

# Criminal and Other Legislation Amendment Bill 2011

## Explanatory Notes

### Objectives of the Bill

The primary objectives of the Criminal and Other Legislation Amendment Bill 2011 (the Bill) are to:

1. Amend the Criminal Code to:
  - increase the maximum penalty for the offence of using the internet to procure children under 16 to engage in a sexual act (section 218A) from five years to 10 years imprisonment; increase the maximum penalty for the aggravated form of the offence (child under 12 years) from 10 years to 14 years imprisonment; and create a new circumstance of aggravation where the procuring conduct involves the offender meeting the person or going to a place with the intention of meeting the person;
  - increase the maximum penalties for the child exploitation material offences: from five years to 14 years imprisonment for the offence of possession (section 228D); and 10 years to 14 years imprisonment for the offences of involving a child in the making of child exploitation material (section 228A), making child exploitation material (section 228B) and distributing child exploitation material (section 228C); clarify that the offences apply to animated, virtual or fictitious images; and allow for the joinder of multiple offences;
  - insert an aggravated offence in sections 208 (Unlawful sodomy), 210 (Indecent treatment of children under 16) and 215 (Carnal knowledge with or of children under 16) where the offence is committed against a child with an impairment of the mind;
  - provide a new offence of ‘grooming’, carrying a maximum penalty of five years imprisonment or 10 years if the child is

under 12, to target persons who engage in the ‘grooming’ of a child to facilitate the procurement of the child for sexual activity;

- provide a new offence of serious animal cruelty, carrying a maximum penalty of seven years imprisonment, which will apply to a person who unlawfully kills, seriously injures or causes an animal prolonged suffering and does so intending to inflict severe pain or suffering on the animal; and
- remove the consideration by the Court of Appeal of principles of sentencing double jeopardy when considering Attorney-General appeals against sentence.

2. Amend the *Animal Care and Protection Act 2001* (ACPA) to:

- increase the maximum penalty for the offence of animal cruelty (section 18) from 1000 penalty units or two years imprisonment to 2000 penalty units or three years imprisonment;
- ensure that the powers of inspectors under the ACPA apply to the investigation of the new offence of serious animal cruelty and that evidence obtained during the investigation can be used, subject to the rules of admissibility, in proceedings upon indictment;
- require a court to make a prohibition order against a person convicted of animal cruelty (section 18) unless such an order would be unjust in the circumstances; and insert a mandatory prohibition scheme to apply to persons convicted of section 468 of the Criminal Code and the new indictable offence of serious animal cruelty (new section 242 of the Criminal Code); and
- allow for the making of interim prohibition orders.

3. Amend the *Justices Act 1886* to:

- allow RSPCA inspectors to commence proceedings for the new indictable offence of serious animal cruelty and for an offence against section 468 of the Criminal Code, while ensuring the Director of Public Prosecutions retains the sole responsibility of preparing, instituting and conducting criminal proceedings on indictment on behalf of the State.

4. Amend the *Drugs Misuse Act 1986* (DMA) to:

- create a new offence of trafficking in precursors (substances used to manufacture dangerous drugs);

- amend the definition of ‘dangerous drug’ to overcome the evidentiary difficulties in proving an analogue has a substantially similar pharmacological effect to a scheduled dangerous drug (where the substance is new and has not been subjected to study); and
  - clarify the meaning of section 10(4), which creates an offence of failure to take reasonable care and precaution with a hypodermic syringe or needle, to put beyond doubt that there is no requirement that the needle/syringe was used or intended to be used with respect to a dangerous drug.
5. Amend the *Collections Act 1966* to:
- allow inspectors under the Act to be appointed generally, rather than for individual investigations; and
  - allow the chief executive, rather than the Governor in Council, to appoint members of the disaster appeals trust fund committee under the Act.
6. Amend the *Credit (Commonwealth Powers) Act 2010* to:
- enhance accessibility of the register of conduct deeds by members of the public by allowing the Department to publish this register on its website.
7. Amend the *Land Sales Act 1984* to:
- remove the process requiring developers selling off-the-plan lots of residential units to apply for an extension of time for giving a registrable instrument of transfer, and for this extension to be prescribed in the Regulation.
8. Amend the *Liquor Act 1992* to:
- exempt hospitals and nursing homes serving limited amounts of liquor from the requirements of the Act.
9. Amend the *Residential Services (Accreditation) Act 2002* to:
- give the chief executive power to impose conditions on the renewal of accreditations under the Act; and
  - enhance access to the register of undertakings by the general public by allowing the Department to publish these registers on its website.

10. Amend the *Retirement Villages Act 1999* to:

- clarify the chief executive may refuse to register a scheme as a ‘retirement village scheme’ if it is inconsistent with the objectives of the Act;
- clarify the definition of ‘CPI percentage increase’;
- clarify the ‘termination date’ for a residence contract in certain circumstances;
- clarify use of the capital replacement fund to pay for reinstatement of accommodation units; and
- clarify the way in which the village operator must pay charges for a vacated unit.

11. Amend the *Roman Catholic Church Lands Act 1985* to:

- correct the omission of certain property listed in the Schedule as land vested in the Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane.

12. Amend the *Security Providers Act 1993* to:

- allow the chief executive to impose conditions on the approval of a security industry association;
- provide aggrieved associations with an ability to apply to the Queensland Civil and Administrative Tribunal for a review of a decision of the chief executive to refuse to approve the association, to impose a condition on the approval of the association, or to withdraw approval of the association; and
- clarify the obligation of a security industry association to notify the chief executive when a security firm ceases to be a member of the association.

## **Reasons for the Bill**

Recent Commonwealth child sex-related reforms prompted the Department of Justice and Attorney-General to review Queensland’s Criminal Code with a view to identifying reform to strengthen Queensland’s child sex-related offences, to ensure consistency with the Commonwealth penalties and to ensure Queensland’s penalties provide appropriate protection and sanction. Part 5 of the Bill is the culmination of that review.

Particular mention is made of the increased penalties to the child exploitation material offences.

The seriousness of these offences cannot be questioned. They are not victimless crimes. This was recognised by the 2008 amendment to section 9 of the *Penalties and Sentences Act 1992* to displace the sentencing principle of ‘imprisonment as a last resort’ in relation to the sentencing of offenders for child exploitation material offences.

A review of the sentences imposed for child exploitation material offences since the 2008 amendment reveals the following:

- For the offence of possessing child exploitation material (section 228D) – the sentencing range is one to three years imprisonment depending on the amount of material possessed and its content, with the sentence including a period of actual detention; and
- For the offence of distributing child exploitation material (section 228C) – the sentencing range appears to start at two years imprisonment with the sentence including a period of actual detention.

The Bill increases the maximum penalties for the child exploitation material offences and omits the current penalty distinction for the offence of possession.

The argument for distinguishing the offence of possession is that, in relation to contraband, the criminal law regards distribution as objectively more serious than mere possession. However, in the case of child exploitation material offences the ‘commodity’ in question is a child who is often subject to appalling physical and sexual abuse. It is vital that the market for such material is targeted. Such an approach is not unprecedented. The Criminal Code recognises that the offence of receiving tainted property creates the market for criminal activity such as theft and applies a higher maximum penalty.

Removing the current penalty distinction also recognises the wide variety of circumstances in which child exploitation material offences can be committed and that there will be cases where the mere possession of material carries a greater criminality than the offence of distributing.

The Commonwealth makes no such distinction. All offences carry a maximum penalty of 15 years imprisonment. In New South Wales and the Northern Territory, the offences of possession, production and distribution all carry a maximum penalty of 10 years imprisonment.

The Bill also amends the Criminal Code by the insertion of a new offence of serious animal cruelty. Recent incidents of animal cruelty have highlighted the community's outrage at such conduct. A review of Queensland's relevant offences and maximum penalties revealed a gap where the conduct in question involves the intentional infliction of severe pain and suffering on an animal; in effect, the torture of an animal. The gap is addressed through the creation of a new indictable offence of serious animal cruelty and with the necessary consequential amendments to the ACPA.

Section 669A(1) of the Criminal Code is amended to remove the principles of sentencing double jeopardy when considering Attorney-General appeals against sentence; that is:

- when the Court of Appeal finds error on the part of the sentencing judge, the Court cannot rely on principles of sentencing double jeopardy to nevertheless exercise its residual discretion not to intervene; and
- in exercising its discretion to vary the sentence, the Court of Appeal cannot rely on principles of sentencing double jeopardy.

The following three fetters have developed at common law under the principles of sentencing double jeopardy:

- that in re-sentencing, the penalty will generally be less than the sentence the appellant court considers should have been imposed at first instance;
- that in re-sentencing, the penalty will generally be toward the lower end of the available sentencing range; and
- the submissions of the prosecution at first instance are generally binding, other than in exceptional circumstances.

The amendments specifically remove the abovementioned fetters when the Court of Appeal is exercising its discretion to vary the sentence.

It is not intended to remove the residual discretion of the Court of Appeal to decline to intervene based on considerations that do not include the principles of sentencing double jeopardy.

The amendment ensures that in varying the sentence, the Court can impose a punishment that fits the crime and that an offender does not receive a sentence less than that which should have been imposed.

The common law fetters have the practical effect of skewing downward the range for sentences and arguably are inconsistent with the fundamental principle that like offenders and offences receive like punishments. Similarly, the failure to correct an inadequate sentence may lower the applicable sentencing tariffs.

The removal of the principles of sentencing double jeopardy when considering a prosecution appeal against sentence is consistent with the recommendation of the Double Jeopardy Law Reform Council of Australian Government (COAG) Working Group, endorsed by COAG on 13 April 2007. It is also consistent with the approach taken in all other Australian jurisdictions (with the exception of the Australian Capital Territory).

Amendments to Queensland's drugs legislation is necessary to ensure the laws keep pace with emerging developments in the manufacture and supply of dangerous drugs.

The Bill amends the *Collections Act 1966*. This Act regulates collections from the public for charity or community purposes. Except for the special circumstances of the Minister's appointment of inspectors under section 27 to carry out investigations, there is no provision for the appointment of inspectors generally. The amendments will improve the administration of the Act by deeming fair trading inspectors generally as inspectors under this Act. Additionally, the Bill implements a recommendation of the Independent Review of Queensland Government Boards, Committees and Statutory Authorities to allow the chief executive to appoint members under the Act instead of the Governor in Council as the Act presently provides.

The Bill amends the *Credit (Commonwealth Powers) Act 2010*. This Act preserves certain provisions of the former consumer credit legislation, including that relating to conduct deeds. These conduct deeds are documents prepared by the chief executive and executed by a credit provider, under which the credit provider agrees to stop engaging in stated conduct or to take certain action. The amendments enhance the accessibility of conduct deeds by members of the public by allowing the Department to publish this register on its website.

The Bill amends the *Land Sales Act 1984*. This amendment removes the process in the existing legislation which requires developers selling off-the-plan lots of residential units to apply for an extension of time for giving a registrable instrument of transfer, and for this extension to be

prescribed in the Regulation. The benefits to consumers provided by this process are outweighed by the associated administrative burden involved for both developers and government. Instead, vendors will be able to specify the time for giving the registrable instrument of transfer in the instrument of purchase, up to a maximum of five and one half years, but otherwise a default period of three and one half years will apply.

The Bill amends the *Liquor Act 1992*. The amendments exempt hospitals and nursing homes serving limited amounts of liquor from the requirements of the Act in order to minimise regulatory requirements. These venues have been identified as low-risk venues and the exemptions are consistent with those which already exist in the Act for places such as retirement villages.

The Bill amends the *Residential Services (Accreditation) Act 2002*. These amendments provide the chief executive with the power to impose conditions on the renewal of accreditations under the Act. The benefit of conditional accreditation is the Department may allow the continued operation of a service while mandating conditions to facilitate service improvement. Failure to re-accredit a service may result in cancellation of the service's registration and possible closure of the service. The amendments also enhance access to undertakings by the general public by allowing the Department to publish registers of undertakings on its website.

The Bill amends the *Retirement Villages Act 1999*. A number of these amendments implement the recommendations of the 2008 Ministerial Working Party, which was comprised of stakeholders from the retirement village industry, and was established to discuss issues relating to the Act. The remaining amendments were identified by government or stakeholders in order to enhance the operation of the Act. In particular, the amendments confirm that the chief executive must not register a retirement village scheme where the scheme is contrary to the regulatory framework under the Act. The amendments also clarify the meaning or improve the operation of the Act by amending a number of existing provisions.

The Bill amends the *Roman Catholic Church Lands Act 1985*. The purpose of the Act is to divest deceased registered proprietors and lessees of land interests they held on behalf of the Roman Catholic Church, and to vest those interests in one of the current corporate trustees of the various Archdioceses of Queensland. The Bill corrects an omission by inserting a land title reference for St Michael's Church at Pine Mountain into the

schedule of land interests vesting in the Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane.

The Bill amends the *Security Providers Act 1993*. The Act includes a requirement for licensed security firms to be members of a security industry association, which has been approved by the chief executive in accordance with the requirements prescribed by regulation. The Bill allows the chief executive to impose conditions on the approval of a security industry association. The Bill also provides aggrieved associations with an ability to apply to the Queensland Civil and Administrative Tribunal for review of various decisions of the chief executive, and clarifies the obligation of a security industry association to notify the chief executive when a security firm ceases to be a member of the association.

### **Achievement of the Objectives**

The Bill achieves the objectives by way of the proposed new offences and amendments to existing legislation described below.

### **Alternative ways of achieving policy objectives**

There are no alternative ways of achieving the criminal law reform.

The issues addressed by amendments to the *Collections Act 1966*, *Credit (Commonwealth Powers) Act 2010*, *Land Sales Act 1984*, *Liquor Act 1992*, *Residential Services (Accreditation) Act 2002*, *Retirement Villages Act 1999*, *Roman Catholic Church Lands Act 1985* and *Security Providers Act 1993* improve or clarify existing legislative schemes. Accordingly, there are no alternative ways of achieving the policy objectives other than through amendment.

### **Estimated Cost for Government Implementation**

Any costs in relation to the amendments will be met from existing agency resources.

### **Consistency with Fundamental Legislative Principles**

The Bill creates three new offences: a sexual offence of ‘grooming’; a drug offence of trafficking in precursors; and an offence of serious animal cruelty.

Section 217 of the Criminal Code provides the offence of procuring a child or a person with an impairment of the mind to engage in carnal knowledge. The offence carries a maximum penalty of 14 years imprisonment. Section 218A of the Criminal Code provides the offence of an adult using electronic communication with intent to: procure a child under 16 (or a person the adult believes is under the age of 16) to engage in a sexual act; or expose, without legitimate reason, a child under 16 (or a person the adult believes is under the age of 16) to any indecent matter. The offence carries five years imprisonment or 10 years if the child is under 12.

For the purposes of the offences, the Criminal Code defines the term 'procure' to mean knowingly entice or recruit for the purposes of sexual exploitation.

A number of Australian jurisdictions, including the Commonwealth, provide an offence of 'grooming' to complement the procuring offences. The term 'grooming' refers to wide-ranging behaviour that is designed to facilitate, or make easier, the later procurement of a child for sexual activity (for example, an offender might build a relationship of trust with the child, and then seek to sexualise that relationship).

This offence allows for the potential for police to intervene before a sexual act or sex-related activity takes place.

Amphetamine production involves unique manufacturing processes that rely on the supply of precursor chemicals. Schedule 6 of the *Drugs Misuse Regulation 1987* (DMR) lists controlled substances which are precursor chemicals. Schedule 8B of the DMR lists apparatus (e.g. glassware, pill presses) that are also capable of being used in illicit drug production. Over the past years there have been a growing number of cases involving persons involved in the wholesale distribution of pre-cursor chemicals or apparatus to manufacturers of amphetamine-based drugs.

Whilst such persons may be able to be charged with the existing possession, supply or production offences, in some cases these offences fall short of reflecting the true criminality of the conduct where the scale of supply reaches a very high level, such that the person can be said to be carrying on the business of dealing in such substances or things.

The majority of acts of animal cruelty in Queensland are prosecuted under section 18 of the ACPA. Section 18 is a simple offence and carries a maximum penalty of 1000 penalty units or two years imprisonment. Section 468 of the Criminal Code provides that any person who wilfully and unlawfully kills, maims, or wounds, any animal capable of being stolen

is guilty of an indictable offence. The offence carries up to three years imprisonment in the case of domestic animals and seven years imprisonment if the animal in question is stock.

Recent incidents of animal cruelty have highlighted the community's outrage at such conduct. The existing offences do not adequately provide for the cases where a person intentionally inflicts severe pain and suffering on an animal; in effect, the torture of an animal. The proposed new indictable offence carries a maximum penalty of seven years imprisonment. Given that the offence of killing livestock carries a maximum of seven years imprisonment, a similar maximum penalty can be justified; not on the basis of the value of the animal in monetary terms but on the basis of the moral importance of animals and the obligations we, as a society, owe to protect them from suffering.

The Bill increases the maximum penalties for particular child sex-related offences to ensure the offences provide adequate protection and sanction and to align the Queensland penalties with the Commonwealth offences.

The justification behind the increases in the child exploitation material offences is discussed above. The increase in the maximum penalty for the offence of using the internet to procure children under 16 to engage in a sexual act (section 218A), accommodates the new offence of 'grooming', and recognises that the conduct captured in section 218A(b) is transported into the new grooming offence and thereby will retain its current maximum penalty. The new circumstance of aggravation in section 218A, that is, meeting the victim or going to a place with the intention of meeting the victim, recognises that such an overt act should attract a greater sanction.

Sections 208, 210 and 215 are amended to create a new circumstance of aggravation where the child has an impairment of the mind. The amendment recognises the increased vulnerability of such children to the predations of sex offenders.

The Bill amends section 568 of the Criminal Code to allow for the joinder in the one charge, of multiple child exploitation material offences. The amendment will allow the Crown to better reflect on the face of the indictment that the possession involved multiple acts of possession and the accumulation of the material over an extended timeframe. It will address evidentiary issues and ensure the indictment better reflects the nature of the offending behaviour. In practice section 568 is used when the offender has indicated a willingness to plead guilty. In the case of a trial, the preferred practice would be to indict a separate count for each transaction as best as

can be established on the evidence; to avoid duplicity in the charge and unfairness to the accused. On that basis the amendment will apply retrospectively to offences committed before commencement.

The Bill increases the maximum penalty for the offence of animal cruelty under the ACPA. The new offence of serious animal cruelty will apply to a narrow cohort of offenders who intentionally torture an animal. It is anticipated that the majority of animal cruelty cases will continue to be prosecuted under section 18 of the ACPA. The increase in the maximum penalty will encourage the imposition of sentences that meet community expectations.

The Bill addresses current inconsistencies in the ambit of the powers of inspectors under the ACPA by extending entry powers (with or without a warrant) to all animal welfare offences (which will therefore include the animal welfare offences in the Criminal Code). This is a limited extension to indictable animal welfare offences and is necessary due to the practicalities of investigating animal cruelty offences.

The Bill amends the ACPA to strengthen the making of prohibition orders in relation to the offences of animal cruelty (section 18 of the ACPA), injuring an animal (section 468 of the Criminal Code) and the new offence of serious animal cruelty. Where a person is convicted of section 18 of the ACPA the court will be required to make a prohibition order unless satisfied it would be unjust to make the order in the circumstances. The offender will bear the onus of satisfying the court, on the balance of probabilities that the court should abstain from making the order. A person convicted of section 468 of the Criminal Code or the new serious animal cruelty offence will be subject to a mandatory order prohibiting the offender from possessing etc an animal of the type subject of the offence. The order will apply for a minimum period of two years. The new offence of serious animal cruelty applies to a person who intentionally inflicts severe pain or suffering on an animal. Section 468 of the Criminal Code applies to a person who wilfully and unlawfully kills, maims or wounds an animal (other than a wild animal). Section 18 of the ACPA applies to a person who is cruel to an animal, in particular by causing it unjustifiable, unnecessary or unreasonable pain including killing the animal in an inhumane way. A default position of prohibiting such offenders from possessing animals is justified on the basis of the moral significance of animals and the obligations we, as a society, owe to protect them from suffering.

The Bill amends section 669A(1) of the Criminal Code. While it is arguable that to remove considerations of sentencing double jeopardy from the appeal process may be inconsistent with the principles of natural justice, to do so is justified as it will allow the Court of Appeal to ensure the punishment fits the crime and that an offender does not receive a sentence less than the one which should have been imposed.

The Bill amends the *Retirement Villages Act 1999* to allow the chief executive not to register a retirement village scheme if the chief executive reasonably considers the scheme to be contrary to the regulatory framework of the Act. To register such a scheme would render key provisions of the Act, particularly protections for residents, unworkable. The amendment is drafted broadly to not only cover types of schemes which have previously been submitted for registration, but also those schemes which may be developed in future. However, in any case where the chief executive does refuse to register a scheme, the applicant may seek review of that decision by the Queensland Civil and Administrative Tribunal.

The Bill amends the *Credit (Commonwealth Powers) Act 2010* and the *Residential Services (Accreditation) Act 2002* to specifically allow the Department to publish relevant registers on the website. Written conduct deeds and undertakings under the Acts are currently made available by the Department for inspection by the general public. Publication of the documents online further promotes openness by government and accountability by those subject to the documents.

## **Consultation**

Consultation with the following government departments and agencies occurred: the Department of the Premier and Cabinet; Queensland Treasury; the Department of Community Safety; the Department of Communities; the Queensland Police Service; the Department of Employment, Economic Development and Innovation; the Department of Environment and Resource Management; and the Public Trustee of Queensland.

Consultation has also occurred with the Chief Justice of the Supreme Court; President of the Court of Appeal; Chief Judge of the District Court; Chief Magistrate; Bar Association of Queensland; Queensland Law Society; Director of Public Prosecutions; Queensland Civil and Administrative Tribunal; Legal Aid Queensland; Queensland Council for Civil Liberties;

Crime and Misconduct Commission; Women's Legal Services; Commission for Children and Young People and Child Guardian; Aboriginal and Torres Strait Islander Legal Service; the Sentencing Advisory Council; Protect All Children Today; and Bravehearts.

The amendments to the *Collections Act 1966*, *Credit (Commonwealth Powers) Act 2010*, *Land Sales Act 1984*, *Liquor Act 1992*, *Residential Services (Accreditation) Act 2002* and *Retirement Villages Act 1999* were previously contained in the Fair Trading and Other Legislation Amendment Bill 2011. This Bill was released for public consultation in late 2010, and the feedback received was used to revise the proposed amendments to ensure they would operate effectively.

### **Consistency with legislation of other jurisdictions**

The *Collections Act 1966*, *Land Sales Act 1984*, *Liquor Act 1992*, *Residential Services (Accreditation) Act 2002*, *Retirement Villages Act 1999*, *Roman Catholic Church Lands Act 1985* and *Security Providers Act 1993* are not part of national legislative schemes.

The *Credit (Commonwealth Powers) Act 2010* referred power to the Commonwealth Parliament to make laws for the regulation of consumer credit however Queensland retained its interest rate cap scheme under this Act. The Australian Securities and Investments Commission, the agency responsible for administration and enforcement of the national consumer credit laws, publishes enforceable undertakings on-line.

## Notes on Provisions

### Part 1 – Preliminary

*Clause 1* establishes the short title to the Act as the *Criminal and Other Legislation Amendment Act 2011*.

*Clause 2* provides that the parts and sections listed commence by proclamation.

### Part 2 – Amendment of Animal Care and Protection Act 2001

*Clause 3* provides that Part 2 amends the *Animal Care and Protection Act 2001*.

*Clause 4* amends section 18 (Animal cruelty prohibited) by increasing the maximum penalty to 2000 penalty units or three years imprisonment.

*Clause 5* amends section 122 (Power of entry), in particular subsection (1)(g)(i) to extend the subsection to all animal welfare offences.

*Clause 6* amends section 127 (Issue of warrant), in particular subsection (1)(b) to extend the subsection to animal welfare offences.

*Clause 7* amends section 142 (General power to seize evidence), in particular subsection (1)(a) to extend the subsection to animal welfare offences.

*Clause 8* amends section 163 (Power to require name and address), in particular subsections (1)(a) and (1)(b) to extend the subsections to apply to animal welfare offences.

*Clause 9* amends section 164 (Failure to comply with personal details requirement) consequential to the amendment to section 163.

*Clause 10* inserts new section 181A to allow a court to make an interim prohibition order against a person charged with an animal welfare offence

where the court is satisfied there are reasonable grounds for believing the person poses an unacceptable risk of committing an animal welfare offence before the completion of the proceeding for the alleged offence.

Subsections (4) and (5) provide that the court may make an interim order at the court's initiative or on an application by the prosecution. The court may make an order in the person's absence but only if the person has been provided the opportunity to be heard.

Subsections (6) and (7) provide when an interim order takes effect and when it ends.

*Clause 11* amends section 183 (Prohibition order) to clarify that a prohibition order applies to an animal in the possession of the respondent at the time the order is made. The section is further amended as a consequence to the insertion of new section 186A (Making of mandatory prohibition order – serious animal welfare offence).

*Clause 12* amends section 184 (Order against owner in certain cases) consequential to the insertion of new section 186A (Making of mandatory prohibition order – serious animal welfare offence).

*Clause 13* amends section 185 (Criteria for making disposal or prohibition order) consequential to the insertion of new section 186A (Making of mandatory prohibition order – serious animal welfare offence) and to require a court to consider a person's compliance or otherwise with an interim prohibition order.

*Clause 14* inserts new section 186A (Mandatory prohibition order – serious animal welfare offence).

Subsections (2) and (3) provide that if a person is convicted of an offence against sections 242 or 468 of the Criminal Code, the court must make a prohibition order against the person for a minimum period of two years. The prohibition order must prohibit the person from possessing or purchasing or otherwise acquiring the animal the subject of the offence and any animal of the type of animal the subject of the offence.

Subsection (4) provides that if a person is convicted of an offence against section 18 (ACPA), the court must make a prohibition order against the person unless the person satisfies the court that it would be unjust in the circumstances of the case to make the order. The person must be given an opportunity to be heard before an order is made.

Subsection (5) provides that in determining whether it would be unjust to make the order the court must have regard to the matters mentioned in

section 185(2)(a)-(e) and may have regard to any other matters the court considers relevant.

*Clause 15* amends section 187 (Contravention of prohibition order unlawful) to extend the offence to a contravention of an interim prohibition order.

*Clause 16* inserts new section 187A (Amendment or revocation of interim prohibition order) to allow a relevant court, upon application, to amend or revoke an interim prohibition order if satisfied that there has been a substantial change in the person's circumstances since the order was made or in all the circumstances it is reasonable to amend or revoke the order.

Subsection (7) defines the phrase 'relevant court'.

*Clause 17* amends section 188 (Review of certain prohibition orders) consequential to the amendment to section 185.

*Clause 18* amends the definition of 'animal welfare offence' contained in the Dictionary to include the new Criminal Code offence of serious animal cruelty. The Dictionary is further amended by the insertion of definitions for the phrases 'interim prohibition order' and 'serious animal welfare offence'.

## **Part 3 – Amendment of Collections Act 1966**

*Clause 19* states the part amends the *Collections Act 1966*.

*Clause 20* inserts a reference to the definition of 'appointed members' in section 5(1) of the Act. It also amends the definition of 'inspector' to mean an inspector within the meaning of the *Fair Trading Act 1989*, section 5. This amendment permits inspectors under the *Fair Trading Act 1989* to exercise an inspector's powers under the *Collections Act 1966*.

*Clause 21* replaces the references to Governor in Council in section 35A with references to the chief executive to enable the chief executive to appoint members of the committee. This change implements Recommendation 189 of the Independent Review of Queensland Government Boards, Committees and Statutory Authorities.

*Clause 22* inserts a transitional provision to provide for the change to section 35A made by the preceding clause. This transitional provision accommodates the range of positions the chief executive might have in the committee when the provision commences. The provision also clarifies that the existing members and chairperson of the committee, other than the chief executive, continue to hold those positions after commencement.

## **Part 4 – Amendment of Credit (Commonwealth Powers) Act 2010**

*Clause 23* states this part amends the *Credit (Commonwealth Powers) Act 2010*.

*Clause 24* inserts the correct section reference in section 25 following the change made by the following clause.

*Clause 25* inserts a new provision which allows the chief executive to publish on the department's website the information contained in the register of conduct deeds kept under section 20 of the repealed *Consumer Credit (Queensland) Act 1994* as applied by section 33(2)(a) of the *Credit (Commonwealth Powers) Act 2010*.

## **Part 5 – Amendment of Criminal Code**

*Clause 26* provides that Part 5 amends the Criminal Code.

*Clause 27* amends section 207A (Definitions for this chapter), in particular the definition of 'child exploitation material', by replacing the term 'someone' with the phrase 'a person or a representation of a person'. The amendment clarifies that the definition extends to animated, virtual or fictitious images.

*Clause 28* amends section 208 (Unlawful sodomy) by the insertion of new subsection (2A) which creates a circumstance of aggravation, carrying life

imprisonment, where a person sodomises a child or permits a male child to sodomise him/her and the child is a person with an impairment of the mind.

New subsection (5) provides a defence to the aggravated offence provided in subsection (2A) where the accused can prove, on the balance of probabilities, that he/she reasonably believed that the child was not a person with an impairment of the mind.

*Clause 29* amends section 210 (Indecent treatment of children under 16) by the insertion of new subsection (4A) which creates a circumstance of aggravation, carrying 20 years imprisonment, where the offence is committed against a child with an impairment of the mind.

New subsection (5A) provides a defence to the aggravated offence provided in subsection (4A) where the accused can prove, on the balance of probabilities, that he/she reasonably believed that the child was not a person with an impairment of the mind.

*Clause 30* amends section 215 (Carnal knowledge with or of children under 16) by the insertion of new subsection (4A) which creates a circumstance of aggravation, carrying life imprisonment, where the offence is committed against a child with an impairment of the mind.

New subsection (5A) provides a defence to the aggravated offence provided in subsection (4A) where the accused can prove, on the balance of probabilities, that he/she reasonably believed that the child was not a person with an impairment of the mind.

*Clause 31* amends section 216 (Abuse of persons with an impairment of the mind) to clarify that the penalty provided in subsection (2) is subject to subsection (3A).

*Clause 32* amends section 218A (using internet etc to procure children under 16) to omit subsections (1) and (2) and insert new subsections. The effect of new subsection (1) is to omit the existing second limb of the offence as provided in subsection (1)(a) which prohibits using the internet to expose a child to any indecent matter. The second limb is omitted because it will form the second limb of new section 218B (Grooming children under 16). The simpliciter offence of using the internet to procure remains unchanged but the maximum penalty is increased from five years imprisonment to 10 years imprisonment.

Also, the maximum penalty for the existing aggravated offence provided in subsection (2) is increased from 10 years imprisonment to 14 years imprisonment and a new circumstance of aggravation created, if the

offence involves the adult intentionally meeting with the person or going to a place with the intention of meeting the person. The term ‘meet’ is defined to mean meet in person. Therefore, an offender who travels with the intention of meeting the person will be caught by the circumstance of aggravation.

Subclause (4) redrafts the defences provided in existing subsection (9) to clearly articulate the defence to the simpliciter offence and the defence to the circumstance of aggravation.

*Clause 33* inserts a new section 218B to provide the offence of Grooming children under 16. The offence has two limbs. Subsection (1)(b) imports what was formerly the second limb of section 218A but removes the need for the offence to have been committed using the internet. Subsection (1)(a) makes it an offence for an adult to engage in any conduct in relation to a person under the age of 16 years, or a person the adult believes is under the age of 16 years, with the intent to facilitate the procurement of the person for sexual activity. The offence applies where the intended procurement is imminent or in the future (see subsection (5)(c)). For example, the adult may seek to build a relationship of trust with a child, intending to sexualise that relationship at some point in time. The offence carries a maximum penalty of five years imprisonment or 10 years if the person is under 12 years or the adult believes the person is under 12 years.

Subsections (3) to (10) mirror the subsections provided in existing section 218A (Using internet etc to procure children under 16).

The effect of subsection (5)(a) is that for the purpose of proving that the adult intended to facilitate the procurement of the person for sexual activity, the prosecution is not required to point to a particular sexual act but merely has to prove that the offender intended facilitating the procurement of some type of sexual activity.

Subsection (7) is an evidentiary aid. Evidence that the person was represented to the accused as being under the age of 16 years, or 12 years, as the case may be, is proof that the adult believed the person was under that age, in the absence of evidence to the contrary. With regards evidence to the contrary, the accused bears the evidentiary onus but the prosecution retains the onus of proof and would be required to negate any evidence raised by the accused beyond a reasonable doubt.

Subsections (8) and (9) provide defences which may be raised on behalf of the accused who bears the onus of proof on the balance of probabilities.

Subsection (10) defines the term ‘procure’ consistently with the definition used in section 217, 218 and 218A.

*Clause 34* amends section 228A (Involving child in making child exploitation material) to increase the maximum penalty from 10 years imprisonment to 14 years imprisonment.

*Clause 35* amends section 228B (Making child exploitation material) to increase the maximum penalty from 10 years imprisonment to 14 years imprisonment.

*Clause 36* amends section 228C (Distributing child exploitation material) to increase the maximum penalty from 10 years imprisonment to 14 years imprisonment.

*Clause 37* amends section 228D (Possessing child exploitation material) to increase the maximum penalty from five years imprisonment to 14 years imprisonment.

*Clause 38* amends section 228G (Forfeiture of child exploitation material etc) to include new section 218B and to rectify the current omission to include section 210(1)(e).

*Clause 39* inserts a new part 4, Chapter 25 and creates a new offence of serious animal cruelty. New section 242 makes it an offence to kill, cause serious injury or prolonged suffering to an animal with the intention of inflicting severe pain or suffering on the animal. The new offence is a crime, carrying a maximum penalty of seven years imprisonment. A person is relieved of criminal responsibility if the conduct is authorised, justified or excused under the *Animal Care and Protection Act 2001* or another law other than section 458 of the Criminal Code.

Subsection(3) defines the phrase ‘serious injury’, borrowing from the definition of grievous bodily harm as defined in section 1.

*Clause 40* amends section 450I (Forfeiture in cases of conviction for offences under specified sections) to include new section 242.

*Clause 41* amends section 568 (Cases in which several charges may be joined) to allow multiple offences of child exploitation material offences (sections 228A, 228B, 228C or 228D) to be joined in the one charge on an indictment. That is, multiple offences against section 228A can be joined, multiple offences against section 228B can be joined etc.

*Clause 42* amends section 669A(1) (Appeal by Attorney-General) to remove the principles of sentencing double jeopardy when considering an Attorney-General appeal against sentence.

New sub section (1AA) provides that the Court of Appeal must not take into account any element of double jeopardy on an Attorney-General appeal under subsection (1) when doing either or both of the following: exercising the Court's discretion in deciding whether to allow an appeal; in imposing a sentence.

New subsection (1AB) further provides, without limiting subsection (1AA), in imposing a sentence under subsection (1), the Court must not take into account the following restrictions which have developed at common law under the principles of sentencing double jeopardy :-

- a) imposing a sentence at the lower end of the available range only because the respondent is being sentenced again;
- b) imposing a sentence that is less than the sentence the Court considers should have been imposed when the respondent was first sentenced;
- c) being limited by the submissions made by the prosecution when the respondent was first sentenced.

'Double jeopardy' is not defined. The phrase has been interpreted in other Australian jurisdictions to refer to the distress and anxiety that an offender is presumed to experience when faced with being sentenced for a second time (*R v JW* [2010] NSWCCA 49; *Director of Public Prosecutions (Cth) v De La Rosa* (2010) 273 ALR 324; *Director of Public Prosecutions v Karazisis* [2010] VSCA 350; *Director of Public Prosecutions for the Commonwealth of Australia v Bui* [2011] VSCA 61; and *Director of Public Prosecutions v Chatters* [2011] TASCCA 8).

The phrase, 'submissions made by the prosecution when the respondent was first sentenced' is intended to include, for example, any statements or concessions made by the prosecution when the respondent was first sentenced and the penalty or sentencing range submitted by the prosecution when the respondent was first sentenced.

*Clause 43* inserts a new Chapter 90 and new sections 729 and 730. New section 729 deals with the transitional application of the amendment to section 568 to allow for the joinder of multiple charges of child exploitation material offences. Such charges may be joined whether the offences occurred before or after the commencement of the amendment.

New section 730 deals with the transitional application of the amendment to section 669A(1) to remove the principles of sentencing double jeopardy from Attorney-General appeals against sentence. Such principles are removed from consideration in relation to any proceeding for an appeal under section 669A(1) started on or after the commencement of the amendment.

## **Part 6 – Amendment of Drugs Misuse Act 1986**

*Clause 44* provides that Part 6 amends the *Drugs Misuse Act 1986*.

*Clause 45* amends section 4 (Definitions) to insert a new definition of ‘Australian Crime Commission’ and to amend the definition of ‘dangerous drug’ by replacing the phrase at paragraph (c): ‘and that has a substantially similar pharmacological effect’ with the phrase: ‘and that - (i) has a substantially similar pharmacological effect; or (ii) is intended, or apparently intended, to have a substantially similar pharmacological effect’.

*Clause 46* amends section 9A (Possessing relevant substances or things) by the insertion of a defence of ‘reasonable excuse’ with the onus of proof upon the accused.

*Clause 47* inserts a new section 9D to provide the offence of Trafficking in relevant substances or things. A person who carries on the business of unlawfully trafficking in a relevant substance or thing as defined in section 9A, for use in connection with the commission of a crime under section 8, commits a crime punishable by up to 20 years imprisonment.

*Clause 48* amends section 10 (Possessing things) to clarify that, for the offence provided in subsection (4) of failing to use reasonable care in respect of a syringe or needle, it is immaterial whether or not the syringe or needle was for use or had been used in connection with the administration of a dangerous drug.

*Clause 49* amends section 43U (Confidentiality of information) to insert a new subsection (2)(c) to allow for disclosure of information to a member of staff of the Australian Crime Commission to enable the member to perform

his or her functions as a member of the staff of the Australian Crime Commission.

*Clause 50* amends section 46 (Definitions for pt 5B) to include the new section 9D offence of trafficking in relevant substances or things in the definition of ‘serious offence’.

*Clause 51* inserts a new section 129A, an evidentiary provision, to clarify the application of the definition of ‘dangerous drug’ pursuant to paragraph (c)(ii) of the section 4 definition. A thing is proved to be a dangerous drug if there is evidence that the accused person had an actual intention that the thing have a substantially similar pharmacological effect or if there is evidence that an ordinary person would reasonably consider, in the circumstances of the case, that the accused had an intention that the thing have a substantially similar pharmacological effect.

*Clause 52* inserts new Part 7, division 8 and new section 143 to clarify that the amendment to the *Drugs Misuse Regulation 1987* by the *Criminal and Other Legislation Amendment Act 2011* does not affect the power of the Governor in Council to further amend the regulation or to repeal it.

## **Part 7 – Amendment of Drugs Misuse Regulation 1987**

*Clause 53* provides that Part 7 amends the *Drugs Misuse Regulation 1987*.

*Clause 54* amends schedule 8A (Gross weight of relevant substances for ss 9A, 9B and 9C of Act) to insert a reference to new section 9D in the heading and authorising section.

*Clause 55* amends schedule 8B (Things specified for ss 9A, 9B and 9C, and prescribed for s 134, of Act) to insert a reference to the new section 9D in the heading and authorising section.

## **Part 8 – Amendment of Justices Act 1886**

*Clause 56* states that this part amends the *Justices Act 1886*.

*Clause 57* amends the definition of ‘private complaint’ in section 4 (Definitions) to provide that the term does not include a complaint of an offence against sections 242 or 468 of the Criminal Code made by an RSPCA inspector. This will have the effect of enabling RSPCA inspectors to commence proceedings and conduct the committal hearing of, the mentioned indictable offences.

Section 4 is further amended by the insertion of a definition of ‘RSPCA inspector’.

*Clause 58* amends section 39 (Power of court to order delivery of certain property) to provide that, for the section, and in relation to a complaint of an offence against section 242 or 468 of the Criminal Code, the term ‘public officer’ includes an RSPCA inspector.

## **Part 9 – Amendment of Land Sales Act 1984**

*Clause 59* states this part amends the *Land Sales Act 1984*.

*Clause 60* amends the definition of ‘registrable instrument of transfer’ in section 6 of the Act to ensure the terms used are consistent with the terminology used in the *Land Title Act 1994* and precisely identify the relevant transfer. The clause also inserts a new definition of ‘land registry’ into section 6 to clarify which land registry is intended in each paragraph in the definition of ‘registrable instrument of transfer’.

*Clause 61* replaces existing section 27 and 28 with a new section 27.

The new section 27 (1) provides the section applies if a purchaser has entered into an instrument to purchase a proposed lot and the vendor has not unconditionally given a registrable transfer within the unqualified settlement period or time required under the instrument of purchase, up to a maximum of five and one half years, or if the instrument has no such period or time – within three and one half years after the day the instrument was made.

Subsection (2) states the purchaser may avoid the instrument by giving written notice to the vendor of the avoidance before the vendor gives the purchaser a registrable instrument of transfer for the lot.

Subsection (3) defines the terms unqualified settlement period and unqualified settlement time as used in subsection (1).

*Clause 62* inserts a new Part 5, which provides transitional provisions for the new section 27 inserted by clause 61. The new section 37 inserts definitions for the new Part. The new section 38 clarifies that the new section 27 applies only for instruments entered into by a purchaser after the commencement and even if an extension of the period for giving the registrable transfer has been prescribed under the former section 28 for the proposed lot. The new section 39 clarifies the former section 27 and 28 continue to apply for instruments of purchase entered into before the commencement. The new section 40 clarifies that although the *Land Sales Regulation 2000* is amended by this Act, rather than by subordinate legislation, this does not affect the power of the Governor in Council to further amend or repeal the regulation.

## **Part 10 – Amendment of Land Sales Regulation 2000**

*Clause 63* states this part amends the *Land Sales Regulation 2000*. These amendments are necessary because of the amendments to the *Land Sales Act 1984* in Part 9.

*Clause 64* updates the reference to ‘schedule 1’ following the removal of the other schedules.

*Clause 65* removes sections 3 and 4.

*Clause 66* updates the reference to ‘Schedule 1’ following the removal of the other schedules.

*Clause 67* removes schedules 2 and 3.

## **Part 11 – Amendment of Liquor Act 1992**

*Clause 68* states that the part amends the *Liquor Act 1992*.

*Clause 69* inserts new exemptions into existing section 12 for the sale of liquor in a nursing home and sale of liquor in a hospital in certain circumstances. Consequently, the Act will not apply where the criteria set out in these new paragraphs are met.

## **Part 12 -           Amendment of Residential Services (Accreditation) Act 2002**

*Clause 70* states this part amends the *Residential Services (Accreditation) Act 2002*.

*Clause 71* amends existing section 41(b) in order to provide that the chief executive is making an accreditation decision, at a stated level, about a residential service if the chief executive is deciding the conditions that are to apply to the renewal of accreditation of the service at that level.

*Clause 72* inserts a new subsection (6) into existing section 50 to provide that the chief executive may renew the accreditation on conditions the chief executive considers appropriate.

*Clause 73* inserts a new subsection (3) which provides for the chief executive to publish on the department's website the information contained in the register of undertakings.

*Clause 74* inserts a new dot point into Schedule 1 in order to provide that a decision to impose conditions on a renewal of accreditation of the service under the new section 50 (6) is a reviewable decision.

## **Part 13 -           Amendment of Retirement Villages Act 1999**

*Clause 75* states this part amends the *Retirement Villages Act 1999*.

*Clause 76* inserts a new subsection (4) into existing section 28. The new provision provides that the chief executive must not register a retirement

village scheme if the chief executive reasonably considers the scheme is contrary to the regulatory framework under this Act.

*Clause 77* replaces existing section 56(1)(b) with two new paragraphs (b) and (c). Section 56(1) defines the term ‘termination date’, as used throughout the division, and the new paragraphs further clarify the termination date where a relative is occupying the premises. In particular, the new paragraph (b) is similar in effect to the existing (b) and provides for the termination date where the relative of the resident has a right under section 70B(5) to enter into a residence contract for the accommodation unit. The new paragraph (c) provides for the termination date where the relative of the resident has a right under section 70B(2) to reside in the accommodation unit but does not have a right under section 70B(5) to enter into a residence contract for the accommodation unit.

*Clause 78* amends existing section 91(5)(a) to clarify the provision does not apply to repairs that are reinstatement work, the costs of which must be paid out of the capital replacement fund under section 62(4).

*Clause 79* amends section 105(2) in order to clarify it is only the maintenance reserve fund contribution portion of the general services charges that is to be paid into the maintenance reserve fund.

*Clause 80* amends section 106(2) in order to clarify the CPI percentage increase, for a financial year, means the percentage increase between the CPI published most recently before the start of the financial year and the CPI published most recently before the end of the financial year.

*Clause 81* inserts a new part 15, division 3 in order to provide for the transitional arrangements for the Criminal and Other Legislation Amendment Act 2011.

The new section 237H clarifies the new section 28(4) inserted by clause 76 applies to an application to register a retirement village scheme under section 27(1) regardless of whether the application was made before or after commencement.

The new section 237I clarifies that the former definition of termination date continues to apply where immediately before commencement a relative of a resident had a right, under section 70B(2), to reside in an accommodation unit.

*Clause 82* amends the schedule (Dictionary) to remove the definition of decision notice, as this term is no longer used in the Act.

## **Part 14 - Amendment of Roman Catholic Church Lands Act 1985**

*Clause 83* states this part amends the *Roman Catholic Church Lands Act 1985*.

*Clause 84* inserts into Schedule 1 the details of the relevant land vesting in the Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane.

## **Part 15 - Amendment of Security Providers Act 1993**

*Clause 85* states that this part amends the *Security Providers Act 1993*.

*Clause 86* reflects the separation of part 2, division 5 of the Security Providers Act into subdivisions and provides a heading for subdivision 1. The creation of subdivisions for part 2, division 5 (Other provisions about licence) will highlight the various matters dealt with in the division.

*Clause 87* inserts a heading for subdivision 2 of part 2, division 5.

*Clause 88* provides a more concise heading for *section 21* which is consistent with, and reflects, the creation of a heading for subdivision 2.

*Clause 89* replaces the references to ‘person’ and ‘persons’ in *section 21A* with the term ‘security firm’.

Under *section 32D* of the *Acts Interpretation Act 1954*, a reference to a ‘person’ in an Act generally includes reference to individuals and corporations.

The amendment will ensure that approved security industry associations are obliged to notify the chief executive of every security firm whose membership has ended during the month, including security firms that are constituted by a partnership.

Further, *section 21A* is relocated to the new subdivision 5 of part 2, division 5 of the Security Providers Act, which contains provisions about the

approval, withdrawal of approval, and duty of approved security industry associations.

*Clause 90* provides a more concise heading for *section 22* which is consistent with, and reflects, the creation of a heading for subdivision 2.

*Clause 91* inserts a heading for subdivision 3 of part 2, division 5.

*Clause 92* inserts a heading for subdivision 4 of part 2, division 5.

*Clause 93* inserts a heading for subdivision 5 of part 2, division 5.

*Clause 94* amends *section 25B* of the Security Providers Act to provide a formal process for the chief executive to follow if the chief executive is considering making an adverse decision about the approval of a security industry association. The clause also specifically provides for the ability of the chief executive to impose conditions on the approval of a security industry association.

Subclause (1) amends the heading of *section 25B* to more accurately describe the content of the section which deals with both the approval, and withdrawal of approval, of security industry associations.

Subclause (2) makes the chief executive's ability to withdraw approval of a security industry association subject to new sections 25C (Grounds for withdrawing approval) and 25D (Procedure for withdrawing approval or imposing approval condition other than initial approval condition).

Subclause (3) inserts new subsections into *section 25B* which will allow the chief executive to impose conditions on the approval of security industry associations.

The amendments distinguish between conditions imposed at the time the chief executive grants the initial approval, and conditions imposed by the chief executive at a later time. The distinction is relevant to the process followed by the chief executive in imposing the conditions (refer to new *section 25D*). However, in both cases, the chief executive must be satisfied that imposing a condition is necessary to ensure the association complies with the requirements for approval, as prescribed by regulation pursuant to *section 25B(1)* as renumbered.

The amendment specifically provides that the association must comply with conditions imposed by the chief executive.

*Clause 95* inserts new *sections 25C, 25D* and *25E* into the Security Providers Act. The amendments establish a transparent process for the chief executive to follow when considering making an adverse decision

about a security industry association's approval, and ensure that associations are afforded procedural fairness with respect to such a decision.

New *section 25C* establishes two grounds for the chief executive to withdraw approval of a security industry association, those being, failure to comply with a condition of approval and failure to comply with the requirements for approval, as prescribed by the regulation.

New *section 25D* provides a process the chief executive must follow if considering withdrawing a security industry association's approval, or imposing a condition (other than an initial condition) on the approval. The process is designed to ensure security industry associations have a fair and reasonable opportunity to respond to issues and concerns of the chief executive (and to have that response properly considered) before any adverse decision about the association's approval is made.

New *section 25E* requires the chief executive to notify an affected security industry association of decisions concerning the approval of the association. If the chief executive decides to refuse to approve an association, withdraw the approval of an association or impose a condition on the approval of an association, the chief executive must inform the association of its right to have the decision reviewed by the Queensland Civil and Administrative Tribunal. The notice must comply with *section 157(2)* of the *Queensland Civil and Administrative Tribunal Act 2009*.

*Clause 96* expands the types of decisions made by the chief executive which can be reviewed by the Queensland Civil and Administrative Tribunal, to include decisions made under the Security Providers Act about the approval (or withdrawal of approval) of security industry associations.

*Clause 97* inserts definitions for the terms 'approval condition' and 'initial approval condition' into the Dictionary contained in Schedule 2 of the Security Providers Act.

## **Part 16 – Minor and consequential amendments**

*Clause 98* provides for a schedule of minor and consequential amendments.

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