

SUMMARY OFFENCES BILL 2004

EXPLANATORY NOTES

FOR

AMENDMENTS TO BE MOVED DURING CONSIDERATION IN DETAIL BY THE HONOURABLE *JUDY SPENCE* MP

Title of the Bill

Summary Offences Bill 2004

Objectives of the Amendments

The amendments ensure there is no unintentional conflict between certain clauses of the Bill and the provisions of the *Industrial Relations Act 1999* or the *Workplace Relations Act 1996* (Cwlth) and ensure that a clear definition of ‘place’ continues to apply to gaming offences under the Criminal Code.

Alternative Ways of Achieving Policy Objectives

Amendments to the Bill are the most reliable way of ensuring there is no unintended conflict between the Bill and existing industrial legislation. There are no alternative ways of achieving the policy objective with respect to the definition of ‘place’.

Estimated Cost for Government Implementation

No cost is involved in implementing change brought about by the amendments.

Consistency with Fundamental Legislative Principles

There is no conflict with fundamental legislative principles.

Consultation

Mr Hughie Williams, Federal President and Queensland Branch Secretary of the Transport Workers Union consulted the Minister with respect to the amendments to sections 11, 12 and 13.

NOTES ON PROVISIONS

Clause 11 of the Bill is amended to ensure there is no conflict between the clause and the provisions of the *Industrial Relations Act 1999* and the *Workplace Relations Act 1966* (Cwlth). The latter Acts provide lawful authority for an authorised industrial officer to enter a workplace to carry out a function the officer may perform under those Acts. Clause 11 of the Bill relates to trespass. Although the clause requires that an entry must be unlawful before it constitutes a trespass, the amendment removes any doubt that there could be a conflict between the Bill and the Acts.

Clause 12 of the Bill is amended to ensure there is no conflict between the clause and the provisions of the *Industrial Relations Act 1999* and the *Workplace Relations Act 1966* (Cwlth). The latter Acts provide lawful authority for an authorised industrial officer to enter a workplace to carry out a function the officer may perform under those Acts. Clause 12 of the Bill relates to persons unlawfully gathering in or on a building or structure. Although the clause requires that an entry to a building or structure must be unlawful before the clause is activated, the amendment removes any doubt that there could be a conflict between the Bill and the Acts.

Clause 13 of the Bill is amended to ensure there is no conflict between the clause and the provisions of the *Industrial Relations Act 1999* and the *Workplace Relations Act 1966* (Cwlth). The latter Acts provide lawful authority for an authorised industrial officer to enter a workplace to carry out a function the officer may perform under those Acts. Clause 13 of the Bill relates to unlawfully entering farming land, etc. Although the clause requires that an entry must be unlawful before it constitutes an offence, the amendment removes any doubt that there could be a conflict between the Bill and the Acts.

Amendment 4 amends the definition of 'place' in the *Suppression of Gambling 1895*. The purpose of the amendment is to ensure that the definition of 'place' is applied to the definition of 'gaming Acts' in the

Suppression of Gambling Act 1895. The definition is for the purposes of interpreting those sections of the *Charitable and Non-Profit Gaming Act 1999*, the Criminal Code sections 232 to 235, and the *Racing Act 2002*, that currently rely on an identical definition of ‘place’ in the *Vagrants Gaming and Other Offences Act 1931* for the purposes of interpretation. The amendments do not alter the affect of the current legislation.