div 1, hdg** 14

Part 9A, before section 161A— 15  
*insert—* 16

**'Division 1 Serious violent offences'.** 17

**Clause 123 Insertion of new pt 9A, div 2 and div 3 hdg** 18

After section 161B— 19  
*insert—* 20

**'Division 2 Serious offences** 21

**'161BA When an offender is convicted of a serious offence** 22

'An offender is convicted of a serious offence if— 23

(a) the offender is convicted on indictment of an offence— 24

- (i) against a provision mentioned in schedule 1; or 1
- (ii) of counselling or procuring the commission of, or 2  
attempting or conspiring to commit, an offence 3  
against a provision mentioned in schedule 1; and 4
- (b) the offender is sentenced to 5 or more, but less than 10, 5  
years imprisonment for the offence, calculated under 6  
section 161C; and 7
- (c) the sentencing court does not declare the offender to be 8  
convicted of a serious violent offence as part of the 9  
sentence under section 161B; and 10
- (d) the sentencing court does not state under section 11  
161BB(2) that it has decided not to declare the offender 12  
to be convicted of a serious offence. 13

**‘161BB Declaration of conviction of serious offence** 14

- ‘(1) If section 161BA(a) to (c) apply, the sentencing court must 15  
declare the offender to be convicted of a serious offence as 16  
part of the sentence unless the court is of the opinion that it 17  
would be unjust to do so. 18
- ‘(2) If the sentencing court decides not to declare the offender to 19  
be convicted of a serious offence under subsection (1), it must 20  
state and record— 21
  - (a) the decision not to make the declaration; and 22
  - (b) the reasons it would be unjust to make the declaration. 23
- ‘(3) If the sentencing court does not state under subsection (2) that 24  
it has decided not to declare the offender to be convicted of a 25  
serious offence, the failure of the sentencing court to make a 26  
declaration as required under subsection (1) does not affect 27  
the fact that the offender has been convicted of a serious 28  
offence. 29

**‘Division 3                      Number of years of imprisonment’.** 30

[s 124]

<b>Clause 124</b>	<b>Amendment of s 161C (Calculation of number of years of imprisonment)</b>	1 2
	Section 161C(1)(b), after ‘section 161B(3)’—	3
	<i>insert—</i>	4
	‘or 161BA’.	5
<b>Clause 125</b>	<b>Insertion of new ss 221 and 222</b>	6
	After section 220—	7
	<i>insert—</i>	8
<b>‘221</b>	<b>Transitional provision for Law Reform Amendment Act 2011—alcohol diversion amendment</b>	9 10
	‘Part 3, as amended by the <i>Law Reform Amendment Act 2011</i> , applies to a sentence imposed on or after the commencement of this section, whether the offence was committed before, on or after the commencement of this section.	11 12 13 14
<b>‘222</b>	<b>Transitional provision for Law Reform Amendment Act 2011—schedule 1 offences</b>	15 16
	‘(1) Part 9A, division 1 applies to a conviction of a new schedule 1 offence only if the offence was committed after the commencement of the relevant amendment.	17 18 19
	‘(2) Part 9A, division 2 applies to a conviction of an offence only if the offence was committed after the commencement of the relevant amendment.	20 21 22
	‘(3) In this section—	23
	<i>amending Act</i> means the <i>Law Reform Amendment Act 2011</i> .	24
	<i>new schedule 1 offence</i> means an offence against a provision of the Criminal Code mentioned in an item in schedule 1 inserted by the amending Act.	25 26 27
	<i>relevant amendment</i> means—	28



[s 126]

- |     |   |   |
|-----|---|---|
| (a) | for subsection (1)—the provision of the amending Act      | 1 |
|     | that inserted the item in schedule 1 for the new schedule | 2 |
|     | 1 offence; or   | 3 |
| (b) | for subsection (2)—the provision of the amending Act      | 4 |
|     | that inserted part 9A, division 2.’.                      | 5 |

<b>Clause 126</b>	<b>Amendment of sch 1 (Serious violent offences)</b>	6
(1)	Schedule 1, heading, after ‘offences’—	7
	<i>insert—</i>	8
	<b>‘and serious offences’.</b>	9
(2)	Schedule 1, authorising provisions, after ‘161B(3)(a)’—	10
	<i>insert—</i>	11
	<b>‘, 161BA(a)’.</b>	12
(3)	Schedule 1, Criminal Code items—	13
	<i>insert—</i>	14
	<b>‘7A section 211 (Bestiality)</b>	15
12AA	section 218A (Using internet etc. to procure children under 16)	16 17
12AB	section 218B (Grooming children under 16)	18
13A	section 228 (Obscene publications and exhibitions)	19
13B	section 228A (Involving child in making child exploitation material)	20 21
13C	section 228B (Making child exploitation material)	22
13D	section 228C (Distributing child exploitation material)	23
13E	section 228D (Possessing child exploitation material)	24
14A	section 229L (Permitting young person etc. to be at place used for prostitution)’.	25 26

[s 127]

<b>Part 26</b>	<b>Amendment of Queensland</b>	1
	<b>Civil and Administrative</b>	2
	<b>Tribunal Act 2009</b>	3

<b>Clause 127</b>	<b>Act amended</b>	4
	This part amends the <i>Queensland Civil and Administrative Tribunal Act 2009</i> .	5 6

<b>Clause 128</b>	<b>Amendment of s 46 (Withdrawal of application or referral)</b>	7
	(1) Section 46(2)—	8
	<i>renumber</i> as section 46(3).	9
	(2) Section 46(1)—	10
	<i>omit, insert—</i>	11
	‘(1) An applicant may, in the way stated in the rules, withdraw the applicant’s application or referral for a matter before the matter is heard and decided by the tribunal.	12 13 14
	‘(2) However, if the application or referral is made under any of the following, the applicant may only withdraw the application or referral with the leave of the tribunal—	15 16 17
	(a) the <i>Guardianship and Administration Act 2000</i> ;	18
	(b) the <i>Powers of Attorney Act 1998</i> ;	19
	(c) the <i>Disability Services Act 2006</i> , section 123ZK(8) or 123ZN(5).’.	20 21

<b>Clause 129</b>	<b>Amendment of s 50 (Decision by default for debt)</b>	22
	(1) Section 50, heading, after ‘debt’—	23
	<i>insert—</i>	24
	<b>‘or liquidated demand of money’.</b>	25
	(2) Section 50(2), ‘an order in favour of the applicant (a <i>decision by default</i> )’—	26 27

*omit, insert—*

‘a decision by default’.

**Clause 130 Insertion of new s 50A**

After section 50—

*insert—*

**‘50A Decision by default for unliquidated damages**

‘(1) This section applies if—

(a) a person has applied to the tribunal to recover an amount consisting of, or including, unliquidated damages from a person (the *respondent*); and

(b) an enabling Act that is an Act, or the rules, states that the respondent must respond to the application within a stated period; and

(c) the respondent has not responded to the application within the stated period.

‘(2) The applicant may, in the way stated in the rules, apply to the tribunal for a decision by default conditional on the assessment by the tribunal of the unliquidated damages.

‘(3) The application may include a claim for—

(a) any liquidated amount claimed in the application starting the proceeding; and

(b) interest on the liquidated amount claimed at the rate the tribunal considers appropriate; and

(c) either—

(i) for an application for a minor civil dispute—costs stated in the rules as costs that may be awarded for minor civil disputes under section 102; or

(ii) for an application other than for a minor civil dispute—

(A) the fee paid for the application; and

[s 131]

---

	(B) legal costs based on a scale stated in the rules.	1 2
	‘(4) If the applicant applies for a decision by default under this section the principal registrar may make the decision.	3 4
	‘(5) If a decision by default is given under subsection (4)—	5
	(a) the decision is taken to be a final decision of the tribunal in the proceeding; and	6 7
	(b) the tribunal must assess the unliquidated damages.	8
	‘(6) The applicant must prove the respondent has been given a copy of the application before a decision by default may be made under this section.’.	9 10 11
<b>Clause 131</b>	<b>Amendment of s 51 (Setting aside decision by default)</b>	12
	Section 51, ‘under section 50’—	13
	<i>omit.</i>	14
<b>Clause 132</b>	<b>Amendment of s 52 (Transfer to more appropriate forum)</b>	15
	Section 52(7), ‘judicial’—	16
	<i>omit, insert—</i>	17
	‘legally qualified’.	18
<b>Clause 133</b>	<b>Amendment of s 59 (Injunctions)</b>	19
	Section 59(4), ‘judicial’—	20
	<i>omit, insert—</i>	21
	‘legally qualified’.	22
<b>Clause 134</b>	<b>Amendment of s 60 (Declarations)</b>	23
	Section 60(5), ‘judicial’—	24
	<i>omit, insert—</i>	25
	‘legally qualified’.	26

<b>Clause 135</b>	<b>Amendment of s 61 (Relief from procedural requirements)</b>	1 2
	Section 61(5)(b), from ‘if’ to ‘proceeding—’—	3
	<i>omit.</i>	4
<b>Clause 136</b>	<b>Amendment of s 62 (Directions)</b>	5
	Section 62(7)(b), from ‘if’ to ‘proceeding—’—	6
	<i>omit.</i>	7
<b>Clause 137</b>	<b>Amendment of s 63 (Obtaining a document or thing from third parties)</b>	8 9
	Section 63(6)(b), from ‘if’ to ‘proceeding—’—	10
	<i>omit.</i>	11
<b>Clause 138</b>	<b>Amendment of s 122 (Request for written reasons)</b>	12
	(1) Section 122(3), ‘The’—	13
	<i>omit, insert—</i>	14
	‘Subject to subsection (4), the’.	15
	(2) Section 122—	16
	<i>insert—</i>	17
	‘(4) The tribunal need not comply with a request for written reasons for a decision made under section 51, 54(1), 55(1), 56(1), 57, 61(1), 62(1) or (3), 63(1) or (4) or 64(1).’.	18 19 20
<b>Clause 139</b>	<b>Amendment of s 142 (Party may appeal)</b>	21
	(1) Section 142(2)(b)—	22
	<i>renumber</i> as section 142(2)(c).	23
	(2) Section 142(2)—	24
	<i>insert—</i>	25

[s 140]

‘(b) a decision to set aside a decision by default under section 51;’.

- Clause 140 Amendment of s 143 (Appealing or applying for leave to appeal)**
- (1) Section 143(5), definition *relevant day*, paragraph (b)—  
*renumber* as paragraph (c).
- (2) Section 143(5), definition *relevant day*, paragraph (a)—  
*omit, insert—*
- ‘(a) if written reasons have not been given for the decision being appealed against and have not been requested under section 122 or are not otherwise required to be given—the day the person received notice of the decision; or
- (b) the day the person is given written reasons for the decision being appealed against; or’.

- Clause 141 Insertion of new s 143A**
- After section 143—  
*insert—*
- ‘143A Referring matter to tribunal to consider reopening**
- ‘(1) This section applies if—
- (a) an application or appeal is filed under section 143 against a decision of the tribunal; and
- (b) the appeal tribunal considers that—
- (i) the reasons for the application or appeal may constitute a reopening ground for the applicant or appellant in the proceeding to which the application or appeal relates; and
- (ii) the application or appeal could be more effectively or conveniently dealt with if it were taken to be an application to reopen under part 7, division 7.

[s 142]

- 
- ‘(2) The appeal tribunal may refer the matter to the tribunal for deciding whether the proceeding should be reopened.
1  
2
  - ‘(3) If the appeal tribunal refers a matter under subsection (2)—
3
  - (a) the applicant or appellant is taken—
4
  - (i) to have made an application for the proceeding to be reopened in compliance with section 138; and
5  
6
  - (ii) not to have made an application or appeal under section 143; and
7  
8
  - (b) the appeal tribunal must give notice of the referral to—
9
  - (i) each party to the proceeding; and
10
  - (ii) any other person the tribunal reasonably considers should be given notice of the referral.’.
11  
12

**Clause 142    Amendment of s 218 (Contempt of tribunal)** 13

Section 218(1)(b) and (d), ‘or mediation’— 14

*omit, insert—* 15

‘, mediation or conciliation’. 16

**Clause 143    Amendment of s 237 (Immunity of participants etc.)** 17

(1) Section 237(3), from ‘A’ to ‘a mediator’— 18

*omit, insert—* 19

‘A mediator or conciliator has, in the performance of the mediator’s or conciliator’s functions as a mediator or conciliator’. 20  
21  
22

(2) Section 237(11)— 23

*insert—* 24

‘**assessor** includes a person appointed by the tribunal to assess costs under the rules. 25  
26

**conciliator** means a person who conducts conciliation under the rules.’. 27  
28

[s 144]

<b>Clause 144</b>	<b>Amendment of sch 3 (Dictionary)</b>	1
	(1) Schedule 3, definition <i>decision by default</i> —	2
	<i>omit, insert</i> —	3
	‘ <b>decision by default</b> , in relation to an application made under	4
	section 50(2) or 50A(2) claiming a debt, liquidated demand of	5
	money or unliquidated damages, means an order in favour of	6
	the applicant for the debt, liquidated demand or unliquidated	7
	damages claimed.’.	8
	(2) Schedule 3, definition <i>judicial member</i> —	9
	<i>insert</i> —	10
	‘(c) for constituting the tribunal for a matter or class of	11
	matters—includes a senior member or ordinary member	12
	who is a former judge and is nominated by the president	13
	to constitute the tribunal.’.	14
	(3) Schedule 3, definition <i>reopening ground</i> , ‘, for chapter 2, part	15
	7, division 7,’—	16
	<i>omit</i> .	17

<b>Part 27</b>	<b>Amendment of Recording of Evidence Act 1962</b>	18
		19

<b>Clause 145</b>	<b>Act amended</b>	20
	This part amends the <i>Recording of Evidence Act 1962</i> .	21
	<i>Note</i> —	22
	See also the amendments in the schedule.	23

<b>Clause 146</b>	<b>Amendment of s 4 (Definitions)</b>	24
	Section 4—	25
	<i>insert</i> —	26



[s 147]

- ‘corrective services’* see the *Corrective Services Act 2006*,  
schedule 4.
- information technology service provider* means the entity  
whose functions include supplying property or services that  
consist of or use information technology expertise to  
administer a database of sentencing information.
- legal services* see the *Legal Profession Act 2007*, schedule 2.
- QSiS* see section 11C.
- QSiS database* see section 11C.
- QSiS information* see section 11F.
- relevant judicial person* see section 11E.
- sentencing information* includes—
- (a) information about sentencing contained in transcripts, or  
parts of transcripts, of recordings of criminal  
proceedings; and
  - (b) other information related to the administration of the  
criminal justice system in Queensland.’.

**Clause 147      Amendment of s 7 (Oath of office)**

Section 7, ‘stipendiary’—

*omit.*

**Clause 148      Insertion of new ss 11C–11I**

After section 11B—

*insert—*

**‘11C      Establishment of Queensland Sentencing Information  
Service**

‘(1) The Queensland Sentencing Information Service (*QSiS*) is  
established.

‘(2) The purpose of establishing QSiS is to provide a database of  
sentencing information (the *QSiS database*) to help with the

[s 148]

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administration of the criminal justice system by, for example,  
helping the courts achieve consistency in sentencing.

- ‘11D Sentencing information in QGIS database**
- ‘(1) The chief executive may give sentencing information to the information technology service provider for inclusion in the QGIS database.
- ‘(2) The information technology service provider may include the sentencing information in the QGIS database.
- ‘(3) The chief executive may allow access to the QGIS database only—
- (a) to an entity—
- (i) entitled to access under section 11E(1); or
- (ii) granted access under an arrangement mentioned in section 11F; and
- (b) for the purpose for which QGIS was established.
- ‘(4) This section applies despite any other Act that restricts or prohibits the disclosure of sentencing information.
- ‘11E Access to QGIS database**
- ‘(1) Relevant judicial persons are entitled to access to the QGIS database.
- ‘(2) Subject to subsection (3), the chief executive may grant access to the QGIS database to any of the following—
- (a) a government entity concerned with—
- (i) prosecuting offences; or
- (ii) providing legal services to defendants; or
- (iii) providing corrective services to offenders;
- (b) a local government to the extent the local government is concerned with prosecuting offences;

- 
- (c) a non-government organisation that receives funding from the Commonwealth or a State government to provide legal services to defendants; 1 2 3
  - (d) an employee of a non-government organisation who, under an Act, is appointed to enforce compliance with the Act; 4 5 6
  - (e) a part of a government entity concerned with the administration of the criminal justice system; 7 8
  - (f) a law practice or an individual Australian legal practitioner concerned with— 9 10
    - (i) prosecuting offences; or 11
    - (ii) providing legal services to defendants. 12
  - ‘(3) The chief executive may grant access to the QGIS database only— 13 14
    - (a) to an entity mentioned in subsection (2); and 15
    - (b) under an arrangement mentioned in section 11F. 16
  - ‘(4) In this section— 17
    - Australian legal practitioner*** see the *Legal Profession Act 2007*, section 6. 18 19
    - government entity***— 20
      - (a) has the meaning given by the *Public Service Act 2008*, section 24; and 21 22
      - (b) includes a government entity of the Commonwealth or another State. 23 24
    - law practice*** see the *Legal Profession Act 2007*, schedule 2, definition *law practice*, paragraph (b). 25 26
    - relevant judicial person*** means any of the following— 27
      - (a) a judge of the Supreme Court or the District Court; 28
      - (b) an associate to a judge; 29
      - (c) a magistrate; 30
-

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(d)	a judicial registrar of the Supreme Court, the District Court or the Magistrates Court.	1 2
<b>‘11F</b>	<b>Arrangements for access to QGIS database</b>	3
‘(1)	Subsection (2) applies if the chief executive intends granting an entity access to the QGIS database under section 11E(2).	4 5
‘(2)	The chief executive must enter into a written arrangement with the entity about the access.	6 7
‘(3)	Without limiting subsection (2), the arrangement must state—	8
(a)	the purposes for which information obtained from QGIS (the <i>QGIS information</i> ) may be used; and	9 10
(b)	for an arrangement with an entity other than an individual—the persons or category of persons within the entity to whom the QGIS information may be disclosed; and	11 12 13 14
(c)	that the QGIS information may not be disclosed to anyone other than in accordance with the arrangement.	15 16
<b>‘11G</b>	<b>Misuse of QGIS information</b>	17
‘(1)	Subsection (2) applies to information an entity holds because the information was contained in QGIS information obtained under section 11E(1) or (2).	18 19 20
‘(2)	The entity, or persons within the entity to whom the QGIS information is disclosed, must not use the information other than for the purpose for which it was obtained.	21 22 23
	Maximum penalty—	24
(a)	for an individual—100 penalty units; or	25
(b)	for a corporation—500 penalty units.	26
‘(3)	Subsection (2) does not apply to an entity if, had the entity obtained the information in the performance of the entity’s functions under another Act, use of the information would not have been restricted in the way stated in subsection (2).	27 28 29 30

<b>‘11H Use of information permitted despite other Act</b>	1
‘An entity, or persons within the entity to whom QSI	2
information obtained under section 11E(1) or (2) is disclosed,	3
may use the information for the purpose for which it was	4
obtained, despite any other Act restricting or prohibiting the	5
use of the information.	6
 <b>‘11I Protection from liability</b>	7
‘(1) This section applies to a person who, acting honestly, makes	8
information available to an entity—	9
(a) entitled to access to the information under section	10
11E(1); or	11
(b) granted access to the information under section 11E(2).	12
‘(2) The person is not liable, civilly, criminally or under an	13
administrative process, for making the information available.	14
‘(3) Also, merely because the person makes the information	15
available, the person can not be held to have—	16
(a) breached any code of professional etiquette or ethics; or	17
(b) departed from accepted standards of professional	18
conduct.	19
‘(4) Without limiting subsections (2) and (3)—	20
(a) in a proceeding for defamation, the person has a defence	21
of absolute privilege for making the information	22
available; and	23
(b) if the person would otherwise be required to maintain	24
confidentiality about the information under an Act, oath	25
or rule of law or practice, the person—	26
(i) does not contravene the Act, oath or rule of law or	27
practice by making the information available; and	28
(ii) is not liable to disciplinary action for making the	29
information available.’.	30

[s 149]

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<b>Clause 149</b>	<b>Amendment of s 13 (Regulations)</b>	1
	Section 13(2)(e), after ‘transcriptions’—	2
	<i>insert—</i>	3
	‘or copies’.	4

<b>Part 28</b>	<b>Amendment of State Penalties Enforcement Act 1999</b>	5
		6

<b>Clause 150</b>	<b>Act amended</b>	7
	This part amends the <i>State Penalties Enforcement Act 1999</i> .	8

<b>Clause 151</b>	<b>Amendment of s 12 (Protection from liability)</b>	9
(1)	Section 12(3), definition <i>official</i> , paragraphs (b) and (c)—	10
	<i>renumber</i> as paragraphs (c) and (d).	11
(2)	Section 12(3), definition <i>official</i> —	12
	<i>insert—</i>	13
	‘(b) a person acting under the authority or direction of the registrar; or’.	14
		15

<b>Clause 152</b>	<b>Amendment of s 34 (Default in paying fine, penalty or other amount under court order)</b>	16
	Section 34(2B)—	17
	<i>omit, insert—</i>	18
		19
(2B)	However, subsection (2A) does not apply to an unpaid amount under an order mentioned in subsection (1)(d) or (f) if—	20
		21
(a)	the person to whom the order relates is an individual;	22
	and	23

- (b) at the time the court makes the order, the court can not  
order that payment of the unpaid amount can be satisfied  
by imprisoning the individual for a period.’.

**Clause 153 Insertion of new pt 10, div 8**

Part 10—

*insert—*

**‘Division 8 Validating provision for Law Reform  
Amendment Act 2011**

**‘184 Registration of prescribed particulars of unpaid amounts  
for particular orders for corporations under s 34**

‘(1) This section applies if, before the commencement—

(a) an order mentioned in section 34(1)(d) or (f) was made  
against a person who is a corporation; and

(b) under section 34(2A), the court registrar purported to  
give to SPER for registration the prescribed particulars  
of an unpaid amount under the order.

‘(2) Despite section 34(2B) as in force immediately before the  
commencement, the following are, and are taken always to  
have been, valid—

(a) the giving of the particulars to SPER;

(b) any subsequent registration of the particulars under  
section 34(3);

(c) any subsequent enforcement order, enforcement warrant  
or fine collection notice issued against the corporation  
for the unpaid amount under section 34(4).’.

[s 154]

<b>Part 29</b>	<b>Amendment of Trustee Companies Act 1968</b>	1
		2
<b>Clause 154</b>	<b>Act amended</b>	3
	This part amends the <i>Trustee Companies Act 1968</i> .	4
<b>Clause 155</b>	<b>Amendment of s 68C (Compulsory transfer determinations)</b>	5
		6
	(1) Section 68C, heading, ‘Compulsory transfer’—	7
	<i>omit, insert—</i>	8
	<b>‘Transfer’.</b>	9
	(2) Section 68C(1)(a)—	10
	<i>omit, insert—</i>	11
	‘(a) ASIC makes a determination under the Corporations Act, section 601WBA that there is to be a transfer of estate assets and liabilities from a trustee company (the <i>transferring company</i> ) to another trustee company (the <i>receiving company</i> ); and’.	12
		13
		14
		15
		16
	(3) Section 68C—	17
	<i>insert—</i>	18
	‘(5) The registrar of titles or other person required or authorised by law to register or record transactions affecting assets or liabilities—	19
		20
		21
	(a) may, without formal application, register or record in the appropriate way the transfer of an asset or liability under the certificate to the receiving company; and	22
		23
		24
	(b) must, on written application by the receiving company, register or record in the appropriate way the transfer of an asset or liability under the certificate to the receiving company.	25
		26
		27
		28
	‘(6) A transaction related to an asset or liability transferred to a receiving company entered into by the receiving company in	29
		30



[s 156]

- 
- the transferring company's name or the name of a predecessor  
in title to the transferring company, if effected by an  
instrument otherwise in registrable form, must be registered  
even though the receiving company has not been registered as  
proprietor of the asset or liability.
- ‘(7) If an asset or liability is registered in the name of a receiving  
company, the registrar of titles or other registering authority  
may register a dealing for a transaction about the asset or  
liability without being concerned to enquire whether it is, or is  
not, an asset or liability transferred under a certificate.
- ‘(8) For the purposes of this section, the public trustee is taken to  
be a trustee company.’.

## **Part 30                      Acts and Code amended** 13

- Clause    156        Acts and Code amended** 14
- The schedule amends the Acts and Code it mentions. 15

<b>Schedule</b>	<b>Minor amendments</b>	1
	section 156	2
<b>Acts Interpretation Act 1954</b>		3
<b>1 Section 14(4), second example—</b>		4
<i>omit, insert—</i>		5
<i>‘Example of an editor’s note—</i>		6
See the editor’s note to section 14B(3), definition <i>extrinsic material</i> ,		7
paragraph (f).’		8
<b>2 Section 17(3), ‘is made under subsection (1) that’—</b>		9
<i>omit, insert—</i>		10
‘made under subsection (1)’.		11
<b>3 Section 35B(1), definition <i>provision unit</i>, paragraph (b), ‘subparagraph, or sub-subparagraph, of the body of the Act’—</b>		12
		13
		14
<i>omit, insert—</i>		15
‘subparagraph or sub subparagraph of the body of the Act.’.		16
<b>4 Section 36, definitions <i>National Gas (Queensland) Law</i> and <i>National Gas (Queensland) Regulations</i>, ‘Gas Law’—</b>		17
		18
<i>omit, insert—</i>		19
‘Gas’.		20

<b>Criminal Code Act 1899</b>	1
<b>1 Section 3(a), after ‘future;’—</b>	2
<i>insert—</i>	3
‘and’.	4
<b>2 Section 3(b), after ‘Act;’—</b>	5
<i>insert—</i>	6
‘and’.	7
<b>3 Section 3(c), after ‘passed;’—</b>	8
<i>insert—</i>	9
‘and’.	10
<b>4 Section 3(d), after ‘repealed;’—</b>	11
<i>insert—</i>	12
‘and’.	13
<b>Criminal Code</b>	14
<b>1 Section 1, definition <i>adult entertainment</i>, ‘section 103E’—</b>	15
<i>omit, insert—</i>	16
‘section 103N’.	17
<b>2 Section 1, definition <i>approved manager</i>—</b>	18
<i>omit.</i>	19

Schedule

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<b>3</b>	<b>Section 1, definition <i>night or night-time</i>, ‘or <i>night-time</i>’—</b>	<b>1</b>
	<i>omit.</i>	<b>2</b>
<b>4</b>	<b>Section 227A(1), penalty and examples—</b>	<b>3</b>
	<i>omit, insert—</i>	<b>4</b>
	‘ <i>Examples of circumstances where a reasonable adult would expect to be afforded privacy—</i>	<b>5</b>
	1 A person changing in a communal change room at a swimming pool may expect to be observed by another person who is also changing in the room but may not expect to be visually recorded.	<b>7</b>
	2 A person who needs help to dress or use a toilet may expect to be observed by the person giving the help but may not expect to be observed by another person.	<b>10</b>
	Maximum penalty—2 years imprisonment.’	<b>13</b>
<b>5</b>	<b>Section 227A(2), penalty and example—</b>	<b>14</b>
	<i>omit, insert—</i>	<b>15</b>
	‘ <i>Example for subsection (2)—</i>	<b>16</b>
	using a mobile phone in a public place to take photos of women’s underwear under their skirts without their consent	<b>17</b>
	Maximum penalty—2 years imprisonment.’	<b>19</b>
<b>6</b>	<b>Section 228(6)—</b>	<b>20</b>
	<i>omit.</i>	<b>21</b>
<b>7</b>	<b>Section 229B(9), editor’s note—</b>	<b>22</b>
	<i>omit, insert—</i>	<b>23</b>
	‘ <i>Note—</i>	<b>24</b>
	See the <i>Penalties and Sentences Act 1992</i> , section 155 (Imprisonment to be served concurrently unless otherwise ordered).’	<b>25</b>
		<b>26</b>

<b>8</b>	<b>Section 229C, definition <i>premises</i>—</b>	1
	<i>omit.</i>	2
<b>9</b>	<b>Section 229G(5)—</b>	3
	<i>insert—</i>	4
	<i>‘approved manager means an approved manager under the Prostitution Act 1999.’.</i>	5
		6
<b>10</b>	<b>Section 339(3)—</b>	7
	<i>renumber as section 339(2).</i>	8
<b>11</b>	<b>Section 473(a), ‘, or of a river, canal, aqueduct, reservoir,’—</b>	9
	<i>omit.</i>	10
		11
<b>12</b>	<b>Section 473(a), ‘, harbour, dock, canal, aqueduct, reservoir,’—</b>	12
	<i>omit.</i>	13
		14
<b>13</b>	<b>Part 6, division 3, chapter 48, heading, ‘definitions’—</b>	15
	<i>omit, insert—</i>	16
	<i>‘definition’.</i>	17
<b>14</b>	<b>Section 484, heading, ‘Definitions’—</b>	18
	<i>omit, insert—</i>	19
	<i>‘Definition’.</i>	20
<b>15</b>	<b>Section 484, definitions <i>bank note</i> and <i>seal</i>—</b>	21
	<i>omit.</i>	22

Schedule

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<b>16</b>	<b>Section 546(b) to (e)—</b>	<b>1</b>
	<i>renumber</i> as section 546(a) to (d).	<b>2</b>
<b>17</b>	<b>Section 590AS(1), editor's note—</b>	<b>3</b>
	<i>omit, insert—</i>	<b>4</b>
	<i>'Note—</i>	<b>5</b>
	For viewing of original evidence that is sensitive evidence, see section 590AO(2)(f), (3) and (4).'	<b>6</b>
		<b>7</b>
<b>18</b>	<b>Section 590B(2), 'directions'—</b>	<b>8</b>
	<i>omit.</i>	<b>9</b>
<b>19</b>	<b>Section 590C(3), 'directions'—</b>	<b>10</b>
	<i>omit.</i>	<b>11</b>
<b>20</b>	<b>Section 632(1), editor's note—</b>	<b>12</b>
	<i>omit, insert—</i>	<b>13</b>
	<i>'Note—</i>	<b>14</b>
	See sections 52 (Sedition), 125 (Evidence on charge of perjury) and 195 (Evidence).'	<b>15</b>
		<b>16</b>
<b>21</b>	<b>Section 671G(5)(c), after 'Court;—</b>	<b>17</b>
	<i>insert—</i>	<b>18</b>
	<i>'and'.</i>	<b>19</b>
	<b>District Court of Queensland Act 1967</b>	<b>20</b>
<b>1</b>	<b>Section 10(1), editor's note—</b>	<b>21</b>
	<i>omit, insert—</i>	<b>22</b>

	<i>Note—</i>	1
	See the <i>Constitution of Queensland 2001</i> , section 59 (Appointment of judges) for the oath or affirmation requirement.’.	2 3
<b>2</b>	<b>Section 28B(1), editor’s note—</b>	4
	<i>omit, insert—</i>	5
	<i>Note—</i>	6
	See the <i>Constitution of Queensland 2001</i> , section 59 (Appointment of judges) for the oath or affirmation requirement.’.	7 8
	<b>Legal Profession Act 2007</b>	9
<b>1</b>	<b>Section 430(5), ‘424’—</b>	10
	<i>omit, insert—</i>	11
	‘432’.	12
	<b>Powers of Attorney Act 1998</b>	13
<b>1</b>	<b>Section 41(2)(c), after ‘make’—</b>	14
	<i>insert—</i>	15
	‘decisions about’.	16
	<b>Recording of Evidence Act 1962</b>	17
<b>1</b>	<b>Section 11A(6)(a), after ‘made;’—</b>	18
	<i>insert—</i>	19

	‘or’.	1
	<b>Statutory Instruments Act 1992</b>	2
1	<b>Section 36(2)(a) and (b), ‘; or’—</b> <i>omit, insert—</i> ‘;’.	3 4 5
2	<b>Section 46, heading, ‘?’—</b> <i>omit.</i>	6 7
3	<b>Section 46(1)(l), ‘Electricity’—</b> <i>omit, insert—</i> ‘Electrical’.	8 9 10
4	<b>Schedule 2, ‘section 7’—</b> <i>omit.</i>	11 12