

# Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Bill 2020

Amendments during consideration in detail to be moved by  
The Honourable the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence

## 1 Clause 2 (Commencement)

Page 8, after line 6—

*insert—*

- (1) Part 6, other than sections 24A and 24B, commences on 1 May 2021.
- (2) Sections 24A and 24B commence on 1 July 2021.

## 2 Clause 2 (Commencement)

Page 8, line 7, ‘The’—

*omit, insert—*

- (3) The

## 3 After clause 24

Page 22, after line 20—

*insert—*

### 24A Amendment of s 364 (Expenditure from fund)

- (1) Section 364(g)—

*omit, insert—*

- (g) an amount for—
  - (i) a program or tool to assist the law society or law practices in identifying defaults; or

*Example—*

a program of regular auditing for new law practices

- (ii) an educational program for law practices aimed at improving compliance with part 3.3;

*Example—*

an educational program delivered to law practices about trust accounting obligations

- (h) all other moneys payable out of the fund under this Act.

(2) Section 364—

*insert—*

- (2) A regulation may prescribe the maximum amount that may be paid out of the fund under subsection (1)(g) for a financial year.

## **24B Replacement of s 367 (Minister may require report about fund)**

Section 367—

*omit, insert—*

### **367 Reporting requirements**

- (1) The law society must give the Minister a report about the fidelity fund on or before 30 September of each year.
- (2) The report must—
  - (a) relate to the most recent financial year to end before the report is given; and
  - (b) include the following—
    - (i) details of each amount paid out of the fund under section 364(1)(a);
    - (ii) details of each amount paid out of the fund under section 364(1)(g), including details about how the amount was spent;

- (iii) the balance of the fund at the end of the financial year;
  - (iv) a matter prescribed by regulation for this subsection.
- (3) Subsection (4) applies if, at any time, the Minister believes the fidelity fund is not sufficient to satisfy the liabilities of the fund at or about that time.
  - (4) The Minister may, by written notice to the council, require the law society to give the Minister a written report about the fund on the matters stated in the notice.
  - (5) The law society must comply with the requirement within 14 days after receiving the notice or within the further time allowed by the Minister.

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