

Justice and Other Legislation Amendment Bill 2013

Amendments during consideration in detail to be moved by
The Honourable the Attorney-General and Minister for Justice

1 After clause 42

Page 31, after line 32—

insert—

Part 11A Amendment of Corrective Services Act 2006

42A Act amended

This part amends the *Corrective Services Act 2006*.

42B Amendment of s 184 (Parole eligibility date for other prisoners)

Section 184(5), definition *offence—*

insert—

- (d) a drug trafficking offence to which section 182A applies.

2 Before part 12

Page 32, before line 1—

insert—

Part 11B Amendment of Criminal Code

42C Code amended

This part amends the Criminal Code.

42D Amendment of s 23 (Intention—motive)

Section 23(1)—

insert—

Note—

Parliament, in amending subsection (1)(b) by the *Criminal Code and Other Legislation Amendment Act 2011*, did not intend to change the circumstances in which a person is criminally responsible.

3 After clause 68

Page 41, after line 23—

insert—

Part 15A Amendment of Drugs Misuse Act 1986

68A Act amended

This part amends the *Drugs Misuse Act 1986*.

68B Amendment of s 5 (Trafficking in dangerous drugs)

Section 5—

insert—

- (2) If a court sentences a person to a term of imprisonment for an offence against subsection (1), the court must make an order that the person must not be released from imprisonment until the person has served a minimum of 80% of the prisoner's term of imprisonment for the offence.
- (3) Subsection (2) does not apply if the court sentences the person to a term of imprisonment and makes either of the

following orders under the *Penalties and Sentences Act 1992* for the person—

- (a) an intensive correction order;
- (b) an order that the whole or a part of the term of imprisonment be suspended.

68C Insertion of new pt 7, div 9

After section 144—

insert—

Division 9 Provision for Justice and Other Legislation Amendment Act 2013

145 Transitional provision for offence of trafficking in dangerous drugs

Section 5(2) applies to an offence against that section only if the act or omission constituting the offence occurred wholly on or after 13 August 2013.

4 After clause 124

Page 69, after line 9—

insert—

124A Amendment of s 357 (Application of pt 3.6)

Section 357(2), from ‘an entity’ to ‘regulation as’—
omit.

5 After clause 126

Page 70, after line 21—

insert—

126A Amendment of s 706 (Duty of relevant entities to report suspected offences)

(1) Section 706(1)—

insert—

- (c) an offence against part 2.2 committed by a person employed by or appointed to a government entity engaged in legal practice for the entity, if the relevant entity considers that the person committed the offence inadvertently.

(2) Section 706(10)—

insert—

government entity means an agency, authority or instrumentality of this jurisdiction, the Commonwealth or another jurisdiction, other than an entity mentioned in section 12(1)(a) to (d).

6 Clause 127 (Insertion of new ch 10, pt 4)

Page 71, line 1, ‘provision’—

omit, insert—

provisions

7 Clause 127 (Insertion of new ch10, pt 4)

Page 71, after line 14—

insert—

780 Amendment of regulation by Justice and Other Legislation Amendment Act 2013

The amendment of the *Legal Profession Regulation 2007* by the *Justice and Other Legislation Amendment Act 2013* does not affect the power of the Governor in Council to further amend the regulation or to repeal it.

8 After clause 127

Page 71, after line 14—

insert—

127A Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

community legal service means—

- (a) an organisation that—
 - (i) holds itself out as—
 - (A) a community legal service;
or
 - (B) a community legal centre; or
 - (C) an Aboriginal and Torres Strait Islander Legal Service;
or
 - (D) a family violence prevention legal service; and
 - (ii) is established and operated on a not-for-profit basis; and
 - (iii) provides legal services that—
 - (A) are directed generally to people who are disadvantaged (including being financially disadvantaged) in accessing the legal system or in protecting their legal rights;
or
 - (B) are conducted in the public interest; and
 - (iv) satisfies any other criteria prescribed under a regulation; or

- (b) an organisation prescribed under a regulation as a community legal service.

9 Before part 27

Page 71, before line 15—

insert—

Part 26A Amendment of Legal Profession Regulation 2007

127B Regulation amended

This part amends the *Legal Profession Regulation 2007*.

127C Amendment of s 10 (Nature of incorporated legal practices)

Section 10(a), before ‘a community’—

insert—

a corporation that is

127D Amendment of sch 2 (Dictionary)

Schedule 2, definition *community legal service*—

omit.

10 Clause 132 (Amendment of s 12 (Functions of Chief Magistrate))

Page 73, lines 5 to 7, from ‘, magistrates or’ to ‘a magistrate’—

omit.

11 Clause 132 (Amendment of s 12 (Functions of Chief Magistrate))

Page 73, line 13, ‘how’—

omit, insert—

when and where

12 Clause 132 (Amendment of s 12 (Functions of Chief Magistrate))

Page 73, line 16, ‘a Magistrates Court at a place’—

omit, insert—

Magistrates Courts

13 Clause 132 (Amendment of s 12 (Functions of Chief Magistrate))

Page 73, lines 20 to 21, ‘a Magistrates Court’—

omit, insert—

Magistrates Courts

14 After clause 142

Page 78, after line 15—

insert—

**Part 29A Amendment of
Penalties and
Sentences Act 1992**

142A Act amended

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

142B Amendment of s 4 (Definitions)

Section 4, definition *drug trafficking offence*—
omit.

142C Amendment of s 160A (Application of ss 160B–160D)

Section 160A(4), example—
omit, insert—

Examples—

- Criminal Code, section 305(2) and (4)
- *Drugs Misuse Act 1986*, section 5(2) and (3)

142D Amendment of s 160C (Sentence of more than 3 years and not a serious violent offence, sexual offence or drug trafficking offence)

Section 160C, heading—
omit, insert—

160C Sentence of more than 3 years and not a serious violent offence or sexual offence

142E Amendment of s 160D (Sentence for a serious violent offence, sexual offence or drug trafficking offence)

(1) Section 160D, heading—
omit, insert—

160D Sentence for a serious violent offence or sexual offence

(2) Section 160D(1), ‘, a sexual offence or a drug trafficking offence’—
omit, insert—

or a sexual offence

142F Amendment of s 160E (Automatic cancellation of parole release or eligibility dates)

Section 160E(1)(b)(i) and (2)(b)(i), ‘, a sexual offence or a drug trafficking offence’—

omit, insert—

or a sexual offence

142G Insertion of new pt 14, div 7

After section 231—

insert—

**Division 7 Transitional provision
for Justice and Other
Legislation
Amendment Act 2013**

232 Transitional provision for sch 1

Schedule 1, as amended by the *Justice and Other Legislation Amendment Act 2013*, is taken to have had effect on and from 13 August 2013.

142H Amendment of sch 1 (Serious violent offences)

- (1) Schedule 1, under the heading ‘Drugs Misuse Act 1986’, items 1 and 2—

renumber as items 2 and 3.

- (2) Schedule 1, under the heading ‘Drugs Misuse Act 1986’—

insert—

- 1 section 5 (Trafficking in dangerous drugs), if the act or omission constituting the offence wholly or partly occurred before 13 August 2013

15 Clause 144 (Amendment of s 67A (Exemption from s 67(3) and (4)))

Page 78, lines 23 to 24 and page 79, lines 1 to 17—

omit, insert—

community legal service see the *Legal Profession Act 2007*, schedule 2.

16 Clause 146 (Amendment of s 46 (Withdrawal of application or referral))

Page 80, lines 11 to 15—

omit, insert—

- (a) the *Child Protection Act 1999*;
- (b) the *Disability Services Act 2006*, section 123ZK(8) or 123ZN(5);
- (c) the *Guardianship and Administration Act 2000*;
- (d) the *Powers of Attorney Act 1998*.

17 Long title

Long title, from ‘the *Criminal Law (Rehabilitation of Offenders) Act 1986*,’ to ‘the *Peaceful Assembly Act 1992*,’—

omit, insert—

the *Corrective Services Act 2006*, the *Criminal Code*, the *Criminal Law (Rehabilitation of Offenders) Act 1986*, the *Dispute Resolution Centres Act 1990*, the *District Court of Queensland Act 1967*, the *Domestic and Family Violence Protection Act 2012*, the *Drugs Misuse Act 1986*, the *Electronic Transactions (Queensland) Act 2001*, the *Evidence Act 1977*, the *Guardianship and Administration Act 2000*, the *Information Privacy Act 2009*, the *Judges (Pensions and Long Leave) Act 1957*, the *Judicial Remuneration Act 2007*, the *Justices Act 1886*, the *Justices of the Peace and Commissioners for*

Declarations Act 1991, the Land Court Act 2000, the Legal Aid Queensland Act 1997, the Legal Profession Act 2007, the Legal Profession Regulation 2007, the Magistrates Act 1991, the Magistrates Courts Act 1921, the Peaceful Assembly Act 1992, the Penalties and Sentences Act 1992,

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Authorised by the Parliamentary Counsel