

## **EVIDENCE (PROTECTION OF CHILDREN) AMENDMENT BILL 2003**

### **AMENDMENTS AGREED TO IN COMMITTEE**

#### **1 Clause 2—**

At page 10, line 7, after ‘Act’—

*insert—*

‘, other than parts 8 and 9A,’.

#### **2 After clause 44—**

At page 42, after line 20—

*insert—*

#### **‘44A Omission of ch 2, pt 3, div 2 hdg and s 30**

‘Chapter 2, part 3, division 2 heading and section 30—

*omit, insert—*

#### **‘30 Notice of application**

‘(1) Subject to section 30A(2), the State must give notice of the application—

- (a) to each person whose property the authorised commission officer or police officer whose affidavit supports the application reasonably believes is the subject of the application; and
- (b) to anyone else the authorised commission officer or police officer whose affidavit supports the application considers has an interest in the property the subject of the application.

‘(2) Notice given under subsection (1)(a) must be accompanied by a copy of the affidavit supporting the application.

‘(3) Notice given under subsection (1)(b) must include a statement informing the person that if the person asks, the person will be given a copy of the affidavit supporting the application.

***‘Division 2—Making restraining orders***

**‘30A Hearing of application**

‘(1) The Supreme Court must not hear an application for a restraining order unless satisfied the person whose property is the subject of the application has received reasonable notice of the application.

‘(2) Despite subsection (1), the court must consider the application without notice having been given if the DPP asks the court to do so.

‘(3) However, the Supreme Court may, at any time before finally deciding the application, direct the State to give notice of the application to a stated person or class of persons in the way, and within the time, the court considers appropriate.

‘(4) A person whose property is the subject of the application, and anyone else who claims to have an interest in the property, may appear at the hearing of the application.’.

**3 After clause 46—**

At page 43, after line 10—

*insert—*

**‘46A Amendment of s 48 (When Supreme Court may exclude prescribed respondent’s property)**

‘Section 48—

*insert—*

‘(3) The Supreme Court may require the prescribed respondent to give security satisfactory to the court to meet any liability that may be imposed on the prescribed respondent under this Act.’.

**‘46B Amendment of s 50 (When Supreme Court may exclude applicant’s property)**

‘Section 50—

*insert—*

‘(4) The Supreme Court may require the applicant to give the undertakings about the applicant’s property the court considers appropriate.’.

**‘46C Insertion of new ch 2, pt 3, div 7A**

‘After section 50—

*insert—*

***‘Division 7A—Revocation of restraining order***

**‘50A Application to revoke restraining order**

‘(1) A person whose property is the subject of a restraining order and who was not given notice of the application for the restraining order may apply to the Supreme Court to revoke the order.

‘(2) The application must be made within 28 days or, with the approval of the court, the further period, of not more than 3 months, after the person is notified of the making of the restraining order.

‘(3) The applicant must give to the State written notice of the making of the application and the grounds for the application.

‘(4) The restraining order remains in force until the court revokes the order or the order otherwise stops having effect.

‘(5) The State may present additional material to the court relating to the application to revoke the restraining order.

‘(6) After considering the application, the court may revoke the restraining order if satisfied, on the facts before the court, there would be no basis for making a restraining order in relation to the property.

**‘50B Notice of revocation of restraining order**

‘(1) On the revocation of a restraining order under section 50A, the State must give notice of the revocation to—

- (a) each person whose property was restrained under the order, if known; and
- (b) anyone else who was affected by the order.

‘(2) Subsection (1) does not require the State to notify the applicant for the revocation of the restraining order of the revocation of the order.’.

**‘46D Amendment of s 120 (Notice of application for restraining order)**

‘(1) Section 120(1), ‘The’—

*omit, insert—*

‘Subject to section 121(2), the’.

‘(2) Section 120(2) to (4) and note—

*omit.*

**‘46E Replacement of s 121 (Who may be present at hearing of application made without notice)**

‘Section 121—

*omit, insert—*

**‘121 Hearing of application**

‘(1) The Supreme Court must not hear an application for a restraining order unless satisfied the person whose property is the subject of the application has received reasonable notice of the application.

‘(2) Despite subsection (1), the court must consider the application without notice having been given if the DPP asks the court to do so.

‘(3) However, the Supreme Court may, at any time before finally deciding the application, direct the State to give notice of the application to a stated person or class of persons in the way and within the time the court considers appropriate.

‘(4) A person whose property is the subject of the application, and anyone else who claims to have an interest in the property, may appear at the hearing of the application.’.’.

**4 After clause 48—**

At page 43, after line 23—

*insert—*

**‘48A Amendment of s 139 (Supreme Court may exclude prescribed respondent’s property from restraining order)**

Section 139—

*insert—*

‘(4) The Supreme Court may require the prescribed respondent to give security satisfactory to the court to meet any liability that may be imposed on the prescribed respondent under this Act.

**‘48B Amendment of s 140 (Supreme Court may exclude other property from restraining order)**

‘Section 140—

*insert—*

‘(6) The Supreme Court may require the applicant to give the undertakings about the applicant’s property the court considers appropriate.’.

**5 After clause 51—**

At page 45, after line 14—

*insert—*

**‘PART 9A—AMENDMENT OF DRUG  
REHABILITATION (COURT DIVERSION) ACT 2000**

**‘51A Act amended in pt 9A**

This part amends the *Drug Rehabilitation (Court Diversion) Act 2000*.

**‘51B Amendment of s 7A (What is a “disqualifying term of imprisonment”)**

Section 7A(1), ‘6 months’—

*omit, insert—*

‘1 year’.

© State of Queensland 2003