

Queensland



PEACE AND GOOD BEHAVIOUR ACT 1982

Reprinted as in force on 27 October 1993
(includes amendments up to Act No. 68 of 1992)

Reprint No. 1

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This Act is reprinted as at 27 October 1993. As required by section 5 of the *Reprints Act 1992*, it—

- shows the law as amended by all amendments that commenced on or before that day; and
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

As required by section 6 of the *Reprints Act 1992*, the reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

The opportunity has also been taken, under section 7 of the *Reprints Act 1992*, to do the following—

- omit the enacting words as permitted by section 7(1)(a) of that Act;
- use citations and references permitted by Division 2 of that Act;
- express gender specific provisions in a way consistent with current legislative drafting practice as permitted by section 24 of that Act;
- use different spelling consistent with current legislative drafting practice, as permitted by section 26(2) of that Act;
- use punctuation and expressions consistent with current legislative drafting practice as permitted by sections 27 and 29 of that Act;
- use conjunctives and disjunctives consistent with current legislative drafting practice as permitted by section 28 of that Act;
- relocate marginal or cite notes as permitted by section 34 of that Act;
- use aspects of format and printing style consistent with current legislative drafting practice as permitted by section 35 of that Act;
- omit provisions that are no longer required as permitted by sections 36 and 39 of that Act.

Also see Endnotes for—

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

Queensland



**PEACE AND GOOD BEHAVIOUR ACT
1982**

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Peace and Good Behaviour Act 1982

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PEACE AND GOOD BEHAVIOUR ACT 1982

[as amended by all amendments that commenced on or before 27 October 1993²]

**An Act relating to orders to keep the peace and be of good behaviour;
to provide for offences in connection therewith; and for purposes
subsidiary thereto**

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Peace and Good Behaviour Act 1982*³⁻⁴.

Commencement

2. This Act shall commence on a day appointed by proclamation.

PART 2—ORDERS TO KEEP THE PEACE AND BE OF GOOD BEHAVIOUR

Complaint in respect of breach of the peace

4. Upon complaint in writing on oath made before a justice of the peace that a person has threatened—

- (a) to assault or to do any bodily injury to the complainant or to any person under the care or charge of the complainant; or
- (b) to procure any other person to assault or to do any bodily injury to the complainant or to any person under the care or charge of

the complainant; or

- (c) to destroy or damage any property of the complainant; or
- (d) to procure any other person to destroy or damage any property of the complainant;

and that the complainant is in fear of the person complained against (the “**defendant**”), the justice, if the matter of the complaint is substantiated to the justice’s satisfaction and the justice is satisfied that it is reasonable in the circumstances for the complainant to be in fear of the defendant, may issue—

- (i) a summons directed to the defendant requiring the defendant to appear at a certain time and place before a Magistrates Court; or
- (ii) a warrant to apprehend the defendant and to cause the defendant to be brought before a Magistrates Court;

to answer the complaint and to be further dealt with according to law.

Justice may make inquiries or receive evidence

5. The justice of the peace, in the consideration of the substantiation of the matter of the complaint to the justice’s satisfaction, may make or cause to be made such inquiries and receive such evidence as the justice thinks fit.

Magistrates Court may make order

6.(1) The Magistrates Court before which the defendant appears in obedience to the summons or is brought pursuant to the warrant, as the case may be, shall hear and determine the matter of the complaint.

(2) Without limiting any other evidence given by or on behalf of the defendant, the defendant may produce evidence that the complaint is made from malice or for vexation only.

(3) Upon a consideration of the evidence, the Court may—

- (a) dismiss the complaint; or
- (b) make an order that the defendant shall keep the peace and be of good behaviour for such time, specified in the order, as the Court

thinks fit.

(4) The order made by the Court may contain such other stipulations or conditions as the Court thinks fit.

Where defendant does not appear

7.(1) If at the time and place appointed by summons for the hearing of the complaint the defendant does not appear when called and proof is made to the Court of due service of the summons in accordance with section 56 of the *Justices Act 1886*, the Court may—

- (a) issue its warrant to apprehend the defendant and to bring the defendant before a Magistrates Court to answer the complaint and to be further dealt with according to law; or
- (b) proceed in the absence of the defendant to hear and determine the matter of the complaint as fully and effectually to all intents and purposes as if the defendant had personally appeared before the Court in obedience to the summons and may make an order referred to in section 6; or
- (c) for any reason appearing to it to be a sufficient reason, adjourn the hearing to a time and place determined by it before a Magistrates Court.

(2) Where the Court makes an order, a copy thereof shall be served on the defendant in the same manner as a summons may be served under the *Justices Act 1886*.

Application of Justices Act

8. Subject to this Part and subject to any necessary modifications and any modifications prescribed by regulation, the provisions of and proceedings and procedures under the *Justices Act 1886* applicable in the case of the prosecution of an offence in a summary way under that Act are applicable in the case of proceedings by way of complaint in respect of which an order to keep the peace and be of good behaviour may be made pursuant to section 6 as if such complaint were a complaint in respect of such an offence.

Application of Bail Act

9. Where the defendant is apprehended under a warrant issued pursuant to this Act, the provisions of the *Bail Act 1980* are applicable in respect of the defendant as though the defendant is a person apprehended on a charge of an offence.

PART 3—OFFENCE PROVISIONS**Offence for breach of order**

10.(1) A person who during the currency of an order made in respect of the person pursuant to section 6 contravenes or fails to comply with that order is for each contravention or failure to comply guilty of an offence against this Act.

Maximum penalty—100 penalty units or imprisonment for 1 year.

(2) For the purposes of this section, a contravention or failure to comply with an order includes a contravention or failure to comply with any stipulation or condition thereof.

Court may make further order

11. On the conviction of a person for an offence under section 10, the Magistrates Court may, in addition to convicting the offender, make a further order that the offender shall keep the peace and be of good behaviour for such time, specified in the order, as the Court thinks fit and the provisions of law and procedures applicable with respect to an order that may be made under section 6 are applicable with respect to the like order that may be made under this section.

Proceedings for offences

12. Proceedings for an offence against this Part may be instituted in a summary way under the *Justices Act 1886*.

PART 4—MISCELLANEOUS PROVISIONS

Service or execution of summons or warrant on Sundays

13. A summons or a warrant issued to cause a person to appear or be brought before a Magistrates Court in connection with any matter of complaint under this Act may be served or executed on a Sunday as on any other day.

Regulations

14. The Governor in Council may make regulations for the purposes of this Act.

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2 Date to which amendments incorporated

This is the reprint date mentioned in section 5(c) of the *Reprints Act 1992*. Accordingly, this reprint includes all amendments that commenced operation on or before 27 October 1993. Future amendments of the *Peace and Good Behaviour Act 1982* may be made in accordance with this reprint under section 49 of the *Reprints Act 1992*.

3 List of legislation**Peace and Good Behaviour Act 1982 No. 67**

date of assent 14 December 1982

commenced 21 February 1983 (proc pubd Gaz 19 February 1983 p 640)

as amended by—

Statute Law (Miscellaneous Provisions) Act (No. 2) 1992 No. 68 s 3 Sch 1

date of assent 7 December 1992

commenced on date of assent

4 List of annotations

Key to abbreviations in list of annotations

amd	=	amended
Chap	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	<i>Reprints Act 1992</i>
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Arrangement

s 3 om (see s 36 RA)

Application of Justices Act

s 8 amd 1992 No. 68 s 3 Sch 1

Offence for breach of order

s 10 amd 1992 No. 68 s 3 Sch 1

Regulations

s 14 sub 1992 No. 68 s 3 Sch 1