



*Peace and Good Behaviour Act 1982*

# Peace and Good Behaviour Regulation 2010

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**Reprint note**

This is the last reprint before repeal. Repealed on 1 September 2020 by 2020 SL No. 166 s 12.

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Queensland

# Peace and Good Behaviour Regulation 2010

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# Peace and Good Behaviour Regulation 2010

## 1 Short title

This regulation may be cited as the *Peace and Good Behaviour Regulation 2010*.

## 2 Definitions

In this regulation—

*approved form* means a form approved under section 12.

*complainant* means a person making a complaint under section 5 of the Act.

*defendant* means a person complained against under section 5 of the Act.

## 3 Filing requirements if summons or warrant issued

- (1) This section applies if a justice, after considering a complaint sworn before the justice, issues a summons or a warrant under section 5(2A) of the Act.
- (2) The complainant must, as soon as practicable, file the following documents with a clerk of the court in the Magistrates Court for the district in which the complaint is made—
  - (a) the complaint;
  - (b) if the justice issues a summons—3 copies of the summons;
  - (c) if the justice issues a warrant—a copy of the warrant.

## 4 Requirements if summons or warrant not issued

- (1) This section applies if a justice, after considering a complaint sworn before the justice, decides not to issue a summons or a warrant under section 5(2A) of the Act.
- (2) The justice must, as soon as practicable—

- (a) make a note on the complaint that—
  - (i) the justice is not satisfied the matter of the complaint is substantiated; or
  - (ii) the justice is not satisfied it is reasonable in the circumstances for the complainant to be in fear of the defendant; or
  - (iii) the justice is not satisfied of either matter in subparagraph (i) or (ii); and
- (b) send the complaint to a clerk of the court in the Magistrates Court for the district in which the complaint is made.

## **5 Filing requirements if mediation ordered**

- (1) This section applies if a justice orders the complainant to submit the matter to mediation under section 5(3) of the Act.
- (2) The complainant must, as soon as practicable, file with the nearest dispute resolution centre—
  - (a) the complaint; and
  - (b) an application for mediation.

## **6 Service of complaint and summons**

When a defendant is served with a summons issued under section 5(2A) of the Act, the defendant must also be served with a copy of the relevant complaint.

## **7 Period of warrant**

A warrant issued under section 5(2A) of the Act ends 1 year after it issues unless the warrant states that it ends at an earlier time.

## **8 Approved form for complaint**

- (1) A complaint under section 5 of the Act must be in the approved form.

- (2) The approved form must include provision for the following—
- (a) the name and address of the complainant;
  - (b) the name and address of the defendant;
  - (c) the grounds relied on to make the complaint;
  - (d) the facts on which the complaint is based;
  - (e) the date the complaint is sworn;
  - (f) the name, location and signature of the justice before whom the complaint is sworn.

## **9 Approved form for summons**

- (1) A summons under section 5(2A) of the Act must be in the approved form.
- (2) The approved form must include provision for the following—
- (a) the name and address of the defendant;
  - (b) the ground relied on to issue the summons;
  - (c) the location of the Magistrates Court where the complaint is to be answered;
  - (d) the time and date the complaint is to be answered;
  - (e) the name, location and signature of the justice;
  - (f) the date the summons issues.

## **10 Matters to be included in warrant**

A warrant under section 5(2A) of the Act must include provision for the following—

- (a) the name and address of the complainant;
- (b) the name and address of the defendant;
- (c) the ground relied on to issue the warrant;

- (d) the police officers authorised under the warrant (whether or not named);
- (e) that the warrant authorises the police officers to apprehend the defendant and to cause the defendant to be brought before a Magistrates Court to answer the complaint;
- (f) the date, within the period of 1 year, the warrant ends;
- (g) the name, location and signature of the justice;
- (h) the date the warrant issues.

## **11 Matters to be included in an order**

An order for mediation of a matter under section 5(3) of the Act must include provision for the following—

- (a) the name, address and telephone number of the complainant;
- (b) the name and address of the defendant;
- (c) the name of the justice ordering the matter be submitted to mediation;
- (d) the date the justice orders the matter be submitted to mediation.

## **11A Places that are prescribed places—Act, s 41**

For section 41(1) of the Act, the following places are declared to be prescribed places—

- 11 Frodsham Street, Albion
- shop 5/1 Thorsborne Street, Beenleigh
- sheds 13 and 14/6 Enterprise Street, Boyne Island
- shed 14/136 Aumuller Street, Bungalow
- 1/16 Ern Harley Drive, Burleigh Heads
- 30 Berkeley Court, Caboolture
- 104 Spence Street, Cairns



- shed 1/5 Garema Street, Cannonvale
- 31 Selhurst Street, Coopers Plains
- unit 7/12 Hayter Street, Currumbin Waters
- 41 Cotton View Road, Emerald
- 11 Greer Lane, Eumundi
- unit 3/31 Tradelink Drive, Hillcrest
- 15–17 Avian Street, Kunda Park
- unit 5/1 Chain Street, Mackay
- 4 Keats Street, Mackay
- 4 Ellen Street, Moorooka
- 31 Unwin Street, Moorooka
- 1 Zena Street, Mt Isa
- 54 Price Street, Nambour
- unit 5/144 Eumundi Noosa Road, Noosaville
- 2 Millchester Road, Queenton
- 26252 Peak Downs Highway, Racecourse
- 36 East Lane, Rockhampton
- 68 Kerema Street, Roseneath
- unit 2/8 Proprietary Drive, Tingalpa
- 391 Montague Road, West End
- shed 1A/13 Industrial Avenue, Yeppoon

## **12 Approval of forms**

The chief executive may approve forms for use under this regulation.

## **13 Repeal**

The Peace and Good Behaviour Regulation 1999, SL No. 199 is repealed.

**14 Transitional provision—references to repealed Peace and Good Behaviour Regulation 1999**

In a document, a reference to the repealed *Peace and Good Behaviour Regulation 1999* may, if the context permits, be taken as a reference to this regulation.

**15 Transitional provision—approval of forms under repealed Peace and Good Behaviour Regulation 1999**

- (1) This section applies if, immediately before the commencement of section 12, a form was approved for a purpose under the repealed *Peace and Good Behaviour Regulation 1999*.
- (2) The form is taken to have been approved under section 12 for the equivalent purpose under this regulation.
- (3) Subsection (2) applies only until another form is approved under section 12 for the purpose or 1 October 2010, whichever happens first.