



Queensland

Justice and Other Legislation Amendment Bill 2019



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2019

A Bill

for

An Act to amend the *Acts Interpretation Act 1954*, the *Anti-Discrimination Act 1991*, the *Appeal Costs Fund Act 1973*, the *Civil Proceedings Act 2011*, the *Commercial Arbitration Act 2013*, the *Coroners Act 2003*, the *Corrective Services Act 2006*, the *Crime and Corruption Act 2001*, the *Criminal Code*, the *Criminal Law (Rehabilitation of Offenders) Act 1986*, the *Criminal Proceeds Confiscation Act 2002*, the *Dangerous Prisoners (Sexual Offenders) Act 2003*, the *District Court of Queensland Act 1967*, the *Drugs Misuse Act 1986*, the *Evidence Act 1977*, the *Guardianship and Administration Act 2000*, the *Introduction Agents Act 2001*, the *Judges (Pensions and Long Leave) Act 1957*, the *Land Court Act 2000*, the *Legal Profession Act 2007*, the *Legal Profession Regulation 2017*, the *Magistrates Courts Act 1921*, the *Mineral Resources Act 1989*, the *Ombudsman Act 2001*, the *Peace and Good Behaviour Act 1982*, the *Penalties and Sentences Act 1992*, the *Penalties and Sentences Regulation 2015*, the *Personal Injuries Proceedings Act 2002*, the *Personal Injuries Proceedings Regulation 2014*, the *Property Law Act 1974*, the *Property Law Regulation 2013*, the *Queensland Civil and Administrative Tribunal Act 2009*, the

Retail Shop Leases Act 1994, the Second-hand Dealers and Pawnbrokers Act 2003, the Succession Act 1981, the Surrogacy Act 2010, the Tourism Services Act 2003 and the legislation mentioned in schedule 1 for particular purposes

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 2019*. 4
5

Clause 2 Commencement 6
Parts 17, 20 and 24 commence on a day to be fixed by 7
proclamation. 8

Part 2 Amendment of Acts Interpretation Act 1954 9
10

Clause 3 Act amended 11
This part amends the *Acts Interpretation Act 1954*. 12

Clause 4 Amendment of s 39A (Meaning of service by post etc.) 13
Section 39A(4)— 14
omit. 15

Clause 5 Amendment of s 48 (Forms—notification and availability) 16
(1) Section 48(6)(a), after ‘relevant website’— 17
insert— 18
or a website (a *related website*) accessible through 19
the relevant website 20

	(3) Subsection (2) applies subject to section 141A.	1
Clause 9	Amendment of s 141 (Time limit on acceptance or rejection of complaints)	2
	Section 141—	3
	<i>insert—</i>	4
	(3) This section applies subject to section 141A.	5
Clause 10	Insertion of new s 141A	6
	After section 141—	7
	<i>insert—</i>	8
	141A Deferral of acceptance of complaint for out-of-time contravention	9
	(1) This section applies if—	10
	(a) a complaint relates to—	11
	(i) at least 1 alleged contravention of the Act that happened within 1 year before the complaint was made (a <i>within-time contravention</i>); and	12
	(ii) at least 1 alleged contravention of the Act that happened more than 1 year before the complaint was made (an <i>out-of-time contravention</i>); and	13
	(b) the commissioner decides to accept the complaint under section 141 to the extent it relates to the within-time contravention.	14
	(2) The commissioner may defer deciding under section 138(2) whether or not to accept the complaint to the extent it relates to the out-of-time contravention until the commissioner has tried to resolve the complaint by conciliation under division 3.	15
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[s 11]

Clause 11	Amendment of s 142 (Reasons for rejected complaints)	1
	Section 142—	2
	<i>insert—</i>	3
	(4) To remove any doubt, it is declared that a reference in this section to rejecting a complaint includes a reference to deciding not to accept a complaint under section 137(1) or 138(2)(b).	4 5 6 7
	(5) In this section—	8
	complaint includes a complaint mentioned in section 141A to the extent it relates to an out-of-time contravention.	9 10 11
Clause 12	Amendment of s 158 (Conciliation of complaints)	12
	Section 158—	13
	<i>insert—</i>	14
	(2) Subsection (1) applies in relation to a complaint even if the commissioner has, under section 141A(2), deferred deciding whether or not to accept the complaint under section 138(2) to the extent it relates to an out-of-time contravention.	15 16 17 18 19
Clause 13	Amendment of s 164A (Right of complainant to seek referral to tribunal after conciliation conference)	20 21
	(1) Section 164A—	22
	<i>insert—</i>	23
	(4A) If the commissioner has, under section 141A(2), deferred deciding whether or not to accept the complaint under section 138(2) to the extent it relates to an out-of-time contravention, the commissioner must make that decision before acting under subsection (3).	24 25 26 27 28 29
	(2) Section 164A(4A) to (6)—	30

renumber as section 164A(5) to (7). 1

Clause 14 Amendment of schedule (Dictionary) 2

(1) Schedule— 3

insert— 4

out-of-time contravention see section 5

141A(1)(a)(ii). 6

(2) Schedule— 7

number as schedule 1. 8

Part 4 Amendment of Appeal Costs Fund Act 1973 9 10

Clause 15 Act amended 11

This part amends the *Appeal Costs Fund Act 1973*. 12

Clause 16 Amendment of s 22 (Abortive proceedings and new trials after proceedings discontinued) 13 14

(1) Section 22(2)(c), ‘and the presiding judge, magistrate or justice’— 15 16

omit, insert— 17

and the relevant judge, relevant magistrate or 18

relevant justice 19

(2) Section 22(2)(c), ‘certificate the presiding judge, magistrate or justice’— 20 21

omit, insert— 22

certificate the relevant judge, relevant magistrate 23

or relevant justice 24

(3) Section 22— 25

insert— 26

[s 16]

- (6) In this section— 1
- relevant judge**, in relation to a civil or criminal 2
proceeding, means— 3
- (a) the presiding judge of the court in which the 4
proceeding was heard; or 5
- (b) another judge of the court, if— 6
- (i) it is not reasonably practicable for the 7
presiding judge to grant a certificate 8
under subsection (2)(c) because of 9
illness; or 10
- (ii) the presiding judge has stopped being a 11
judge of the court or has died. 12
- relevant justice** means— 13
- (a) the presiding justice; or 14
- (b) another justice, if— 15
- (i) it is not reasonably practicable for the 16
presiding justice to grant a certificate 17
under subsection (2)(c) because of 18
illness; or 19
- (ii) the presiding justice has stopped being 20
a justice or has died. 21
- relevant magistrate** means— 22
- (a) the presiding magistrate; or 23
- (b) another magistrate, if— 24
- (i) it is not reasonably practicable for the 25
presiding magistrate to grant a 26
certificate under subsection (2)(c) 27
because of illness; or 28
- (ii) the presiding magistrate has stopped 29
being a magistrate or has died. 30

Part 5	Amendment of Civil Proceedings Act 2011	1 2
Clause 17	Act amended	3
	This part amends the <i>Civil Proceedings Act 2011</i> .	4
Clause 18	Amendment of s 59 (Interest after money order)	5
	Section 59(4)(b), ‘assessment’—	6
	<i>omit, insert—</i>	7
	ascertainment of the costs	8
Clause 19	Amendment of s 76 (Definitions for division)	9
	(1) Section 76, definition <i>assessor</i> —	10
	<i>omit.</i>	11
	(2) Section 76—	12
	<i>insert—</i>	13
	<i>account assessor</i> means an account assessor under the rules.	14 15
	<i>costs assessor</i> means a costs assessor under the rules.	16 17
	<i>trial assessor</i> means an assessor chosen under the rules, chapter 13, part 7.	18 19
Clause 20	Amendment of s 77 (Protection and immunity)	20
	(1) Section 77, heading, after ‘immunity’—	21
	<i>insert—</i>	22
	for costs assessors and account assessors	23
	(2) Section 77(1), ‘assessor, an assessor’—	24
	<i>omit, insert—</i>	25

[s 21]

	a costs assessor or an account assessor, a costs assessor or an account assessor	1 2
Clause 21	Amendment of s 78 (Preservation of confidentiality)	3
	Section 78(1), ‘an assessor’—	4
	<i>omit, insert—</i>	5
	a costs assessor or an account assessor	6
Clause 22	Amendment of s 79 (Preservation of privilege)	7
	Section 79, ‘an assessor’—	8
	<i>omit, insert—</i>	9
	a costs assessor or an account assessor	10
Clause 23	Insertion of new s 79AA	11
	After section 79—	12
	<i>insert—</i>	13
	79AA Protection and immunity for trial assessors	14
	In performing the functions of a trial assessor, a trial assessor has the same protection and immunity as a witness attending before the Supreme Court.	15 16 17 18
Clause 24	Amendment of sch 1 (Dictionary)	19
	(1) Schedule 1, definition <i>assessor</i> —	20
	<i>omit.</i>	21
	(2) Schedule 1—	22
	<i>insert—</i>	23
	<i>account assessor</i> , for part 12, division 1, see section 76.	24 25

<i>costs assessor</i> , for part 12, division 1, see section 76.	1 2
<i>trial assessor</i> , for part 12, division 1, see section 76.	3 4

Part 6	Amendment of Commercial Arbitration Act 2013	5 6
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Clause 25	Act amended	7
	This part amends the <i>Commercial Arbitration Act 2013</i> .	8
Clause 26	Amendment of s 27H (The Court may prohibit disclosure of confidential information in certain circumstances)	9 10
	Section 27H(1)(a), ‘and’—	11
	<i>omit, insert—</i>	12
	or	13

Part 7	Amendment of Coroners Act 2003	14 15
---------------	---------------------------------------	----------

Clause 27	Act amended	16
	This part amends the <i>Coroners Act 2003</i> .	17
Clause 28	Insertion of new s 11AA	18
	After section 11—	19
	<i>insert—</i>	20
	11AA Preliminary examinations	21
	(1) After a police officer reports a person’s death to a coroner under section 7(4), an examination for the	22 23

[s 28]

- deceased person's body (a ***preliminary examination***) may be performed under this section. 1
2
3
- (2) The purpose of the preliminary examination is to 4
assist a coroner in the performance of the 5
coroner's functions under this Act relating to the 6
person's death. 7
- Example of a coroner's function—* 8
deciding whether a death is a reportable death 9
- (3) The preliminary examination may include any of 10
the following procedures performed for the 11
deceased person's body, alone or in 12
combination— 13
- (a) a visual examination of the body, including 14
a dental examination; 15
- (b) the collection and review of relevant 16
information, including personal and health 17
information relating to the deceased person 18
or the death of the person; 19
- (c) the taking, including by making an incision 20
in the body, of samples of bodily fluid from 21
the body, including blood, urine, saliva, 22
mucus and vitreous humour samples, and 23
the testing of those samples; 24
- (d) the imaging of the body, including the use of 25
computed tomography (CT scan), magnetic 26
resonance imaging (MRI scan), x-ray, 27
ultrasound and photography; 28
- (e) the taking of samples from the surface of the 29
body, including swabs from wounds and 30
inner cheek, hair samples and samples from 31
under fingernails and from the skin, and the 32
testing of those samples; 33
- (f) the fingerprinting of the body. 34
- (4) A doctor who is listed in the guidelines as a doctor 35

approved by the State Coroner to perform preliminary examinations (an *examiner*), or a suitably qualified person under the general supervision of an examiner, may perform the preliminary examination for the person's body.

Example of a suitably qualified person—

a coronial nurse

- (5) Before the examiner, or a person supervised by the examiner, performs the preliminary examination for the person's body, the examiner must, whenever practicable, consider at least the following—
- (a) that in some cases the person's family may be distressed by the procedures to be performed in the examination, including, for example, because of cultural traditions or spiritual beliefs;
 - (b) any concerns raised by a family member, or another person with a sufficient interest, in relation to the procedures to be performed for the examination.
- (6) As soon as practicable after the preliminary examination is completed, the examiner must—
- (a) prepare a preliminary examination report; and
 - (b) give the report to a coroner.
- (7) In this section—
- preliminary examination report*** means a written report containing information about a preliminary examination performed for a deceased person, including, for example, information about the following—
- (a) the results of any procedures or tests that were performed as part of the preliminary examination;

[s 29]

	(b) the cause of the person's death, if known.	1
Clause 29	Amendment of s 12 (Deaths not to be investigated or further investigated)	2
		3
	(1) Section 12, heading—	4
	<i>omit, insert—</i>	5
	12 Not investigating or stopping investigation of particular deaths	6
		7
	(2) Section 12—	8
	<i>insert—</i>	9
	(4) A coroner may stop investigating a death if—	10
	(a) the death was a reportable death only under section 8(2) and (3)(e); and	11
		12
	(b) an autopsy has been conducted and an autopsy certificate has been given to the coroner under section 24A(3)(b); and	13
		14
		15
	(c) the coroner, having regard to the circumstances of the death and the autopsy certificate, is satisfied the death was a natural death.	16
		17
		18
		19
Clause 30	Amendment of s 14 (Guidelines and directions for investigations)	20
		21
	(1) Section 14(3)—	22
	<i>insert—</i>	23
	(ba) list the doctors who are approved by the State Coroner to perform preliminary examinations, either by name or by reference to particular qualifications; and	24
		25
		26
		27
	(2) Section 14(3)(ba) and (c)—	28
	<i>renumber</i> as section 14(3)(c) and (d).	29
	(3) Section 14(4), after paragraph (a)—	30

insert—

(aa) a preliminary examination for section
11AA;

(4) Section 14(4)(aa) to (d)—

renumber as section 14(4)(b) to (e).

Clause 31 Amendment of s 19 (Order for autopsy)

(1) Section 19(2)—

omit, insert—

(2) A coroner may order a doctor to perform an
autopsy if the coroner considers an autopsy is
necessary for the investigation of a death or to
find out whether a body is that of a stillborn child.

(2) Section 19(7), after ‘guidelines’—

insert—

as a doctor who is approved by the State Coroner
to conduct particular types of autopsies

Clause 32 Amendment of s 26 (Control of body)

Section 26(2)(c), ‘or (d)’—

omit, insert—

or (d) or (4)

Clause 33 Amendment of s 40 (Exhibits)

Section 40(2), ‘The registrar’—

omit, insert—

A registrar

[s 34]

Clause 34	Amendment of s 54 (Access to investigation documents for other purposes)	1 2
	(1) Section 54(2)(b), ‘the registrar’—	3
	<i>omit, insert—</i>	4
	a registrar	5
	(2) Section 54(2)—	6
	<i>insert—</i>	7
	(c) otherwise—another coroner nominated by the State Coroner.	8 9
Clause 35	Amendment of s 84 (Registrar)	10
	(1) Section 84(1), ‘the registrar’—	11
	<i>omit, insert—</i>	12
	a registrar	13
	(2) Section 84(2), ‘The registrar’—	14
	<i>omit, insert—</i>	15
	Each registrar	16
Clause 36	Amendment of s 86 (Delegation of duties or powers to registrar or deputy registrar)	17 18
	(1) Section 86(1)(a), (2)(a), (3)(a), (4) and (6), ‘the registrar’—	19
	<i>omit, insert—</i>	20
	a registrar	21
	(2) Section 86(8), definition <i>appropriately qualified—</i>	22
	<i>omit.</i>	23
	(3) Section 86(8), definition <i>power</i> , paragraph (a)—	24
	<i>omit, insert—</i>	25
	(a) includes—	26

-
- (i) the power to issue a permission to cremate under the *Cremations Act 2003*; and
- (ii) the power to consent to the removal of tissue under the *Transplantation and Anatomy Act 1979*, section 24(2) or (3); but
- (4) Section 86(8), definition *power*, paragraph (b)(ii)—
omit.
- (5) Section 86(8), definition *power*, paragraph (b)(iii)—
renumber as paragraph (b)(ii).

Clause 37 Amendment of s 94 (Evidentiary aids)

Section 94, ‘a coroner, the registrar or a deputy registrar’—
omit, insert—
a coroner, registrar or deputy registrar

Clause 38 Replacement of pt 6 hdg and pt 6, div 1, hdg

Part 6, heading and part 6, division 1, heading—
omit, insert—

Part 6 Transitional and declaratory provisions

Division 1 Transitional provisions for Act as enacted and as amended by the Justice and Other Legislation Amendment Act 2019

[s 39]

Clause 39	Insertion of new ss 99A and 99B	1
	Part 6, division 1—	2
	<i>insert—</i>	3
	99A Definitions for division	4
	In this division—	5
	<i>former section 100</i> means section 100 as in force	6
	before the commencement of this section.	7
	<i>unfinished repealed Act inquest</i> see section 99B.	8
	99B Meaning of <i>unfinished repealed Act inquest</i>	9
	An <i>unfinished repealed Act inquest</i> is an inquest	10
	within the meaning of the repealed <i>Coroners Act</i>	11
	1958, section 5, that—	12
	(a) started under the repealed Act or the	13
	repealed Act as applied under former	14
	section 100; and	15
	(b) had not concluded before the	16
	commencement of this section.	17
Clause 40	Amendment of s 100 (When repealed Act still applies)	18
	(1) Section 100, heading and subsection (1)—	19
	<i>omit, insert—</i>	20
	100 Application of repealed Act to	21
	pre-commencement fire	22
	(1) The repealed <i>Coroners Act 1958</i> continues to	23
	apply to a pre-commencement fire as if this Act	24
	had not been enacted.	25
	(2) Section 100(2)(a), ‘death or’—	26
	<i>omit.</i>	27
	(3) Section 100(3), ‘pre-commencement death or’—	28
	<i>omit.</i>	29

- (4) Section 100(4), definition *pre-commencement death*— 1
omit. 2

Clause 41 Insertion of new ss 100A–100E 3

After section 100— 4

insert— 5

**100A Application of repealed Act to unfinished
repealed Act inquest** 6
7

The repealed *Coroners Act 1958* continues to 8
apply to an unfinished repealed Act inquest unless 9
the inquest is, under section 100B, stopped and 10
reopened as an inquest under this Act. 11

**100B Stopping and reopening an unfinished
repealed Act inquest** 12
13

- (1) A coroner who is holding an unfinished repealed 14
Act inquest may, on his or her own initiative— 15
- (a) stop the inquest, without a finding being 16
given under the repealed *Coroners Act 1958*, 17
section 43; and 18
- (b) reopen the inquest as an inquest under this 19
Act. 20
- (2) Also, the State Coroner may, on his or her own 21
initiative, direct another coroner to stop and 22
reopen an unfinished repealed Act inquest under 23
subsection (1)(a) and (b). 24

100C Reopening finished repealed Act inquest 25

- (1) Sections 50 and 50A apply for reopening a 26
finished repealed Act inquest as if the references 27
in the sections to an inquest included references to 28
a finished repealed Act inquest. 29
- (2) In this section— 30

[s 41]

finished repealed Act inquest means an inquest, 1
within the meaning of the repealed *Coroners Act* 2
1958, section 5, that has concluded under the 3
repealed Act or the repealed Act as applied under 4
former section 100. 5

100D Effect on rights and privileges 6

- (1) Sections 100B and 100C have effect— 7
- (a) despite any right or privilege acquired by, or 8
accrued to, a person under the repealed 9
Coroners Act 1958; and 10
- (b) despite the *Acts Interpretation Act 1954*, 11
section 20. 12
- (2) Without limiting subsection (1), to remove any 13
doubt, it is declared that this Act applies in 14
relation to a person giving evidence at an inquest 15
reopened under section 100B, or section 50 or 16
50A as applied under section 100C, even if the 17
person has claimed the privilege against 18
self-incrimination or incrimination of the person's 19
spouse under the repealed *Coroners Act 1958*, 20
section 33(2) or that section as applied under 21
former section 100. 22

100E Application of s 24(7) to specimen tissue 23

- (1) This section applies if— 24
- (a) before 1 December 2003— 25
- (i) during an autopsy of a body, tissue was 26
removed from the body for testing; and 27
- (ii) the tissue was turned into specimen 28
tissue; or 29
- (b) on or after 1 December 2003 and before the 30
commencement of this section— 31

- (i) during an autopsy of a body under the repealed *Coroners Act 1958* as applied under former section 100, tissue was removed from the body for testing; and
 - (ii) the tissue was turned into specimen tissue.
 - (2) To remove any doubt, it is declared that section 24(7) does not apply, and never has applied, in relation to the specimen tissue.
 - (3) Subsection (4) applies if—
 - (a) an inquest into the death of a person is reopened under section 100B or section 50 or 50A as applied under section 100C; and
 - (b) before the inquest is reopened, tissue has been removed from the person's body and turned into specimen tissue; and
 - (c) immediately before the inquest is reopened, the specimen tissue is still being kept.
 - (4) Despite subsection (2), section 24(7) applies in relation to the specimen tissue.
 - (5) In this section—

autopsy includes a post-mortem examination under the repealed *Coroners Act 1958* or that Act as applied under former section 100.

specimen tissue see the *Transplantation and Anatomy Act 1979*, section 29(8).

Clause 42 Amendment of sch 2 (Dictionary) 27

- (1) Schedule 2—

insert—

preliminary examination see section 11AA.
- (2) Schedule 2, definition *investigation*, before paragraph (a)—

[s 43]

- insert—* 1
- (aa) a preliminary examination; and 2
- (3) Schedule 2, definition *investigation*, paragraphs (aa) to (b)— 3
- renumber* as paragraphs (a) to (c). 4

Part 8 5

Amendment of Corrective 5

Services Act 2006 6

Clause 43 **Act amended** 7

This part amends the *Corrective Services Act 2006*. 8

Clause 44 **Amendment of s 234 (Meetings about particular matters** 9

relating to parole orders) 10

Section 234(7), definition *serious sexual offence*, 11

‘schedule’— 12

omit, insert— 13

schedule 1 14

Clause 45 **Amendment of s 240 (Pension if appointment ends** 15

because of ill health) 16

(1) Section 240(1)(a), from ‘a medical practitioner’— 17

omit, insert— 18

both of the following apply— 19

(i) a specialist health practitioner certifies to 20

the Minister that the member’s resignation 21

is because of permanent disability or 22

infirmity; 23

(ii) the Minister is satisfied the member’s 24

resignation is because of permanent 25

disability or infirmity; or 26

- (2) Section 240— 1
insert— 2
 (4) In this section— 3
specialist health practitioner see the Health 4
 Practitioner Regulation National Law 5
 (Queensland), section 5. 6

Part 9 Amendment of Crime and Corruption Act 2001 7 8

Clause 46 Act amended 9
 This part amends the *Crime and Corruption Act 2001*. 10

Clause 47 Amendment of s 238E (Pension if appointment ends because of ill health) 11
 12
 (1) Section 238E(1)(a), from ‘a medical practitioner’— 13
omit, insert— 14
 both of the following apply— 15
 (i) a specialist health practitioner certifies to 16
 the Minister that the former chairperson’s 17
 resignation is because of permanent 18
 disability or infirmity; 19
 (ii) the Minister is satisfied the former 20
 chairperson’s resignation is because of 21
 permanent disability or infirmity; or 22
 (2) Section 238E— 23
insert— 24
 (4) In this section— 25
specialist health practitioner see the Health 26
 Practitioner Regulation National Law 27
 (Queensland), section 5. 28

[s 48]

Part 10 Amendment of Criminal Code 1

Clause 48	Code amended	2
	This part amends the Criminal Code.	3
Clause 49	Amendment of s 359E (Punishment of unlawful stalking)	4
	Section 359E(4), ‘the officer is’—	5
	<i>omit, insert—</i>	6
	the stalked person is a law enforcement officer	7
Clause 50	Amendment of s 463 (Setting fire to crops and growing plants)	8
	(1) Section 463, heading, ‘crops and growing plants’—	9
	<i>omit, insert—</i>	10
	vegetation	11
	(2) Section 463(d)—	12
	<i>omit, insert—</i>	13
	(d) any grass, other than grass mentioned in paragraph (b);	14
	(e) any other vegetation;	15
Clause 51	Amendment of s 552BB (Excluded offences)	16
	(1) Section 552BB(3), definition <i>prescribed value</i> , ‘\$30,000’—	17
	<i>omit, insert—</i>	18
	\$80,000	19
	(2) Section 552BB, table, entry for section 463, column 2, ‘crops and growing plants’—	20
	<i>omit, insert—</i>	21
	vegetation	22

Clause 52	Amendment of s 552D (When Magistrates Court must abstain from jurisdiction)	1 2
	Section 552D—	3
	<i>insert—</i>	4
	(1A) A Magistrates Court must abstain from dealing summarily with a charge under section 552BA if—	5 6 7
	(a) the charge has been laid against the defendant as an alternative to a charge for another offence (the <i>main offence</i>); and	8 9 10
	(b) the main offence is an indictable offence that is not required to be heard and decided summarily under this chapter.	11 12 13
 Clause 53	 Amendment of s 651 (Court may decide summary offences if a person is charged on indictment)	 14 15
	Section 651(2)(b), ‘legal practitioner’—	16
	<i>omit, insert—</i>	17
	lawyer	18
 Clause 54	 Amendment of s 652 (Proceedings to transmit charge for summary offence)	 19 20
	(1) Section 652(2), ‘he or she’—	21
	<i>omit, insert—</i>	22
	the person	23
	(2) Section 652(3)—	24
	<i>omit, insert—</i>	25
	(3) An application under subsection (2) must be a written statement containing at least the following information—	26 27 28
	(a) the charge to be transmitted;	29

[s 55]

- (b) the defendant’s intention to plead guilty to the offence charged; 1
2
- (c) that the defendant wishes to have the charge transmitted for no other reason than to plead guilty to the charge before the receiving court. 3
4
5
6

Clause 55 Insertion of new ch 103 7

Part 9— 8

insert— 9

Chapter 103 Transitional provisions 10

for Justice and Other 11

Legislation 12

Amendment Act 2019 13

752 Application of s 359E(4) 14

- (1) Section 359E(4), as amended under the *Justice and Other Legislation Amendment Act 2019*, applies to the crime of unlawful stalking whether any of the acts constituting the unlawful stalking have been done before or after the commencement. 15
16
17
18
19
20
- (2) This section applies despite section 11(2) and the *Acts Interpretation Act 1954*, section 20C(3). 21
22

753 Application of ch 58A before and after amendment to particular charges 23
24

- (1) Chapter 58A, as in force immediately before the commencement, continues to apply in relation to a charge for an offence if an originating step for the proceeding for the charge was taken before the commencement. 25
26
27
28
29

- (2) Chapter 58A, as amended under the *Justice and Other Legislation Amendment Act 2019*, applies in relation to a charge for an offence if—
 - (a) no originating step for the proceeding for the charge was taken before the commencement; and
 - (b) an originating step for the proceeding for the charge is taken on or after the commencement.
- (3) For subsection (2), it does not matter when the offence was committed.
- (4) In this section—

originating step, for a proceeding, means—

 - (a) the arrest of the defendant in the proceeding; or
 - (b) the making of a complaint under the *Justices Act 1886*, 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.

Part 11 **Amendment of Criminal Law (Rehabilitation of Offenders) Act 1986**

- Clause 56 Act amended**
- This part amends the *Criminal Law (Rehabilitation of Offenders) Act 1986*.

[s 57]

Clause 57	Amendment of s 12 (Offence provision)	1
	Section 12(2) and (3)—	2
	<i>omit.</i>	3
Part 12	Amendment of Criminal Proceeds Confiscation Act 2002	4
		5
		6
Clause 58	Act amended	7
	This part amends the <i>Criminal Proceeds Confiscation Act 2002</i> .	8
		9
Clause 59	Amendment of s 237 (Charge on property subject to filed interstate restraining order or interstate pecuniary penalty order)	10
	(1) Section 237, heading, ‘or’—	11
	<i>omit, insert—</i>	12
	and	13
	(2) Section 237(1)(a), ‘or’—	14
	<i>omit, insert—</i>	15
	and	16
	(3) Section 237(2)—	17
	<i>omit, insert—</i>	18
	(2) When the orders are filed, a charge on the property restrained under the interstate restraining order is created to secure payment of the amount payable under the interstate pecuniary penalty order.	19
		20
		21
		22
		23
		24
		25

Part 13	Amendment of Dangerous Prisoners (Sexual Offenders) Act 2003	1
		2
		3
Clause 60	Act amended	4
	This part amends the <i>Dangerous Prisoners (Sexual Offenders) Act 2003</i> .	5
		6
Clause 61	Amendment of s 2 (Definitions)	7
	Section 2, ‘the schedule’—	8
	<i>omit, insert—</i>	9
	schedule 1	10
Clause 62	Amendment of s 5 (Attorney-General may apply for orders)	11
		12
	(1) Section 5(6), definition <i>prisoner</i> —	13
	<i>omit.</i>	14
	(2) Section 5(6)—	15
	<i>insert—</i>	16
	<i>parole order</i> means—	17
	(a) a parole order under the <i>Corrective Services Act 2006</i> ; or	18
		19
	(b) a statutory parole order under the <i>Youth Justice Act 1992</i> .	20
		21
	<i>period of imprisonment</i> includes—	22
	(a) a period of detention mentioned in the definition <i>prisoner</i> , paragraph (b); and	23
		24
	(b) a term of imprisonment a person is liable to serve as mentioned in the definition <i>prisoner</i> , paragraph (c)(iii); and	25
		26
		27

[s 62]

- (c) a period a person is kept in a prison during a suspension period of a parole order as mentioned in the definition *prisoner*, paragraph (d)(iii).

prison see the *Corrective Services Act 2006*, schedule 4.

prisoner—

(a) means a prisoner detained in custody who is serving a period of imprisonment for a serious sexual offence, or is serving a period of imprisonment that includes a term of imprisonment for a serious sexual offence, whether the person was sentenced to the term or period of imprisonment before or after the commencement of this section; and

(b) includes a person who, as mentioned in the *Youth Justice Act 1992*, section 138(3), is serving a period of detention, and is being held in custody in a corrective services facility, for a child offence that is a serious sexual offence; and

(c) includes a person who—

 - (i) was serving a period of detention, in a detention centre under the *Youth Justice Act 1992*, for a serious sexual offence; and
 - (ii) under part 8, division 2A, subdivision 1 of that Act, has been transferred to a corrective services facility and is being held in custody in the facility; and
 - (iii) is liable, under section 276E of that Act, to serve a term of imprisonment for the offence equal to the period of detention the person remains liable to serve for the offence; and

(d) includes a person who—

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- (i) was serving a period of imprisonment mentioned in paragraph (a) or a period of detention mentioned in paragraph (b) or (c)(i); and 1
2
3
4
- (ii) is the subject of a parole order that has been suspended under the *Corrective Services Act 2006*; and 5
6
7
- (iii) is being kept in a prison during the suspension period. 8
9

Clause 63 Amendment of s 43AA (Contravention of relevant order) 10
Section 43AA(3), definition *corrective services facility*— 11
omit. 12

Clause 64 Replacement of s 51 (Parole) 13
Section 51— 14
omit, insert— 15

51 Parole 16

- (1) This section applies if— 17
 - (a) under section 8(1), the court has set a date for the hearing of an application for a division 3 order in relation to a prisoner and the application has not been discontinued or finally decided; or 18
19
20
21
22
 - (b) a prisoner is subject to a continuing detention order or interim detention order, whether or not the order has taken effect. 23
24
25
- (2) The prisoner is not eligible for parole under the *Corrective Services Act 2006* or the *Penalties and Sentences Act 1992* and can not be issued a parole order under those Acts. 26
27
28
29
- (3) Subsections (4) and (5) apply if the prisoner is the subject of a parole order under the *Corrective* 30
31

[s 65]

<i>Services Act 2006</i> that—	1
(a) has been suspended under that Act; and	2
(b) has neither been cancelled under that Act nor has expired.	3 4
(4) For subsection (1)(a), if the suspension period for the parole order would, other than for this section, end before the application for the division 3 order is discontinued or finally decided, the suspension period is taken not to end before the application is discontinued or finally decided.	5 6 7 8 9 10
(5) For subsection (1)(b), if the suspension period for the parole order would, other than for this section, end while the prisoner is subject to the continuing detention order or interim detention order, the suspension period is taken not to end while the prisoner is subject to the order.	11 12 13 14 15 16

Clause 65	Insertion of new pt 11	17
	Before the schedule—	18
	<i>insert—</i>	19
	Part 11	20
	Transitional and declaratory provisions for Justice and Other Legislation Amendment Act 2019	21 22 23 24
	70 Pending application for division 3 order	25
	(1) This section applies if—	26
	(a) an application was made for an order or orders under section 8 and a division 3 order in relation to a person before the commencement; and	27 28 29 30

- (b) the application had not been discontinued or
finally decided immediately before the
commencement. 1
2
3
- (2) Section 5, as amended under the *Justice and
Other Legislation Amendment Act 2019*, is taken 4
5
6
7
to have applied in relation to the application from
when the application was made.

71 Existing division 3 order 8

- (1) This section applies if — 9
 - (a) a division 3 order was made in relation to a 10
11
person before the commencement; and
 - (b) the order was in force immediately before 12
13
the commencement.
- (2) Section 5, as amended under the *Justice and
Other Legislation Amendment Act 2019*— 14
15
 - (a) is taken to apply, and to have always 16
17
18
applied, in relation to the division 3 order;
and
 - (b) is taken to have applied in relation to— 19
 - (i) the application for an order or orders 20
21
22
under section 8 and for the division 3
order in relation to the person; and
 - (ii) any order made under section 8(2) in 23
24
relation to the person.
- (3) This section applies despite the *Acts
Interpretation Act 1954*, section 20. 25
26

Clause 66 Amendment of schedule (Dictionary) 27

- (1) Schedule, definition *period of imprisonment*— 28
omit. 29
- (2) Schedule— 30

[s 67]

<i>insert—</i>	1
<i>corrective services facility</i> see the <i>Corrective Services Act 2006</i> , schedule 4.	2
	3
<i>period of imprisonment—</i>	4
(a) generally—see the <i>Penalties and Sentences Act 1992</i> , section 4; and	5
	6
(b) for part 2, division 1, 3, 3A or 5—see also section 5(6).	7
	8
(3) Schedule—	9
<i>number</i> as schedule 1.	10

Part 14	Amendment of District Court of Queensland Act 1967	11
		12

Clause 67	Act amended	13
	This part amends the <i>District Court of Queensland Act 1967</i> .	14
Clause 68	Amendment of s 61 (Criminal jurisdiction if maximum penalty more than 20 years)	15
	Section 61(2)(b), after ‘222,’—	16
	<i>insert—</i>	17
	228A, 228B,	18
		19
Clause 69	Amendment of s 68 (Civil jurisdiction)	20
	Section 68(3)(c)—	21
	<i>omit, insert—</i>	22
	(c) the following amounts must not be	23
	considered in calculating whether an	24
	amount, value or damage sought to be	25

recovered in an action exceeds the monetary limit—	1
	2
(i) an amount of interest that is payable as of right, whether because of a law, agreement or otherwise;	3
	4
	5
(ii) an amount of interest that may be awarded by a court, including, for example, an amount of interest that may be awarded under the <i>Civil Proceedings Act 2011</i> , section 58.	6
	7
	8
	9
	10

Part 15	Amendment of Drugs Misuse Act 1986	11
		12

Clause 70	Act amended	13
	This part amends the <i>Drugs Misuse Act 1986</i> .	14

Clause 71	Amendment of s 4 (Definitions)	15
	Section 4—	16
	<i>insert—</i>	17
	<i>informer</i> means a person who supplies information to a police officer in respect of the commission of an offence defined in part 2 on the basis that the person’s identity will be kept confidential.	18
		19
		20
		21
		22

Clause 72	Amendment of s 119 (Protection of informers)	23
	Section 119(2), after ‘who’—	24
	<i>insert—</i>	25
	unlawfully	26

[s 73]

Clause 73	Amendment of s 120 (Source of information not to be disclosed)	1 2
(1)	Section 120(1), from ‘any proceedings’ to ‘otherwise’— <i>omit, insert—</i> a relevant proceeding	3 4 5
(2)	Section 120— <i>insert—</i>	6 7
(3)	In this section— <i>relevant proceeding</i> means a proceeding under this Act or another Act, other than a proceeding for— (a) an offence against section 119(2); or (b) another offence under this or another Act in which it is alleged that a person has unlawfully disclosed the name of the informer or another particular that may be likely to lead to the informer’s identification.	8 9 10 11 12 13 14 15 16 17 18
Part 16	Amendment of Evidence Act 1977	19 20
Clause 74	Act amended This part amends the <i>Evidence Act 1977</i> .	21 22
Clause 75	Amendment of s 21A (Evidence of special witnesses) Section 21A(8), from ‘If evidence’ to ‘subsection (2)(a) to (e),’— <i>omit, insert—</i> If evidence is given or presented, or to be given or presented, in a proceeding on indictment under an	23 24 25 26 27 28

	order or direction under subsection (2)(a) to (e) or section 21AAA(2),	1 2
Clause 76	Amendment of s 21AAA (Exclusion of particular persons while videorecording or usable soundtrack being presented)	3 4 5
	(1) Section 21AAA, heading, ‘videorecording or usable soundtrack being’—	6 7
	<i>omit, insert—</i>	8
	particular evidence is	9
	(2) Section 21AAA(1), ‘either’—	10
	<i>omit, insert—</i>	11
	any	12
	(3) Section 21AAA(1)—	13
	<i>insert—</i>	14
	(c) a statement that, under section 93A, is admissible as evidence in the proceeding.	15 16
	(4) Section 21AAA(2)—	17
	<i>insert—</i>	18
	<i>Note—</i>	19
	See also section 21A(8) for the instructions that must be given to a jury if an order is made under this subsection.	20 21
Clause 77	Amendment of s 21AU (Exclusion of public)	22
	(1) Section 21AU(1)(b), ‘either’—	23
	<i>omit, insert—</i>	24
	any	25
	(2) Section 21AU(1)(b)—	26
	<i>insert—</i>	27

[s 78]

	(iii) a statement that, under section 93A, is	1
	admissible as evidence in the proceeding.	2
Clause 78	Amendment of s 21AW (Instructions to be given to jury)	3
	Section 21AW(1)(b), from ‘or a videorecording’—	4
	<i>omit, insert—</i>	5
	or the evidence of an affected child is presented;	6
Clause 79	Insertion of new pt 9, div 11	7
	Part 9—	8
	<i>insert—</i>	9
	Division 11	10
	Justice and Other	11
	Legislation Amendment	12
	Act 2019	12
	156 Proceedings started before commencement	13
	Sections 21AAA and 21AU, as in force	14
	immediately before the commencement, continue	15
	to apply in relation to a proceeding started before	16
	the commencement as if the <i>Justice and Other</i>	17
	<i>Legislation Amendment Act 2019</i> had not been	18
	enacted.	19
Part 17	Amendment of Guardianship	20
	and Administration Act 2000	21
Clause 80	Act amended	22
	This part amends the <i>Guardianship and Administration Act</i>	23
	<i>2000</i> .	24

Clause 81	Amendment of s 5 (Acknowledgements)	1
	Section 5(c)(ii) and (iii)—	2
	<i>renumber</i> as section 5(c)(i) and (ii).	3
Part 18	Amendment of Introduction Agents Act 2001	4
		5
Clause 82	Act amended	6
	This part amends the <i>Introduction Agents Act 2001</i> .	7
Clause 83	Amendment of s 22 (Disqualifying criteria—corporations)	8
	(1) Section 22(1)(a), ‘an externally-administered body corporate’—	9
	<i>omit, insert—</i>	10
	a Chapter 5 body corporate under the Corporations Act	11
		12
		13
	(2) Section 22(2)—	14
	<i>omit.</i>	15
Clause 84	Insertion of new pt 9, div 1, hdg	16
	Before section 100—	17
	<i>insert—</i>	18
	Division 1	19
	Transitional provisions for Act No. 59 of 2001	20
Clause 85	Insertion of new pt 9, div 2	21
	Part 9—	22
	<i>insert—</i>	23

[s 86]

Division 2	Transitional provision for	1
	Justice and Other	2
	Legislation Amendment	3
	Act 2019	4

103 Existing applications	5
----------------------------------	---

- | | | |
|-----|--|----|
| (1) | This section applies in relation to the following applications made, but not decided, before the commencement— | 6 |
| | | 7 |
| | | 8 |
| (a) | an application for a licence made under section 19; | 9 |
| | | 10 |
| (b) | an application for the renewal of a licence made under section 25. | 11 |
| | | 12 |
| (2) | The chief executive must decide the application under part 3 as in force from the commencement. | 13 |
| | | 14 |

Part 19	Amendment of Judges	15
	(Pensions and Long Leave) Act	16
	1957	17

Clause 86	Act amended	18
	This part amends the <i>Judges (Pensions and Long Leave) Act 1957</i> .	19
		20

Clause 87	Amendment of s 5 (Pension of judge retiring on account of ill health)	21
		22
(1)	Section 5(1)(a)—	23
	<i>omit, insert—</i>	24
(a)	a judge retires from office and both of the following apply—	25
		26

-
- (i) a specialist health practitioner certifies to the Minister that the judge's retirement is because of permanent disability or infirmity; 1
2
3
4
- (ii) the Minister is satisfied the judge's retirement is because of permanent disability or infirmity; or 5
6
7
- (2) Section 5— 8
insert— 9
- (3) In this section— 10
specialist health practitioner see the Health 11
Practitioner Regulation National Law 12
(Queensland), section 5. 13

Part 20 Amendment of Land Court Act 2000 14 15

Division 1 Preliminary 16

Clause 88 Act amended 17
This part amends the *Land Court Act 2000*. 18

Division 2 Amendments relating to powers, appointments and other matters 19 20

Clause 89 Omission of pt 2, div 1A (Cultural heritage division) 21
Part 2, division 1A— 22
omit. 23

[s 90]

Clause 90	Amendment of s 12 (Power to rehear matters)	1
(1)	Section 12—	2
	<i>insert—</i>	3
(2A)	The Land Court must not grant leave for the matter to be reheard unless satisfied the decision is based wholly or partly on a mistake of fact.	4 5 6
(2)	Section 12(2A) to (3)—	7
	<i>renumber</i> as section 12(3) to (4).	8
Clause 91	Amendment of s 16 (Appointment of president and other members of Land Court)	9 10
(1)	Section 16(3A), ‘or under the <i>Land and Resources Tribunal Act 1999</i> , section 27A’—	11 12
	<i>omit.</i>	13
(2)	Section 16(4)—	14
	<i>omit, insert—</i>	15
(4)	A person may be appointed as a member only if the person is a lawyer of at least 5 years standing with extensive experience in 1 or more of the following—	16 17 18 19
(a)	land-related matters;	20
(b)	mining or petroleum issues;	21
(c)	indigenous issues;	22
(d)	another matter or issue the Governor in Council considers to have substantial relevance to the duties of a member.	23 24 25
(3)	Section 16(5)—	26
	<i>omit.</i>	27
(4)	Section 16(3A) and (4)—	28
	<i>renumber</i> as section 16(4) and (5).	29

Clause 92	Replacement of s 22 (Directions)	1
	Section 22—	2
	<i>omit, insert—</i>	3
	22 Orders and directions	4
	(1) The Land Court may make an order or direction about the conduct of a proceeding in the Land Court.	5 6 7
	(2) The president may make directions of general application about the Land Court’s procedures.	8 9
	(3) In making an order or direction under this section, the interests of justice are paramount.	10 11
	(4) An order or direction made under this section may be inconsistent with a provision of the rules made under section 21.	12 13 14
	(5) If there is an inconsistency between an order or direction made under this section and a provision of the rules made under section 21, the order or direction prevails to the extent of the inconsistency.	15 16 17 18 19
	(6) The Land Court or the president may vary or revoke an order or direction made under this section.	20 21 22
Clause 93	Amendment of s 28A (Acting judicial registrars)	23
	Section 28A(4)—	24
	<i>omit.</i>	25
Clause 94	Amendment of pt 2, div 6B, hdg (Jurisdiction of Land Court in its cultural heritage division)	26 27
	Part 2, division 6B, heading, ‘in its cultural heritage division’—	28 29
	<i>omit, insert—</i>	30

[s 95]

	in relation to native title and cultural heritage matters	1 2
Clause 95	Amendment of s 32E (Jurisdiction under Commonwealth Native Title Act)	3 4
	Section 32E(2), ‘in its cultural heritage division’— <i>omit.</i>	5 6
Clause 96	Amendment of s 32F (Jurisdiction for registered indigenous land use agreements)	7 8
	Section 32F(2), ‘in its cultural heritage division’— <i>omit.</i>	9 10
Clause 97	Amendment of s 32G (Jurisdiction for negotiated agreements)	11 12
	Section 32G(2) and (3), ‘in its cultural heritage division’— <i>omit.</i>	13 14
Clause 98	Amendment of s 32H (Jurisdiction for particular cultural heritage matters)	15 16
	Section 32H(2), ‘in its cultural heritage division’— <i>omit.</i>	17 18
Clause 99	Amendment of s 39 (Leave of absence)	19
	Section 39(2)(a) and (b)— <i>omit, insert—</i>	20 21
	(a) for leave of absence to the president—the Chief Justice; or	22 23
	(b) for leave of absence to another member—the president.	24 25

Clause 100	Replacement of s 47 (Preservation of rights)	1
	Section 47—	2
	<i>omit, insert—</i>	3
	47 Preservation of rights	4
	(1) This section applies to a person appointed as a	5
	judicial registrar or acting judicial registrar if,	6
	immediately before the appointment, the person	7
	was an employee of a prescribed authority (the	8
	<i>relevant prescribed authority</i>).	9
	(2) The person keeps the rights the person has	10
	accrued because of employment by a prescribed	11
	authority, or that would accrue in the future to the	12
	person because of that employment, as if service	13
	as a judicial registrar or acting judicial registrar	14
	were a continuation of the person's service as an	15
	employee of the relevant prescribed authority.	16
	(3) Subsection (4) applies if the person stops being a	17
	judicial registrar or acting judicial registrar, other	18
	than because the person is removed from office	19
	under section 28(3).	20
	(4) The person is entitled to be appointed to a position	21
	in the relevant prescribed authority at the	22
	classification level of the substantive position in	23
	which the person was employed at the relevant	24
	prescribed authority immediately before the	25
	person's appointment as judicial registrar or	26
	acting judicial registrar.	27
	(5) Subsection (6) applies if the person stops being a	28
	judicial registrar or acting judicial registrar	29
	because the person is appointed to a position in a	30
	prescribed authority.	31
	(6) The person's service as judicial registrar or acting	32
	judicial registrar is taken to be service of a like	33
	nature with the prescribed authority for working	34
	out the person's rights as an employee of the	35
	prescribed authority.	36

[s 101]

- (7) In this section— 1
- classification level*, at a prescribed authority, 2
includes another level, however described, 3
reflecting seniority at the prescribed authority. 4
- employee*, of a prescribed authority, means— 5
- (a) a public service officer employed by the 6
prescribed authority; or 7
- (b) a police officer employed by the prescribed 8
authority; or 9
- (c) a person, other than a person mentioned in 10
paragraph (a) or (b) or a person employed 11
on a temporary or casual basis, employed by 12
the prescribed authority. 13
- prescribed authority* means— 14
- (a) a department; or 15
- (b) the Crime and Corruption Commission; or 16
- (c) Legal Aid Queensland; or 17
- (d) the Queensland Police Service; or 18
- (e) another entity prescribed by regulation. 19

Clause 101 Amendment of s 50 (Delegation by registrar) 20

- (1) Section 50, ‘a power of the registrar’— 21
- omit, insert—* 22
- the registrar’s functions or powers 23
- (2) Section 50— 24
- insert—* 25
- (2) The registrar may, with the president’s approval, 26
delegate the registrar’s functions or powers under 27
this Act to an appropriately qualified officer of the 28
Land Court. 29

Clause 102	Insertion of new s 50A	1
	After section 50—	2
	<i>insert—</i>	3
	50A Associates	4
	(1) The president may appoint a person nominated by a member as an associate to the member.	5 6
	(2) An associate is to be paid the remuneration and allowances decided by the Governor in Council.	7 8
	(3) An associate holds office on the terms and conditions decided by the Governor in Council.	9 10
	(4) An associate is appointed under this Act and not under the <i>Public Service Act 2008</i> .	11 12
Clause 103	Replacement of pt 2, div 12, hdg (Application of Act to Land Court for recommendatory provisions)	13 14
	Part 2, division 12, heading—	15
	<i>omit, insert—</i>	16
	Division 12 Provisions about recommendatory provisions	17 18 19
Clause 104	Amendment of s 52B (Application of Act)	20
	Section 52B(1)(j)—	21
	<i>omit.</i>	22
Clause 105	Insertion of new s 52C	23
	After section 52B—	24
	<i>insert—</i>	25

[s 105]

52C Costs in relation to performing functions and exercising powers under recommendatory provisions	1 2 3
(1) This section applies if the Land Court is performing a function conferred on the court under a recommendatory provision.	4 5 6
(2) Each party to the performance of the function must bear the party's own costs in relation to the performance of the function.	7 8 9
(3) However, the Land Court may make an order for costs as it considers appropriate if a party has incurred costs in 1 or more of the following circumstances—	10 11 12 13
(a) for the performance of a function in relation to a relevant objection made by a party—the Land Court considers that all or part of the objection—	14 15 16 17
(i) is outside the Land Court's jurisdiction; or	18 19
(ii) is frivolous or vexatious; or	20
(iii) is an abuse of the Land Court's process;	21 22
(b) a party has not been given reasonable notice of an intention to apply for an adjournment of the performance of the function;	23 24 25
(c) a party is required to apply for an adjournment of the performance of the function because of the conduct of another party;	26 27 28 29
(d) without limiting paragraph (c), a party has introduced, or sought to introduce, new material;	30 31 32
(e) a party has defaulted in the Land Court's procedural requirements;	33 34

-
- (f) for a hearing under the *Mineral Resources Act 1989*, section 78 or 268 in relation to an application for the grant of a mining claim or mining lease under that Act—
 - (i) the applicant abandons the application or does not pursue the application at the hearing; or
 - (ii) a party who made an objection to the application under section 71 or 260 of that Act withdraws the objection or does not pursue the objection at the hearing.
 - (4) In deciding the amount of costs, the Land Court may have regard to—
 - (a) the scale of costs applying to another court; and
 - (b) any other matter the Land Court considers relevant.
 - (5) Section 7B applies in relation to an order made under subsection (3).
 - (6) In this section—
 - perform***, a function, includes exercise a power.
 - relevant objection*** means an objection made under—
 - (a) the *Aboriginal Cultural Heritage Act 2003*, section 76 or 111; or
 - (b) the *Environmental Protection Act 1994*, section 182; or
 - (c) the *Mineral Resources Act 1989*, section 71 or 260; or
 - (d) the *Torres Strait Islander Cultural Heritage Act 2003*, section 76 or 111.

[s 106]

Clause 106	Amendment of s 77A (Annual report)	1
	Section 77A(3)—	2
	<i>omit.</i>	3
Clause 107	Insertion of new pt 6, div 6	4
	Part 6—	5
	<i>insert—</i>	6
	Division 6	7
	Transitional and saving	8
	provisions for Justice and	9
	Other Legislation	10
	Amendment Act 2019	11
	97 Definitions for division	12
	In this division—	13
	<i>former</i> , for a provision of this Act, means the	14
	provision as in force from time to time before the	15
	commencement.	16
	<i>new</i> , for a provision of this Act, means the	17
	provision as in force from the commencement.	18
	98 Existing applications for leave to rehear	19
	matters	20
	(1) This section applies in relation to an application	21
	for leave to have a matter reheard made under	22
	former section 12, but not decided, before the	23
	commencement.	24
	(2) New section 12 applies in relation to the	25
	application.	26
	99 Existing directions	27
	A direction made under former section 22 that	28

was in effect immediately before the 1
commencement continues in effect as if it were 2
made under new section 22. 3

**100 Existing performance of function or exercise 4
of power under recommendatory provision 5**

- (1) This section applies if, before the 6
commencement, the Land Court had started, but 7
not finished, performing a function or exercising 8
a power conferred on the court under a 9
recommendatory provision. 10
- (2) Former part 2 continues to apply in relation to the 11
performance of the function or the exercise of the 12
power as if the *Justice and Other Legislation* 13
Amendment Bill 2019 had not been enacted. 14

Clause 108 Amendment of sch 2 (Dictionary) 15

- (1) Schedule 2, definitions *cultural heritage division*, *general* 16
division and *LRT Act*— 17
omit. 18
- (2) Schedule 2— 19
insert— 20
recommendatory provision see section 52A. 21
rules, for part 2, division 6, means the rules of the 22
Land Court made under section 21. 23
- (3) Schedule 2, definition *LRT*, after ‘Tribunal’— 24
insert— 25
established under the repealed *Land and* 26
Resources Tribunal Act 1999 27
- (4) Schedule 2, definition *prescribed proceeding*, from ‘Court— 28
’— 29
omit, insert— 30

[s 109]

	Court under—	1
	(a) the <i>Aboriginal and Torres Strait Islander Land Holding Act 2013</i> ; or	2 3
	(b) the <i>Aboriginal Cultural Heritage Act 2003</i> ; or	4 5
	(c) the <i>Torres Strait Islander Cultural Heritage Act 2003</i> ; or	6 7
	(d) part 2, division 6B.	8
Division 3	Amendments relating to structure of Act	9 10
Clause 109	Amendment of s 12 (Power to rehear matters)	11
	Section 12(1)—	12
	<i>insert—</i>	13
	<i>Note—</i>	14
	For the power of the Land Court to rehear matters decided by a judicial registrar, see section 31.	15 16
Clause 110	Amendment of pt 2, div 3, hdg (Composition and appointments)	17 18
	Part 2, division 3, heading, ‘and appointments’—	19
	<i>omit.</i>	20
Clause 111	Insertion of new pt 2, div 3AA, hdg	21
	After section 15—	22
	<i>insert—</i>	23
	Division 3AA Appointment of president and other members	24 25

Clause 112	Amendment of s 16 (Appointment of president and other members of Land Court)	1 2
	Section 16(1)—	3
	<i>insert</i> —	4
	<i>Notes</i> —	5
	1 For other provisions relating to the appointment of members, see division 9.	6 7
	2 For the privileges, protection and immunity of members, see section 52D.	8 9
Clause 113	Omission of pt 2, div 3A, hdg (Powers and responsibilities of president)	10 11
	Part 2, division 3A, heading—	12
	<i>omit</i> .	13
Clause 114	Amendment, relocation and renumbering of s 20A (Arrangement of business)	14 15
	(1) Section 20A, heading—	16
	<i>omit, insert</i> —	17
	20A Powers and responsibilities of president	18
	(2) Section 20A—	19
	<i>relocate</i> to part 2, division 3AA and <i>renumber</i> as section 17A.	20
Clause 115	Amendment of s 26 (Stay of proceedings)	21
	Section 26, heading, ‘proceedings’—	22
	<i>omit, insert</i> —	23
	decisions—applications for leave to rehear matters	24 25
Clause 116	Insertion of new pt 2, div 5A, hdg	26
	After section 27—	27

[s 117]

insert—

1

Division 5A Proceedings

2

Clause 117 Insertion of new pt 2, div 6, sdiv 1, hdg

3

Before section 28—

4

insert—

5

Subdivision 1 Appointment of judicial registrars

6

7

Clause 118 Amendment of s 28 (Judicial registrars)

8

Section 28(1)—

9

insert—

10

Notes—

11

1 For other provisions relating to the appointment of
judicial registrars, see division 10.

12

13

2 For the privileges, protection and immunity of
judicial registrars, see section 52D.

14

15

Clause 119 Insertion of new pt 2, div 6, sdiv 2, hdg

16

After section 28A—

17

insert—

18

Subdivision 2 Powers of judicial registrars

19

20

Clause 120 Insertion of new pt 2, div 6, sdiv 3, hdg

21

Before section 31—

22

insert—

23

**Subdivision 3 Leave to rehear matters
decided by judicial
registrars**

		1
		2
		3
Clause 121	Relocation and renumbering of s 32 (Judicial registrar may exercise certain judicial or quasi-judicial powers)	4
		5
	Section 32—	6
	<i>relocate</i> to part 2, division 6, subdivision 2 and <i>renumber</i> as section 30A.	7
		8
Clause 122	Amendment of s 32F (Jurisdiction for registered indigenous land use agreements)	9
		10
	Section 32F(2)(a), ‘division 8’—	11
	<i>omit, insert—</i>	12
	section 27C	13
Clause 123	Omission of pt 2, div 7, hdg (General matters)	14
	Part 2, division 7, heading—	15
	<i>omit.</i>	16
Clause 124	Relocation and renumbering of s 33 (Land Court may make declarations)	17
		18
	Section 33—	19
	<i>relocate</i> to part 2, division 2 and <i>renumber</i> as section 12A.	20
Clause 125	Relocation and renumbering of s 34 (Costs)	21
	Section 34—	22
	<i>relocate</i> to part 2, division 5A and <i>renumber</i> as section 27A.	23

[s 126]

Clause 126	Relocation and renumbering of s 35 (Privileges, protection and immunity)	1 2
	Section 35—	3
	<i>relocate</i> to part 2, division 13 and <i>renumber</i> as section 52D.	4
Clause 127	Relocation and renumbering of s 36 (Preliminary conference)	5 6
	Section 36—	7
	<i>relocate</i> to part 2, division 5A and <i>renumber</i> as section 27B.	8
Clause 128	Omission of pt 2, div 8, hdg (Alternative dispute resolution)	9 10
	Part 2, division 8, heading—	11
	<i>omit.</i>	12
Clause 129	Amendment, relocation and renumbering of s 37 (ADR process applies to proceedings started under this part)	13 14
	(1) Section 37(1) and (4), ‘under this Act’—	15
	<i>omit, insert—</i>	16
	under this part	17
	(2) Section 37(2), ‘section 34’—	18
	<i>omit, insert—</i>	19
	section 27A	20
	(3) Section 37—	21
	<i>relocate</i> to part 2, division 5A and <i>renumber</i> as section 27C.	22
Clause 130	Amendment of s 52B (Application of Act)	23
	(1) Section 52B(1)—	24
	<i>insert—</i>	25

-
- (ca) section 12A; 1
- (2) Section 52B(1)(i)— 2
omit. 3
- (3) Section 52B(1)(k)— 4
omit, insert— 5
- (k) section 27B; 6
- (4) Section 52B(1)(l), ‘section 37’— 7
omit, insert— 8
section 27C 9
- (5) Section 52B(1)(ca) to (o)— 10
renumber as section 52B(1)(d) to (n). 11
- (6) Section 52B— 12
insert— 13
- (1A) For subsection (1), section 27C applies to the 14
Land Court in the performance of a function 15
mentioned in the subsection as if a reference in 16
section 27C(2) to section 27A were a reference to 17
section 52C. 18
- (7) Section 52B(1A) to (3)— 19
renumber as section 52B(2) to (4). 20

Clause 131 Insertion of new pt 2, div 13, hdg 21
After section 52C as inserted by this Act— 22
insert— 23

Division 13 Miscellaneous 24

Clause 132 Amendment of s 72 (Application of certain provisions of 25
pt 2 to Land Appeal Court) 26
Section 72(1), from ‘Sections’ to ‘apply’— 27

[s 133]

omit, insert— 1
Sections 7A to 9, 12A(5), 21 and 22 apply 2

Clause 133 Insertion of new s 101 3

After section 100 as inserted by this Act— 4

insert— 5

101 Proceedings and declarations under former s 33 6
7

(1) A proceeding started under former section 33 8
before the commencement may continue to be 9
heard and decided by the Land Court under new 10
section 12A. 11

(2) A declaration made under former section 33 that 12
was in effect immediately before the 13
commencement is taken to be a declaration made 14
under new section 12A. 15

Part 21 Amendment of Legal 16
Profession Act 2007 17

Clause 134 Act amended 18

This part amends the *Legal Profession Act 2007*. 19

Clause 135 Amendment of s 9 (Suitability matters) 20

(1) Section 9(1)(c), ‘an externally-administered body corporate 21
under the Corporations Act’— 22

omit, insert— 23

a chapter 5 body corporate 24

(2) Section 9(1)— 25

insert— 26

-
- (ca) whether the person is or has been a director of a corporation while the corporation is or was a chapter 5 body corporate; 1
2
3
- (3) Section 9(1)(ca) to (o)— 4
renumber as section 9(1)(d) to (p). 5

- Clause 136 Insertion of new s 24A** 6
- After section 24— 7
- insert—* 8
- 24A Moving applications for admission** 9
- (1) This section applies to a person who is both a government legal officer and an Australian lawyer, whether or not the person is an Australian legal practitioner. 10
11
12
13
- (2) Also, this section applies to— 14
- (a) a person who— 15
- (i) is an Australian lawyer employed by a corporation other than an incorporated legal practice; and 16
17
18
- (ii) holds a practising certificate subject to a condition that the person must not engage in legal practice other than for providing in-house legal services; or 19
20
21
22
- (b) a person who— 23
- (i) is an Australian lawyer; and 24
- (ii) is a volunteer at a community legal service; and 25
26
- (iii) holds a practising certificate subject to a condition that the person must not engage in legal practice other than as a volunteer at a community legal service. 27
28
29
30
- (3) Despite section 24(1), the person may move an 31

[s 137]

	application for admission if, and only if, the board	1
	has, under the admission rules, recommended the	2
	applicant's admission without conditions.	3
(4)	The person does not fail to comply with any of the	4
	following conditions of the person's practising	5
	certificate merely because the person moves an	6
	application for admission under subsection (3)—	7
(a)	a condition that the person must not engage	8
	in legal practice other than as a government	9
	legal officer engaged in government work;	10
(b)	a condition that the person may engage in	11
	legal practice other than as a government	12
	legal officer engaged in government work if	13
	the legal practice is limited to legal practice	14
	as a volunteer at a community legal service;	15
(c)	a condition mentioned in subsection	16
	(2)(a)(ii) or (b)(iii).	17
(5)	In this section—	18
	volunteer , at a community legal service, means a	19
	person who provides legal services for the	20
	community legal service under an arrangement	21
	that does not entitle the person to be paid an	22
	amount of money for the provision of the legal	23
	services.	24
Clause 137	Amendment of s 46 (Suitability to hold local practising	25
	certificate)	26
(1)	Section 46(2)—	27
	<i>insert—</i>	28
(fa)	whether the person is or was a legal	29
	practitioner director of an incorporated legal	30
	practice while the practice is or was	31
	insolvent;	32

[s 138]

	(fb) whether the person is or was a director of a corporation while the corporation is or was insolvent;	1 2 3
(2)	Section 46(2)(fa) to (g)— <i>renumber</i> as section 46(2)(g) to (i).	4 5
Clause 138	Amendment of s 135 (External administration proceedings under Corporations)	6 7
(1)	Section 135, heading, after ‘Corporations’— <i>insert</i> — Act	8 9 10
(2)	Section 135(1)(a) and (b), ‘an externally-administered body corporate under that Act’— <i>omit, insert</i> — a chapter 5 body corporate	11 12 13 14
Clause 139	Amendment of s 231 (Rules other than legal profession rules)	15 16
(1)	Section 231(1), ‘subsection (2)’— <i>omit, insert</i> — subsection (2) or (3)	17 18 19
(2)	Section 231(2)(d), after ‘exempting’— <i>insert</i> — , indefinitely or for a particular period,	20 21 22
(3)	Section 231— <i>insert</i> — (2A) Without limiting subsection (2)(j), a regulatory authority may make rules setting fees for assessing an application for an exemption mentioned in subsection (2)(d), (g) or (h).	23 24 25 26 27 28

[s 140]

- | | | |
|-----|--|---|
| (4) | Section 231(3), ‘subsection (2)’— | 1 |
| | <i>omit, insert—</i> | 2 |
| | subsection (2) or (3) | 3 |
| (5) | Section 231(5), example, ‘for subsection (5)’— | 4 |
| | <i>omit.</i> | 5 |
| (6) | Section 231(2A) to (8)— | 6 |
| | <i>renumber</i> as section 231(3) to (9). | 7 |

- | | | |
|-------------------|---|----|
| Clause 140 | Amendment of s 233 (Relationship of administration rules to this Act and regulation) | 8 |
| | | 9 |
| | Section 233(1), ‘section 231(2)’— | 10 |
| | <i>omit, insert—</i> | 11 |
| | section 231(2) or (3) | 12 |

- | | | |
|-------------------|---|----|
| Clause 141 | Amendment of s 263 (Investigations) | 13 |
| | Section 263(2)— | 14 |
| | <i>omit, insert—</i> | 15 |
| | (2) The investigation— | 16 |
| | (a) may be in relation to a particular allegation | 17 |
| | or suspicion regarding trust money, trust | 18 |
| | property, a trust account or another aspect of | 19 |
| | the affairs of the law practice; or | 20 |
| | (b) may be carried out as a routine | 21 |
| | investigation. | 22 |

- | | | |
|-------------------|---|----|
| Clause 142 | Amendment of s 707 (Protection from liability) | 23 |
| | Section 707(3), ‘, 618’— | 24 |
| | <i>omit.</i> | 25 |

Clause 143	Insertion of new ch 10, pt 7	1
	Chapter 10—	2
	<i>insert—</i>	3
	Part 7	4
	Transitional provision	5
	for Justice and Other	6
	Legislation	7
	Amendment Act 2019	
	786 Application of ss 9 and 46 and additional	8
	obligation to disclose suitability matters	9
	(1) This section applies if, before the	10
	commencement—	11
	(a) a person made an application to a regulatory	12
	authority for the grant or renewal of a local	13
	practising certificate under section 49; and	14
	(b) the regulatory authority had not decided the	15
	application under section 51.	16
	(2) Sections 9(1) and 46(2), as in force from the	17
	commencement, apply to the person for the	18
	application.	19
	(3) Subsection (4) applies if the person—	20
	(a) is or has been a legal practitioner director of	21
	an incorporated legal practice while the	22
	practice is or was a chapter 5 body	23
	corporate; or	24
	(b) is or has been a director of a corporation	25
	while the corporation is or was a chapter 5	26
	body corporate.	27
	(4) The person must, within 7 days after the	28
	commencement, give the regulatory authority	29
	written notice of the fact.	30

[s 144]

Clause 144	Amendment of sch 2 (Dictionary)	1
(1)	Schedule 2, definition <i>administration rules</i> , ‘section 231(3)’—	2
	<i>omit, insert—</i>	3
	section 231(4)	4
(2)	Schedule 2, definition <i>indemnity rules</i> , ‘section 231(4)’—	5
	<i>omit, insert—</i>	6
	section 231(5)	7
(3)	Schedule 2, definition <i>levy</i> —	8
	<i>omit.</i>	9
(4)	Schedule 2—	10
	<i>insert—</i>	11
	<i>chapter 5 body corporate</i> means a Chapter 5 body corporate under the Corporations Act.	12
(5)	Schedule 2, definition <i>show cause event</i> , paragraph (d), ‘an externally-administered body corporate under the Corporations Act’—	13
	<i>omit, insert—</i>	14
	a chapter 5 body corporate	15
(6)	Schedule 2, definition <i>show cause event</i> —	16
	<i>insert—</i>	17
	(da) the person being a director of a corporation that becomes a chapter 5 body corporate; or	18
(7)	Schedule 2, definition <i>show cause event</i> , paragraphs (da) to (e)—	19
	<i>renumber</i> as paragraphs (e) to (f).	20
		21
		22
		23
		24
		25
		26

Part 22	Amendment of Legal Profession Regulation 2017	1 2
Clause 145	Regulation amended	3
	This part amends the <i>Legal Profession Regulation 2017</i> .	4
Clause 146	Amendment of s 7 (Prescribed legal practice—Act, s 24)	5
	(1) Section 7, ‘each of the following is prescribed as legal practice’—	6 7
	omit, insert—	8
	the following kinds of legal practice are prescribed	9 10
	(2) Section 7(d)—	11
	omit.	12
Part 23	Amendment of Magistrates Courts Act 1921	13 14
Clause 147	Act amended	15
	This part amends the <i>Magistrates Courts Act 1921</i> .	16
Clause 148	Amendment of s 4 (Jurisdiction of Magistrates Courts)	17
	Section 4(a), ‘amount claimed’—	18
	omit, insert—	19
	amount, value or damage sought to be recovered	20
Clause 149	Insertion of new s 4AAA	21
	After section 4—	22

[s 150]

insert—

**4AAA Calculating whether amount, value, damage
or sum is more than prescribed limit**

In calculating whether, for this part, an amount,
value, damage or sum claimed, or sought to be
recovered, in an action is more than the prescribed
limit, the following amounts must not be
considered—

- (a) an amount of interest that is payable as of
right whether because of a law, agreement or
otherwise; or
- (b) an amount of interest that may be awarded
by a court, including, for example, an
amount of interest that may be awarded
under the *Civil Proceedings Act 2011*,
section 58.

Clause 150 Amendment of s 45 (Appeal)

- (1) Section 45(1)(a), ‘amount’—

omit, insert—

amount, value or damage

- (2) Section 45(1)(c), ‘amount claimed or the value of the goods in
question’—

omit, insert—

amount or damages claimed, or the value of the
goods in question,

- (3) Section 45(2)(a), ‘amount’—

omit, insert—

amount, damage or value

Part 24	Amendment of Mineral Resources Act 1989	1 2
Clause 151	Act amended	3
	This part amends the <i>Mineral Resources Act 1989</i> .	4
Clause 152	Amendment of s 78 (Land Court's determination on hearing)	5 6
	Section 78(4) and (5)—	7
	<i>omit.</i>	8
Clause 153	Amendment of s 268 (Hearing of application for grant of mining lease)	9 10
	(1) Section 268(8) and (9)—	11
	<i>omit.</i>	12
	(2) Section 268(10)—	13
	<i>renumber</i> as section 268(8).	14
Clause 154	Insertion of new ch 15, pt 18	15
	Chapter 15—	16
	<i>insert</i> —	17
	Part 18	Transitional provision
		for Justice and Other
		Legislation
		Amendment Act 2019
		18 19 20 21
	870 Particular existing applications	22
	(1) Former section 78 continues to apply in relation to an application made under section 61 for the grant	23 24

[s 155]

of a mining claim that was referred to the Land Court under chapter 3, but not decided, before the commencement.	1 2 3
(2) Former section 268 continues to apply in relation to an application made under section 245 for the grant of a mining lease that was referred to the Land Court under chapter 6, part 1, but not decided, before the commencement.	4 5 6 7 8
(3) In this section— <i>former</i> , for a provision of this Act, means the provision as in force from time to time before the commencement.	9 10 11 12

Part 25	Amendment of Ombudsman Act 2001	13 14
----------------	--	----------

Clause 155	Act amended	15
	This part amends the <i>Ombudsman Act 2001</i> .	16
Clause 156	Amendment of s 86 (Delegation)	17
	Section 86(1), after ‘Act’—	18
	<i>insert—</i>	19
	or the <i>Human Rights Act 2019</i> , section 66	20

Part 26	Amendment of Peace and Good Behaviour Act 1982	21 22
----------------	---	----------

Clause 157	Act amended	23
	This part amends the <i>Peace and Good Behaviour Act 1982</i> .	24

Clause 158	Amendment of s 33 (Definitions for part)	1
(1)	Section 33—	2
	<i>insert—</i>	3
	<i>criminal activity</i> means conduct that involves the	4
	commission of an offence.	5
(2)	Section 33, definition <i>disorderly activity</i> —	6
	<i>insert—</i>	7
	(aa) criminal activity at the premises that is	8
	likely to pose a risk to the safety of a	9
	member of the public; or	10
(3)	Section 33, definition <i>disorderly activity</i> , paragraphs (aa) to	11
	(f)—	12
	<i>renumber</i> as paragraphs (b) to (g).	13
Clause 159	Amendment of s 88 (Who may appeal)	14
	Section 88(e), ‘refuse to make’—	15
	<i>omit, insert—</i>	16
	make, or refuse to make,	17
Clause 160	Insertion of new pt 8	18
	After section 100—	19
	<i>insert—</i>	20
	Part 8	21
	Transitional provisions	22
	for Justice and Other	23
	Legislation	24
	Amendment Act 2019	25
	101 Existing applications for restricted premises	26
	orders	27
	(1) This section applies if, before the	28

[s 160]

commencement—	1
(a) an application was made under section 34 to a court for a restricted premises order; and	2 3
(b) the court had not decided the application.	4
(2) Section 33, definition <i>disorderly activity</i> , paragraph (b) does not apply in relation to—	5 6
(a) the making of the restricted premises order under section 36; or	7 8
(b) the imposition of conditions on the order under section 37.	9 10
102 Application of s 54 in relation to particular disorderly activities	11 12
(1) This section applies in relation to the owner or occupier of premises if—	13 14
(a) immediately before the commencement, a restricted premises order was in effect for the premises; or	15 16 17
(b) on or after the commencement, a restricted premises order is made for the premises for an application in relation to which section 101 applies.	18 19 20 21
(2) The owner or occupier does not commit a misdemeanour under section 54 in relation to a disorderly activity, mentioned in section 33, definition <i>disorderly activity</i> , paragraph (b), taking place at the premises while the restricted premises order is in effect.	22 23 24 25 26 27
103 Appeals may not be made against particular decisions made before commencement	28 29
Section 88(e) does not apply in relation to a decision, made before the commencement, to make an order under section 51 for the return of a	30 31 32

prohibited item.

1

Clause 161 Amendment of sch 1 (Dictionary)

2

Schedule 1—

3

insert—

4

criminal activity, for part 4, see section 33.

5

Part 27 Amendment of Penalties and Sentences Act 1992

6

7

Clause 162 Act amended

8

This part amends the *Penalties and Sentences Act 1992*.

9

Clause 163 Amendment of s 9 (Sentencing guidelines)

10

Section 9(2)—

11

insert—

12

(pa) the principle that the court should not refuse to make a community based order for the offender merely because of—

13

14

15

(i) a physical, intellectual or psychiatric disability of the offender; or

16

17

(ii) the offender's sex, educational level or religious beliefs; and

18

19

Clause 164 Amendment of s 159A (Time held in presentence custody to be deducted)

20

21

Section 159A(1), 'and for no other reason'—

22

omit.

23

[s 165]

Clause 165	Insertion of new pt 14, div 22	1
	Part 14—	2
	<i>insert—</i>	3
	Division 22	4
	Transitional provision for	5
	Justice and Other	6
	Legislation Amendment	7
	Act 2019	
	258 Application of ss 9 and 159A to sentencing	8
	offenders after commencement	9
	Sections 9 and 159A, as amended by the <i>Justice</i>	10
	<i>and Other Legislation Amendment Act 2019</i> ,	11
	apply in relation to the sentencing of an offender	12
	after the commencement whether the offence or	13
	conviction happened before or after the	14
	commencement.	15
Part 28	Amendment of Penalties and	16
	Sentences Regulation 2015	17
Clause 166	Regulation amended	18
	This part amends the <i>Penalties and Sentences Regulation</i>	19
	<i>2015</i> .	20
Clause 167	Omission of s 4 (Principle prescribed—Act, s 9(2)(p))	21
	Section 4—	22
	<i>omit.</i>	23

Part 29	Amendment of Personal Injuries Proceedings Act 2002	1 2
Clause 168	Act amended	3
	This part amends the <i>Personal Injuries Proceedings Act 2002</i> .	4
Clause 169	Amendment of s 8 (Definitions)	5
	Section 8, ‘the schedule’—	6
	<i>omit, insert—</i>	7
	schedule 1	8
Clause 170	Amendment of s 22 (Duty of claimant to provide documents and information to respondent)	9 10
	Section 22—	11
	<i>insert—</i>	12
	(9) In this section—	13
	<i>health care</i> means any care, treatment, advice, service or goods provided in relation to the physical or mental health of a person.	14 15 16
	<i>health care claim</i> means a claim against a health care provider in relation to personal injury caused entirely or partly by the fault of the health care provider in providing health care.	17 18 19 20
	<i>health care provider</i> means—	21
	(a) a person who is registered under the Health Practitioner Regulation National Law in a health profession; or	22 23 24
	(b) a provider of a public sector health service as defined under the <i>Hospital and Health Boards Act 2011</i> , schedule 2; or	25 26 27

[s 171]

	(c) a licensee of a private health facility as defined under the <i>Private Health Facilities Act 1999</i> , section 8.	1 2 3
Clause 171	Amendment and numbering of schedule (Dictionary)	4
	(1) Schedule, definitions <i>health care</i> , <i>health care claim</i> , <i>health care provider</i> and <i>provider</i> —	5 6
	<i>omit</i> .	7
	(2) Schedule—	8
	<i>number</i> as schedule 1.	9
Part 30	Amendment of Personal Injuries Proceedings Regulation 2014	10 11 12
Clause 172	Regulation amended	13
	This part amends the <i>Personal Injuries Proceedings Regulation 2014</i> .	14 15
Clause 173	Insertion of new s 2A	16
	After section 2—	17
	<i>insert</i> —	18
	2A Definitions	19
	The dictionary in schedule 1 defines particular words used in this regulation.	20 21
Clause 174	Amendment of s 12 (Prescribed limits for particular definitions—Act, schedule)	22 23
	(1) Section 12, heading, ‘schedule’—	24
	<i>omit</i> , <i>insert</i> —	25

	sch 1	1
(2)	Section 12(1), ‘the schedule’—	2
	<i>omit, insert—</i>	3
	schedule 1	4
Clause 175	Insertion of new sch 1	5
	After section 14—	6
	<i>insert—</i>	7
	Schedule 1 Dictionary	8
	section 2A	9
	<i>health care claim</i> see section 22(9) of the Act.	10
	<i>health care provider</i> see section 22(9) of the Act.	11
Part 31	Amendment of Property Law Act 1974	12
		13
Clause 176	Act amended	14
	This part amends the <i>Property Law Act 1974</i> .	15
Clause 177	Insertion of new s 84A	16
	After section 84—	17
	<i>insert—</i>	18
	84A Exercise of power of sale in relation to disclaimed properties	19
		20
	(1) This section applies in relation to the mortgaged freehold property of a bankrupt that has been disclaimed by the trustee of the estate of the	21
		22
		23

[s 177]

-
- | | |
|--|----|
| bankrupt under the <i>Bankruptcy Act 1966</i> (Cwlth), | 1 |
| section 133(1) if— | 2 |
| (a) for property in relation to which section | 3 |
| 133(3) of that Act applies—the trustee has | 4 |
| given notice of the disclaimer under section | 5 |
| 133(3) of that Act; and | 6 |
| (b) an application to a court for an order under | 7 |
| section 133(9) of that Act in relation to the | 8 |
| property— | 9 |
| (i) has not been made; or | 10 |
| (ii) has been finally dealt with by the court | 11 |
| or withdrawn; and | 12 |
| (c) a court has not made an order in relation to | 13 |
| the property under section 133(9) of that | 14 |
| Act, other than an order vesting the property | 15 |
| in the mortgagee. | 16 |
| (2) Also, this section applies in relation to the | 17 |
| mortgaged freehold property of a company that | 18 |
| has been disclaimed by a liquidator of the | 19 |
| company under the Corporations Act, section | 20 |
| 568(1) if— | 21 |
| (a) the liquidator has complied with section | 22 |
| 568A of that Act in relation to the | 23 |
| disclaimer; and | 24 |
| (b) the disclaimer is in effect under that Act; | 25 |
| and | 26 |
| (c) an application to a court under section 568E | 27 |
| or 568F of that Act in relation to the | 28 |
| property— | 29 |
| (i) has not been made; or | 30 |
| (ii) has been finally dealt with by the court | 31 |
| or withdrawn; and | 32 |
| (d) a court has not made an order in relation to | 33 |
| the property under section 568F(1) of that | 34 |
-

	Act, other than an order vesting the property in the mortgagee.	1 2
(3)	The disclaimer does not affect the right of the mortgagee to exercise the mortgagee's power of sale conferred by this Act or otherwise in relation to the property.	3 4 5 6
(4)	Despite section 84(1), the mortgagee may exercise the mortgagee's power of sale conferred by this Act or otherwise in relation to the property if the mortgagee has given notice, in the approved form, of the mortgagee's intention to exercise the power of sale to—	7 8 9 10 11 12
	(a) each person who has an interest in the property; and	13 14
	(b) the registrar for recording in the land registry.	15 16
(5)	The mortgagee must not exercise the power of sale until 30 days after the last of the notices mentioned in subsection (4) has been given.	17 18 19
(6)	This section does not apply in relation to the exercise of a power of sale conferred on the mortgagee under the <i>Land Act 1994</i> .	20 21 22
(7)	In this section—	23
	bankrupt see the <i>Bankruptcy Act 1966</i> (Cwlth), section 5(1).	24 25
	company means a company registered under the Corporations Act.	26 27
Clause 178	Amendment of s 85 (Duty of mortgagee or receiver as to sale price)	28 29
	Section 85(9), from 'only to'—	30
	<i>omit, insert—</i>	31
	only in relation to the exercise of a power of sale if—	32 33

[s 179]

- (a) the exercise of the power arises upon or in consequence of a default, mentioned in section 84(1), that happens after the commencement of this Act; or
- (b) the power is being exercised under section 84A(4).

Clause 179 Amendment of s 88 (Application of proceeds of sale)

- (1) Section 88—
insert—
 - (1A) However, if the money arises from the sale of mortgaged freehold property that has been disclaimed under the *Bankruptcy Act 1966* (Cwlth), section 133(1) or the Corporations Act, section 568(1), the residue of the money mentioned in subsection (1) must be paid into court.
- (2) Section 88(1A) to (3)—
renumber as section 88(2) to (4).

Clause 180 Insertion of new pt 25

After section 358—
insert—

**Part 25 Transitional provisions
for Justice and Other
Legislation
Amendment Act 2019**

359 Application of s 84A

Section 84A applies in relation to a mortgaged freehold property disclaimed under the *Bankruptcy Act 1966* (Cwlth), section 133(1) or

[s 181]

-
- the Corporations Act, section 568(1)— 1
 - (a) whether the mortgage was made before or 2
after the commencement; but 3
 - (b) only if— 4
 - (i) for a disclaimer under the *Bankruptcy* 5
Act 1966 (Cwlth), section 133(1)—the 6
disclaimer was made on or after the 7
commencement; or 8
 - (ii) for a disclaimer under the Corporations 9
Act, section 568(1)—the disclaimer 10
took effect on or after the 11
commencement. 12

**360 Application of proceeds of sales that 13
happened before commencement 14**

Section 88(2), as inserted by the *Justice and Other* 15
Legislation Amendment Act 2019, does not apply 16
in relation to the sale of a mortgaged freehold 17
property that happened before the 18
commencement. 19

**Part 32 Amendment of Property Law 20
Regulation 2013 21**

Clause 181 Regulation amended 22
This part amends the *Property Law Regulation 2013*. 23

Clause 182 Amendment of s 3 (Prescribed mortgages—Act, s 85) 24
(1) Section 3(2)(b), ‘the residence does’— 25
omit, insert— 26
if the power of sale is being exercised under 27
section 84(1) of the Act in relation to a default 28

[s 183]

- mentioned in that section—the residence does 1
- (2) Section 3(2)— 2
- insert—* 3
- (c) if the power of sale is being exercised under 4
 section 84A of the Act—the residence does 5
 not stop being the mortgagor’s home only 6
 because the mortgagor stopped using the 7
 residence as the mortgagor’s home— 8
- (i) when the residential land was 9
 disclaimed under the *Bankruptcy Act* 10
1966 (Cwlth), section 133(1) or the 11
 Corporations Act, section 568(1); or 12
- (ii) within 6 months before the disclaimer 13
 took effect. 14
- (3) Section 3(3), definition *default—* 15
omit. 16

Part 33 Amendment of Queensland Civil and Administrative Tribunal Act 2009

- Clause 183 Act amended** 20
- This part amends the *Queensland Civil and Administrative Tribunal Act 2009*. 21
 22
- Clause 184 Insertion of new s 11A** 23
- After section 11— 24
- insert—* 25
- 11A Calculating whether amount, value, damage or sum is more than particular monetary limits** 26
 27
- (1) In determining whether the tribunal has original 28

- jurisdiction for a matter, the following amounts
must not be considered in calculating whether an
amount, value, damage or sum claimed, or sought
to be recovered, in the matter is more than the
monetary limit for the matter—
- (a) an amount of interest that is payable as of
right whether because of a law, agreement or
otherwise;
 - (b) an amount of interest that may be awarded
by the tribunal, including, for example, an
amount of interest that may be awarded
under section 14.
- (2) However, this section does not apply in relation to
a matter the tribunal may decide under an
enabling Act in the first instance if the enabling
Act provides that an amount mentioned in
subsection (1)(a) or (b) must or may be
considered in making the calculation mentioned
in subsection (1).
- (3) In this section—
- monetary limit*** means—
- (a) for a minor civil dispute—the prescribed
amount; or
 - (b) for a matter the tribunal may decide under
an enabling Act other than a minor civil
dispute—an amount that, under the enabling
Act, the amount, value, damage or sum
claimed, or sought to be recovered, in the
matter must not exceed.

Clause 185	Amendment of s 13 (Deciding minor civil dispute generally)	30 31
	Section 13—	32
	<i>insert—</i>	33

[s 186]

	(5)	For subsection (3), the following amounts must not be considered in calculating whether an amount or value is more than the prescribed amount—	1 2 3 4
	(a)	an amount of interest that is payable as of right whether because of a law, agreement or otherwise;	5 6 7
	(b)	an amount of interest that may be awarded by the tribunal, including, for example, an amount of interest that may be awarded under section 14.	8 9 10 11
Clause 186		Amendment of s 183 (Appointment of senior members and ordinary members)	12 13
	(1)	Section 183(3)— <i>omit.</i>	14 15
	(2)	Section 183(8), from ‘reappointed,’— <i>omit, insert—</i> reappointed.	16 17 18
	(3)	Section 183(4) to (9)— <i>renumber</i> as section 183(3) to (8).	19 20
Clause 187		Amendment of s 186 (Conditions of appointment)	21
		Section 186(2), from ‘Council’— <i>omit, insert—</i> Council.	22 23 24
Clause 188		Amendment of s 191 (Acting senior members)	25
		Section 191(2), ‘section 183(4)’— <i>omit, insert—</i> section 183(3)	26 27 28

Clause 189	Amendment of s 191A (Acting ordinary members)	1
	Section 191A(2), ‘section 183(5)’—	2
	<i>omit, insert—</i>	3
	section 183(4)	4
Clause 190	Amendment of sch 3 (Dictionary)	5
	Schedule 3, definition <i>minor civil dispute</i> , paragraph 1(a), ‘,	6
	with or without interest,’—	7
	<i>omit.</i>	8
Part 34	Amendment of Retail Shop Leases Act 1994	9
		10
Clause 191	Act amended	11
	This part amends the <i>Retail Shop Leases Act 1994</i> .	12
Clause 192	Replacement of s 95 (Mediators)	13
	Section 95—	14
	<i>omit, insert—</i>	15
	95 Mediators	16
	(1) The chief executive may appoint an appropriately	17
	qualified person as a mediator for the term	18
	decided by the chief executive.	19
	(2) A mediator is to be paid the remuneration and	20
	allowances decided by the chief executive.	21
	(3) A mediator holds office on the terms and	22
	conditions, not provided for by this Act, decided	23
	by the chief executive.	24
	(4) A mediator is appointed under this Act and not the	25
	<i>Public Service Act 2008</i> .	26

[s 193]

Clause	193	Replacement of s 98 (Duration of appointment)	1
		Section 98—	2
		<i>omit, insert—</i>	3
		98 Resignation	4
		A mediator may resign by signed notice given to the chief executive.	5
			6
Clause	194	Omission of s 99 (Conditions of appointment)	7
		Section 99—	8
		<i>omit.</i>	9
Clause	195	Amendment of s 100 (Removal from office)	10
		Section 100, ‘Minister’—	11
		<i>omit, insert—</i>	12
		chief executive	13
Clause	196	Insertion of new pt 12, div 5	14
		Part 12—	15
		<i>insert—</i>	16
		Division 5 Transitional provision for Justice and Other Legislation Amendment Act 2019	17
			18
			19
			20
		155 Existing mediators	21
		(1) This section applies to a person who, immediately before the commencement, held an appointment as a mediator under former section 95.	22
			23
			24
		(2) The person’s appointment continues in force	25

[s 197]

	under new section 95 from the commencement—	1
	(a) according to its terms and conditions; and	2
	(b) for the remaining term of the appointment under former section 95.	3 4
	(3) In this section—	5
	<i>former section 95</i> means section 95 as in force from time to time before the commencement.	6 7
	<i>new section 95</i> means section 95 as in force from the commencement.	8 9
Part 35	Amendment of Second-hand Dealers and Pawnbrokers Act 2003	10 11 12
Clause 197	Act amended	13
	This part amends the <i>Second-hand Dealers and Pawnbrokers Act 2003</i> .	14 15
Clause 198	Amendment of s 7 (Suitability of applicants and licensees)	16 17
	(1) Section 7(1)(d), ‘an externally-administered body corporate’—	18 19
	<i>omit, insert—</i>	20
	a Chapter 5 body corporate under the Corporations Act	21 22
	(2) Section 7(5), definition <i>externally-administered body corporate</i> —	23 24
	<i>omit.</i>	25

[s 199]

Clause 199	Omission of pt 9, div 1 (Interpretation)	1
	Part 9, division 1—	2
	<i>omit.</i>	3
Clause 200	Insertion of new pt 9, div 6	4
	Part 9—	5
	<i>insert—</i>	6
	Division 6	7
	Transitional provision for	8
	Justice and Other	9
	Legislation Amendment	10
	Act 2019	
	142 Existing applications	11
	(1) This section applies in relation to the following applications made, but not decided, before the commencement—	12
	(a) an application for a licence made under section 10;	13
	(b) an application for the renewal of a licence made under section 13;	14
	(c) an application for the restoration of a licence made under section 14.	15
	(2) The chief executive must decide the application under part 3 as in force from the commencement.	16
		17
		18
		19
		20
		21
		22
Part 36	Amendment of Succession Act 1981	23
		24
Clause 201	Act amended	25
	This part amends the <i>Succession Act 1981</i> .	26

[s 202]

Clause 202	Amendment of s 21 (Court may authorise a will to be made, altered or revoked for person without testamentary capacity)	1 2 3
(1)	Section 21(2)(a) to (c)—	4
	<i>omit, insert—</i>	5
(a)	the person to whom the order relates (the relevant person) lacks testamentary capacity and is alive when the order is made; and	6 7 8 9
(b)	the court is satisfied—	10
(i)	the applicant is the appropriate person to make the application; and	11 12
(ii)	adequate steps have been taken to allow representation of other persons with a proper interest in the application, including persons who have reason to expect a gift or benefit from the estate of the relevant person; and	13 14 15 16 17 18 19
(iii)	the proposed will, alteration or revocation is or may be a will, alteration or revocation the relevant person would make if the person had testamentary capacity; and	20 21 22 23 24
(c)	the court approves the proposed will, alteration or revocation.	25 26
(2)	Section 21(5)—	27
	<i>omit, insert—</i>	28
(5)	The court may order that costs in relation to the application be paid out of the relevant person's assets.	29 30 31
Clause 203	Omission of s 22 (Leave to apply for s 21 order)	32
	Section 22—	33

[s 204]

omit.

1

Clause 204 Amendment of s 23 (Information required by court in support of application for leave)

2

3

(1) Section 23, heading, ‘leave’—

4

omit, insert—

5

order under s 21

6

(2) Section 23, from ‘On the hearing’ to ‘otherwise—’—

7

omit, insert—

8

An application for the making of an order under
section 21 in relation to a person must be
accompanied by the following information—

9

10

11

(3) Section 23(a)—

12

omit, insert—

13

(a) the reasons for making the application;

14

(4) Section 23(b), ‘satisfactory’—

15

omit.

16

(5) Section 23(b), from ‘the person’—

17

omit, insert—

18

the person;

19

(6) Section 23(c), ‘, or that can be discovered with reasonable
diligence,’—

20

21

omit.

22

(7) Section 23(d), ‘a reasonable’—

23

omit, insert—

24

an

25

(8) Section 23(j) and (k), ‘, or that can be discovered with
reasonable diligence,’—

26

27

omit.

28

Clause 205	Omission of s 24 (Matters court must be satisfied of before giving leave)	1 2
	Section 24—	3
	<i>omit.</i>	4
Clause 206	Amendment of s 25 (Hearing an application for leave or for an order)	5 6
	(1) Section 25, heading, from ‘leave’—	7
	<i>omit, insert—</i>	8
	an order under s 21	9
	(2) Section 25, ‘for leave under section 22 or’—	10
	<i>omit.</i>	11
Clause 207	Amendment of s 26 (Execution of will or other instrument made under order)	12 13
	(1) Section 26(1), after ‘if’—	14
	<i>insert—</i>	15
	the will or other instrument	16
	(2) Section 26(1)(a), ‘it’—	17
	<i>omit.</i>	18
	(3) Section 26(1)(b)—	19
	<i>omit, insert—</i>	20
	(b) is signed by the registrar, and stamped with the court’s seal, within—	21 22
	(i) 14 days of the order being made; or	23
	(ii) another period stated by the court.	24
	(4) Section 26(1)—	25
	<i>insert—</i>	26

[s 208]

	<i>Note—</i>	1
	For the holding of the will or other instrument by the registrar, see subdivision 4.	2 3
(5)	Section 26(2) and note—	4
	<i>omit, insert—</i>	5
(2)	To remove any doubt, it is declared that the will or other instrument may be signed by the registrar, and stamped with the court’s seal, even if the person in relation to whom the order was made has died.	6 7 8 9 10
Clause 208	Amendment of s 28 (Relationship with Guardianship and Administration Act 2000 and Powers of Attorney Act 1998)	11 12 13
	Section 28, ‘or for leave under section 22’—	14
	<i>omit.</i>	15
Clause 209	Insertion of new pt 7, div 5	16
	Part 7—	17
	<i>insert—</i>	18
	Division 5	Transitional provisions for
		Justice and Other
		Legislation Amendment
		Act 2019
		19 20 21 22
	77 Definitions for division	23
	In this division—	24
	<i>amending Act</i> means the <i>Justice and Other Legislation Amendment Act 2019</i> .	25 26
	<i>former</i> , for a provision of this Act, means the provision as in force from time to time before the	27 28

commencement.	1
78 Particular applications in relation to persons without testamentary capacity	2 3
Former part 2, division 4, subdivision 3 continues to apply in relation to the following applications as if the amending Act had not been enacted—	4 5 6
(a) an application for leave made under former section 22, but not decided, before the commencement;	7 8 9
(b) an application for an order under section 21 made, but not decided, before the commencement;	10 11 12
(c) an application for an order under section 21 made after the commencement, if leave to make the application was given—	13 14 15
(i) before the commencement; or	16
(ii) for an application mentioned in paragraph (a).	17 18
79 Execution of wills and other instruments made under existing orders	19 20
(1) Former section 26(1) continues to apply in relation to a will or other instrument made under an existing order as if the amending Act had not been enacted.	21 22 23 24
(2) In this section—	25
<i>existing order</i> means an order made under section 21 before the commencement.	26 27

[s 210]

Part 37	Amendment of Surrogacy Act 2010	1 2
Clause 210	Act amended	3
	This part amends the <i>Surrogacy Act 2010</i> .	4
Clause 211	Amendment of s 60 (Court fees and other matters)	5
	Section 60, ‘The <i>Uniform Civil Procedure (Fees) Regulation 2009</i> ’—	6 7
	<i>omit, insert—</i>	8
	A regulation made under the <i>Supreme Court of Queensland Act 1991</i> , section 92(2)(a) or (b)	9 10
Part 38	Amendment of Tourism Services Act 2003	11 12
Clause 212	Act amended	13
	This part amends the <i>Tourism Services Act 2003</i> .	14
Clause 213	Amendment of s 14 (When applicant is not a suitable person)	15 16
	Section 14(e), from ‘an externally-administered’—	17
	<i>omit, insert—</i>	18
	a Chapter 5 body corporate under the Corporations Act.	19 20
Clause 214	Amendment of pt 14, hdg (Transitional provision for Act No. 61 of 2003)	21 22
	Part 14, heading, from ‘provision’—	23

omit, insert—

1

provisions

2

Clause 215 Insertion of new pt 14, div 1, hdg

3

Before section 101—

4

insert—

5

Division 1

**Transitional provision for
Act No. 61 of 2003**

6

7

**Clause 216 Replacement of pt 15, hdg (Transitional provision for Fair
Trading (Australian Consumer Law) Amendment Act
2010)**

8

9

10

Part 15, heading—

11

omit, insert—

12

Division 2

**Transitional provision for
Fair Trading (Australian
Consumer Law)
Amendment Act 2010**

13

14

15

16

Clause 217 Insertion of new pt 14, div 3

17

Part 14—

18

insert—

19

Division 3

**Transitional provision for
Justice and Other
Legislation Amendment
Act 2019**

20

21

22

23

103 Existing applications

24

(1) This section applies in relation to the following

25

[s 218]

applications made, but not decided, before the commencement—	1 2
(a) an application for registration made under section 20;	3 4
(b) an application for the renewal of a registration made under section 22.	5 6
(2) The commissioner must decide the application under part 3 as in force from the commencement.	7 8

Part 39	Consequential amendments	9
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Clause 218	Subordinate legislation amended	10
	Schedule 1 amends the subordinate legislation it mentions.	11

Schedule 1	Subordinate legislation amended	1 2
	section 218	3
	Criminal Practice Rules 1999	4
1	Schedule 3, form 288, heading, ‘a crop’—	5
	<i>omit, insert—</i>	6
	vegetation	7
2	Schedule 3, form 288, ‘crops and growing plants’—	8
	<i>omit, insert—</i>	9
	vegetation	10
	Labour Hire Licensing Regulation 2018	11
1	Section 20(3), ‘section 48(5) to (7) of the Acts Interpretation Act 1954’—	12 13
	<i>omit, insert—</i>	14
	the Acts Interpretation Act 1954, section 48(5) and (6)	15 16