



Queensland

Justice and Other Legislation Amendment Bill 2014



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2014

A Bill

for

An Act to amend the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984, Acts Interpretation Act 1954, Anti-Discrimination Act 1991, Appeal Costs Fund Act 1973, Births, Deaths and Marriages Registration Act 2003, Civil Liability Act 2003, Civil Proceedings Act 2011, Coroners Act 2003, Corporations (Administrative Actions) Act 2001, Corrective Services Act 2006, Court Funds Act 1973, Criminal Code, Criminal Proceeds Confiscation Act 2002, Drugs Misuse Act 1986, Electoral Act 1992, Evidence Act 1977, Industrial Relations Act 1999, Justices Act 1886, Legal Profession Act 2007, Magistrates Courts Act 1921, Penalties and Sentences Act 1992, Professional Standards Act 2004, Property Law Act 1974, Public Guardian Act 2014, Queensland Civil and Administrative Tribunal Act 2009, Recording of Evidence Act 1962, Referendums Act 1997, Supreme Court Library Act 1968, Telecommunications Interception Act 2009, Tourism and Events Queensland Act 2012, Trusts Act 1973 and Vexatious Proceedings Act 2005* for particular purposes, and to repeal the *Companies (Acquisition of Shares) (Application of Laws) Act 1981, Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981, Companies (Application of Laws) Act 1981, Futures Industry (Application of Laws) Act 1986 and Securities Industry (Application of Laws) Act 1981*

[s 1]

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 2014*. 4
5

Clause 2 Commencement 6

(1) Part 31 commences on 1 July 2015. 7

(2) The following provisions commence on a day to be fixed by
proclamation— 8
9

(a) parts 2 and 3; 10

(b) sections 29 to 31 and 34 to 36; 11

(c) section 86(1) and (3) to (5); 12

(d) section 87, to the extent it inserts new section 63. 13

**Part 2 Amendment of Aboriginal and
Torres Strait Islander
Communities (Justice, Land
and Other Matters) Act 1984** 14
15
16
17

Clause 3 Act amended 18

This part amends the *Aboriginal and Torres Strait Islander
Communities (Justice, Land and Other Matters) Act 1984*. 19
20

Clause 4	Amendment of s 20 (Membership)	1
(1)	Section 20(1A)—	2
	<i>omit, insert—</i>	3
	(1A) The Minister is to—	4
	(a) appoint the members of each community justice group by written notice given to each member; and	5 6 7
	(b) publish notice of the appointments on the Queensland Courts website.	8 9
(2)	Section 20(4A)—	10
	<i>omit, insert—</i>	11
	(4A) If the Minister decides a member of a community justice group is no longer eligible or suitable for appointment to the membership of the community justice group, the Minister must—	12 13 14 15
	(a) revoke the member's appointment by written notice given to the member; and	16 17
	(b) publish notice of the revocation on the Queensland Courts website.	18 19
(3)	Section 20(5)—	20
	<i>insert—</i>	21
	<i>Queensland Courts website</i> means—	22
	(a) < www.courts.qld.gov.au >; or	23
	(b) another website authorised by the chief executive for this section.	24 25

[s 5]

Part 3 **Amendment of Acts** 1
Interpretation Act 1954 2

Clause 5 **Act amended** 3

This part amends the *Acts Interpretation Act 1954*. 4

Clause 6 **Amendment of s 48 (Forms—notification and availability)** 5

(1) Section 48(5), ‘in the gazette’— 6

omit, insert— 7

on the relevant government website 8

(2) Section 48(6)— 9

omit, insert— 10

(6) Subsection (5) may be complied with by 11
publishing on the relevant government website 12
either of the following— 13

(a) a notice stating— 14

(i) the form’s approval or availability; and 15

(ii) the form’s heading, number and 16
version number; and 17

(iii) a place or places where copies of the 18
form are available; and 19

(iv) the date on which the notice is 20
published; 21

(b) the form and the date on which the form is 22
published. 23

(6A) For subsection (5), a thing is published on the 24
relevant government website if it is published on, 25
or accessible through, the relevant government 26
website. 27

(3) Section 48— 28

<i>insert—</i>	1
(9) In this section—	2
<i>local government entity</i> means a local government.	3 4
<i>relevant government website</i> means—	5
(a) for publication in relation to a form approved or made available by a local government entity—the local government’s website; or	6 7 8 9
(b) for publication in relation to a form approved or made available by another entity—the whole-of-government website.	10 11 12
<i>whole-of-government website</i> means—	13
(a) <www.qld.gov.au>; or	14
(b) another website prescribed by regulation.	15

Clause 7	Insertion of new s 52A	16
	Part 13—	17
	<i>insert—</i>	18
	52A Regulation-making power	19
	The Governor in Council may make regulations under this Act.	20 21

Clause 8	Insertion of new pt 14, div 3	22
	After section 57—	23
	<i>insert—</i>	24

[s 8]

Division 3	Transitional provision for Justice and Other Legislation Amendment Act 2014	1 2 3 4
58	Form approved or made available, but not notified in gazette, before commencement	5 6
(1)	This section applies if before the commencement—	7 8
(a)	a form was approved or made available by an entity under an authorising law; and	9 10
(b)	there had been no notification of the approval or availability in a way that complied with previous section 48(5).	11 12 13
(2)	On or after the day of commencement, the entity may give notification of the approval or availability of the form by complying with—	14 15 16
(a)	previous section 48; or	17
(b)	revised section 48.	18
(3)	In this section—	19
	<i>authorising law</i> see section 48(1).	20
	<i>form</i> includes a new version of a form.	21
	<i>previous</i> , if followed by a provision number, means the provision of that number as in force immediately before the commencement.	22 23 24
	<i>revised section 48</i> means section 48 as in force at any time after the commencement.	25 26

Part 4	Amendment of Anti-Discrimination Act 1991	1 2
Clause 9	Act amended <i>This part amends the <i>Anti-Discrimination Act 1991</i>.</i>	3 4
Clause 10	Amendment of s 119 (Meaning of sexual harassment)	5
(1)	Section 119, examples, ‘Examples of subsection (1)(a)’— <i>omit, insert—</i> <i>Examples for paragraph (a)</i>	6 7 8
(2)	Section 119, examples, ‘Example of subsection (1)(b)’— <i>omit, insert—</i> <i>Example for paragraph (b)</i>	9 10 11
(3)	Section 119, examples, ‘Examples of subsection (1)(c)’— <i>omit, insert—</i> <i>Examples for paragraph (c)</i>	12 13 14
(4)	Section 119, examples, ‘Examples of subsection (1)(d)’— <i>omit, insert—</i> <i>Examples for paragraph (d)</i>	15 16 17
Part 5	Amendment of Appeal Costs Fund Act 1973	18 19
Clause 11	Act amended <i>This part amends the <i>Appeal Costs Fund Act 1973</i>.</i>	20 21

[s 12]

Clause 12	Amendment of s 5 (Appeal Costs Fund)	1
(1)	Section 5(3), ‘subsections (7) and (8) of this section,’—	2
	<i>omit, insert—</i>	3
	subsection (6) and	4
(2)	Section 5(4) to (7)—	5
	<i>omit.</i>	6
(3)	Section 5(1A) to (9)—	7
	<i>renumber</i> as section 5(2) to (7).	8
Clause 13	Amendment of s 22 (Abortive proceedings and new trials after proceedings discontinued)	9
(1)	Section 22(1)(b)—	10
	<i>omit, insert—</i>	11
	(b) an appeal on a question of law, or the ground	12
	that there was a miscarriage of justice,	13
	against the conviction of a person (the	14
	appellant) convicted on indictment	15
	succeeds, and a new trial is ordered; or	16
		17
(2)	Section 22(1), ‘such costs as the board considers have been’—	18
	<i>omit, insert—</i>	19
	the costs the board considers have been thrown away	20
	or partly thrown away and were	21
(3)	Section 22, after subsection (1)—	22
	<i>insert—</i>	23
	(1B) For subsection (1), costs thrown away in relation	24
	to a proceeding include costs that are	25
	unnecessarily incurred, or are reasonably	26
	incurred but are wasted once the proceeding is	27
	rendered abortive or the conviction is quashed or	28
	the hearing of the proceedings is discontinued.	29

Clause 14	Replacement of s 30 (Amendment of regulation—Justice and Other Legislation Amendment Act 2013)	1 2
	Section 30—	3
	<i>omit, insert—</i>	4
	30 Transitional provision for Justice and Other Legislation Amendment Act 2014	5 6
	(1) This section applies in relation to a person’s entitlement to a payment from the fund under section 22 if—	7 8 9
	(a) the entitlement arose under section 22 before the commencement; and	10 11
	(b) on the commencement, the board has not decided the amount of the payment to be made to the person under that section.	12 13 14
	(2) Section 22, as amended by the <i>Justice and Other Legislation Amendment Act 2014</i> , applies in relation to the person’s entitlement to a payment from the fund.	15 16 17 18

Part 6	Amendment of Births, Deaths and Marriages Registration Act 2003	19 20 21
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Clause 15	Act amended	22
	This part amends the <i>Births, Deaths and Marriages Registration Act 2003</i> .	23 24

Clause 16	Amendment of s 5 (Notification of birth)	25
	Section 5—	26
	<i>insert—</i>	27

[s 17]

	(5)	For subsection (1), a responsible person who is the person in charge of a hospital must give the notice electronically unless the registrar reasonably considers—	1 2 3 4
	(a)	it would be impractical to do so because the hospital is located in an area that does not allow for giving the notice electronically; or	5 6 7
	(b)	other exceptional circumstances do not allow for giving the notice electronically.	8 9
Clause 17		Amendment of s 29 (How to apply to register the death of a person)	10 11
		Section 29(5)—	12
		<i>omit, insert—</i>	13
	(5)	If the person making a death registration application is a funeral director in Queensland, the person must give the application electronically unless the registrar reasonably considers—	14 15 16 17 18
	(a)	it would be impractical to do so because the funeral director’s place of business is located in an area that does not allow for the notice to be given electronically; or	19 20 21 22
	(b)	other exceptional circumstances do not allow for the notice to be given electronically.	23 24 25
Clause 18		Amendment of s 32 (Notifying about disposal of a deceased person’s body)	26 27
		Section 32(6), from ‘registrar notice’—	28
		<i>omit, insert—</i>	29
		notice electronically unless the registrar reasonably considers—	30 31

	(a)	it would be impractical to do so because the crematorium or cemetery is located in an area that does not allow for giving the notice electronically; or	1 2 3 4
	(b)	other exceptional circumstances do not allow for giving the notice electronically.	5 6
Clause 19		Amendment of s 44 (Obtaining information from the registrar)	7 8
	(1)	Section 44(1)(b)— <i>omit, insert—</i>	9 10
		(b) a copy of a source document.	11
	(2)	Section 44— <i>insert—</i>	12 13
	(1A)	For subsection (1), an application may be given to the registrar electronically.	14 15
	(3)	Section 44(9) and (10)— <i>omit, insert—</i>	16 17
	(9)	The registrar may give requested information to an applicant electronically.	18 19
	(10)	Subsection (9) does not limit—	20
	(a)	a requirement of this Act about giving the requested information; or	21 22
	(b)	the <i>Electronic Transactions (Queensland) Act 2001</i> .	23 24
Clause 20		Amendment of s 48B (Registrar may enter into arrangement with family and child commissioner)	25 26
		Section 48B(6), definition <i>source document—</i> <i>omit.</i>	27 28

[s 21]

Clause 21	Amendment of s 48C (Registrar may enter into arrangement with health ombudsman)	1 2
	Section 48C(6), definition <i>source document</i> —	3
	<i>omit.</i>	4
Clause 22	Insertion of new s 54A	5
	After section 54—	6
	<i>insert—</i>	7
	54A How notice is given or application is made electronically	8 9
	(1) This section applies if, under this Act, a person is required or permitted to give a notice or application to the registrar electronically.	10 11 12
	(2) The notice or application is given electronically if it is given—	13 14
	(a) in an electronic format, and in a way, approved by the registrar; or	15 16
	<i>Examples of electronic formats and ways of giving information—</i>	17 18
	• capturing the information in an electronic form (such as an HTML web-form, a mobile application or a smartform) that is submitted through an online system provided by the registrar	19 20 21 22 23
	• including the information in a data file that is transmitted electronically between 2 computer systems	24 25 26
	(b) under the <i>Electronic Transactions (Queensland) Act 2001</i> .	27 28
	<i>Note—</i>	29
	Under the <i>Electronic Transactions (Queensland) Act 2001</i> , the person to whom the information is required or permitted to be given (in this case, the registrar) must consent to the information being given by an electronic communication. See sections 11(2) and 12(2) of that Act.	30 31 32 33 34 35

	(3)	Also, a requirement for the notice or application to be given in the approved form is complied with if the information required in the approved form is given under subsection (2).	1 2 3 4
Clause 23		Amendment of s 55 (Approved forms)	5
		Section 55—	6
		<i>insert—</i>	7
	(1A)	Without limiting subsection (1), an approved form may be an electronic form.	8 9
Clause 24		Amendment of sch 2 (Dictionary)	10
		Schedule 2—	11
		<i>insert—</i>	12
		<i>approved form</i> means a form approved by the chief executive under section 55(1).	13 14
		<i>funeral director</i> means a person who carries on the business of arranging for the disposal of the bodies of deceased persons.	15 16 17
		<i>source document—</i>	18
	(a)	means a document, other than a document prescribed by regulation, given to the registrar in relation to the registration or notation of an event in a register kept by the registrar; and	19 20 21 22 23
	(b)	includes a digitised copy of a document to which paragraph (a) applies, kept by the registrar as an official record of the document.	24 25 26 27

[s 25]

Part 7 **Amendment of Civil Liability Act 2003** 1
2

Clause 25 Act amended 3

This part amends the *Civil Liability Act 2003*. 4

Clause 26 Replacement of s 45 (Criminals not to be awarded damages) 5
6

Section 45— 7

omit, insert— 8

45 No damages for harm suffered in the course of criminal conduct 9
10

- (1) A person does not incur civil liability for breach of duty if the court is satisfied on the balance of probabilities that the harm suffered by another person (the *offender*) for which, apart from this section, the civil liability would arise, was suffered in the course of criminal conduct by the offender. 11
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- (2) However, subsection (1) does not apply if the harm suffered by the offender arose from an unlawful act that was intended to result in the offender suffering harm. 18
19
20
21
- (3) If the offender wishes to rely on subsection (2), the offender must prove, on the balance of probabilities, that it applies. 22
23
24
- (4) For subsection (1), it does not matter whether the offender has been, will be, is or was capable of being proceeded against or convicted of the indictable offence to which the criminal conduct relates. 25
26
27
28
29
- (5) If the offender has been dealt with for the indictable offence to which the criminal conduct 30
31

	relates, it does not matter whether the person was dealt with on indictment or summarily.	1 2	
(6)	In this section—	3	
	<i>criminal conduct</i> means the following—	4	
(a)	the commission of an indictable offence;	5	
(b)	anything done or omitted to be done for the purpose of the commission of an indictable offence, including—	6 7 8	
(i)	planning the offence; and	9	
(ii)	preparing for the offence; and	10	
(iii)	travelling to or from the place where the offence is committed; and	11 12	
(iv)	concealing the offence; and	13	
(v)	disposing of anything used in the course of, or obtained from, committing the offence.	14 15 16	
Clause 27	Insertion of new ch 5, pt 8	17	
	Chapter 5—	18	
	<i>insert—</i>	19	
	Part 8	Transitional provision	20
		for Justice and Other	21
		Legislation	22
		Amendment Act 2014	23
86	Application of s 45 in relation to damages for harm suffered in the course of criminal conduct	24 25 26	
	To remove any doubt, it is declared that section 45, as replaced by the <i>Justice and Other Legislation Amendment Act 2014</i> , applies only in relation to harm	27 28 29	

[s 28]

suffered on or after the commencement by an offender 1
within the meaning of that section. 2

Part 8 **Amendment of Civil** 3
Proceedings Act 2011 4

Clause 28 **Act amended** 5
This part amends the *Civil Proceedings Act 2011*. 6

Clause 29 **Amendment of s 16 (Amendment for new cause of action** 7
or party) 8
Section 16(4)— 9
omit, insert— 10
(4) This section— 11
(a) applies despite the *Limitation of Actions Act* 12
1974; and 13
(b) does not limit section 103H. 14

Clause 30 **Amendment of s 17 (Interested person may become a** 15
party and may be bound by outcome) 16
(1) Section 17— 17
insert— 18
(1A) However, this section does not apply to a 19
representative proceeding under part 13A. 20
(2) Section 17(1A) to (3)— 21
renumber as section 17(2) to (4). 22

Clause 31	Amendment of s 18 (Order binds persons who are represented)	1 2	
	(1) Section 18—	3	
	<i>insert—</i>	4	
	(1A) However, this section does not apply to a representative proceeding under part 13A.	5 6	
	(2) Section 18(1A) to (3)—	7	
	<i>renumber</i> as section 18(2) to (4).	8	
Clause 32	Amendment of s 88 (Enforcement against property of a business)	9 10	
	Section 88(1)(a) and (b), ‘or style’—	11	
	<i>omit.</i>	12	
Clause 33	Amendment of s 89 (Variation of order in relation to a business name)	13 14	
	Section 89(1), ‘or style’—	15	
	<i>omit.</i>	16	
Clause 34	Insertion of new pt 13A	17	
	After part 13—	18	
	<i>insert—</i>	19	
	Part 13A	Representative proceedings in Supreme Court	20 21 22
	Division 1	Preliminary	23
	103A Definitions for pt 13A		24
	In this part—		25

[s 34]

<i>court</i> means the Supreme Court.	1
<i>defendant</i> means a person against whom relief is sought in a representative proceeding.	2 3
<i>group member</i> means a member of a group of persons on whose behalf a representative proceeding has been commenced.	4 5 6
<i>representative party</i> means a person who commences a representative proceeding.	7 8
<i>representative proceeding</i> means a proceeding commenced under section 103B.	9 10
<i>sub-group member</i> means a person included in a sub-group established under section 103M.	11 12
<i>sub-group representative party</i> means a person appointed to be a sub-group representative party under section 103M.	13 14 15

Division 2	Conduct of representative proceedings	16 17
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103B Starting proceeding	18
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- | | |
|---|----------------|
| (1) A proceeding may be started under this part if— | 19 |
| (a) 7 or more persons have claims against the same person; and | 20
21 |
| (b) the claims of all the persons are in respect of, or arise out of, the same, similar or related circumstances; and | 22
23
24 |
| (c) the claims of all the persons give rise to a substantial common issue of law or fact. | 25
26 |
| (2) The proceeding may be started by 1 or more of the persons on behalf of some or all of the other persons. | 27
28
29 |
| (3) The proceeding may be started— | 30 |

-
- (a) whether or not the relief sought—
 - (i) is, or includes, equitable relief; or
 - (ii) consists of, or includes, damages; or
 - (iii) includes claims for damages that would require individual assessment; or
 - (iv) is the same for each person represented; and
 - (b) whether or not the proceeding—
 - (i) is concerned with separate contracts or transactions between the defendant and individual group members; or
 - (ii) involves separate acts or omissions of the defendant done or omitted to be done in relation to individual group members.

103C Standing

- (1) A person mentioned in section 103B(1)(a) has a sufficient interest to commence a representative proceeding against another person (the *proposed defendant*) on behalf of other persons mentioned in that section if the person has standing to commence proceedings on the person's own behalf against the proposed defendant.
- (2) The person may commence a representative proceeding on behalf of other persons against more than 1 defendant, whether or not each of the other persons have a claim against each of the defendants in the proceeding.
- (3) A person who has commenced a representative proceeding retains standing to do the following even if the person ceases to have a claim against any or all defendants—
 - (a) continue the proceeding;

[s 34]

(b) appeal against a decision in the proceeding. 1

103D Whether consent required to be a group member 2
3

- (1) Subject to subsection (2), the consent of a person to be a group member is not required. 4
5
- (2) Each of the following persons is a group member only if the person gives consent in writing to be a group member— 6
7
8
- (a) the Commonwealth or a State; 9
- (b) a Minister of the Commonwealth or a State; 10
- (c) a body corporate established for a public purpose by a law of the Commonwealth or a State, other than an incorporated company or association; 11
12
13
14
- (d) an officer of the Commonwealth or a State, in his or her capacity as an officer. 15
16

103E Persons under a legal incapacity 17

- (1) It is not necessary for a person under a legal incapacity to have a litigation guardian merely in order to be a group member. 18
19
20
- (2) A group member who is a person under a legal incapacity may only take a step in the representative proceeding or conduct part of the proceeding by the member's litigation guardian. 21
22
23
24
- (3) In this section— 25
- person under a legal incapacity* has the meaning given by the *Supreme Court of Queensland Act 1991*. 26
27
28

-
- 103F Originating process** 1
- (1) The originating process in a representative 2
proceeding, or a document filed in support of the 3
originating process, must, in addition to any other 4
matters required— 5
- (a) describe or otherwise identify the group 6
members to whom the proceeding relates; 7
and 8
- (b) state the nature of the claims made and relief 9
sought on behalf of the group members; and 10
- (c) state the questions of law or fact common to 11
the claims of the group members. 12
- (2) For describing or otherwise identifying the group 13
members under subsection (1)(a), it is not 14
necessary to name or state the number of the 15
group members. 16
- 103G Right of group member to opt out** 17
- (1) The court must fix a date on or before which a 18
group member may opt out of a representative 19
proceeding. 20
- (2) A group member may opt out of the 21
representative proceeding by giving written 22
notice before the date fixed under subsection (1). 23
- (3) On the application of a group member, the 24
representative party or the defendant, the court 25
may extend the period during which a group 26
member may, under subsection (2), opt out of the 27
representative proceeding. 28
- (4) Except by leave of the court, the hearing of a 29
representative proceeding must not start earlier 30
than the date before which a group member may 31
opt out of the proceeding. 32

[s 34]

- 103H Cause of action accruing after representative proceeding started** 1
2
- (1) At any stage of a representative proceeding, on 3
the application of the representative party, the 4
court may give leave to amend the originating 5
process starting the proceeding to change the 6
description of the group members. 7
- (2) The description of the group members may be 8
changed to include a person— 9
- (a) whose cause of action accrued after the start 10
of the representative proceeding but before 11
the date fixed by the court when giving 12
leave; and 13
- (b) who would have been a group member or, 14
with the consent of the person would have 15
been a group member, if the cause of action 16
had accrued before the proceeding was 17
started. 18
- (3) The date mentioned in subsection (2)(a) may be 19
the date on which leave is given or another date 20
before or after that date. 21
- (4) If the court gives leave under subsection (1), the 22
court may also make any other order it considers 23
just, including an order relating to the giving of 24
notice to persons who, as a result of the 25
amendment, will be included in the description of 26
group members for the representative 27
proceeding, and the date before which the 28
persons may opt out of the proceeding. 29
- 103I Less than 7 group members** 30
- If, at any stage of a representative proceeding, it 31
appears likely to the court that there are less than 7 32
group members, the court may, on the conditions it 33
considers appropriate— 34

-
- (a) order the proceeding be continued under this part; or 1
2
 - (b) order that the proceeding no longer continue under this part. 3
4

103J Distribution costs excessive 5

- (1) This section applies if— 6
 - (a) the relief sought in a representative proceeding is or includes payment of money to group members, other than for costs; and 7
8
9
 - (b) on application by the defendant, the court considers it is likely that, if judgment were to be given in favour of the representative party, the cost to the defendant of identifying the group members and distributing to them the amounts ordered to be paid to them would be excessive, having regard to the likely total of those amounts. 10
11
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- (2) The court may, by order— 18
 - (a) direct that the proceeding no longer continue under this part; or 19
20
 - (b) stay the proceeding so far as it relates to relief of the kind mentioned in subsection (1)(a). 21
22
23

103K Discontinuance of proceeding in certain circumstances 24
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- (1) The court may, on application by the defendant or on its own initiative, order that a proceeding no longer continue under this part if it considers it is in the interests of justice to do so because— 26
27
28
29
 - (a) the costs that would be incurred if the proceeding were to continue as a representative proceeding are likely to 30
31
32

[s 34]

- exceed the costs that would be incurred if 1
each group member conducted a separate 2
proceeding; or 3
- (b) all the relief sought can be obtained by 4
means of a proceeding other than a 5
representative proceeding under this part; or 6
- (c) the representative proceeding will not 7
provide an efficient and effective means of 8
dealing with the claims of the group 9
members; or 10
- (d) a representative party is not able to 11
adequately represent the interests of the 12
group members; or 13
- (e) it is otherwise inappropriate that the claims 14
be pursued by means of a representative 15
proceeding. 16
- (2) For subsection (1)(d), it is not inappropriate for 17
claims to be pursued by means of a representative 18
proceeding merely because the persons identified 19
as group members for the proceeding— 20
- (a) do not include all persons on whose behalf 21
the proceeding might have been brought; or 22
- (b) are aggregated together for a particular 23
purpose including, for example, a litigation 24
funding arrangement. 25
- (3) If the court dismisses an application under this 26
section, the court may order that no further 27
application under this section be made by the 28
defendant except with the leave of the court. 29
- (4) For subsection (3), leave may be granted subject 30
to the conditions about costs the court considers 31
just. 32

103L Effect of discontinuance order under this part	1
If the court makes an order under section 103I, 103J or 103K that a proceeding no longer continue under this part—	2 3 4
(a) the proceeding may be continued as a proceeding by the representative party on the party’s own behalf against the defendant; and	5 6 7 8
(b) on the application of a person who was a group member for the proceeding, the court may order that the person be joined as an applicant or plaintiff in the continued proceeding.	9 10 11 12 13
103M Where not all issues are common	14
(1) If it appears to the court that determination of the issue or issues common to all group members will not finally determine the claims of all group members, the court may give directions in relation to the determination of the remaining issues.	15 16 17 18 19 20
(2) In the case of an issue common to the claims of some only of the group members, the directions given by the court may include directions establishing a sub-group consisting of those group members and appointing a person to be the sub-group representative party for the sub-group members.	21 22 23 24 25 26 27
(3) If the court appoints a person other than the representative party to be a sub-group representative party, that person, and not the representative party, is liable for costs associated with the determination of the issue or issues common to the sub-group members.	28 29 30 31 32 33

[s 34]

103N Individual issues	1
(1) In giving directions under section 103M, the court may allow an individual group member to appear in the proceeding for the purpose of deciding an issue that relates only to the claims of that member.	2 3 4 5 6
(2) If an individual group member is allowed to appear under subsection (1), the individual group member, and not the representative party, is liable for costs associated with deciding the issue.	7 8 9 10
103O Directions for further proceedings	11
If an issue can not properly or conveniently be dealt with by the court under section 103M or 103N, the court may give directions for the starting and conduct of other proceedings, whether or not the other proceedings are representative proceedings.	12 13 14 15 16
103P Adequacy of representation	17
(1) If, on application by a group member, the court considers that a representative party is not able adequately to represent the interests of the group members, the court may substitute another group member as the representative party, and may make any other orders in relation to the substitution it considers appropriate.	18 19 20 21 22 23 24
(2) If, on application by a sub-group member, the court considers that the sub-group representative party is not able adequately to represent the interests of the sub-group members, the court may substitute another person as the sub-group representative party and may make any other orders in relation to the substitution it considers appropriate.	25 26 27 28 29 30 31 32

103Q Stay of execution in particular circumstances	1
If a defendant commences a proceeding in the court against a group member, the court may order a stay of execution for any relief awarded to the group member in the representative proceeding until the other proceeding is decided.	2 3 4 5 6
103R Settlement and discontinuance	7
(1) A representative proceeding may not be settled or discontinued without the approval of the court.	8 9
(2) If the court gives approval under subsection (1), it may make any orders it considers just for the distribution of money paid under a settlement or paid into the court.	10 11 12 13
103S Settlement of individual claim of representative party	14 15
(1) A representative party may, with the leave of the court, settle the party's individual claim in whole or part at any stage of the representative proceeding.	16 17 18 19
(2) A representative party seeking leave to settle, or who has settled, the party's individual claim may, with leave of the court, withdraw as the representative party.	20 21 22 23
(3) If a representative party seeks leave to withdraw under subsection (2), the court may, on the application of a group member, make an order for the substitution of a group member as the representative party, and may make any other orders in relation to the substitution it considers appropriate.	24 25 26 27 28 29 30
(4) Before a representative party may be granted leave to withdraw under subsection (2)—	31 32

[s 34]

- (a) the court must be satisfied that notice of the application has been given to group members under section 103T in sufficient time for a group member to apply under subsection (3) to have another person substituted as the representative party; and
- (b) any application for the substitution of a group member as representative party must have been determined.

Division 3 Notices 10

103T When notice must be given 11

- (1) Notice must be given to group members of the following matters in relation to a representative proceeding—
 - (a) the starting of the proceeding and the right of the group members to opt out of the proceeding before the date fixed by the court under section 103G;
 - (b) an application by the defendant for the dismissal of the proceeding on the ground of want of prosecution;
 - (c) an application by a representative party seeking leave to withdraw under section 103S as representative party.
- (2) The court may dispense with a requirement of subsection (1) if the relief sought in the proceeding does not include a claim for damages.
- (3) If the court orders, notice must be given to group members of the payment into court of money in answer to a cause of action on which a claim in the representative proceeding is found.

-
- (4) Unless the court considers it just, an application for approval of a settlement under section 103R must not be decided unless notice has been given to group members in the proceeding. 1
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4
- (5) The court may, at any stage, order that notice of any matter be given to a group member or group members. 5
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7
- (6) Notice under this section must be given as soon as practicable after the happening of the event to which it relates. 8
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103U Notice requirements 11

- (1) The form and content of a notice under section 103T must be approved by the court. 12
13
- (2) The court must, by order, state— 14
- (a) who must give the notice; and 15
- (b) the way in which the notice must be given. 16
- (3) The order may also— 17
- (a) direct a party to provide information relevant to the giving of the notice; and 18
19
- (b) provide for the costs of giving notice. 20
- (4) An order under subsection (2) may require notice to be given by way of press advertisement, radio or television broadcast, or any other means. 21
22
23
- (5) The court must not order that notice be given personally to each group member unless it considers it is reasonably practicable and not unduly expensive to do so. 24
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- (6) A notice about a matter for which the court's leave or approval is required must state the period within which a group member or other person may apply to the court, or take some other step, in relation to the matter. 28
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[s 34]

- | | | |
|-----|---|------------------|
| (7) | A notice that includes or is about conditions must state the conditions and period, if any, for compliance. | 1
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3 |
| (8) | The failure of a group member to receive or respond to a notice does not affect a step taken, an order made, or a judgment given in a proceeding. | 4
5
6
7 |

Division 4 Powers of the court 8

103V Judgment 9

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|-----|--|----------------------------|
| (1) | The court may do any 1 or more of the following in deciding a matter in a representative proceeding— | 10
11
12 |
| (a) | decide an issue of law; | 13 |
| (b) | decide an issue of fact; | 14 |
| (c) | make a declaration of liability; | 15 |
| (d) | grant equitable relief; | 16 |
| (e) | make an award of damages for group members, sub-group members or individual group members, consisting of stated amounts or amounts worked out in a stated way; | 17
18
19
20
21 |
| (f) | award damages in an aggregate amount without stating amounts awarded in respect of individual group members; | 22
23
24 |
| (g) | make any other order the court considers just. | 25
26 |
| (2) | In making an order for an award of damages, the court must provide for the payment or distribution of the money to the group members entitled. | 27
28
29
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-
- (3) Subject to section 103R, the court must not make an award of damages under subsection (1)(f) unless a reasonably accurate assessment can be made of the total amount to which group members are entitled under the judgment. 1
2
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4
5
- (4) If the court makes an order for the award of damages, the court may give any directions it considers just in relation to the way in which— 6
7
8
- (a) a group member must establish the member's entitlement to share in the damages; and 9
10
11
- (b) any dispute regarding the entitlement of a group member to share in the damages must be determined. 12
13
14

103W Constitution etc. of fund 15

- (1) Without limiting section 103V(2), in providing for the distribution of money to group members, the court may provide for— 16
17
18
- (a) the constitution and administration of a fund consisting of the money to be distributed; 19
20
and 21
- (b) either— 22
- (i) the payment by the defendant of a fixed sum of money into the fund; or 23
24
- (ii) the payment by the defendant into the fund of instalments, on the conditions the court considers appropriate, to meet the claims of group members; and 25
26
27
28
- (c) entitlements to interest earned on the money in the fund. 29
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- (2) The costs of administering the fund are to be borne by the fund or the defendant, as the court directs. 31
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[s 34]

- | | | |
|-----|--|----------------------------|
| (3) | If the court orders the constitution of a fund under subsection (1), the order must— | 1
2 |
| (a) | require notice to be given to group members in the way stated in the order; and | 3
4 |
| (b) | state the way in which a group member must make a claim for payment from the fund and establish the member's entitlement to the payment; and | 5
6
7
8 |
| (c) | state a day at least 6 months after the day on which the order is made, on or before which the group members must make a claim for payment from the fund; and | 9
10
11
12 |
| (d) | provide for the day on or before which the fund must be distributed to group members who have established an entitlement to be paid from the fund. | 13
14
15
16 |
| (4) | The court may, if it considers it just, allow a group member to make a claim after the day stated under subsection (3)(c) if the fund has not been fully distributed. | 17
18
19
20 |
| (5) | On application by the defendant after the day stated under subsection (3)(d), the court may make the orders it considers just for the payment from the fund to the defendant of the money remaining in the fund. | 21
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23
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25 |

103X Effect of judgment 26

A judgment given in a representative proceeding— 27

- | | | |
|-----|--|----------------|
| (a) | must describe or otherwise identify the group members affected by it; and | 28
29 |
| (b) | binds the group members described, other than a person who has opted out of the proceeding under section 103G. | 30
31
32 |

Division 5	Appeals	1
103Y Appeals		2
(1)	The following appeals from a judgment of the court under this part may be brought under the <i>Supreme Court of Queensland Act 1991</i> , section 62 as a representative proceeding—	3 4 5 6
(a)	an appeal by the representative party on behalf of group members in respect of the judgment to the extent it relates to issues common to the claims of the group members;	7 8 9 10 11
(b)	an appeal by a sub-group representative party on behalf of sub-group members in respect of the judgment to the extent it relates to issues common to the claims of the sub-group members.	12 13 14 15 16
(2)	The parties to an appeal mentioned in subsection (1)(a) are the representative party, as the representative of the group members, and the defendant.	17 18 19 20
(3)	The parties to an appeal referred to in subsection (1)(b) are the sub-group representative party, as the representative of the sub-group members, and the defendant.	21 22 23 24
(4)	On an appeal by the defendant in a representative proceeding other than a proceeding mentioned in subsection (5), the parties to the appeal are—	25 26 27
(a)	for an appeal in respect of the judgment generally—the defendant and the representative party as the representative of the group members; and	28 29 30 31
(b)	in the case of an appeal in respect of the judgment to the extent it relates to issues common to the claims of sub-group	32 33 34

[s 34]

- members—the defendant and the sub-group
representative party as the representative of
the sub-group members. 1
2
3
- (5) The parties to an appeal in respect of the
determination of an issue relating only to the
claim of an individual group member are the
group member and the defendant. 4
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7
- (6) If the representative party or sub-group
representative party does not bring an appeal
within the time provided for instituting appeals,
another member of the group or sub-group may,
within a further 21 days, bring an appeal on
behalf of the group members or sub-group
members. 8
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- (7) If an appeal is brought from the judgment of the
court in a representative proceeding, the Court of
Appeal may direct that notice of the appeal be
given to such person or persons, and in the way,
the Court of Appeal considers appropriate. 15
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- (8) This part, other than section 103G, applies to
appeal proceedings brought under this section
despite any other Act or law. 20
21
22
- (9) The notice instituting an appeal in relation to
issues that are common to the claims of group
members or sub-group members must describe or
otherwise identify the group members or
sub-group members, but need not specify the
names or number of those members. 23
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Division 6 Miscellaneous 29

103Z Suspension of limitation periods 30

- (1) On the starting of a representative proceeding,
the running of any limitation period applying to 31
32

-
- the claim of a group member to which the proceeding relates is suspended. 1
2
- (2) The limitation period does not start running again unless either— 3
4
- (a) the member opts out of the proceeding under section 103G; or 5
6
- (b) the proceeding, and any appeal from the proceeding, is decided without finally disposing of the member's claim. 7
8
9
- (3) This section applies despite anything in the *Limitation of Actions Act 1974* or any other law. 10
11
- 103ZA General power of court to make orders** 12
- (1) In any proceeding including an appeal conducted under this part, the court may, on its own initiative or on application by a party or group member, make any order the court considers appropriate or necessary to ensure justice is done in the proceeding. 13
14
15
16
17
18
- (2) This section does not limit section 13. 19
- 103ZB Costs** 20
- In a representative proceeding, the court— 21
- (a) may order the plaintiff or defendant to pay costs; and 22
23
- (b) may not order a group member or sub-group member to pay costs, other than under section 103M or 103N. 24
25
26
- 103ZC Reimbursement of representative party's costs** 27
28
- (1) If the court makes an award of damages in a representative proceeding, any person who is or 29
30

[s 35]

was a representative party or a sub-group 1
representative party in the proceeding may apply 2
to the court for an order under this section. 3

(2) If, on an application under this section, the court 4
is satisfied the costs reasonably incurred in 5
relation to the representative proceeding by the 6
applicant are likely to exceed the costs 7
recoverable by the person from the defendant, the 8
court may order an amount equal to the whole or 9
part of the excess be paid to that person out of the 10
damages awarded. 11

(3) On an application under this section, the court 12
may also make any other order it considers just. 13

Clause 35 **Insertion of new pt 16** 14
After part 15— 15
insert— 16

Part 16 **Transitional provision** 17
 for Justice and Other 18
 Legislation 19
 Amendment Act 2014 20

111 Application of pt 13A 21
(1) Part 13A applies only to a proceeding started on 22
or after the commencement. 23
(2) The proceeding may be started even if the cause 24
of action the subject of the proceeding arose 25
before the commencement. 26

Clause 36 **Amendment of sch 1 (Dictionary)** 27
(1) Schedule 1, definition *court*— 28
omit. 29

(2) Schedule 1—	1
<i>insert—</i>	2
<i>court—</i>	3
(a) for part 13A—see section 103A; and	4
(b) otherwise—see section 5.	5
<i>defendant</i> , for part 13A, see section 103A.	6
<i>group member</i> , for part 13A, see section 103A.	7
<i>representative party</i> , for part 13A, see section 103A.	8 9
<i>representative proceeding</i> , for part 13A, see section 103A.	10 11
<i>sub-group member</i> , for part 13A, see section 103A.	12 13
<i>sub-group representative party</i> , for part 13A, see section 103A.	14 15

Part 9	Amendment of Coroners Act 2003	16 17
---------------	---------------------------------------	----------

Clause 37	Act amended	18
	This part amends the <i>Coroners Act 2003</i> .	19

Clause 38	Amendment of s 29 (When inquest must not be held or continued)	20 21
	Section 29, before ‘offence’—	22
	<i>insert—</i>	23
	indictable	24

[s 39]

Clause 39	Insertion of new pt 6, div 5	1
	Part 6—	2
	<i>insert—</i>	3
	Division 5	4
	Transitional provision for Justice and Other Legislation Amendment Act 2014	5 6 7
	116 Application of s 29	8
	(1) This section applies if—	9
	(a) a coroner is informed that someone has been charged with an offence as mentioned in section 29 (<i>previous section 29</i>) as in force before the commencement, other than an indictable offence; and	10 11 12 13 14
	(b) because of the information, the coroner—	15
	(i) has not started an inquest under previous section 29(2); or	16 17
	(ii) has adjourned an inquest under previous section 29(3)(a); and	18 19
	(c) on the commencement, the inquest has not been started, resumed or closed.	20 21
	(2) On the commencement, the coroner may start or resume the inquest as if previous section 29 does not apply, and has never applied, in relation to the inquest.	22 23 24 25

Part 10	Amendment of Corporations (Administrative Actions) Act 2001	1 2 3
Clause 40	Act amended This part amends the <i>Corporations (Administrative Actions) Act 2001</i> .	4 5 6
Clause 41	Amendment of s 3 (Definitions) Section 3, definition <i>relevant State Act</i> , paragraphs (b) to (f), after 'the'— <i>insert—</i> repealed	7 8 9 10 11
Part 11	Amendment of Corrective Services Act 2006	12 13
Clause 42	Act amended This part amends the <i>Corrective Services Act 2006</i> .	14 15
Clause 43	Insertion of new s 48A After section 48— <i>insert—</i> 48A Prisoner must not send distressing or traumatic correspondence to victim (1) This section applies to a prisoner who is detained for an offence committed or alleged to have been committed against a victim.	16 17 18 19 20 21 22 23

[s 44]

- (2) The prisoner must not send, or attempt to send, correspondence to the victim, or a related person of the victim, if the prisoner knows, or ought reasonably to know, the correspondence contains material that is distressing or traumatic for the victim or related person. 1
2
3
4
5
6
Maximum penalty—6 months imprisonment. 7
- (3) For subsection (2)— 8
- (a) material is distressing or traumatic for a person if the material is reasonably likely, in all the circumstances, to cause the person to suffer distress or trauma; and 9
10
11
12
- (b) it does not matter whether the prisoner intended to cause the person to suffer distress or trauma. 13
14
15
- (4) In this section— 16
- correspondence* includes— 17
- (a) a letter, facsimile or email; or 18
- (b) a document or other thing enclosed in, or attached to, a letter, facsimile or email. 19
20
- related person*, of a victim, means a family member or dependant of the victim. 21
22
- send* includes have another person send. 23

Part 12 **Amendment of Court Funds Act 1973** 24
25

Clause 44 **Act amended** 26
This part amends the *Court Funds Act 1973*. 27

Clause 45	Amendment of long title	1
	Long title, from ‘to amend’ to ‘District Court,’—	2
	<i>insert</i> —	3
	to provide for the custody and investment of money paid into the Supreme Court, District Court and Magistrates Courts,	4 5 6
Clause 46	Amendment of s 4 (Definitions)	7
	Section 4, definition <i>court</i> , ‘or a District Court or Magistrates Court’—	8 9
	<i>omit, insert</i> —	10
	, District Court or a Magistrates Court	11
Part 13	Amendment of Criminal Code	12
Clause 47	Code amended	13
	This part amends the Criminal Code.	14
Clause 48	Amendment of s 236 (Misconduct with regard to corpses)	15
	Section 236, from ‘misdemeanour’—	16
	<i>omit, insert</i> —	17
	crime, and is liable to imprisonment for 5 years.	18
Clause 49	Amendment of s 552I (Procedure under section 552B)	19
	(1) Section 552I—	20
	<i>insert</i> —	21
	(3A) If there is more than 1 charge before the Magistrates Court, a plea to any number of	22 23

[s 50]

- charges may, with the consent of the defendant, 1
be taken at one and the same time on the basis 2
that the plea to 1 charge will be treated as a plea 3
to any number of charges if the court is 4
satisfied— 5
- (a) the defendant is legally represented and has 6
obtained legal advice in relation to each of 7
the charges; and 8
- (b) the defendant is aware of the substance of 9
each of the charges. 10
- (3B) If the court takes a plea under subsection (4), the 11
court is not required to state the substance of any 12
charge before the court to the defendant. 13
- (2) Section 552I(3A) to (7)— 14
renumber as section 552I(4) to (9) 15

Part 14 **Amendment of Criminal** 16
Proceeds Confiscation Act 17
2002 18

- Clause 50** **Act amended** 19
This part amends the *Criminal Proceeds Confiscation Act* 20
2002. 21
- Clause 51** **Replacement of s 52 (Contravention of restraining order)** 22
Section 52— 23
omit, insert— 24

52 Contravention of restraining order

- | | |
|---|----|
| | 1 |
| (1) A person who does an act or makes an omission | 2 |
| in relation to restrained property in contravention | 3 |
| of the restraining order commits a crime. | 4 |
| Maximum penalty— | 5 |
| (a) for a financial institution—2500 penalty | 6 |
| units or the value of the restrained property, | 7 |
| whichever is the higher amount; or | 8 |
| (b) otherwise— | 9 |
| (i) 1000 penalty units or the value of the | 10 |
| restrained property, whichever is the | 11 |
| higher amount; or | 12 |
| (ii) 7 years imprisonment. | 13 |
| (2) It is a defence to a charge of an offence against | 14 |
| subsection (1) for the person to prove that the | 15 |
| person had no notice that the property was | 16 |
| restrained under a restraining order and no reason | 17 |
| to suspect it was. | 18 |
| (3) However, the defence under subsection (2) is not | 19 |
| available to the extent that the restrained property | 20 |
| is— | 21 |
| (a) a motor vehicle, boat or outboard motor that | 22 |
| is the subject of a restraining order | 23 |
| registered under the <i>Personal Property</i> | 24 |
| <i>Securities Act 2009</i> (Cwlth); or | 25 |
| (b) land over which a caveat is registered for the | 26 |
| restraining order under section 51(5). | 27 |
| (4) Subsection (1) does not prevent the prosecution | 28 |
| and punishment of a person who does an act or | 29 |
| makes an omission mentioned in that subsection | 30 |
| for contempt of court or another offence under | 31 |
| this Act or another Act. | 32 |
| (5) A dealing with property in contravention of | 33 |
| subsection (1) is void unless— | 34 |

[s 52]

	(a) the dealing was done in favour of an innocent party; and	1 2
	(b) the innocent party did not know, or could not be reasonably expected to have known, that the property was restrained under a restraining order; and	3 4 5 6
	(c) the innocent party acted in good faith; and	7
	(d) the innocent party provided sufficient consideration for the dealing.	8 9
	(6) Subsection (5) applies whether or not any person is convicted of an offence in relation to the restraining order.	10 11 12
Clause 52	Replacement of s 60 (Dealing with forfeited property prohibited)	13 14
	Section 60—	15
	<i>omit, insert—</i>	16
	60 Dealing with forfeited property prohibited	17
	(1) A person who does an act or makes an omission in relation to property that is the subject of a forfeiture order that directly or indirectly defeats the operation of the forfeiture order commits a crime.	18 19 20 21 22
	Maximum penalty—	23
	(a) for a financial institution—2500 penalty units or the value of the forfeited property, whichever is the higher amount; or	24 25 26
	(b) otherwise—	27
	(i) 1000 penalty units or the value of the forfeited property, whichever is the higher amount; or	28 29 30
	(ii) 7 years imprisonment.	31

-
- (2) It is a defence to a charge of an offence against subsection (1) for the person to prove that the person had no notice that the property was the subject of a forfeiture order and no reason to suspect it was. 1
2
3
4
5
- (3) However, the defence under subsection (2) is not available to the extent that the property is— 6
7
- (a) a motor vehicle, boat or outboard motor that is the subject of a forfeiture order registered under the *Personal Property Securities Act 2009* (Cwlth); or 8
9
10
11
- (b) land over which a caveat about the order is registered under the *Land Title Act 1994*. 12
13
- (4) Subsection (1) does not prevent the prosecution and punishment of a person who does an act or makes an omission mentioned in that subsection for contempt of court or another offence under this Act or another Act. 14
15
16
17
18
- (5) A dealing with property in contravention of subsection (1) is void unless— 19
20
- (a) the dealing was done in favour of an innocent party; and 21
22
- (b) the innocent party did not know, or could not be reasonably expected to have known, that the property was forfeited under a forfeiture order; and 23
24
25
26
- (c) the innocent party acted in good faith; and 27
- (d) the innocent party provided sufficient consideration for the dealing. 28
29
- (6) Subsection (5) applies whether or not any person is convicted of an offence in relation to the forfeiture order. 30
31
32

[s 53]

Clause 53	Replacement of s 93ZT (Contravention of restraining order)	1
		2
	Section 93ZT—	3
	<i>omit, insert—</i>	4
	93ZT Contravention of restraining order	5
	(1) A person who does an act or makes an omission in relation to restrained property in contravention of the restraining order commits a crime.	6
		7
		8
	Maximum penalty—	9
	(a) for a financial institution—2500 penalty units or the value of the restrained property, whichever is the higher amount; or	10
		11
		12
	(b) otherwise—	13
	(i) 1000 penalty units or the value of the restrained property, whichever is the higher amount; or	14
		15
		16
	(ii) 7 years imprisonment.	17
	(2) It is a defence to a charge of an offence against subsection (1) for the person to prove that the person had no notice that the property was restrained under a restraining order and no reason to suspect it was.	18
		19
		20
		21
		22
	(3) However, the defence under subsection (2) is not available to the extent that the restrained property is—	23
		24
		25
	(a) a motor vehicle, boat or outboard motor that is the subject of a restraining order registered under the <i>Personal Property Securities Act 2009</i> (Cwlth); or	26
		27
		28
		29
	(b) land over which a caveat is registered for the restraining order under section 93ZS(5).	30
		31
	(4) Subsection (1) does not prevent the prosecution and punishment of a person who does an act or makes an omission mentioned in that subsection	32
		33
		34

	for contempt of court or another offence under this Act or another Act.	1 2
(5)	A dealing with property in contravention of subsection (1) is void unless—	3 4
(a)	the dealing was done in favour of an innocent party; and	5 6
(b)	the innocent party did not know, or could not be reasonably expected to have known, that the property was restrained under a restraining order; and	7 8 9 10
(c)	the innocent party acted in good faith; and	11
(d)	the innocent party provided sufficient consideration for the dealing.	12 13
(6)	Subsection (5) applies whether or not any person is convicted of an offence in relation to the restraining order.	14 15 16
Clause 54	Amendment of s 93ZZB (Making of serious drug offender confiscation order)	17 18
(1)	Section 93ZZB(3)— <i>insert—</i>	19 20
	<i>Example—</i>	21
	If the Supreme Court has made an unexplained wealth order against a person because the court was reasonably satisfied the person had engaged in at least 1 serious crime related activity because the person was convicted of the offence of trafficking in dangerous drugs, the court may not make a serious drug offender confiscation order because of the same conviction.	22 23 24 25 26 27 28
(2)	Section 93ZZB(4) to (6)— <i>renumber as section 93ZZB(5) to (7)</i>	29 30
(3)	Section 93ZZB— <i>insert—</i>	31 32

[s 55]

	(4)	Subsection (3) does not limit the amount of property that may be forfeited to the State under a serious drug offender confiscation order.	1 2 3
	(4)	Section 93ZZB(7) as renumbered, '(5)'— <i>omit, insert</i> —	4 5
	(6)		6
Clause 55		Replacement of s 93ZZH (Dealing with forfeited property prohibited)	7 8
		Section 93ZZH— <i>omit, insert</i> —	9 10
		93ZZH Dealing with property forfeited under serious drug offender confiscation order prohibited	11 12 13
	(1)	A person who does an act or makes an omission in relation to property forfeited under a serious drug offender confiscation order that directly or indirectly defeats the operation of the order commits a crime.	14 15 16 17 18
		Maximum penalty—	19
	(a)	for a financial institution—2500 penalty units or the value of the forfeited property, whichever is the higher amount; or	20 21 22
	(b)	otherwise—	23
	(i)	1000 penalty units or the value of the forfeited property, whichever is the higher amount; or	24 25 26
	(ii)	7 years imprisonment.	27
	(2)	It is a defence to a charge of an offence against subsection (1) for the person to prove that the person had no notice that the property was forfeited under a serious drug offender confiscation order and no reason to suspect it was.	28 29 30 31 32 33

	(3)	However, the defence under subsection (2) is not available to the extent that the property is—	1 2
	(a)	a motor vehicle, boat or outboard motor that is the subject of a serious drug offender confiscation order registered under the <i>Personal Property Securities Act 2009</i> (Cwlth); or	3 4 5 6 7
	(b)	land over which a caveat about the order is registered under the <i>Land Title Act 1994</i> .	8 9
	(4)	Subsection (1) does not prevent the prosecution and punishment of a person who does an act or makes an omission mentioned in that subsection for contempt of court or another offence under this Act or another Act.	10 11 12 13 14
	(5)	A dealing with property in contravention of subsection (1) is void unless—	15 16
	(a)	the dealing was done in favour of an innocent party; and	17 18
	(b)	the innocent party did not know, or could not be reasonably expected to have known, that the property was the subject of a serious drug offender confiscation order; and	19 20 21 22
	(c)	the innocent party acted in good faith; and	23
	(d)	the innocent party provided sufficient consideration for the dealing.	24 25
	(6)	Subsection (5) applies whether or not any person is convicted of an offence in relation to the serious drug offender confiscation order.	26 27 28
Clause 56		Replacement of s 143 (Contravention of restraining order)	29 30
		Section 143—	31
		<i>omit, insert—</i>	32

[s 56]

143 Contravention of restraining order	1
(1) A person who does an act or makes an omission in relation to restrained property in contravention of the restraining order commits a crime.	2 3 4
Maximum penalty—	5
(a) for a financial institution—2500 penalty units or the value of the restrained property, whichever is the higher amount; or	6 7 8
(b) otherwise—	9
(i) 1000 penalty units or the value of the restrained property, whichever is the higher amount; or	10 11 12
(ii) 7 years imprisonment.	13
(2) It is a defence to a charge of an offence against subsection (1) for the person to prove that the person had no notice that the property was restrained under a restraining order and no reason to suspect it was.	14 15 16 17 18
(3) However, the defence under subsection (2) is not available to the extent that the restrained property is—	19 20 21
(a) a motor vehicle, boat or outboard motor that is the subject of a restraining order registered under the <i>Personal Property Securities Act 2009</i> (Cwlth); or	22 23 24 25
(b) land over which a caveat is registered for the restraining order under section 142(5).	26 27
(4) Subsection (1) does not prevent the prosecution and punishment of a person who does an act or makes an omission mentioned in that subsection for contempt of court or another offence under this Act or another Act.	28 29 30 31 32
(5) A dealing with property in contravention of subsection (1) is void unless—	33 34

	(a) the dealing was done in favour of an innocent party; and	1 2
	(b) the innocent party did not know, or could not be reasonably expected to have known, that the property was restrained under a restraining order; and	3 4 5 6
	(c) the innocent party acted in good faith; and	7
	(d) the innocent party provided sufficient consideration for the dealing.	8 9
	(6) Subsection (5) applies whether or not any person is convicted of an offence in relation to the restraining order.	10 11 12
Clause 57	Replacement of s 171 (Dealing with forfeited property prohibited)	13 14
	Section 171—	15
	<i>omit, insert—</i>	16
	171 Dealing with forfeited property prohibited	17
	(1) A person who does an act or makes an omission in relation to property that is the subject of a forfeiture order that directly or indirectly defeats the operation of the forfeiture order commits a crime.	18 19 20 21 22
	Maximum penalty—	23
	(a) for a financial institution—2500 penalty units or the value of the forfeited property, whichever is the higher amount; or	24 25 26
	(b) otherwise—	27
	(i) 1000 penalty units or the value of the forfeited property, whichever is the higher amount; or	28 29 30
	(ii) 7 years imprisonment.	31

[s 57]

- (2) It is a defence to a charge of an offence against subsection (1) for the person to prove that the person had no notice that the property was the subject of a forfeiture order and no reason to suspect it was. 1
2
3
4
5
- (3) However, the defence under subsection (2) is not available to the extent that the property is— 6
7
- (a) a motor vehicle, boat or outboard motor that is the subject of a forfeiture order registered under the *Personal Property Securities Act 2009* (Cwlth); or 8
9
10
11
- (b) land over which a caveat about the order is registered under the *Land Title Act 1994*. 12
13
- (4) Subsection (1) does not prevent the prosecution and punishment of a person who does an act or makes an omission mentioned in that subsection for contempt of court or another offence under this Act or another Act. 14
15
16
17
18
- (5) A dealing with property in contravention of subsection (1) is void unless— 19
20
- (a) the dealing was done in favour of an innocent party; and 21
22
- (b) the innocent party did not know, or could not be reasonably expected to have known, that the property was forfeited under a forfeiture order; and 23
24
25
26
- (c) the innocent party acted in good faith; and 27
- (d) the innocent party provided sufficient consideration for the dealing. 28
29
- (6) Subsection (5) applies whether or not any person is convicted of an offence in relation to the forfeiture order. 30
31
32

Clause 58	Amendment of s 249 (Communication of information by financial institutions to particular officers)	1 2
(1)	Section 249(1)(a)— <i>insert—</i>	3 4
	(iii) a matter for which an order may be made under chapter 2A; or	5 6
(2)	Section 249(3)— <i>omit, insert—</i>	7 8
	(3) If the information relates to—	9
	(a) an investigation of a serious crime related activity or another matter for which an order may be made under chapter 2; or	10 11 12
	(b) a matter for which an order may be made under chapter 2A;	13 14
	the institution may give the information to a commission officer.	15 16
Clause 59	Insertion of new ch 12, pt 5	17
	After section 294—	18
	<i>insert—</i>	19
	Part 5	Transitional provisions
		for Justice and Other
		Legislation
		Amendment Act 2014
		20 21 22 23
	295 Transitional provision for ss 52, 93ZT and 143	24
	A reference in sections 52, 93ZT and 143 to restrained property or a restraining order is a reference to property restrained or a restraining order made, whether before or after the commencement.	25 26 27 28

[s 60]

296 Transitional provision for ss 60 and 171 1

A reference in sections 60 and 171 to forfeited 2
property or a forfeiture order is a reference to property 3
forfeited or a forfeiture order made, whether before or 4
after the commencement. 5

297 Transitional provision for s 93ZZH 6

A reference in section 93ZZH to forfeited property or 7
a serious drug offender confiscation order is a 8
reference to property forfeited or a serious drug 9
offender confiscation order made, whether before or 10
after the commencement. 11

Clause 60 Amendment of sch 6 (Dictionary) 12

Schedule 6, definition *applicant*, paragraph (c), ‘chapter 4’— 13
omit, insert— 14
chapter 3 15

Part 15 Amendment of Drugs Misuse Act 1986 16
17

Clause 61 Act amended 18

This part amends the *Drugs Misuse Act 1986*. 19

Clause 62 Amendment of s 6 (Supplying dangerous drugs) 20

Section 6(2)(e)— 21
insert— 22

Note— 23

The *Penalties and Sentences Act 1992*, section 9(11A) 24
to (11D) provides that the court, in sentencing an 25

	offender for the offence of supplying a dangerous drug where a person used or was administered the drug and died and the death was partly or wholly caused by the drug, must consider those circumstances as an aggravating factor and must have regard primarily to section 9(3) of that Act.	1 2 3 4 5 6
Clause 63	Amendment of s 128 (Analyst’s certificate)	7
	(1) Section 128(1), ‘made by the analyst’—	8
	<i>omit.</i>	9
	(2) Section 128(1)—	10
	<i>insert—</i>	11
	(d) the laboratory at which the thing was analysed or examined;	12 13
	(e) that the analyst examined the laboratory’s records about the analysis or examination of the thing, including any examination or analysis that was done by someone other than the analyst;	14 15 16 17 18
Clause 64	Insertion of new pt 7, div 10	19
	After section 145—	20
	<i>insert—</i>	21
	Division 10 Provision for Justice and Other Legislation Amendment Act 2014	22 23 24
	146 Validation of analysts’ certificates signed before commencement	25 26
	(1) This section applies to a certificate signed by an analyst under section 128 before the commencement.	27 28 29

[s 65]

- (2) The certificate is taken to be, and always to have been, as valid and effective as it would have been if it were signed after the commencement. 1
2
3

Part 16 Amendment of Electoral Act 4 **1992** 5

Clause 65 Act amended 6
This part amends the *Electoral Act 1992*. 7

Clause 66 Amendment of s 120 (Electoral visitor voting) 8
Section 120(1), from ‘by writing’ to ‘delivered’— 9
omit, insert— 10
in an approved form given 11

Clause 67 Replacement of s 192 (Failure to post, fax or deliver documents for someone else) 12
Section 192 13
omit, insert— 14
192 Failure to give the commission or returning officer a request 16
If a person is given a request in the approved form under section 119 or 120 to give to the commission or a returning officer, the person must promptly give the request to the commission or returning officer. 17
20
21
Maximum penalty—20 penalty units or 6 months imprisonment. 22
23

Part 17	Amendment of Evidence Act 1977	1 2
Clause 68	Act amended	3
	This part amends the <i>Evidence Act 1977</i> .	4
Clause 69	Amendment of s 95A (DNA evidentiary certificate)	5
(1)	Section 95A—	6
	<i>insert</i> —	7
(1A)	However, subsections (4), (5), (8) and (9) do not apply to a proceeding that is an examination of witnesses in relation to an indictable offence.	8 9 10
(2)	Section 95A(3)—	11
	<i>omit, insert</i> —	12
(3)	If a party intends to rely on the certificate (the <i>relying party</i>), the relying party must, at least 10 business days before the hearing day, give a copy of the certificate to each other party.	13 14 15 16
(3A)	If, at least 5 business days before the hearing day, a party other than the relying party gives a written notice to each other party that it requires the DNA analyst to give evidence, the relying party must call the DNA analyst to give evidence at the hearing.	17 18 19 20 21 22
(3)	Section 95A(5), ‘3 business’—	23
	<i>omit, insert</i> —	24
	5 business	25
(4)	Section 95A(1A) to (9)—	26
	<i>renumber</i> as section 95A(2) to (11).	27

[s 70]

Clause 70	Insertion of new pt 9, div 6	1
	After section 146—	2
	<i>insert</i> —	3
	Division 6	4
	Justice and Other Legislation Amendment Act 2014	5 6
	147 Application of amendments to DNA evidentiary certificate provision	7 8
	Section 95A, as amended by the <i>Justice and Other Legislation Amendment Act 2014</i> , applies to a criminal proceeding, whether the proceeding started before, on or after the commencement.	9 10 11 12
Part 18	Amendment of Industrial Relations Act 1999	13 14
Clause 71	Act amended	15
	This part amends the <i>Industrial Relations Act 1999</i> .	16
Clause 72	Amendment of s 299 (Functions and powers of registrar)	17
	Section 299(3)(b), ‘vice-president’—	18
	<i>omit, insert</i> —	19
	president	20
Clause 73	Amendment of s 692A (Definitions for this part)	21
	Section 692A, definitions <i>federal industrial authority</i> and <i>federal industrial authority manager</i> , ‘FWA’—	22 23
	<i>omit, insert</i> —	24

	FWC	1
Clause 74	Amendment of sch 5 (Dictionary)	2
	(1) Schedule 5, definition <i>Australian commission</i> , ‘FWA’—	3
	<i>omit, insert—</i>	4
	FWC	5
	(2) Schedule 5, definition <i>FWA</i> —	6
	<i>omit, insert—</i>	7
	<i>FWC</i> means the Fair Work Commission under the Commonwealth Act.	8 9
Part 19	Amendment of Justices Act 1886	10 11
Clause 75	Act amended	12
	This part amends the <i>Justices Act 1886</i> .	13
Clause 76	Amendment of s 145 (Defendant to be asked to plead)	14
	(1) Section 145—	15
	<i>insert—</i>	16
	(1A) If there is more than 1 complaint before the Magistrates Court, a plea to any number of complaints may, with the consent of the defendant, be taken at one and the same time on the basis that the plea to 1 complaint will be treated as a plea to any number of complaints if the court is satisfied—	17 18 19 20 21 22 23

[s 77]

- (a) the defendant is legally represented and has obtained legal advice in relation to each of the complaints; and
- (b) the defendant is aware of the substance of each of the complaints.
- (1B) If the court takes a plea under subsection (2), the court is not required to state the substance of any complaint before the court to the defendant.
- (2) Section 145(1A) to (2)—
renumber as section 145(2) to (4).

Part 20 **Amendment of Legal Profession Act 2007**

Clause 77 **Act amended**
This part amends the *Legal Profession Act 2007*.

Clause 78 **Amendment of s 9 (Suitability matters)**

(1) Section 9(1)—
insert—

(ba) whether the person is, or has been, a legal practitioner director of an incorporated legal practice while the practice is or was an externally-administered body corporate under the Corporations Act;

(2) Section 9(1)(ba) to (n)—
renumber as section 9(1)(c) to (o).

Clause 79	Amendment of s 12 (Meaning of <i>government legal officer</i> and <i>engaged in government work</i> and related matters)	1
	Section 12(1)(a)—	2
	<i>insert</i> —	3
	<i>Note</i> —	4
	Under the <i>Public Service Act 2008</i> , section 22, this Act applies to a public service office stated in schedule 1 of that Act and its public service employees as if the office were a department.	5
		6
		7
		8
		9
Clause 80	Amendment of s 289 (Payments from fund)	10
	(1) Section 289(1)(h)—	11
	<i>omit, insert</i> —	12
	(h) facilitating access to the legal system, legal information and education and legal services for members of the community, particularly economically or socially disadvantaged members of the community;	13
		14
		15
		16
		17
	(2) Section 289—	18
	<i>insert</i> —	19
	(3) Also, the chief executive must not make a payment under subsection (1)(b) unless the chief executive is satisfied all other funding sources or other means of raising funds available to the law society for the fidelity fund are exhausted.	20
		21
		22
		23
		24
Clause 81	Amendment of s 291 (Submission of budgets)	25
	Section 291, ‘beneficiary’—	26
	<i>omit, insert</i> —	27
	recipient	28

[s 82]

Clause 82	Omission of s 780 (Amendment of regulation by Justice and Other Legislation Amendment Act 2013)	1 2
	Section 780—	3
	<i>omit.</i>	4
Clause 83	Insertion of new ch 10, pt 5	5
	Chapter 10—	6
	<i>insert—</i>	7
	Part 5	8
	Transitional provisions	9
	for Justice and Other	10
	Legislation	11
	Amendment Act 2014	11
	781 Application of s 9(1) and additional obligation to disclose suitability matter	12 13
	(1) This section applies if, before the commencement—	14 15
	(a) a person had applied to the board for a declaration in relation to a suitability matter under section 32(2) and the board had not done a thing mentioned in section 32(3) for the application; or	16 17 18 19 20
	(b) a person had applied to the Supreme Court for admission to the legal profession under section 34 and the Supreme Court had not decided the application under section 35; or	21 22 23 24
	(c) a person had applied to a regulatory authority for the grant or renewal of a local practising certificate under section 49 and the regulatory authority had not decided whether to grant or refuse the application under section 51.	25 26 27 28 29 30

-
- (2) Section 9(1)(c), as in force immediately after the commencement (*new section 9(1)(c)*), applies to the person for the application. 1
2
3
- (3) If new section 9(1)(c) applies to the person for the application, the person must, before the day stated in subsection (4), give the following a notice about that fact— 4
5
6
7
- (a) for an application mentioned in subsection (1)(a) or (b)—the board; 8
9
- (b) for an application mentioned in subsection (1)(c)—the regulatory authority for the application. 10
11
12
- (4) For subsection (3), the day is— 13
- (a) for an application mentioned in subsection (1)(a) or (c)—the day that is 8 days after the commencement; or 14
15
16
- (b) for an application mentioned in subsection (1)(b), the earlier of the following— 17
18
- (i) the day the application is heard and decided by the Supreme Court under section 35(1); 19
20
21
- (ii) the day that is 8 days after the commencement. 22
23
- 782 Application of amended *show cause event* definition and additional obligation to give notice and statement** 24
25
26
- (1) This section applies to a person who— 27
- (a) is, or has been, a legal practitioner director of an incorporated legal practice while the practice is or was an externally-administered body corporate under the Corporations Act; and 28
29
30
31
32

[s 84]

	(b) is a local legal practitioner or a registered foreign lawyer.	1 2
(2)	It is declared that the matter mentioned in subsection (1)(a) is a show cause event that has happened in relation to the person.	3 4 5
(3)	The person must comply with the following for the show cause event—	6 7
	(a) if the person is a local legal practitioner—section 68;	8 9
	(b) if the person is a registered foreign lawyer—section 193.	10 11
(4)	For subsection (3), the show cause event is taken to have happened on the commencement.	12 13
Clause 84	Amendment of sch 2 (Dictionary)	14
(1)	Schedule 2, definition <i>show cause event</i> — <i>insert</i> —	15 16
	(ca) his or her being a legal practitioner director of an incorporated legal practice that becomes an externally-administered body corporate under the Corporations Act; or	17 18 19 20
(2)	Schedule 2, definition <i>show cause event</i> , paragraphs (ca) and (d)— <i>renumber</i> as paragraphs (d) and (e).	21 22 23
Part 21	Amendment of Magistrates Courts Act 1921	24 25
Clause 85	Act amended	26
	This part amends the <i>Magistrates Courts Act 1921</i> .	27

Clause 86	Amendment of s 3C (Appointment of bailiffs and bailiff's assistants)	1 2
(1)	Section 3C, heading, 'and bailiff's assistants'— <i>omit.</i>	3 4
(2)	Section 3C(1), from 'A' to 'bailiffs'— <i>omit, insert—</i> The chief executive may from time to time appoint a bailiff or bailiffs for a Magistrates Court	5 6 7 8
(3)	Section 3C(3) and (4)— <i>omit.</i>	9 10
(4)	Section 3C(5), 'or bailiff's assistant'— <i>omit.</i>	11 12
(5)	Section 3C(5)— <i>renumber as section 3C(3).</i>	13 14
Clause 87	Insertion of new ss 62 and 63	15
	After section 61— <i>insert—</i>	16 17
	62 Transitional provision for Justice and Other Legislation Amendment Act 2014—saving of appointment of bailiff	18 19 20
	A person who immediately before the commencement held office as a bailiff under section 3C continues to hold office as if the person were appointed under that section after the commencement.	21 22 23 24
	63 Transitional provision for Justice and Other Legislation Amendment Act 2014—cessation of appointment of assistant bailiff	25 26 27
(1)	This section applies if, immediately before the commencement, a person held office as a bailiff's assistant under section 3C(3).	28 29 30

	(11D)	For subsection (11C)(a), the court must have regard to subsection (3)(d) as though the person's death was a result of the offence for which the offender is being sentenced.	1 2 3 4
	(2)	Section 9(13)— <i>insert—</i> <i>dangerous drug</i> see <i>Drugs Misuse Act 1986</i> , section 4. <i>dangerous drug supply offender</i> means an offender being sentenced for an offence against the <i>Drugs Misuse Act 1986</i> , section 6.	5 6 7 8 9 10 11
Clause 90	Amendment of s 15B (Definitions for div 1)	Section 15B, definition <i>drug assessment and education session</i> , 'one-on-one'— <i>omit.</i>	12 13 14 15
Clause 91	Amendment of s 43N (Commissioner may give copy of banning order to particular persons)	(1) Section 43N, heading, after 'Commissioner'— <i>insert—</i> of the police service	16 17 18 19 20
	(2)	Section 43N(1), after 'The commissioner'— <i>insert—</i> of the police service	21 22 23
Clause 92	Amendment of s 159A (Time held in presentence custody to be deducted)	Section 159A(10), definition <i>presentence custody certificate</i> , 'or an authorised corrective services officer'— <i>omit, insert—</i>	24 25 26 27 28

[s 93]

	, an authorised corrective services officer or the commissioner of the police service	1 2
Clause 93	Insertion of new pt 14, div 12	3
	After section 237—	4
	<i>insert—</i>	5
	Division 12 Transitional provision for Justice and Other Legislation Amendment Act 2014	6 7 8 9
	238 Sentencing guidelines—supply of dangerous drugs	10 11
	Section 9(11A) to (11D) applies to the sentencing of an offender if the offender is convicted of the offence after the commencement, even if the offence was committed, or the offender was charged with the offence, before the commencement.	12 13 14 15 16
Part 23	Amendment of Professional Standards Act 2004	17 18
Clause 94	Act amended	19
	This part amends the <i>Professional Standards Act 2004</i> .	20
Clause 95	Amendment of s 15 (Commencement of schemes)	21
	Section 15(1) and (2), ‘gazetted’—	22
	<i>omit, insert—</i>	23
	notified	24

Clause 96	Amendment of s 16 (Challenges to schemes)	1
	Section 16(1), ‘gazetted’—	2
	<i>omit, insert</i> —	3
	notified	4
Clause 97	Amendment of s 18 (Amendment and revocation of schemes)	5
	Section 18(6), note—	6
	<i>omit, insert</i> —	7
	<i>Note</i> —	8
	An instrument that amends a scheme operating in another jurisdiction may be submitted to the Minister administering the corresponding law of that jurisdiction under section 13 with a view to notice being given of the instrument. Notice of an instrument made under the corresponding law of another jurisdiction that amends an interstate scheme may be notified under section 14.	9
		10
		11
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		15
		16
Clause 98	Amendment of s 18A (Notice of revocation of scheme)	17
	(1) Section 18A(1), ‘gazettal’—	18
	<i>omit, insert</i> —	19
	notification	20
	(2) Section 18A(2), ‘gazetted’—	21
	<i>omit, insert</i> —	22
	notified	23
Clause 99	Amendment of s 18B (Termination of operation of interstate schemes in this jurisdiction)	24
	Section 18B(5) and (6), ‘gazetted’—	25
	<i>omit, insert</i> —	26
	notified	27
		28

[s 100]

Clause 100	Amendment of s 43 (Functions of council)	1
	Section 43(1)(a)(i), ‘publication in the gazette’—	2
	<i>omit, insert</i> —	3
	notification	4

Part 24	Amendment of Property Law Act 1974	5
		6

Clause 101	Act amended	7
	This part amends the <i>Property Law Act 1974</i> .	8

Clause 102	Amendment of s 57A (Effect of Act or statutory instrument)	9
	(1) Section 57A(1)—	10
	<i>omit, insert</i> —	11
	(1) A statutory instrument, other than prescribed subordinate legislation, does not and can not—	12
	(a) render void or unenforceable any contract or dealing concerning property that is made, entered into or effected contrary to the statutory instrument; or	13
	(b) for a contract for the sale of land—give a right to a party to terminate the contract for a failure by another party to comply with the statutory instrument.	14
	(a) render void or unenforceable any contract or dealing concerning property that is made, entered into or effected contrary to the statutory instrument; or	15
	(b) for a contract for the sale of land—give a right to a party to terminate the contract for a failure by another party to comply with the statutory instrument.	16
	(a) render void or unenforceable any contract or dealing concerning property that is made, entered into or effected contrary to the statutory instrument; or	17
	(b) for a contract for the sale of land—give a right to a party to terminate the contract for a failure by another party to comply with the statutory instrument.	18
	(2) Section 57A(3)—	19
	<i>omit, insert</i> —	20
	(3) In this section—	21
		22
		23
		24
		25

prescribed subordinate legislation means subordinate legislation prescribed under a regulation for this definition.

Clause 103	Insertion of new pt 24	4
	After part 23—	5
	<i>insert—</i>	6
	Part 24	7
	Transitional provisions	8
	for Justice and Other	9
	Legislation	10
	Amendment Act 2014	11
	357 Application of s 57A	12
	(1) For a statutory instrument other than subordinate legislation, amended section 57A—	13
	(a) applies on and from the commencement, regardless of when the statutory instrument was made; and	14
	(b) has effect in relation to a contract or dealing concerning property mentioned in that section only if the contract or dealing is made, entered into or effected on or after the commencement.	15
	(2) For subordinate legislation, amended section 57A—	16
	(a) applies on and from the day that is 1 year after the commencement, regardless of when the subordinate legislation was made; and	17
	(b) has effect in relation to a contract or dealing concerning property mentioned in that section only if the contract or dealing is	18
		19
		20
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		30

[s 104]

	made, entered into on or effected after the day mentioned in paragraph (a).	1 2
(3)	Section 57A, as in force immediately before the commencement, continues to apply in relation to subordinate legislation until 1 year after the commencement, as if the section were not amended by the <i>Justice and Other Legislation Amendment Act 2014</i> .	3 4 5 6 7 8
(4)	In this section— <i>amended section 57A</i> means section 57A as in force on the commencement.	9 10 11
	358 Saving provision for s 57A	12
	Section 57A(3), as in force immediately before the commencement, is declared to be a law to which the <i>Acts Interpretation Act 1954</i> , section 20A applies.	13 14 15
Part 25	Amendment of Public Guardian Act 2014	16 17
Clause 104	Act amended	18
	This part amends the <i>Public Guardian Act 2014</i> .	19
Clause 105	Amendment of s 52 (When is a child a <i>relevant child</i>)	20
(1)	Section 52— <i>insert—</i>	21 22
(1A)	A child is also a <i>relevant child</i> if the child is the subject of an application for the making, extension, variation or revocation of an order mentioned in subsection (1)(a), (b), (c) or (f).	23 24 25 26

-
- (2) Section 52(2)(a), after ‘subsection (1)’— 1
insert— 2
or the subject of an application mentioned in 3
subsection (1A) 4
- (3) Section 52(3)(a), from ‘agreement,’— 5
omit, insert— 6
agreement, or the subject of the application, 7
the public guardian was providing particular 8
help to the child and the public guardian 9
believes— 10
- (i) it is appropriate to finish providing the 11
help to the child; or 12
- (ii) the child may be the subject of a further 13
application and continues to be in need 14
of particular help for the period before 15
the application is made; or 16

- Clause 106 Amendment of s 89 (Chief executive (child safety) to 17
advise public guardian when child is subject to particular 18
orders, etc.) 19**
- (1) Section 89(1)— 20
insert— 21
- (c) becoming aware a child is subject to an 22
interim order under section 67(1)(a) of the 23
Child Protection Act. 24
- (2) Section 89(2), ‘intervention or agreement of a kind mentioned 25
in section 52(1)’— 26
omit, insert— 27
intervention, agreement or interim order of a 28
kind mentioned in subsection (1)(b) or (c) 29

[s 107]

Clause 107	Amendment of s 113 (Duration of appointment as community visitor)	1 2
	Section 113(6) and (7), ‘chief executive’—	3
	<i>omit, insert—</i>	4
	public guardian	5
Part 26	Amendment of Queensland Civil and Administrative Tribunal Act 2009	6 7 8
Clause 108	Act amended	9
	This part amends the <i>Queensland Civil and Administrative Tribunal Act 2009</i> .	10 11
Clause 109	Replacement of ss 131–132	12
	Sections 131 and 132—	13
	<i>omit, insert—</i>	14
	131 Monetary decisions	15
	(1) This section applies to a final decision of the tribunal in a proceeding if it is a monetary decision.	16 17 18
	(2) The final decision is taken to have been filed in a court of competent jurisdiction for enforcement under the <i>Uniform Civil Procedure Rules 1999</i> , chapter 19 on the day the decision is made.	19 20 21 22
	<i>Note—</i>	23
	The final decision is a money order of the court for the purposes of the <i>Uniform Civil Procedure Rules 1999</i> , chapter 19.	24 25 26

132 Non-monetary decisions

- | | |
|--|----------------------|
| | 1 |
| (1) This section applies to a final decision of the tribunal in a proceeding— | 2
3 |
| (a) if it is not a monetary decision; or | 4 |
| (b) if it is a monetary decision—to the extent the decision does not require payment of an amount to a person. | 5
6
7 |
| (2) The final decision is taken to have been filed in a relevant court for enforcement under the <i>Uniform Civil Procedure Rules 1999</i> , chapter 20 on the day the decision is made. | 8
9
10
11 |
| (3) For subsection (2), the final decision is taken to be a non-money order of the relevant court for the purposes of the <i>Uniform Civil Procedure Rules 1999</i> , chapter 20. | 12
13
14
15 |
| (4) The Supreme Court may transfer to a lower court a proceeding for the enforcement of an order pending in the Supreme Court if— | 16
17
18 |
| (a) the order is of a kind that may be made by the lower court; or | 19
20 |
| (b) the order is otherwise capable of being enforced in the lower court. | 21
22 |
| (5) If a proceeding is transferred to a lower court under subsection (4)— | 23
24 |
| (a) the order is taken to be an order of the lower court and may be enforced accordingly; and | 25
26 |
| (b) the proceeding for the enforcement of the order is taken to have been started before the lower court when it was started in the Supreme Court. | 27
28
29
30 |
| (6) In this section— | 31 |
| lower court means a District Court or Magistrates Court. | 32
33 |

[s 110]

	<i>relevant court</i> means—	1
	(a) for a final decision of the tribunal relating to a minor civil dispute—the Magistrates Court; or	2 3 4
	(b) for another final decision of the tribunal—the Supreme Court.	5 6
Clause 110	Amendment of sch 2 (Subject matter for rules)	7
	Schedule 2, sections 4(2) and 8(b), ‘or style’—	8
	<i>omit.</i>	9
Part 27	Amendment of Recording of Evidence Act 1962	10 11
Clause 111	Act amended	12
	This part amends the <i>Recording of Evidence Act 1962</i> .	13
Clause 112	Amendment of s 11A (Retention and destruction of records)	14 15
	(1) Section 11A(6)(a), after ‘made;’—	16
	<i>insert—</i>	17
	or	18
	(2) Section 11A(6)(b)(ii)—	19
	<i>omit, insert—</i>	20
	(ii) the record is of a legal proceeding in a Magistrates Court and the record may be disposed of under the <i>Public Records Act 2002</i> , section 13(a).	21 22 23 24

Part 28	Amendment of Referendums Act 1997	1 2
Clause 113	Act amended	3
	This part amends the <i>Referendums Act 1997</i> .	4
Clause 114	Amendment of s 16 (Kinds of polling booths)	5
	(1) Section 16(1), ‘2 kinds’—	6
	<i>omit, insert—</i>	7
	3 kinds	8
	(2) Section 16(1)—	9
	<i>insert—</i>	10
	(c) pre-poll voting offices for electoral districts.	11
Clause 115	Amendment of s 18 (Supply of ballot papers and electoral rolls)	12 13
	(1) Section 18, heading, ‘Supply of ballot’—	14
	<i>omit, insert—</i>	15
	Ballot	16
	(2) Section 18(2), after ‘Ballot papers’—	17
	<i>insert—</i>	18
	, other than a completed ballot paper printed for an electronically assisted vote,	19 20
	(3) Section 18(3), ‘If’—	21
	<i>omit, insert—</i>	22
	For ballot papers to which subsection (2) apply, if	23
	(4) Section 18—	24
	<i>insert—</i>	25

[s 116]

- (4) A completed ballot paper printed for an electronically assisted vote must be of a size or format that enables the elector's electronically assisted vote to be accurately determined.

Clause 116 Amendment of s 19 (Scrutineers)

- (1) Section 19(2), after 'mobile polling booth,'—
insert—
each pre-poll voting office
- (2) Section 19(3)(b), after 'envelopes'—
insert—
, the printing of completed ballot papers for electronically assisted votes
- (3) Section 19(3)—
insert—
(c) at a place to observe any part of a procedure for making an electronically assisted vote.
- (4) Section 19(5), after 'votes,'—
insert—
including electronically assisted votes,

Clause 117 Amendment of s 21 (Who may vote)

- Section 21(1)—
insert—
(d) persons who—
(i) are not enrolled on the electoral roll for any district but are entitled to be enrolled on the electoral roll for the district; and
(ii) after the cut-off day for electoral rolls and no later than 6p.m. on the day

before the polling day, have given a
notice to the commission or an
electoral registrar for the district under
the *Electoral Act 1992*, section 65.

Clause 118	Amendment of s 22 (Procedure for voting)	5
(1)	Section 22(1), after ‘who’—	6
	<i>insert—</i>	7
	makes a pre-poll ordinary vote under section 24C or who	8 9
(2)	Section 22(3)—	10
	<i>omit, insert—</i>	11
	(3) In the polling booth, the elector must—	12
	(a) give the issuing officer the elector’s proof of identity document; and	13 14
	(b) request a ballot paper from the issuing officer.	15 16
(3)	Section 22(5)—	17
	<i>omit, insert—</i>	18
	(5) The issuing officer must issue a ballot paper to a person if—	19 20
	(a) the person has given the issuing officer the person’s proof of identity document; and	21 22
	(b) the issuing officer is satisfied the person is entitled to vote at the referendum for the electoral district.	23 24 25
(4)	Section 22(7)—	26
	<i>omit, insert—</i>	27
	(7) The issuing officer must comply with section 32 if—	28 29

[s 119]

	(a) the elector does not give the issuing officer the elector's proof of identity document under subsection (3)(a); or	1 2 3
	(b) the issuing officer has asked questions under subsection (6) and suspects a person claiming to be a particular elector is not the elector.	4 5 6 7
Clause 119	Insertion of new pt 4, div 3, sdiv 1A	8
	Part 4, division 3—	9
	<i>insert—</i>	10
	Subdivision 1A Pre-poll ordinary voting	11
	24A Pre-poll ordinary voting	12
	(1) This section applies to an elector, other than one who must make a declaration vote under subdivision 2, who—	13 14 15
	(a) wishes to vote before the polling day for a referendum; and	16 17
	(b) wishes to do so other than by making a declaration vote under subdivision 2.	18 19
	(2) If there is a pre-poll voting office for the electoral district for which the elector is enrolled, the elector may make a vote under section 24C (a <i>pre-poll ordinary vote</i>).	20 21 22 23
	24B Pre-poll voting offices	24
	(1) The commission may declare, by gazette notice, for a referendum—	25 26
	(a) a stated place to be a place where an elector enrolled in a stated electoral district may make a pre-poll ordinary vote (a <i>pre-poll voting office</i> for the electoral district); and	27 28 29 30

-
- (b) the times during which electors are allowed to make a pre-poll ordinary vote at the pre-poll voting office. 1
2
3
- (2) The commission may, in a declaration under subsection (1) or by gazette notice under this subsection, declare that a particular pre-poll voting office located in an electoral district is also a pre-poll voting office for 1 or more other electoral districts. 4
5
6
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8
9
- (3) If the commission makes a declaration under subsection (1) or (2), the commission may also publish the declaration in any other way the commission considers appropriate, including, for example, on the commission's website. 10
11
12
13
14

24C Procedure for pre-poll ordinary voting 15

- (1) An elector who wishes to vote during the period beginning 3 days after the cut-off day for electoral rolls for the referendum, and ending at 6p.m. on the day before polling day may make a pre-poll ordinary vote by following the procedures set out in this section. 16
17
18
19
20
21
- (2) The elector is to go to a pre-poll voting office for the electoral district for which the elector is enrolled. 22
23
24
- (3) At the pre-poll voting office, the elector must— 25
- (a) give the issuing officer the elector's proof of identity document; and 26
27
- (b) request a ballot paper from the issuing officer. 28
29
- (4) If the elector— 30
- (a) has a ballot paper and declaration envelope for the referendum; and 31
32

[s 119]

- (b) does not intend to make a declaration vote under subdivision 2; 1
2
- the elector must give the papers to the issuing officer. 3
4
- (5) The issuing officer must issue a ballot paper to a person if— 5
6
 - (a) the person has given the issuing officer the person’s proof of identity document; and 7
8
 - (b) the issuing officer is satisfied the person is entitled to vote at the referendum for the electoral district. 9
10
11
- (6) The issuing officer may ask of a person requesting a ballot paper questions for the purpose of deciding whether the person is entitled to vote at the referendum for the electoral district. 12
13
14
15
16
- (7) The issuing officer must comply with section 32 if— 17
18
 - (a) the elector does not give the issuing officer the elector’s proof of identity document under subsection (3)(a); or 19
20
21
 - (b) the issuing officer has asked questions under subsection (6) and suspects that a person claiming to be a particular elector is not the elector. 22
23
24
25
- (8) The issuing officer must keep a record of all persons to whom the officer issues ballot papers under this section. 26
27
28
- (9) The issuing officer must, if a scrutineer requests it, keep a record of any objection by the scrutineer to the entitlement of a person to vote. 29
30
31
- (10) On being given the ballot paper, the elector must, without delay— 32
33

-
- (a) go alone to an unoccupied voting compartment in the pre-poll voting office; and
 - (b) there, in private, mark a vote on the ballot paper in accordance with section 33; and
 - (c) fold the ballot paper to conceal the vote and put it in a ballot box in the pre-poll voting office; and
 - (d) leave the pre-poll voting office.

24D Help to enable electors to vote at pre-poll voting offices

- (1) Subject to subsection (2), if an elector satisfies an issuing officer that the elector is unable to vote without help, the elector may be accompanied in the pre-poll voting office by another person chosen by the elector.
- (2) The other person may help the elector in any of the following ways—
 - (a) acting as an interpreter;
 - (b) explaining the ballot paper and the requirements of section 33 relating to its marking;
 - (c) marking, or helping the elector to mark, the ballot paper in the way the elector wishes;
 - (d) folding the ballot paper and putting it in the ballot box.
- (3) If an elector is unable to enter a pre-poll voting office because of illness, disability or advanced pregnancy, but is able to come to a place (the *voting place*) close to the pre-poll voting office, then, subject to subsection (4)—
 - (a) the issuing officer may perform the issuing officer's functions; and

[s 120]

	(b) the voter may vote;	1
	at the voting place as if it were the pre-poll voting office.	2 3
	(4) The issuing officer must—	4
	(a) before taking any action under subsection (3), inform any scrutineers present of the proposed action; and	5 6 7
	(b) ensure that, after the ballot paper is marked, it is—	8 9
	(i) folded to conceal the vote; and	10
	(ii) put into an envelope and sealed; and	11
	(c) open the envelope inside the pre-poll voting office in the presence of any scrutineers and put the folded ballot paper in a ballot box.	12 13 14
Clause 120	Amendment of s 25 (Who may make a declaration vote)	15
(1)	Section 25(1)(a)—	16
	<i>omit, insert—</i>	17
	(a) an elector who wishes to make a declaration vote before the polling day for a referendum (an <i>ordinary postal voter</i>);	18 19 20
(2)	Section 25(1)(b), editor’s note—	21
	<i>omit, insert—</i>	22
	<i>Note—</i>	23
	See subsection (2) and the <i>Electoral Act 1992</i> , section 114.	24
(3)	Section 25(1)(c), editor’s note—	25
	<i>omit, insert—</i>	26
	<i>Note—</i>	27
	See subsection (3) and the <i>Electoral Act 1992</i> , section 114.	28
(4)	Section 25(2)—	29

omit.

(5) Section 25(3) and (4)—

renumber as section 25(2) and (3).

Clause 121 Amendment of s 30 (Making a declaration vote using posted referendum papers)

(1) Section 30(1), from ‘by writing’ to ‘delivered’—

omit, insert—

in an approved form given

(2) Section 30(3), ‘6p.m. on the Thursday’—

omit, insert—

7p.m. on the Wednesday

Clause 122 Amendment of s 31 (Electoral visitor voting)

(1) Section 31(1), from ‘by writing’ to ‘delivered’—

omit, insert—

in an approved form given

(2) Section 31(3), ‘6p.m. on the Thursday’—

omit, insert—

7p.m. on the Wednesday

Clause 123 Amendment of s 32 (Making a declaration vote in cases of uncertain identity)

(1) Section 32(1) and (2)—

omit, insert—

(1) If section 22(7) or 24C(7) applies for a person who is an elector or a person claiming to be an elector, the issuing officer must give the person a declaration envelope.

(2) Section 32(5)(a), ‘(3)(a)’—

[s 124]

omit, insert— 1

(2)(a) 2

(3) Section 32(5)(b), ‘(3)(b)’— 3

omit, insert— 4

(2)(b) 5

(4) Section 32(7), ‘subsection (5)’— 6

omit, insert— 7

subsection (4) 8

(5) Section 32(3) to (9)— 9

renumber as section 32(2) to (8). 10

Clause 124 Insertion of new pt 4, div 3, sdiv 2A 11

Part 4, division 3— 12

insert— 13

Subdivision 2A Electronically assisted voting 14
15

32A Who may make an electronically assisted vote 16

An elector may make an electronically assisted vote
if— 17
18

(a) the elector can not vote without assistance
because the elector has— 19
20

(i) an impairment; or 21

(ii) an insufficient level of literacy; or 22

(b) the elector can not vote at a polling booth
because of an impairment; or 23
24

(c) the elector is a member of a class of elector
prescribed by a regulation for this section. 25
26

Examples of a class of elector— 27

-
- an elector whose address, as shown on an electoral roll, is more than 20km by the nearest practical route from a polling booth 1
2
3
 - an elector who will not, throughout ordinary voting hours on polling day, be within Queensland 4
5

32B Prescribed procedures for electronically assisted voting 6
7

- (1) The commission may make procedures about how an elector may make an electronically assisted vote for a referendum. 8
9
10
- (2) The procedures must provide for the following— 11
 - (a) the registration of electors who may make an electronically assisted vote for a referendum under section 32A; 12
13
14
 - (b) the authentication of each electronically assisted vote; 15
16
 - (c) the recording of each elector who uses electronically assisted voting; 17
18
 - (d) ensuring the secrecy of each electronically assisted vote; 19
20
 - (e) the secure transmission of each electronically assisted vote to the commissioner, and secure storage of each electronically assisted vote by the commissioner, until printing; 21
22
23
24
25
 - (f) the printing, for scrutiny and counting, of a ballot paper for each electronically assisted vote; 26
27
28
 - (g) the secure delivery of each printed ballot paper to the returning officer for the appropriate electoral district or to the commission. 29
30
31
32
- (3) The procedures— 33

[s 124]

- (a) do not take effect until approved by a regulation; and 1
2
- (b) must be tabled in the Legislative Assembly with the regulation approving the procedures; and 3
4
5
- (c) must be published on the commission's website. 6
7

32C Audit of electronically assisted voting for a referendum 8
9

- (1) The commission must appoint an independent person to audit the information technology used under the procedures for electronically assisted voting made under section 32B. 10
11
12
13
- (2) The audit must be conducted within 60 days after the polling day for the referendum. 14
15
- (3) A person appointed under subsection (1) must be an individual who is not, and has not ever been, a member of a political party. 16
17
18
- (4) The person appointed to conduct the audit may make recommendations to the commission to reduce or eliminate risks that could affect the security, accuracy or secrecy of electronically assisted voting. 19
20
21
22
23
- (5) A regulation may prescribe requirements about the conduct of an audit under this section. 24
25

32D Protection of information technology 26

- (1) A person must not disclose to another person a source code or other computer software relating to electronically assisted voting, unless the person is authorised to do so under— 27
28
29
30
 - (a) the procedures approved under section 32B; 31
or 32

	(b) an agreement entered into by the person with the commissioner.	1 2
	Maximum penalty—40 penalty units or 6 months imprisonment.	3 4
	(2) A person must not, without reasonable excuse, destroy or interfere with a computer program, data file or electronic device used for or in connection with electronically assisted voting.	5 6 7 8
	Maximum penalty—100 penalty units or 2 years imprisonment.	9 10
	32E Commissioner may decide electronically assisted voting is not to be used	11 12
	(1) The commissioner may decide electronically assisted voting is not to be used—	13 14
	(a) at a particular referendum; or	15
	(b) by a class of electors at a particular referendum.	16 17
	(2) The commissioner’s decision must be in writing and published on the commission’s website.	18 19
Clause 125	Amendment of s 33 (How electors must vote)	20
	Section 33(1)—	21
	<i>omit, insert—</i>	22
	(1) An elector must vote in accordance with—	23
	(a) if the elector votes using electronically assisted voting—the procedures approved under section 32B(3); or	24 25 26
	(b) otherwise—subsection (2) or (3).	27

[s 126]

Clause 126	Amendment of s 36 (Preliminary processing of declaration envelopes and ballot papers)	1 2
	Section 36(2)(c), from ‘the signature’ to ‘request and’—	3
	<i>omit.</i>	4
Clause 127	Amendment of s 38 (Preliminary counting of ordinary votes)	5 6
	(1) Section 38(2)(b)—	7
	<i>omit, insert—</i>	8
	(b) identify and keep in a separate parcel all declaration envelopes and all ballot papers printed for electronically assisted votes; and	9 10 11
	(2) Section 38—	12
	<i>insert—</i>	13
	(3) This section applies to votes received by the commission under section 36 for an electoral district in the same way, subject to any prescribed changes and any other necessary changes, as it would apply if the commission’s office were a polling booth for the electoral district.	14 15 16 17 18 19
	(4) This section applies to pre-poll ordinary votes received by the commission for an electoral district in the same way as it would apply if a pre-poll voting office were a polling booth for the electoral district, to the extent to which it is reasonably practicable for pre-poll ordinary votes to be counted on polling day and subject to any necessary changes.	20 21 22 23 24 25 26 27
Clause 128	Amendment of s 39 (Official counting of votes)	28
	Section 39(2)(b), after ‘envelopes’—	29
	<i>insert—</i>	30

	and ballot papers printed for electronically assisted votes	1 2
Clause 129	Replacement of s 83 (Failure to post, fax or deliver documents for someone else)	3 4
	Section 83—	5
	<i>omit, insert—</i>	6
	83 Failure to give the commission or returning officer a request	7 8
	If a person is given a request in the approved form under section 30 or 31 to give to the commission or a returning officer, the person must promptly give the request to the commission or returning officer.	9 10 11 12
	Maximum penalty—20 penalty units or 6 months imprisonment.	13 14
Clause 130	Amendment of sch 3 (Dictionary)	15
	(1) Schedule 3—	16
	<i>insert—</i>	17
	<i>pre-poll ordinary vote</i> see section 24A(2).	18
	<i>pre-poll voting office</i> , for an electoral district, see section 24B(1)(a).	19 20
	<i>proof of identity document</i> see the <i>Electoral Act 1992</i> .	21 22
	(2) Schedule 3, definition <i>electoral visitor voter</i> , ‘25(4)’—	23
	<i>omit, insert—</i>	24
	25(3)	25
	(3) Schedule 3, definition <i>ordinary postal voter</i> , ‘25(2)’—	26
	<i>omit, insert—</i>	27
	25(1)(a)	28

[s 131]

- (4) Schedule 3, definition *polling booth*, ‘or a mobile polling booth’— 1
2
omit, insert— 3
 , a mobile polling booth or a pre-poll voting office 4

Part 29 **Amendment of Supreme Court** 5
 Library Act 1968 6

Clause 131 **Act amended** 7
 This part amends the *Supreme Court Library Act 1968*. 8

Clause 132 **Insertion of new s 13B** 9
 Part 2— 10
 insert— 11
 13B Protection from liability of members 12
 (1) A member of the committee is not civilly liable 13
 for an act done, or omission made, in good faith 14
 under this Act. 15
 (2) If subsection (1) prevents a civil liability 16
 attaching to a member, the liability attaches 17
 instead to the committee. 18

Part 30	Amendment of Telecommunications Interception Act 2009	1 2 3
Clause 133	Act amended This part amends the <i>Telecommunications Interception Act 2009</i> .	4 5 6
Clause 134	Amendment of s 14 (Eligible authority to keep documents connected with issue of warrants) (1) Section 14— <i>insert</i> — (ga) each appointment of an officer of the eligible authority to be an authorising officer made under section 66(4) of the Commonwealth Act; (2) Section 14(h), after ‘chief officer’— <i>insert</i> — or an authorising officer (3) Section 14(ga) to (h)— <i>renumber</i> as section 14(h) to (i).	7 8 9 10 11 12 13 14 15 16 17 18 19
Part 31	Amendment of Tourism and Events Queensland Act 2012	20 21
Clause 135	Act amended This part amends the <i>Tourism and Events Queensland Act 2012</i> .	22 23 24

[s 136]

Clause 136	Replacement of pt 3 (Tourism and Events Queensland Employing Office)	1 2
	Part 3—	3
	<i>omit, insert—</i>	4
	Part 3	
	Employees	5
	32 Corporation may employ staff	6
	(1) The corporation may employ staff.	7
	(2) The corporation may decide the terms of employment of the employees of the corporation.	8 9
	(3) Subsection (2) applies subject to any industrial instrument that is relevant to the terms of employment of the employees.	10 11 12
	(4) Employees of the employing office are employed under this Act and not under the <i>Public Service Act 2008</i> .	13 14 15
	(5) In this section—	16
	<i>industrial instrument</i> has the meaning given under the <i>Industrial Relations Act 1999</i> .	17 18
Clause 137	Insertion of new pt 6, div 3	19
	Part 6—	20
	<i>insert—</i>	21

Division 3	Transitional provisions for Justice and Other Legislation Amendment Act 2014	1 2 3 4
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53	Employees of former employing office	5
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- | | | |
|-----|---|--|
| (1) | This section applies to a person who, immediately before the commencement, was an employee of the former employing office. | 6
7
8 |
| (2) | On the commencement— | 9 |
| (a) | the person becomes an employee of the corporation on the same terms and conditions of employment applying to the person immediately before the commencement; and | 10
11
12
13
14 |
| (b) | the person remains entitled to all rights of employment existing or accruing immediately before the commencement, including recognition of the person's length of service with the former employing office and outstanding leave entitlements accrued up to the commencement. | 15
16
17
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21 |
| (3) | In this section— | 22 |
| | <i>former employing office</i> means the employing office under this Act as in force immediately before the commencement. | 23
24
25 |

Part 32	Amendment of Trusts Act 1973	26
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Clause 138	Act amended	27
	This part amends the <i>Trusts Act 1973</i> .	28

[s 139]

Clause 139	Amendment of s 56 (Power to delegate trusts)	1
	Section 56(1), ‘executed as a deed’—	2
	<i>omit.</i>	3
Clause 140	Insertion of new pt 13	4
	After part 12—	5
	<i>insert—</i>	6
	Part 13	Validation provision for
		Justice and Other
		Legislation
		Amendment Act 2014
		10
	123 Validation of powers of attorney for the	11
	purposes of s 56	12
	(1) This section applies if—	13
	(a) before the commencement, a trustee	14
	purported to give a power of attorney to	15
	another person for the execution or exercise	16
	of a matter under previous section 56; and	17
	(b) the power of attorney was given in the	18
	approved form under the <i>Powers of Attorney</i>	19
	<i>Act 1998</i> , section 11.	20
	(2) The power of attorney delegating to a person any	21
	of the matters mentioned in section 56(1) is taken	22
	to be, and to have always been, validly given	23
	under previous section 56.	24

Part 33	Amendment of Vexatious Proceedings Act 2005	1
		2
Clause 141	Act amended	3
	This part amends the <i>Vexatious Proceedings Act 2005</i> .	4
Clause 142	Amendment of s 12 (Dismissing application for leave)	5
	Section 12(2)—	6
	<i>omit, insert—</i>	7
	(2) The Court may dismiss the application—	8
	(a) without an oral hearing; or	9
	(b) if the Court considers an oral hearing is necessary—even if the applicant does not appear at the hearing.	10 11 12
	(3) If the Court dismisses the application, the Court must give the applicant a copy of—	13 14
	(a) the order dismissing the application; and	15
	(b) the Court’s reasons.	16
Clause 143	Insertion of new pt 4A	17
	After section 16—	18
	<i>insert—</i>	19

[s 144]

Part 4A	Transitional provision for Justice and Other Legislation Amendment Act 2014	1 2 3 4
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- | | |
|---|----------------|
| 16A Pre-amended Act continues to apply to
particular applications made before
commencement | 5
6
7 |
| (1) This section applies if, immediately before the
commencement, an application had been made
under section 11 but not decided. | 8
9
10 |
| (2) This Act continues to apply in relation to the
application as if the <i>Justice and Other Legislation
Amendment Act 2014</i> had not been enacted. | 11
12
13 |

Part 34	Repeals	14
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- | | |
|---|----------------|
| Clause 144 Repeals | 15 |
| The following Acts are repealed— | 16 |
| • Companies (Acquisition of Shares) (Application of
Laws) Act 1981, No. 47 | 17
18 |
| • Companies and Securities (Interpretation and
Miscellaneous Provisions) (Application of Laws) Act
1981, No. 49 | 19
20
21 |
| • Companies (Application of Laws) Act 1981, No. 110 | 22 |
| • Futures Industry (Application of Laws) Act 1986, No.
47 | 23
24 |

- Securities Industry (Application of Laws) Act 1981, No. 48. 1
2

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