

THIS PUBLIC BILL has this day been read a Third time and passed

The Clerk of the Parliament.

*Legislative Assembly Chamber,
Brisbane, September 2023*



Queensland

**No.
A BILL for**

An Act to amend the Acts Interpretation Act 1954, the Appeal Costs Fund Act 1973, the Attorney-General Act 1999, the Civil Liability Act 2003, the Civil Proceedings Act 2011, the Cremations Act 2003, the Criminal Code, the Criminal Law (Sexual Offences) Act 1978, the District Court of Queensland Act 1967, the Electoral Act 1992, the Funeral Benefit Business Act 1982, the Human Rights Act 2019, the Justices of the Peace and Commissioners for Declarations Act 1991, the Justices Regulation 2014, the Legal Profession Act 2007, the Legal Profession Regulation 2017, the Limitation of Actions Act 1974, the Magistrates Act 1991, the Magistrates Courts Act 1921, the Motor Accident Insurance Act 1994, the Oaths Act 1867, the Oaths Regulation 2022, the Ombudsman Act 2001, the Penalties and Sentences Act 1992, the Personal Injuries Proceedings Act 2002, the Public Guardian Act 2014, the Queensland Civil and Administrative Tribunal Act 2009, the Referendums Act 1997, the Statutory Instruments Act 1992, the Supreme Court of Queensland Act 1991, the Trust Accounts Act 1973, the Uniform Civil Procedure (Fees) Regulation 2019, the Victims of Crime Assistance Act 2009, the Youth Justice Act 1992 and the legislation mentioned in schedule 1 for particular purposes, and to repeal the Court Funds Act 1973

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Queensland

Justice and Other Legislation Amendment Bill 2023

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2023

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An Act to amend the Acts Interpretation Act 1954, the Appeal Costs Fund Act 1973, the Attorney-General Act 1999, the Civil Liability Act 2003, the Civil Proceedings Act 2011, the Cremations Act 2003, the Criminal Code, the Criminal Law (Sexual Offences) Act 1978, the District Court of Queensland Act 1967, the Electoral Act 1992, the Funeral Benefit Business Act 1982, the Human Rights Act 2019, the Justices of the Peace and Commissioners for Declarations Act 1991, the Justices Regulation 2014, the Legal Profession Act 2007, the Legal Profession Regulation 2017, the Limitation of Actions Act 1974, the Magistrates Act 1991, the Magistrates Courts Act 1921, the Motor Accident Insurance Act 1994, the Oaths Act 1867, the Oaths Regulation 2022, the Ombudsman Act 2001, the Penalties and Sentences Act 1992, the Personal Injuries Proceedings Act 2002, the Public Guardian Act 2014, the Queensland Civil and Administrative Tribunal Act 2009, the Referendums Act 1997, the Statutory Instruments Act 1992, the Supreme Court of Queensland Act 1991, the Trust Accounts Act 1973, the Uniform Civil Procedure (Fees) Regulation 2019, the Victims of Crime Assistance Act 2009, the Youth Justice Act 1992 and the

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**legislation mentioned in schedule 1 for particular purposes, and
to repeal the *Court Funds Act 1973***

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Justice and Other Legislation Amendment Act 2023*.

2 Commencement

(1AA) Part 9 commences on 3 October 2023.

(1) The following provisions commence on 1 July 2024—

- part 5
- part 21
- part 26

(2) The following provisions commence on a day to be fixed by proclamation—

- part 2
- part 3, division 2
- sections 40 to 43
- section 50
- part 12
- part 14
- part 15
- sections 109 to 116, 118 and 119
- part 17
- section 138(3) and (4)
- part 25

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[s 3]

- sections 187, 193 and 196
- parts 32 to 37
- schedule 1

Part 2 **Amendment of Acts Interpretation Act 1954**

3 Act amended

This part amends the *Acts Interpretation Act 1954*.

4 Insertion of new s 14CA

After section 14C—

insert—

14CA Other changes that do not affect general law

(1) If—

- (a) a provision of an Act expressly provides for an obligation to comply with the principles of natural justice; and
- (b) the provision is replaced by a corresponding provision that does not expressly provide for the obligation;

the absence of an express provision for the obligation in the corresponding provision does not limit or otherwise affect an obligation under the corresponding provision to comply with procedural fairness implied under the general law.

(2) If—

- (a) a provision of an Act expressly provides for a function to be performed reasonably or a power to be exercised reasonably; and

- (b) the provision is replaced by a corresponding provision that does not expressly provide for the function to be performed reasonably or the power to be exercised reasonably;

the absence of an express provision for the matter in the corresponding provision does not limit or otherwise affect an obligation under the corresponding provision to perform the function reasonably or exercise the power reasonably implied under the general law.

- (3) For this section, a provision of an Act (a *former provision*) is replaced by a corresponding provision if—

- (a) an amendment of the Act omits the former provision and inserts a corresponding provision, whether in the same or a different location; or
- (b) the former provision is amended and the amended provision is a corresponding provision; or
- (c) the Act is repealed by an Act that includes a corresponding provision to the former provision.

- (4) In this section—

corresponding provision, to another provision, means a provision that is substantially the same as, or substantially equivalent to, the other provision.

5 **Amendment of s 15C (Commencement of citation and commencement provisions on date of assent etc.)**

Section 15C—

insert—

- (4) A reference in this section to the provisions of an

DRAFT ONLY

[s 6]

Act providing for its citation includes a reference to the Act's long title.

6 Amendment of s 24B (Acting appointments)

(1) Section 24B(5)—

omit, insert—

(5) If the appointee is acting in the office because of a vacancy in the office—

(a) the term of the appointment may not be more than 1 year; and

(b) the appointee may be reappointed to act in the office, but the term of each reappointment may not be more than 1 year.

(2) Section 24B—

insert—

(6A) Subsection (6)(c) does not prevent a further appointment of the appointee to act for a period ending later than a year from the day of the vacancy.

7 Amendment of s 33 (References to Ministers, departments and chief executives)

(1) Section 33, heading, ‘, departments and chief executives’—

omit.

(2) Section 33(9), ‘subsection (7)’—

omit, insert—

subsection (2)

(3) Section 33(12), ‘subsection (11)’—

omit, insert—

subsection (2)

-
- (4) Section 33(13)(b), ‘this section’—
omit, insert—
any of sections 33 to 33AB
- (5) Section 33(6) to (9)—
relocate to section 33AA as inserted by this Act and *renumber*
as section 33AA(1) to (4).
- (6) Section 33(10) to (12)—
relocate to section 33AB as inserted by this Act and *renumber*
as section 33AB(1) to (3).
- (7) Section 33(13)—
relocate to section 33AC as inserted by this Act.

8 Insertion of new ss 33AA–33AC

After section 33—

insert—

33AA References to departments

33AB References to chief executives

33AC Provisions administered by 2 or more Ministers

9 Amendment of s 37 (Measurement of distance)

- (1) Section 37, ‘an Act’—
omit, insert—
a pre-2023 provision
- (2) Section 37—
insert—
(2) In applying a post-2023 provision, distance is to

[s 10]

be measured in a straight line on a horizontal plane.

(3) In this section—

post-2023 provision means a provision enacted after the commencement of the *Justice and Other Legislation Amendment Act 2023*, section 9.

pre-2023 provision means a provision other than a post-2023 provision.

provision means a provision of an Act.

10 Amendment of sch 1 (Meaning of commonly used words and expressions)

(1) Schedule 1, definition *document*—

omit.

(2) Schedule 1—

insert—

document—

(a) means a record of information, however recorded; and

(b) includes—

(i) a thing on which there is writing; and

(ii) a thing on which there are marks, symbols or perforations having a meaning for persons qualified to interpret them; and

(iii) an electronic document.

electronic document means—

(a) a thing from which sounds, images or writings can be reproduced with or without the aid of anything else; or

-
- (b) a record of information reproduced from a thing mentioned in paragraph (a); or
 - (c) a record of information that exists in digital form and is capable of being reproduced, transmitted, stored or duplicated by electronic means.

insolvent under administration see the Corporations Act, section 9.

police commissioner means the commissioner of the police service under the *Police Service Administration Act 1990*.

spent conviction means a conviction—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11 of that Act.

- (3) Schedule 1, definition *chief executive*, paragraph (e), ‘section 33’—

omit, insert—

section 33AB

- (4) Schedule 1, definition *department*, ‘section 33’—

omit, insert—

section 33AA

DRAFT ONLY

[s 11]

Part 3 **Amendment of Appeal Costs Fund Act 1973**

Division 1 **Amendments commencing on assent**

11 **Act amended**

This part amends the *Appeal Costs Fund Act 1973*.

12 **Amendment of s 5 (Appeal Costs Fund)**

Section 5(5), ‘16, 18,’—
omit.

13 **Insertion of new s 14A**

After section 14—
insert—

14A Time limit for applying to board for payment

- (1) The board must not issue a certificate to a person under section 14(1) for a payment from the fund unless the person applies to the board for a certificate under this section.
- (2) An application must be made within 1 year after—
 - (a) the day an indemnity certificate for the payment is granted; or
 - (b) if the person is entitled to the payment without the grant of an indemnity certificate—the day on which the entitlement arises.
- (3) However, the board may accept an application made after the time required under subsection (2)

if the board is satisfied it would be reasonable to do so, having regard to—

- (a) the length of the delay; and
- (b) the reasons for the delay; and
- (c) the likely financial and other consequences for the person if the certificate is not granted; and
- (d) any other relevant matter.

14 Replacement of pt 4, hdg (Indemnity certificates)

Part 4, heading—

omit, insert—

Part 4 Guideline proceedings

15 Omission of pt 4, div 1 (Generally)

Part 4, division 1—

omit.

16 Omission of pt 4, div 2, hdg (Guideline proceeding)

Part 4, division 2, heading—

omit.

17 Amendment of s 20A (Definitions for div 2)

- (1) Section 20A, heading, ‘div 2’—

omit, insert—

part

- (2) Section 20A, ‘division’—

omit, insert—

part

DRAFT ONLY

[s 18]

18 Omission of pt 4, div 3, hdg (Discretion)

Part 4, division 3, heading—

omit.

19 Insertion of new s 24A

After section 24—

insert—

24A No payments to Legal Aid Queensland or service providers

The board must not make a payment from the fund—

- (a) to Legal Aid Queensland; or
- (b) to a Legal Aid service provider, in relation to a proceeding for which the Legal Aid service provider gave legal assistance under the *Legal Aid Queensland Act 1997*.

20 Insertion of new pt 6, div 1, hdg

After part 6, heading—

insert—

Division 1 Transitional provision for Court and Civil Legislation Amendment Act 2017

21 Omission of ss 28 and 30

Sections 28 and 30—

omit.

22 Insertion of new pt 6, div 2

Part 6—

insert—

**Division 2 Transitional provisions for
Justice and Other
Legislation Amendment
Act 2023**

32 Definitions for division

In this division—

amending Act means the *Justice and Other Legislation Amendment Act 2023*.

former, for a provision of this Act, means the provision as in force immediately before the commencement of the amending Act.

**33 Application of former pt 4, div 1 to current
appeals and certificates**

Despite its repeal by the amending Act, former part 4, division 1 continues to apply in relation to—

- (a) an appeal started before the commencement; and
- (b) an indemnity certificate granted before the commencement.

**34 Time limit for claiming payments for finalised
proceedings**

- (1) This section applies if—
 - (a) a person is entitled to a payment from the fund in relation to a proceeding that was finally dealt with before the commencement; and

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[s 23]

- (b) the person did not apply to the board for a certificate under section 14(1) before the commencement.
- (2) Section 14A applies in relation to the payment as if the reference in section 14A(2) to 1 year were a reference to 2 years.

35 Payments to Legal Aid Queensland or service providers

Section 24A does not prevent a payment from the fund to Legal Aid Queensland or a Legal Aid service provider in accordance with a certificate of the board issued before the commencement.

Division 2 Amendments commencing on proclamation

23 Amendment of s 5 (Appeal Costs Fund)

Section 5(4)—

omit, insert—

- (4) The amounts received for the fund are amounts paid to the department as part of its vote under the *Financial Accountability Act 2009* and made available by the department for use under this Act.

24 Replacement of pt 3, hdg (Finance)

Part 3, heading—

omit, insert—

Part 3 Payments

25 Omission of ss 10–13

Sections 10 to 13—
omit.

26 Insertion of new s 36

After section 35—
insert—

36 Payment of fees into the fund

- (1) Despite its repeal by the amending Act, former section 12 continues to apply in relation to amounts paid to the proper officer of a court before the commencement.
- (2) Despite its repeal by the amending Act, former section 13 continues to apply to an amount received by the Minister under former section 12.

**Part 4 Amendment of
Attorney-General Act 1999**

27 Act amended

This part amends the *Attorney-General Act 1999*.

28 Amendment of s 5 (Principal functions)

Section 5, editor's note—
omit.

29 Amendment of s 7 (Specific powers)

- (1) Section 7(1)(a), editor's note—
omit.

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(2) Section 7(1)(b), editor's note—

omit, insert—

Note—

See the *Criminal Code*, section 563.

(3) Section 7(1)(g), after 'start'—

insert—

or continue

(4) Section 7(1)(l), editor's note—

omit.

30 Amendment of s 10 (Refusal of relator application)

Section 10(1)(a), after 'start'—

insert—

or continue

Part 5 Amendment of Civil Liability Act 2003

31 Act amended

This part amends the *Civil Liability Act 2003*.

32 Amendment of s 58 (Damages for loss of consortium or loss of servitium)

(1) Section 58(1)(b), 'prescribed under a regulation'—

omit, insert—

fixed by the Minister, by written notice under section 75,

(2) Section 58(1)(b), note—

omit.

33 Replacement of s 62 (Calculation of general damages)

Section 62—

omit, insert—

62 Calculation of general damages

- (1) For an injury arising after 1 December 2002, general damages must be calculated under this section.
- (2) The Minister may make a notice under section 75, for a financial year, fixing the following for each injury scale value—
 - (a) a base amount, if any;
 - (b) a variable amount.
- (3) Without limiting subsection (2)(b), a notice is taken to fix a variable amount for an injury scale value if the notice states the way in which the variable amount is to be worked out.
- (4) The general damages for an injury are the sum of the following amounts, fixed by the notice under subsection (2), for the period within which the injury arose—
 - (a) any base amount for the injury scale value for the injury;
 - (b) the variable amount for the injury scale value for the injury.

34 Amendment of s 64 (Court required to inform parties of proposed award)

- (1) Section 64(2), ‘prescribed under a regulation’—

omit, insert—

fixed by the Minister, by written notice under section 75,

- (2) Section 64(2), note—

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[s 35]

omit.

35 Replacement of s 75 (Indexation of particular amounts)

Section 75—

omit, insert—

75 Indexation of particular amounts

- (1) The Minister must, before each financial year starts, make a notice for the financial year fixing amounts for or under the following provisions—
 - (a) section 58(1)(b);
 - (b) section 62(2)(a) and (b);
 - (c) section 64(2).
- (2) The amount fixed for or under a provision mentioned in subsection (1) for a purpose is to be the amount last fixed by the Minister for the purpose adjusted by the percentage change in average weekly earnings between the current financial year and the last financial year and rounded to the nearest 10 dollars (rounding one-half upwards).
- (3) However, subsection (4) applies if—
 - (a) the percentage change in average weekly earnings between the current financial year and the last financial year would reduce or would not change the amount fixed for a purpose; or
 - (b) the percentage change in average weekly earnings between the current financial year and the last financial year is not available from the Australian Statistician.
- (4) The Minister must fix an amount for the purpose that is not less than the amount for the purpose last fixed by the Minister.

- (5) The Minister's notice is subordinate legislation.
- (6) Despite subsection (1), the Minister may make a notice for a financial year, after 1 July in the financial year, that has retrospective operation to 1 July in the financial year.
- (7) Subsection (6) applies despite the *Statutory Instruments Act 1992*, section 34.
- (8) In this section—
current financial year, for a notice, means the financial year immediately before the financial year for which the notice is made.
last financial year, for a notice, means the financial year immediately before the current financial year.

36 Insertion of new ch 5, pt 9

Chapter 5—

insert—

Part 9

Transitional provisions for Justice and Other Legislation Amendment Act 2023

87 Definitions for part

In this part—

former, for a provision of this Act, means the provision as in force immediately before the commencement.

new, for a provision of this Act, means the provision in force from the commencement.

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[s 37]

88 First notice made by the Minister

- (1) This section applies in relation to the first notice made by the Minister under new section 75(1).
- (2) For new section 75(2) and (4), a reference to the amount last fixed by the Minister for a purpose is taken to be a reference to the amount prescribed for the purpose by a regulation, made under former section 75, as in force immediately before the commencement.

89 Existing prescribed amounts

- (1) This section applies in relation to each amount that, immediately before the commencement, was prescribed by regulation for or under former section 58(1)(b), 62(2) or 64(2) for a period.
- (2) The amount continues to have effect as if it had been fixed under new section 75(1).
- (3) The Minister may, for information only, include the amount in the notice made by the Minister under new section 75(1) as the amount fixed for or under section 58(1)(b), 62(2) or 64(2) for the period.

37 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definition *food donor*, ‘section 38A(1)’—
omit, insert—
section 38(1)
- (2) Schedule 2, definition *motor vehicle*, ‘*Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*’—
omit, insert—
Transport Operations (Road Use Management—Vehicle Registration) Regulation

2021

Part 6 Amendment of Civil Proceedings Act 2011

38 Act amended

This part amends the *Civil Proceedings Act 2011*.

39 Replacement of s 59 (Interest after money order)

Section 59—

omit, insert—

59 Interest after money order

- (1) This section applies in relation to a money order except to the extent the court otherwise orders.
- (2) Interest is payable from the date of the money order on the money order debt.
- (3) The interest is payable at the rate prescribed under a practice direction made under the *Supreme Court of Queensland Act 1991*.
- (4) However—
 - (a) if—
 - (i) the money order is for payment of a stated amount for damages or costs; and
 - (ii) the amount is paid in full within 21 days after the date of the order;interest on the damages or costs is not payable; and
 - (b) if—

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[s 40]

- (i) the money order is or includes an order for the payment of costs in an amount to be ascertained, under the rules or otherwise, after the order is made; and
- (ii) the amount for costs is paid in full within 21 days after the day the amount has been ascertained and becomes payable under the rules or otherwise;

interest on the costs is not payable.

(5) This section does not apply in relation to a proceeding for a cause of action arising before 21 December 1972.

(6) In this section—

money order—

- (a) includes an order for the payment of costs in an amount to be ascertained, under the rules or otherwise, after the order is made; and
- (b) does not include an order of the registrar, made under the rules, about the amount payable for costs under a money order.

money order debt, for a money order for the payment of costs in an amount to be ascertained after the order is made, means the amount ascertained under the rules or otherwise.

40 Insertion of new pt 11A

After part 11—

insert—

Part 11A

Court funds

Division 1

Preliminary

75A Definitions for part

In this part—

interest includes dividends and periodical income.

money in court means—

- (a) an amount paid into court under a law or a court order; or
- (b) an amount placed to the credit of a proceeding or account in a court, including—
 - (i) interest accrued on an amount mentioned in paragraph (a); and
 - (ii) interest accrued on securities in court.

registrar includes a person who, under rules of court, discharges a duty or performs a function of a registrar.

securities—

- (a) includes debentures, stocks and shares; but
- (b) does not include a thing prescribed by regulation not to be a security.

securities in court means—

- (a) securities deposited into court under a law or court order; or
- (b) securities placed to the credit of a proceeding or account in a court, including securities acquired using money in court or securities in court.

Division 2 Money and securities in court

DRAFT ONLY

75B Court suitors fund

- (1) The Court Suitors Fund established under the repealed *Court Funds Act 1973* is continued in existence under this Act.
- (2) The fund is to be administered by the chief executive.
- (3) The fund does not form part of the consolidated fund.
- (4) Accounts for the fund must be kept as part of the departmental accounts of the department.
- (5) However, amounts received for the fund must be deposited in a departmental financial institution account of the department used only for amounts received for the fund.
- (6) An amount paid into court as money in court must be paid into the fund at the time, and in the way, prescribed by regulation.
- (7) In this section—

departmental accounts, of the department, means the accounts of the department under the *Financial Accountability Act 2009*, section 69.

departmental financial institution account, of the department, means an account of the department under the *Financial Accountability Act 2009*, section 83.

75C Dealing with money and securities in court

- (1) Money in court and securities in court may be dealt with only in accordance with this Act, the rules of court and any court order about the money or securities.
- (2) In this section—
dealt with means paid, delivered, transferred, invested or sold.

75D Vesting of money and securities in court

- (1) This section applies to—
 - (a) an amount paid into court as money in court; or
 - (b) securities deposited into court as securities in court.
- (2) The amount or securities vest in the chief executive on behalf of the court without any conveyance, transfer or assignment.

41 Amendment of s 107 (Regulation-making power)

Section 107—

insert—

- (4) A regulation under part 11A may make provision about money in court or securities in court, including provision about any of the following—
 - (a) the procedure for paying money into court or depositing securities into court;
 - (b) the affidavits or other documents that must be completed or given in relation to the payment of money into court or deposit of securities into court;
 - (c) the keeping of records relating to money in court or securities in court;
 - (d) the remittance of money or securities by the registrar of a court to the chief executive;
 - (e) the investment of money in court or securities in court;
 - (f) how the chief executive or the registrar of a court may or must deal with money in court or securities in court;
 - (g) interest on money in court, including provision about the rate or calculation of

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[s 42]

interest and the way in which, and times at which, interest must be paid;

- (h) the payment or transfer of money or securities out of court.

42 Insertion of new pt 18

After part 17—

insert—

Part 18 **Transitional provision for Justice and Other Legislation Amendment Act 2023**

113 Vesting of money and securities in court

- (1) This section applies to money and securities that, immediately before the commencement, were vested in the Minister under the repealed *Court Funds Act 1973*, section 8.
- (2) On the commencement, the money and securities vest in the chief executive under section 75D.

43 Amendment of sch 1 (Dictionary)

Schedule 1—

insert—

interest, for part 11A, see section 75A.

money in court, for part 11A, see section 75A.

registrar, for part 11A, see section 75A.

securities, for part 11A, see section 75A.

securities in court, for part 11A, see section 75A.

Part 7 **Amendment of Cremations Act 2003**

44 Act amended

This part amends the *Cremations Act 2003*.

45 Insertion of new s 5A

After section 5—

insert—

5A Permission to cremate given by interstate coroner

- (1) This section applies if an interstate coroner for another State gives permission, under a law of that State, to cremate human remains.
- (2) A person who cremates the human remains in Queensland under the permission does not commit an offence against section 5 if a doctor has—
 - (a) examined the remains and made any necessary inquiries; and
 - (b) issued a certificate that the doctor is satisfied the remains do not pose a cremation risk.
- (3) In this section—

interstate coroner, for another State, means a person who may exercise the functions of a coroner under a law of that State.

46 Amendment of s 14 (Record keeping—person in charge of crematorium)

- (1) Section 14—

insert—

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[s 47]

(3A) If section 5A applies in relation to a cremation, the person in charge of a crematorium must keep at the crematorium a copy of each of the following for 15 years after the cremation—

- (a) the permission mentioned in section 5A(2);
- (b) the certificate mentioned in section 5A(2)(b).

Maximum penalty—80 penalty units.

(2) Section 14(3A) to (5)—
renumber as section 14(4) to (6).

47 Amendment of s 15 (Record keeping—former owner of crematorium)

Section 15(1), ‘section 14(3)’—

omit, insert—

section 14(3) or (4)

Part 8 Amendment of Criminal Code

48 Code amended

This part amends the Criminal Code.

49 Amendment of s 319A (Termination of pregnancy performed by unqualified person)

Section 319A(3), definition *assisting*, paragraph (a)(ii) and (iii)—

omit, insert—

- (ii) supplying a termination drug for use in the termination; and

- (iii) procuring the supply of a termination drug from an unqualified person for use in the termination; and
- (iv) administering a termination drug; but

50 Amendment of s 564 (Form of indictment)

Section 564—

insert—

- (3B) An indictment for an offence committed in relation to a pregnant person that allegedly resulted in destroying the life of the person's unborn child may also state the name, or a description, of the unborn child.

Part 9 Amendment of Criminal Law (Sexual Offences) Act 1978

51 Act amended

This part amends the *Criminal Law (Sexual Offences) Act 1978*.

52 Amendment of s 3 (Definitions)

Section 3—

insert—

accredited media entity means an entity listed as an accredited media entity in the Supreme Court's media accreditation policy.

eligible person, in relation to a charge of a prescribed sexual offence, means the complainant, the defendant or the prosecution.

identifying matter, in relation to a defendant,

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[s 53]

means—

- (a) the name, address, place of employment or another particular of the defendant or another person that is likely to lead to the identification of the defendant; or
- (b) a photograph, picture, videotape, digital image or other visual representation of the defendant or another person that is likely to lead to the identification of the defendant.

interim order see section 7D(1).

non-publication order see section 7(2).

sentenced means sentenced by a Magistrates Court.

Supreme Court's media accreditation policy means the media accreditation policy in effect and made under or appended to a practice direction of the Supreme Court.

53 Replacement of s 7 (Publication prematurely of defendant's identity prohibited)

Section 7—

omit, insert—

7 Application for non-publication order, and notice of application

- (1) This section applies if a defendant is charged with a prescribed sexual offence.
- (2) An eligible person may apply to a Magistrates Court for an order (a *non-publication order*) prohibiting the publication, before the defendant is committed for trial or sentence or sentenced on the charge, of identifying matter relating to the defendant.
- (3) The applicant must give 3 business days' notice of their intention to make the application to—

-
- (a) the court; and
 - (b) each other eligible person.
- (4) However, the court may hear an application for a non-publication order despite the failure of the applicant to give notice under subsection (3) if the court is satisfied—
- (a) there is a good reason for notice not having been given under subsection (3); or
 - (b) it is in the interests of justice that the court hear the application without notice having been given under subsection (3).
- (5) Also, if the applicant is the defendant, notice to the complainant—
- (a) must not be given personally by the defendant; and
 - (b) must be given by the prosecution giving a copy of the notice to the complainant or another person nominated to receive correspondence on the complainant's behalf in relation to the matter.
- (6) Notice under subsection (5) may be given by electronic communication.

7A Notifications to accredited media entities

- (1) On receiving a notice under section 7(3), the court must take reasonable steps to ensure that each accredited media entity is notified of the application.
- (2) The notification may be by electronic communication or any other way the court considers appropriate.

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7B Grounds for non-publication order

The court may make a non-publication order if satisfied of one or more of the following grounds—

- (a) the order is necessary to prevent prejudice to the proper administration of justice;
- (b) the order is necessary to prevent undue hardship or distress to a complainant or witness in relation to the charge;
- (c) the order is necessary to protect the safety of any person.

7C Procedure for making non-publication order

- (1) Each of the following persons may appear and be heard by the court on an application for a non-publication order—
 - (a) the applicant;
 - (b) an eligible person in relation to the charge to which the application relates;
 - (c) an accredited media entity;
 - (d) any other person whom the court considers has sufficient interest in the question of whether the order should be made.
- (2) The court may order that the application be heard in closed court.
- (3) In hearing the application the court—
 - (a) may receive and take into account evidence of any kind that it considers credible or trustworthy in the circumstances; and
 - (b) must consider the following—
 - (i) the primacy of the principle of open justice;

-
- (ii) the public interest;
 - (iii) any submissions made or views expressed by or on behalf of the complainant about the application;
 - (iv) any special vulnerabilities of the complainant or the defendant;
 - (v) any cultural considerations relating to the complainant or the defendant;
 - (vi) the potential effect of publication in a rural or remote community;
 - (vii) the potential to prejudice any future court proceedings;
 - (viii) the history and context of any relationship between the complainant and the defendant (including, for example, any domestic violence history);
 - (ix) any other matter the court considers relevant.
- (4) If the court grants the application, the court must state in the order—
- (a) the grounds on which the order is made; and
 - (b) any identifying matter that is not covered by the order; and
 - (c) the extent to which publication of identifying matter is prohibited; and
 - (d) that the order ceases to have effect when the defendant is committed for trial or sentence or sentenced on the charge or when the charge is withdrawn, whichever happens first.

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7D Interim orders

- (1) If an application is made to the court for a non-publication order, the court may, without determining the merits of the application, make an order (an *interim order*) prohibiting the publication of identifying matter relating to the defendant.
- (2) An interim order has effect until—
 - (a) it is revoked by the court; or
 - (b) the court finally decides the application.
- (3) If the court makes an interim order, the court must hear and decide the application as a matter of urgency and, where practicable, within 72 hours after making the interim order.

7E Review of non-publication order

- (1) The court may review a non-publication order made by the court—
 - (a) on the court's own motion; or
 - (b) on the application of a person mentioned in section 7C(1)(a) to (d).
- (2) Each of the persons mentioned in section 7C(1)(a) to (d) is entitled to appear and be heard by the court on the review.
- (3) On a review the court may confirm, vary or revoke the order.

7F Contravention of interim order or non-publication order

- (1) A person must not contravene an interim order or a non-publication order.

Maximum penalty—

- (a) for an individual—100 penalty units or 2 years imprisonment; or
- (b) for a corporation—1,000 penalty units.

Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 12, to have also committed the offence.

- (2) However, a person does not commit an offence against subsection (1) merely because of a statement or representation made or published by the person—
 - (a) in a report specified in section 8(1); or
 - (b) for an authorised purpose mentioned in section 11.

54 Amendment of s 8 (Exempted reports)

- (1) Section 8(1), ‘6 and 7’—
omit, insert—
6 and 7F(1)
- (2) Section 8(2)—
omit.

55 Amendment of s 9 (Act affords additional protection)

- Section 9, ‘6 and 7’—
omit, insert—
6 and 7F

56 Amendment of s 10 (When other publication of complainant’s or defendant’s identity is prohibited)

- (1) Section 10, heading, ‘or defendant’s’—

DRAFT ONLY

[s 57]

omit.

- (2) Section 10(1), from ‘identification’ to ‘commits’—

omit, insert—

identification of a complainant commits

- (3) Section 10(2), ‘subsection (1)(a)’—

omit, insert—

subsection (1)

57 Amendment of s 10A (Provisions do not affect other laws)

Section 10A, ‘6, 7’—

omit, insert—

6, 7F

58 Amendment of s 11 (Authorised purposes)

Section 11(1), ‘section 10’—

omit, insert—

sections 7F(2) and 10(1)

59 Amendment of s 12 (Executive officer may be taken to have committed offence)

- (1) Section 12(4), definition *deemed executive liability provision*, third dot point—

omit.

- (2) Section 12(4), definition *deemed executive liability provision*, fourth dot point, ‘7(4)’—

omit, insert—

7F(1)

60 Insertion of new pt 4, div 1, hdg

Part 4—

insert—

**Division 1 Transitional provisions for
Criminal Law Amendment
Act 2000 and Evidence
(Protection of Children)
Amendment Act 2003**

61 Insertion of new pt 4, div 2

Part 4—

insert—

**Division 2 Transitional provisions for
Justice and Other
Legislation Amendment
Bill 2023**

16 Existing proceedings

- (1) Despite the *Acts Interpretation Act 1954*, section 20—
 - (a) a proceeding on a charge of an offence against former section 7 or 10(1)(b), including a proceeding under former section 12, may not be started or continued; and
 - (b) on the commencement, a charge of an offence against former section 7 or 10(1)(b) made but not dealt with before the commencement is taken to be withdrawn.
- (2) In this section—

former, in relation to a provision of this Act,

DRAFT ONLY

[s 62]

means the provision as in force before the commencement.

17 Application of amended Act

(1) The amended Act applies in relation to a defendant charged with a prescribed sexual offence whether the defendant was charged before or after the commencement.

(2) In this section—

amended Act means this Act as amended by the *Justice and Other Legislation Amendment Act 2023*.

Part 10

Amendment of District Court of Queensland Act 1967

62 Act amended

This part amends the *District Court of Queensland Act 1967*.

63 Insertion of new s 69A

After section 69—

insert—

69A Preliminary disclosure orders

(1) The District Court has jurisdiction to make orders under this section.

(2) On application, the court may make, under the rules, a preliminary disclosure order for the purpose of enabling the applicant to—

(a) ascertain the identity or whereabouts of a prospective defendant; or

(b) make a decision about starting a relevant proceeding.

(3) In this section—

identity, of a prospective defendant, includes the name and occupation, if any, of the prospective defendant.

prospective defendant, in relation to an applicant, means a person against whom the applicant intends to start a relevant proceeding.

relevant proceeding means a proceeding for which the District Court has jurisdiction.

whereabouts, of a prospective defendant, includes a place of residence, registered office, place of business or other location of the prospective defendant.

Part 11 Amendment of Electoral Act 1992

64 Act amended

This part amends the *Electoral Act 1992*.

65 Amendment of s 7 (Functions and powers of commission)

Section 7(1)(g), ‘to’—

omit.

66 Amendment of s 51 (Making electoral redistribution)

Section 51(1), ‘within 60 days’—

omit, insert—

as soon as practicable

DRAFT ONLY

[s 67]

67 Amendment of s 59 (Preparation of electoral rolls)

Section 59(1)(b), before ‘the cut-off day’—

insert—

6p.m. on

68 Amendment of s 65 (Enrolment and transfer of enrolment)

(1) Section 65(5), ‘from the end of’—

omit, insert—

from 6p.m. on

(2) Section 65(7)(b)(i), after ‘after’—

insert—

6p.m. on

69 Amendment of s 101A (Supply of electoral rolls and ballot papers)

Section 101A(1)(a), after ‘as at’—

insert—

6p.m. on

70 Amendment of s 106 (Who may vote)

Section 106(1)(d)(ii), after ‘after’—

insert—

6p.m. on

71 Amendment of s 114 (Who may make declaration vote)

Section 114(2)(a)(iii), ‘section 184A(2)(d)’—

omit, insert—

section 184A(2)(b)

72 Amendment of s 121C (Audit of electronically assisted voting for an election)

(1) Section 121C—

insert—

(2A) However, an audit does not need to be conducted in relation to a by-election unless the commissioner considers that there has been a significant change in the information technology used under the procedures for electronically assisted voting since the last audit was conducted.

(2) Section 121C(2A) to (5)—

renumber as section 121C(3) to (6).

73 Insertion of new s 125A

After section 125—

insert—

125A Saving of ballot papers not in declaration envelopes

(1) This section applies if—

- (a) the commission or the returning officer for an electoral district receives an envelope (an *outer envelope*) containing a ballot paper and a declaration envelope; but
- (b) the ballot paper is not in the declaration envelope.

(2) Members of the commission's staff must—

- (a) examine the contents of the outer envelope under section 125 to determine whether the ballot paper in the outer envelope is to be accepted for counting; and
- (b) deal with the ballot paper in the outer envelope under section 125 as if the ballot paper had been in the declaration envelope.

DRAFT ONLY

[s 74]

74 Amendment of s 305 (Definitions for division)

Section 305, before definition *participant*—

insert—

In this division—

Part 12 Amendment of Funeral Benefit Business Act 1982

75 Act amended

This part amends the *Funeral Benefit Business Act 1982*.

76 Amendment of s 5 (Definitions)

- (1) Section 5, definition *authorised accountant*, paragraph (c), ‘The Institute of Chartered Accountants in Australia’—

omit, insert—

Chartered Accountants Australia and New Zealand

- (2) Section 5, definition *part 4 corporation*—

insert—

Note—

The *Second-hand Dealers and Pawnbrokers Act 2003*, section 139 commenced on 1 December 2003.

77 Amendment of s 8 (Application of pt 3)

Section 8—

insert—

Note—

The *Second-hand Dealers and Pawnbrokers Act 2003*, section 139 commenced on 1 December 2003.

78 Amendment of s 24 (Application of pt 4)

Section 24—

insert—

Note—

The *Second-hand Dealers and Pawnbrokers Act 2003*, section 139 commenced on 1 December 2003.

79 Amendment of s 25 (Meaning of *nominated property*)

Section 25—

insert—

Note—

Section 31 was repealed by the *Second-hand Dealers and Pawnbrokers Act 2003* on 1 December 2003.

80 Amendment of s 58 (Application of pt 6)

Section 58—

insert—

Note—

The *Second-hand Dealers and Pawnbrokers Act 2003*, section 139 commenced on 1 December 2003.

81 Amendment of s 73 (Application of pt 7)

Section 73—

insert—

Note—

The *Second-hand Dealers and Pawnbrokers Act 2003*, section 139 commenced on 1 December 2003.

82 Amendment of s 79 (Application of Trusts Act 1973)

Section 79(2), ‘benefits’—

DRAFT ONLY

[s 83]

omit, insert—

benefit

83 Replacement of s 80 (Application of Trust Accounts Act 1973)

Section 80—

omit, insert—

80 Application of Trust Accounts Act 1973

- (1) If a payment is made by or on behalf of a contributor to an entity under a funeral benefit agreement—
 - (a) the entity is a trustee under the *Trust Accounts Act 1973*; and
 - (b) the payment is trust moneys within the meaning of the *Trust Accounts Act 1973*.
- (2) Subsection (1)(a) does not apply to—
 - (a) an authorised deposit-taking institution under the *Banking Act 1959* (Cwlth); or
 - (b) a company registered under the *Life Insurance Act 1995* (Cwlth).

Note—

See the *Trust Accounts Act 1973*, section 4AA.

Part 13 Amendment of Human Rights Act 2019

84 Act amended

This part amends the *Human Rights Act 2019*.

85 Amendment of s 52 (Notice to Attorney-General and commission)

Section 52(1)(a), ‘Supreme Court or District Court’—
omit, insert—

Supreme Court, District Court, Land Court or
Land Appeal Court

**Part 14 Amendment of Justices of the
Peace and Commissioners for
Declarations Act 1991**

86 Act amended

This part amends the *Justices of the Peace and Commissioners for Declarations Act 1991*.

87 Amendment of s 3 (Definitions)

(1) Section 3, definition *criminal history*—

omit.

(2) Section 3—

insert—

appointee, for part 3A, see section 31A.

appointment, for part 3A, see section 31A.

approved training course, for part 3A, see section 31A.

code of conduct means a code of conduct in effect under section 31G.

conviction means a finding of guilt or acceptance of a plea of guilty by a court, whether or not a conviction is recorded.

criminal history of a person—

DRAFT ONLY

[s 88]

- (a) means the person's convictions of offences committed in Queensland or elsewhere; and
- (b) despite the *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 6, includes spent convictions.

disqualifying conviction see section 17A.

ground for revoking an appointment, for part 3A, see section 31A.

information notice means a notice complying with the QCAT Act, section 157(2).

investigator's report, for part 3A, see section 31A.

88 Amendment of s 15 (Appointments of justices of the peace and commissioners for declarations)

Section 15(5)—
omit.

89 Insertion of new s 15A

After section 15—
insert—

15A Application for appointment

- (1) A person may apply to the chief executive for appointment as a justice of the peace or commissioner for declarations.
- (2) The application must be—
 - (a) in the approved form; and
 - (b) accompanied by the fee prescribed by regulation; and
 - (c) otherwise made in the way prescribed by regulation.

-
- (3) The chief executive must consider the application and decide under this part whether or not the person is qualified for appointment.
 - (4) If the person has a disqualifying conviction—
 - (a) the application must include an application for an exemption under section 17B (an *exemption application*) in relation to the conviction; and
 - (b) the chief executive must decide the exemption application before deciding whether the person is qualified for appointment.
 - (5) The chief executive may ask the person for further information the chief executive needs to decide the application.
 - (6) The application lapses if—
 - (a) the chief executive gives the applicant a notice—
 - (i) asking the applicant to do something to comply with this section including, for example, submitting an exemption application that is required under subsection (4)(a); or
 - (ii) asking the applicant for further information under subsection (5); and
 - (b) the chief executive states a day (the *due day*), at least 30 days after the day the notice is given, by which the applicant must comply with the request; and
 - (c) the applicant does not comply with the request by the due day or any later day allowed by the chief executive.
 - (7) If the chief executive decides the person is qualified for appointment—

DRAFT ONLY

[s 90]

- (a) the chief executive must notify the Minister of the decision; and
 - (b) the Minister must recommend to the Governor in Council that the person be appointed.
- (8) If the chief executive decides the person is not qualified for appointment—
- (a) the chief executive must give the person an information notice for the decision; and
 - (b) the person may apply to QCAT, as provided under the QCAT Act, for a review of the decision.

90 Replacement of ss 16 and 17

Sections 16 and 17—

omit, insert—

16 Qualification for appointment

- (1) Subject to subsection (2), a person is qualified for appointment as a justice of the peace or a commissioner for declarations if—
- (a) the chief executive is satisfied under section 17 that the person is suitable for appointment; and
 - (b) the person is an adult; and
 - (c) for a person other than an Australian lawyer—the person has completed any pre-appointment training course; and
 - (d) the person is an Australian citizen; and
 - (e) the person—
 - (i) ordinarily resides in Queensland; or
 - (ii) works, or proposes to work, in Queensland and cannot perform that

work unless the person is a justice of the peace or a commissioner for declarations.

- (2) A person is not qualified for appointment as a justice of the peace or a commissioner for declarations if—
- (a) the person is an insolvent under administration; or
 - (b) the person has a disqualifying conviction; or
 - (c) a previous appointment of the person as a justice of the peace or a commissioner for declarations was revoked within the previous 5 years.
- (3) In this section—
- pre-appointment training course* means a training course approved under section 32(1)(a).

17 Suitability for appointment

- (1) In deciding whether a person is suitable to be appointed as a justice of the peace or a commissioner for declarations, or continue to hold office, the chief executive may consider—
- (a) the person's character and standing in the community; and
 - (b) anything that may affect the person's ability to competently fulfil the duties of a justice of the peace or a commissioner for declarations; and
 - (c) whether the person has ever—
 - (i) held an occupational licence that has been suspended or revoked; or
 - (ii) been disqualified from holding an occupational licence; and

DRAFT ONLY

[s 90]

- (d) whether the person has ever been convicted of an offence and, if so—
 - (i) the number of offences of which the person has been convicted; and
 - (ii) the following matters relating to each offence—
 - (A) the nature and seriousness of the offence;
 - (B) the penalty imposed for the offence;
 - (C) the person’s age when they committed the offence;
 - (D) how long ago the person committed the offence; and
 - (e) for a person holding office or who has held office—whether the person has ever contravened the code of conduct without reasonable excuse and, if so, the number, recency, nature and seriousness of the contraventions; and
 - (f) anything else relevant to the person’s suitability to hold office.
- (2) In this section—

occupational licence means a licence, permit or other authority to work in a profession, business, trade or industry.

office means office as an appointed justice of the peace or appointed commissioner for declarations.

revoked includes cancelled.

17A Disqualifying convictions

- (1) A *disqualifying conviction* is—

-
- (a) a conviction, including a spent conviction, for—
 - (i) an indictable offence; or
 - (ii) an offence involving dishonesty; or
 - (iii) an offence involving a breach of confidentiality; or
 - (iv) an offence against this Act; or
 - (b) a conviction, including a spent conviction, for an offence for which a sentence of imprisonment was imposed, even if the sentence was suspended.
- (2) However, a conviction of a person is not a *disqualifying conviction* if the chief executive has granted the person an exemption under section 17B in relation to the conviction.

17B Exemptions for disqualifying convictions

- (1) A person who is a justice of the peace or commissioner for declarations, or is applying under section 15A for appointment, may apply to the chief executive for an exemption in relation to a conviction mentioned in section 17A(1).
- (2) The application must be—
 - (a) in the approved form; and
 - (b) accompanied by the fee prescribed by regulation; and
 - (c) otherwise made in the way prescribed by regulation.
- (3) The chief executive may grant the exemption if satisfied—
 - (a) it would be appropriate to grant the exemption, having regard to the matters mentioned in section 17(1)(d); and

DRAFT ONLY

[s 90]

- (b) because of special circumstances, it would be in the public interest to appoint the person as a justice of the peace or a commissioner for declarations or allow the person to continue to hold that office.

Example of special circumstances—

A particular community has needs that may not be sufficiently and appropriately served unless the person is appointed or continues in office.

- (4) The chief executive may not grant the exemption if the conviction is for an offence against this Act.
- (5) The chief executive may ask the person for further information the chief executive needs to decide the application.
- (6) The application lapses if—
 - (a) the chief executive gives the applicant a notice—
 - (i) asking the applicant to do something to comply with this section; or
 - (ii) asking the applicant for further information under subsection (5); and
 - (b) the chief executive states a day (the *due day*), at least 30 days after the day the notice is given, by which the applicant must comply with the request; and
 - (c) the applicant does not comply with the request by the due day or any later day allowed by the chief executive.
- (7) If the chief executive decides to grant the exemption, the chief executive must give the person written notice of the decision.
- (8) If the chief executive decides not to grant the exemption—

- (a) the chief executive must give the person an information notice for the decision; and
- (b) the person may apply to QCAT, as provided under the QCAT Act, for a review of the decision.

91 Omission of s 18 (Cessation of office on disqualification)

Section 18—

omit.

92 Insertion of new s 22A

After section 22—

insert—

22A End of appointment

A person stops holding office as an appointed justice of the peace or appointed commissioner for declarations if—

- (a) the person resigns from office under section 23; or
- (b) the Governor in Council revokes the person's appointment under section 24; or
- (c) the person stops holding the office under section 25; or
- (d) the person—
 - (i) stops being an Australian citizen; or
 - (ii) becomes an insolvent under administration.

93 Amendment of s 24 (Revocation of appointment)

- (1) Section 24(1), 'for such reason as the Governor in Council thinks fit'—

[s 94]

omit.

(2) Section 24(1)—

insert—

Note—

See part 3A (Suspension and revocation of appointments).

94 Amendment of s 26 (Notification of cessation of office)

(1) Section 26(1), from ‘by virtue’ to ‘this Act’—

omit, insert—

as mentioned in section 22A(d)

(2) Section 26(2), from ‘by virtue’ to ‘this Act’—

omit, insert—

as mentioned in section 22A(d)

95 Amendment of s 27 (Return of certificate of registration and seal of office)

(1) Section 27(1), ‘under section 17(1)(a), (b) or (c),’—

omit, insert—

as mentioned in section 22A(d)

(2) Section 27(2), ‘section 25(3)(b),’—

omit, insert—

section 25(4)(b)

96 Insertion of new pt 3A

After part 3—

insert—

Part 3A Suspension and revocation of appointments

31A Definitions for part

In this part—

appointee means a person holding office as an appointed justice of the peace or appointed commissioner for declarations.

appointment means appointment as an appointed justice of the peace or appointed commissioner for declarations.

approved training course means a training course approved under section 32(1)(b).

ground for revoking an appointment means a matter stated in section 31B(a), (b), (c) or (d).

investigator's report means a report under section 31D(4).

31B Grounds for revoking appointment

The Minister may recommend to the Governor in Council that an appointee's appointment be revoked if the chief executive is satisfied that—

- (a) having regard to the matters stated in section 17, the appointee is no longer a suitable person to hold the appointment; or
- (b) the appointee has seriously or repeatedly contravened the code of conduct and does not have a reasonable excuse for the contravention; or
- (c) section 16(1)(e) no longer applies to the appointee; or

DRAFT ONLY

[s 96]

- (d) the person has a disqualifying conviction.

31C Suspension of appointment

- (1) The chief executive may, by notice given to an appointee, suspend their appointment if—
 - (a) the chief executive believes a ground exists for revoking the appointment; or
 - (b) the chief executive considers an investigation is warranted as to whether a ground exists for revoking the appointment; or
 - (c) the appointee has been charged with—
 - (i) an indictable offence; or
 - (ii) an offence involving dishonesty; or
 - (iii) an offence involving a breach of confidentiality; or
 - (iv) an offence against this Act; or
 - (d) the chief executive is satisfied the appointee has not complied with a requirement under section 32(2) and does not have a reasonable excuse for the non-compliance.
- (2) The chief executive must give a notice to the appointee ending the suspension if—
 - (a) for a suspension under subsection (1)(a) because the person has a disqualifying conviction—the chief executive grants an exemption under section 17B in relation to the conviction or the person otherwise ceases to have a disqualifying conviction; or
 - (b) an investigation under section 31D is completed and, after receiving the investigator's report, the chief executive does not believe a ground exists for revoking the appointment; or

-
- (c) the Minister gives the chief executive a notice under section 31E(3)(b); or
 - (d) for a suspension under subsection (1)(c)—the charge is finally dealt with other than by convicting the appointee; or
 - (e) for a suspension under subsection (1)(d)—the appointee complies with the requirement or the chief executive is satisfied the appointee has a reasonable excuse for the non-compliance.
- (3) Before, or as soon as practicable after, suspending an appointment under subsection (1)(b), the chief executive must make a request under section 31D(1).
 - (4) An appointment may be suspended under more than 1 ground mentioned in subsection (1).

31D Investigation

- (1) The chief executive may ask an appropriately qualified officer of the department (an *investigator*) to carry out an investigation as to whether a ground exists for revoking an appointment.
- (2) The investigator must give a notice to the appointee stating—
 - (a) that the investigator is conducting an investigation as to whether a ground exists for revoking the appointee’s appointment; and
 - (b) the reason for the investigation; and
 - (c) that, on or before a stated day no earlier than 21 days after the notice is given, the appointee may make oral or written representations to the investigator about any matter relevant to whether a ground exists

DRAFT ONLY

[s 96]

for revoking the appointee's appointment;
and

- (d) that, after the investigation is completed, the investigator will give a report about the investigation to the chief executive.
- (3) The investigator must consider any representations received from the appointee within the time stated under subsection (2)(c) or any further time allowed by the investigator.
- (4) After completing the investigation, the investigator must—
 - (a) give the chief executive a written report of the investigator's findings; and
 - (b) give a copy of the report to the appointee.
- (5) If the investigator does not consider a ground exists for revoking the appointment, the report may include a recommendation the investigator considers appropriate including, for example, that the appointee make an apology or complete particular training.

31E Chief executive must notify Minister

- (1) The chief executive must give a notice to the Minister if—
 - (a) the chief executive believes a ground exists for revoking an appointment and does not consider an investigation under section 31D is warranted; or
 - (b) an investigation under section 31D is conducted and, after receiving the investigator's report, the chief executive believes a ground exists for revoking an appointment.
- (2) The notice must—

-
- (a) state the ground that the chief executive believes to exist; and
 - (b) outline the facts and circumstances forming the basis for the chief executive's belief; and
 - (c) if the chief executive has received an investigator's report—include a copy of the report.
- (3) After considering the notice, the Minister must—
- (a) give the appointee a show cause notice under section 31F; or
 - (b) notify the chief executive that the Minister has decided not to give the appointee a show cause notice under section 31F.

31F Show cause notice before recommending revocation

Before making a recommendation to the Governor in Council that an appointment be revoked, the Minister must—

- (a) give the appointee a notice (a *show cause notice*) stating—
 - (i) that the Minister proposes to make the recommendation; and
 - (ii) the reason for the proposed recommendation; and
 - (iii) that the appointee may make a written submission to the Minister, within a stated period of at least 20 business days, about the proposed recommendation; and
- (b) consider any submissions received from the appointee within the time stated under paragraph (a)(iii) or any further time allowed by the Minister.

DRAFT ONLY

[s 97]

97 Insertion of new s 31G

Before section 32—

insert—

31G Code of conduct

- (1) The chief executive may make a code of conduct for justices of the peace and commissioners for declarations.
- (2) The code must be approved by regulation and takes effect—
 - (a) on the day it is approved; or
 - (b) if a later day is fixed in the code—on that day.
- (3) When a regulation under subsection (2) is tabled in the Legislative Assembly under the *Statutory Instruments Act 1992*, section 49, it must be accompanied by a copy of the approved code.
- (4) The chief executive must ensure that, while the code is in effect, it is published on the whole-of-government website.
- (5) In this section—

whole-of-government website means—

 - (a) www.qld.gov.au; or
 - (b) another website prescribed by regulation.

98 Amendment of s 32 (Approved training courses)

- (1) Section 32, ‘Minister’—

omit, insert—

chief executive

- (2) Section 32—

insert—

-
- (2) The chief executive may, by notice given to an appointed justice of the peace or appointed commissioner for declarations, require them to complete an approved training course by a stated day.

99 Amendment of s 33 (Inquiries about person's appropriateness to hold office)

Section 33(4)—

omit, insert—

- (4) The commissioner may also notify the chief executive if an appointee is charged with, or convicted of, an offence.
- (5) A notification under subsection (4) may be made under arrangements between the commissioner and the chief executive, including an arrangement for the electronic transfer of information.
- (6) In this section—

appointee means a person holding office as an appointed justice of the peace or appointed commissioner for declarations.

100 Insertion of new s 33A

After section 33—

insert—

33A Confidentiality

- (1) This section applies to a person who—
- (a) is, or has been, a public service employee performing functions under or relating to the administration of this Act; and
- (b) in that capacity, has acquired or has access to personal information about another person.

[s 101]

- (2) The person must not disclose the information to anyone else, or use the information, other than under this section.

Maximum penalty—20 penalty units.

- (3) The person may disclose or use the information—
- (a) to the extent the disclosure or use is—
- (i) necessary to perform the person’s functions under or relating to this Act; or
- (ii) otherwise required or permitted under this Act or another law; or
- (b) with the consent of the person to whom the information relates; or
- (c) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal.

- (4) In this section—

disclose includes give access to.

information includes a document.

personal information means information about a person’s affairs.

101 Amendment of s 34 (Wrongfully acting as justice of the peace or commissioner for declarations)

Section 34—

insert—

- (3) In a proceeding for an offence against subsection (1), it is a defence for the person to prove that, at the time they assumed to act in the office, they did not know, and could not reasonably be expected to have known, that they did not hold the office.

102 Insertion of new s 34A

After section 34—

insert—

34A Validity of particular acts

Anything done by a person in the person's purported capacity as an appointed justice of the peace or appointed commissioner for declarations is not invalid only because, at the time the thing was done—

- (a) the person was not validly appointed under section 15; or
- (b) the person's appointment—
 - (i) had lapsed under section 21; or
 - (ii) had ended as mentioned in section 22A; or
 - (iii) was suspended under section 31C.

103 Amendment of s 39 (Evidentiary provisions)

Section 39(1)(a)(iv), from 'a person' to 'occurred'—

omit, insert—

an insolvent under administration or a person with a stated conviction

104 Insertion of new s 41A

After section 41—

insert—

41A Citizenship requirement for continuing justices

Section 16(1)(d) does not apply to a person who, on the commencement of this Act, continued in office as a justice of the peace under section 41(a)

DRAFT ONLY

[s 105]

and has continuously held that office since that time.

Part 15 Amendment of Justices Regulation 2014

105 Regulation amended

This part amends the *Justices Regulation 2014*.

106 Amendment of sch 3 (Fees)

Schedule 3, item 1, second column, ‘101.40’—

omit, insert—

105.35

Part 16 Amendment of Legal Profession Act 2007

107 Act amended

This part amends the *Legal Profession Act 2007*.

108 Amendment of s 30 (Eligibility for admission to the legal profession under this Act)

Section 30(1)—

insert—

(d) has sufficient knowledge of written and spoken English to engage in legal practice.

109 Amendment of s 300 (Definitions for pt 3.4)

(1) Section 300—

insert—

detailed disclosure threshold amount means—

- (a) the amount prescribed by regulation for this definition; or
- (b) if no amount is prescribed—\$3,000.

disclosure threshold amount means—

- (a) the amount prescribed by regulation for this definition; or
- (b) if no amount is prescribed—\$1,500.

- (2) Section 300, definition *sophisticated client*, ‘section 308 or 309(1)’—

omit, insert—

section 307B, 308 or 309(1)

110 Insertion of new ss 307A and 307B

Before section 308—

insert—

307A When disclosure is not required

A law practice is not required to make a disclosure under this division for a matter if the total amount of the legal costs in the matter, excluding disbursements and exclusive of GST, is not likely to exceed the disclosure threshold amount.

307B Abbreviated disclosure of costs to clients

- (1) A law practice may make a disclosure under this section for a matter if the total amount of the legal costs in the matter, excluding disbursements and exclusive of GST, is not likely to exceed the detailed disclosure threshold amount.
- (2) The law practice must disclose to the client under

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[s 111]

this division—

- (a) in general terms, the legal services that will be provided to the client; and
- (b) the basis on which legal costs will be calculated, including whether a scale of costs applies to any of the legal costs; and
- (c) an estimate of the total amount of the legal costs; and
- (d) an estimate of the total amount of disbursements; and
- (e) the client’s right to—
 - (i) negotiate a costs agreement with the law practice; and
 - (ii) receive a bill from the law practice; and
 - (iii) request an itemised bill after receipt of a lump sum bill; and
 - (iv) be notified under section 315 of any substantial change to the matters disclosed under this section.

111 Amendment of s 308 (Disclosure of costs to clients)

- (1) Section 308, heading, ‘Disclosure’—

omit, insert—

Detailed disclosure

- (2) Section 308, before subsection (1)—

insert—

(1AA) This section applies in relation to a matter if the total amount of the legal costs in the matter, excluding disbursements and exclusive of GST, is likely to exceed the detailed disclosure threshold amount.

(1AB) This section also applies in relation to a matter

if—

- (a) the total amount of the legal costs in the matter, excluding disbursements and exclusive of GST, is likely to exceed the disclosure threshold amount; and
- (b) the law practice does not make a disclosure to the client about the matter under section 307B.

(1AC) This section may apply to a matter under subsection (1) even if the law practice has previously made a disclosure to the client about the matter under section 307B.

- (3) Section 308(1), ‘A law practice must disclose to a client’—

omit, insert—

The law practice must disclose to the client

- (4) Section 308(1)(e), ‘subsection (2)’—

omit, insert—

subsection (5)

- (5) Section 308(2), ‘subsection (1)(e)’—

omit, insert—

subsection (4)(e)

- (6) Section 308(4), ‘subsection (1)(f)’—

omit, insert—

subsection (4)(f)

- (7) Section 308(5), ‘subsection (1)(b)(i)’—

omit, insert—

subsection (4)(b)(i)

- (8) Section 308(1AA) to (5)—

renumber as section 308(1) to (8).

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[s 112]

112 Amendment of s 309 (Disclosure if another law practice is to be retained)

(1) Section 309(1)—

omit, insert—

(1) If a law practice intends to retain another law practice on behalf of a client, the first law practice must disclose to the client—

(a) if the law practice makes a disclosure to the client under section 307B—the details mentioned in section 307B(2)(b), (c) and (d) in relation to the other law practice; or

(b) if the law practice makes a disclosure to the client under section 308—the details mentioned in section 308(4)(a), (c) and (d) in relation to the other law practice.

(1A) The disclosure required under subsection (1) is in addition to the disclosure required under section 307B or 308.

(2) Section 309(2), ‘section 308’—

omit, insert—

section 307B or 308

113 Replacement of s 310 (How and when must disclosure be made to a client)

Section 310—

omit, insert—

310 When disclosure must be made

(1) Disclosure under section 307B or 308 must be made before, or as soon as practicable after, a law practice is retained in a matter.

(2) However—

-
- (a) if, under section 307A, no disclosure is made at the time a law practice is retained in a matter, disclosure under section 307B or 308 must be made as soon as practicable after section 307A ceases to apply; and
 - (b) if disclosure is made under section 307B in relation to a matter, disclosure under section 308 must be made as soon as practicable after section 308 starts to apply.
- (3) Disclosure under section 309(1) must be made before, or as soon as practicable after, the other law practice is retained.

310A How disclosure must be made

- (1) Disclosure under section 307B—
 - (a) may be made orally or in writing; but
 - (b) if made orally, must be confirmed in writing as soon as practicable after the time that disclosure must be made under section 310.
- (2) Subsection (1)(b) does not apply if the law practice's provision of legal services for the matter is completed before the confirmation in writing is required.
- (3) Disclosure under section 308 must be made in writing.
- (4) Disclosure under section 309(1) must be made—
 - (a) if disclosure to the client has been made under section 307B—orally or in writing; or
 - (b) if disclosure to the client has been made under section 308—in writing.
- (5) Disclosure under section 307B, 308 or 309(1) may be made in a costs agreement or an offer to enter into a costs agreement but, in that case, the disclosure must be in a prominent position at the

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beginning of the agreement or offer.

114 Amendment of s 311 (Exceptions to requirement for disclosure)

(1) Section 311(1), ‘section 308 or 309(1)’—

omit, insert—

section 307B, 308 or 309(1)

(2) Section 311(1)(a)—

omit.

(3) Section 311(1)(b)(i), ‘section 308 or 309(1)’—

omit, insert—

section 307A, 308 or 309(1)

(4) Section 311(2)—

omit.

(5) Section 311(5)(b), ‘section 308’—

omit, insert—

section 307B or 308

115 Amendment of s 581B (Reference to document includes reference to reproductions from electronic document)

Section 581B(2)—

omit.

116 Amendment of s 581D (Powers of special investigators)

Section 581D(5)—

omit.

117 Amendment of s 598 (Constitution of tribunal)

(1) Section 598(1), ‘For’—

omit, insert—

Subject to subsections (2) and (3), for

(2) Section 598—

insert—

(1A) For a proceeding on an application under section 328, the tribunal is to be constituted by a judicial member.

(3) Section 598(2), from ‘However’ to ‘proceeding’—

omit, insert—

For a proceeding for which the tribunal has not been constituted

(4) Section 598(1A) to (3)—

renumber as section 598(2) to (4).

118 Insertion of new s 713A

After section 713—

insert—

713A Destruction of client documents

(1) A law practice may destroy a client document relating to a matter if—

- (a) it is at least 7 years since the completion of the matter; and
- (b) the law practice has been unable, despite making reasonable efforts, to obtain instructions from the client about the destruction of the document; and
- (c) it is reasonable in the circumstances, having regard to the nature and content of the document, to destroy the document.

(1A) For subsection (1), it does not matter whether the person entitled to the client document is or was a

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client of the law practice holding the document or of another law practice.

- (2) Destruction of a client document by a law practice, other than as provided by subsection (1) or on instructions from the client, is capable of constituting unsatisfactory professional conduct or professional misconduct on the part of—
 - (a) any Australian legal practitioner involved in the destruction; and
 - (b) if an associate of the law practice involved in the destruction is not a principal of the law practice—a principal of the practice.
- (3) The law society may destroy a client document relating to a matter if—
 - (a) the law society is holding the document (for example, because of the appointment, under part 5.5, of a receiver for the law practice that was engaged by the client to provide legal services for the matter); and
 - (b) it is at least 7 years since the end of the law practice's engagement by the client to provide legal services for the matter; and
 - (c) the law society has been unable, despite making reasonable efforts, to obtain instructions from the client about the destruction of the document; and
 - (d) it is reasonable in the circumstances, having regard to the nature and content of the document, to destroy the document.
- (4) In this section—

client document means a document to which a client is entitled.

law practice includes a community legal service.

119 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

detailed disclosure threshold amount, for chapter 3, part 3.4, see section 300.

disclosure threshold amount, for chapter 3, part 3.4, see section 300.

Part 17 Amendment of Legal Profession Regulation 2017

120 Regulation amended

This part amends the *Legal Profession Regulation 2017*.

121 Amendment of s 70 (Exceptions to requirement for disclosure—Act, s 311)

(1) Section 70(1)—

omit.

(2) Section 70(2), ‘section 308 or 309(1)’—

omit, insert—

section 307B, 308 or 309(1)

Part 18 Amendment of Limitation of Actions Act 1974

122 Act amended

This part amends the *Limitation of Actions Act 1974*.

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[s 123]

123 Amendment of s 18 (Accrual of right of action in cases of certain tenancies)

Section 18(2A), ‘the tenancy’—

omit, insert—

a tenancy to which subsection (2) applies

Part 19 Amendment of Magistrates Act 1991

124 Act amended

This part amends the *Magistrates Act 1991*.

125 Amendment of s 12 (Functions of Chief Magistrate)

(1) Section 12(2)(f), ‘supervising magistrate’—

omit, insert—

regional coordinating magistrate

(2) Section 12(5)—

omit.

(3) Section 12(6) to (8)—

renumber as section 12(5) to (7).

126 Amendment of s 19 (Presiding at meetings)

Section 19(1), ‘deputy’—

omit, insert—

chairperson

127 Amendment of s 47 (Terms and conditions of employment—full-time and part-time magistrates)

(1) Section 47(3)—

omit.

- (2) Section 47(4) and (5)—
renumber as section 47(3) and (4).

Part 20 Amendment of Magistrates Courts Act 1921

128 Act amended

This part amends the *Magistrates Courts Act 1921*.

129 Insertion of new s 4AB

After section 4AA—

insert—

4AB Preliminary disclosure orders

- (1) A Magistrates Court has jurisdiction to make orders under this section.
- (2) On application, the court may make, under the rules, a preliminary disclosure order for the purpose of enabling the applicant to—
 - (a) ascertain the identity or whereabouts of a prospective defendant; or
 - (b) make a decision about starting a relevant proceeding.
- (3) In this section—

identity, of a prospective defendant, includes the name and occupation, if any, of the prospective defendant.

prospective defendant, in relation to an applicant, means a person against whom the applicant intends to start a relevant proceeding.

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relevant proceeding means a proceeding for which a Magistrates Court has jurisdiction.

whereabouts, of a prospective defendant, includes a place of residence, registered office, place of business or other location of the prospective defendant.

Part 21 **Amendment of Motor Accident Insurance Act 1994**

130 **Act amended**

This part amends the *Motor Accident Insurance Act 1994*.

131 **Amendment of s 4 (Definitions)**

- (1) Section 4, definitions *declared costs limit*, *lower offer limit* and *upper offer limit*—

omit.

- (2) Section 4—

insert—

declared costs limit means the amount fixed by the Minister under section 100A as the declared costs limit.

lower offer limit means the amount fixed by the Minister under section 100A as the lower offer limit.

upper offer limit means the amount fixed by the Minister under section 100A as the upper offer limit.

- (3) Section 4, definition *industry deed*, editor's note—

omit, insert—

Note—

For a statement of the subjects that may be covered by the industry deed, see section 65.

132 Amendment of s 30 (Transfer of CTP business)

Section 30(4), editor's note—

omit.

133 Amendment of s 33 (Nominal Defendant as the insurer)

Section 33(6), editor's note—

omit.

134 Replacement of s 100A (Indexation of particular amounts)

Section 100A—

omit, insert—

100A Indexation of particular amounts

- (1) The Minister must, before each financial year starts, make a notice for the financial year fixing—
 - (a) an amount as the declared costs limit; and
 - (b) an amount as the lower offer limit; and
 - (c) an amount as the upper offer limit.
- (2) The amount fixed for a limit is to be the amount last fixed by the Minister for the limit adjusted by the percentage change in average weekly earnings between the current financial year and the last financial year and rounded to the nearest 10 dollars (rounding one-half upwards).
- (3) However, subsection (4) applies if—
 - (a) the percentage change in average weekly earnings between the current financial year

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and the last financial year would reduce or would not change the amount fixed as the limit; or

- (b) the percentage change in average weekly earnings between the current financial year and the last financial year is not available from the Australian Statistician.
- (4) The Minister must fix an amount for each limit that is not less than the amount for the limit last fixed by the Minister.
- (5) The Minister's notice is subordinate legislation.
- (6) Despite subsection (1), the Minister may make a notice for a financial year, after 1 July in the financial year, that has retrospective operation to 1 July in the financial year.
- (7) Subsection (6) applies despite the *Statutory Instruments Act 1992*, section 34.
- (8) In this section—

current financial year, for a notice, means the financial year immediately before the financial year for which the notice is made.

last financial year, for a notice, means the financial year immediately before the current financial year.

135 Insertion of new pt 7, div 8

Part 7—

insert—

Division 8

Transitional provisions for Justice and Other Legislation Amendment Act 2023

117 Definition for division

In this division—

new section 100A means section 100A as in force from the commencement.

118 First notice made by the Minister

- (1) This section applies in relation to the first notice made by the Minister under new section 100A.
- (2) For new section 100A(2) and (4), a reference to the amount last fixed by the Minister is taken to be a reference to the amount last prescribed by regulation for the limit.

119 Existing prescribed limits for particular definitions

- (1) This section applies in relation to each amount that, immediately before the commencement, was prescribed by regulation as the declared costs limit, the lower offer limit or the upper offer limit for a period.
- (2) The amount continues to have effect as if it had been fixed under new section 100A.
- (3) The Minister may, for information only, include the amount in the notice made by the Minister under new section 100A.

136 Amendment of sch (Policy of insurance)

Schedule, section 1(3)(a), ‘Editor’s note—’—

omit, insert—

Note—

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[s 137]

Part 22 Amendment of Oaths Act 1867

137 Act amended

This part amends the *Oaths Act 1867*.

138 Amendment of s 1B (Definitions)

(1) Section 1B, definition *confirm*—
omit.

(2) Section 1B—
insert—

confirm, a document, means attest or otherwise confirm a document by signing the document.

(3) Section 1B, definitions *document*, *electronic document* and *physical document*—
omit.

(4) Section 1B—
insert—

physical document means a document other than an electronic document.

139 Amendment of s 12 (Special witnesses)

Section 12(1)(b)—
omit, insert—

(b) a government legal officer under the *Legal Profession Act 2007* who—

(i) is an Australian lawyer but not an Australian legal practitioner; and

(ii) witnesses documents in the course of the government work engaged in by the officer; or

140 Amendment of pt 4, div 2, hdg (General requirement for affidavits and declarations)

Part 4, division 2, heading, ‘requirement’—

omit, insert—

requirements

141 Insertion of new s 13AA and 13AB

Before section 13A—

insert—

13AA Application of division

This division applies in relation to an affidavit or declaration—

- (a) whether the signatory, substitute signatory or witness is present in person or by audio visual link; and
- (b) whether the affidavit or declaration is physically signed or electronically signed.

Note—

See also part 6A for additional requirements for an affidavit or declaration made by audio visual link.

13AB Execution requirements

- (1) An affidavit or declaration must be in writing.
- (2) An affidavit or declaration is executed only if it is—
 - (a) witnessed under this part and, if applicable, part 6A; and
 - (b) signed by the signatory or a substitute signatory; and
 - (c) confirmed by the witness for the document.

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Note—

See also section 31U in relation to how a person who witnesses a document by audio visual link must confirm the document.

- (3) If an affidavit or declaration is to be filed or admitted into evidence in a proceeding, subsection (2) applies subject to a rule of court or practice direction applying to the document.
- (4) Subsection (2) does not limit a requirement relating to an affidavit or declaration under another Act or law.

142 Amendment of s 13A (Accepted method for electronically signing affidavits or declarations)

Section 13A, heading, ‘affidavits or declarations’—

omit, insert—

affidavit or declaration

143 Amendment of s 13B (Jurat of affidavit)

Section 13B(2)(e)—

omit, insert—

- (e) that the signatory understands that a person who makes an affidavit that the person knows is false in a material particular commits an offence.

144 Amendment of s 13C (Statement in declaration)

Section 13C(2)(e)—

omit, insert—

- (e) that the signatory understands that a person who makes a declaration that the person knows is false in a material particular commits an offence.

145 Replacement of ss 13D and 13E

Sections 13D and 13E—

omit, insert—

13D General requirements for witnessing affidavit or declaration

A witness for an affidavit or declaration must not confirm the document unless—

- (a) the person takes reasonable steps to verify—
 - (i) the identity of the signatory; and
 - (ii) that the name of the signatory matches the name of the signatory written on or in the document; and
- (b) the person is satisfied the signatory is—
 - (i) freely and voluntarily signing the document; or
 - (ii) freely and voluntarily directing the substitute signatory to sign the document.

Note—

See also section 31T in relation to witnessing a document by audio visual link.

13E Information to be included about witness

- (1) A special witness for an affidavit or declaration that is electronically signed or witnessed by audio visual link must include the following information on the document—
 - (a) the witness's full name;
 - (b) that the witness is a special witness;
 - (c) the type of special witness under section 12(1) that the witness is;

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Examples of types of special witness—

- an Australian legal practitioner
 - a justice approved by the chief executive under section 12(2)
 - a commissioner for declarations approved by the chief executive under section 12(2)
- (d) for a witness who is an Australian legal practitioner and an employee of, or a partner in, a law practice—the name of the law practice;
- (e) for a witness who is not a witness mentioned in paragraph (d) and not a special witness under section 12(1)(c)—
- (i) the name of the witness’s place of employment; or
 - (ii) the witness’s employment address or home address; or
 - (iii) the witness’s telephone number; or
 - (iv) the witness’s email address;
- (f) for a document witnessed by audio visual link—that the witness understands, and has complied with, the requirements for witnessing a document by audio visual link;
- (g) other information prescribed by regulation for this subsection.

Example of information to be included on an affidavit or a declaration for a special witness who is an Australian legal practitioner and who witnesses the document by audio visual link—

Jane Anne Doe

Australian legal practitioner, ABC Legal

Special witness under the *Oaths Act 1867*

I understand the requirements for witnessing a document by audio visual link and have complied with those requirements.

(2) A witness for an affidavit or declaration that is physically signed in the physical presence of the witness must include the following information on the document—

- (a) the witness's full name;
- (b) the type of witness under section 16A or 16B that the witness is;

Examples of types of witness—

- a lawyer
- a justice of the peace

(c) for a witness who is not a justice or commissioner for declarations under the law of the State, the Commonwealth or another State—

- (i) the name of the witness's place of employment; or
- (ii) the witness's employment address or home address; or
- (iii) the witness's telephone number; or
- (iv) the witness's email address;

(d) other information prescribed by regulation for this subsection.

(3) A witness for an affidavit or declaration who is a person prescribed by regulation under section 16A(1)(e), 16B(1)(d), 16C(2), 31Q(2) or 31S(1) must include the following information on the document—

- (a) the witness's full name;
- (b) other information prescribed by regulation for this subsection.

Note—

See also the *Justices of the Peace and Commissioners for Declarations Act 1991*, section 31 for other

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[s 146]

requirements applying to a justice of the peace or commissioner for declarations.

146 Insertion of new ss 13G and 13H

After section 13F—

insert—

13G Substitute signatories

- (1) The signatory for an affidavit or declaration may direct another person (a *substitute signatory*) to sign the document for them.
- (2) However, each of the following persons is excluded from signing an affidavit or declaration as a substitute signatory—
 - (a) a person witnessing the document;
 - (b) if the document is to be filed or admitted into evidence in a proceeding by or for a party—a person who is another party to the proceeding or a relation of another party to the proceeding.

Note—

See also section 31P for further limitations on who may be a substitute signatory if the direction to sign is given by audio visual link. A person may also be excluded under another Act or law from signing a document as a substitute signatory.

- (3) In this section—

relation, of a person, see the *Powers of Attorney Act 1998*, schedule 3.

13H Witnessing signature of substitute signatory

- (1) This section applies if the signatory for an affidavit or declaration directs a substitute signatory to sign the document for them.
- (2) The witness for the signing of the affidavit or

declaration by the substitute signatory must—

- (a) observe the signatory direct the substitute signatory to sign the document; and
- (b) be satisfied that the substitute signatory is not excluded from signing the document as the substitute signatory under section 13G or 31P.

Note—

See also section 13D for other requirements relating to a witness for an affidavit or declaration.

147 Amendment of s 16A (Who may witness affidavits)

Section 16A(1)(e), ‘section’—

omit, insert—

subsection

148 Amendment of s 16B (Who may witness declarations)

Section 16B(1)(d), ‘section’—

omit, insert—

subsection

149 Amendment of s 16C (Affidavit or declaration electronically signed in physical presence of witness)

- (1) Section 16C(1), note—

omit.

- (2) Section 16C(2), ‘section’—

omit, insert—

subsection

- (3) Section 16C(3), ‘this section’—

omit, insert—

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that subsection

150 Amendment of s 31B (Definitions for part)

Section 31B, definition *confirm*—
omit.

151 Amendment of s 31E (Presence by audio visual link)

Section 31E(b), ‘section 31S’—
omit, insert—
section 31Q(2) or 31S(1)

152 Amendment of s 31J (Presence by audio visual link)

Section 31J(b), ‘section 31S’—
omit, insert—
section 31Q(2) or 31S(1)

153 Replacement of s 31P (Persons who may be directed to sign)

Section 31P—
omit, insert—

31P Who may be a substitute signatory

A person may be directed by audio visual link to sign a document for a signatory only if the person is—

- (a) an Australian legal practitioner; or
- (b) a government legal officer under the *Legal Profession Act 2007* who—
 - (i) is an Australian lawyer but not an Australian legal practitioner; and

- (ii) witnesses documents in the course of the government work engaged in by the officer; or
- (c) an employee of the public trustee.

Note—

See also section 13G.

154 Amendment of s 31Q (Substitute signatory signing in physical presence of witness requires special witness)

- (1) Section 31Q, heading, after ‘special witness’—

insert—

or another prescribed person

- (2) Section 31Q(2), after ‘for the document’—

insert—

or another person prescribed by regulation for this subsection

- (3) Section 31Q—

insert—

- (2A) However, a regulation made under subsection (2) may provide that a person prescribed for that subsection—

- (a) may witness a document only of a prescribed type and subject to any prescribed conditions; or
- (b) may not witness a document of a prescribed type.

- (4) Section 31Q(2A) and (3)—

renumber as section 31Q(3) and (4).

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[s 155]

155 Omission of s 31R (Witness must observe direction and verify particular matters)

Section 31R—

omit.

156 Amendment of s 31S (Witness must be special witness or another prescribed person)

(1) Section 31S(1), ‘section’—

omit, insert—

subsection

(2) Section 31S(2), ‘this section’—

omit, insert—

that subsection

157 Replacement of s 31T (General requirements for witnessing documents)

Section 31T—

omit, insert—

31T General requirements for witnessing documents

A document may be witnessed by audio visual link only if—

- (a) the audio visual link enables the witness to be satisfied, by the sounds and images made by the link, that the signatory or substitute signatory is signing the document; and
- (b) the witness forms the satisfaction under paragraph (a) in real time.

Note—

See also sections 13D, 13E and 13H for additional requirements.

Part 23 Amendment of Oaths Regulation 2022

158 Regulation amended

This part amends the *Oaths Regulation 2022*.

159 Omission of ss 2A and 2B

Sections 2A and 2B—
omit.

160 Amendment of s 3 (Information witness must include on affidavit—Act, s 13E)

Section 3, ‘section 13E(d)’—
omit, insert—
 section 13E(3)

161 Amendment of s 4 (Prescribed persons for witnessing affidavits—Act, s 16A)

Section 3, ‘section 16A(1)(e)’—
omit, insert—
 section 16A(1)

Part 24 Amendment of Ombudsman Act 2001

162 Act amended

This part amends the *Ombudsman Act 2001*.

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[s 163]

163 Amendment of s 31 (Power of court if noncompliance with investigation requirement)

Section 31(3), note, from ‘chapter 11’—

omit, insert—

chapter 11, part 4.

Part 25 Amendment of Penalties and Sentences Act 1992

164 Act amended

This part amends the *Penalties and Sentences Act 1992*.

165 Amendment of s 9 (Sentencing guidelines)

(1) Section 9—

insert—

(9C) In determining the appropriate sentence for an offender convicted of a relevant serious offence committed in relation to a pregnant person that resulted in destroying the life of the person’s unborn child, the court must treat the destruction of the unborn child’s life as an aggravating factor, unless the court considers it is not reasonable because of the exceptional circumstances of the case.

(2) Section 9(12)—

insert—

relevant serious offence means an offence against—

(a) the following provisions of the Criminal Code—

(i) sections 302 and 305;

- (ii) sections 303 and 310;
 - (iii) section 320;
 - (iv) section 323;
 - (v) section 328A;
 - (vi) section 339; and
- (b) the *Transport Operations (Road Use Management) Act 1995*, section 83.

166 Amendment of s 179I (Definitions for part)

Section 179I, definition *victim*, after ‘section 5(3)’—
insert—

or (5)

Part 26 Amendment of Personal Injuries Proceedings Act 2002

167 Act amended

This part amends the *Personal Injuries Proceedings Act 2002*.

168 Replacement of s 75A (Indexation of particular amounts)

Section 75A—

omit, insert—

75A Indexation of particular amounts

- (1) The Minister must, before each financial year starts, make a notice for the financial year fixing—
- (a) an amount as the declared costs limit; and
 - (b) an amount as the lower offer limit; and
 - (c) an amount as the upper offer limit.

- (2) The amount fixed for a limit is to be the amount last fixed by the Minister for the limit adjusted by the percentage change in average weekly earnings between the current financial year and the last financial year and rounded to the nearest 10 dollars (rounding one-half upwards).
- (3) However, subsection (4) applies if—
- (a) the percentage change in average weekly earnings between the current financial year and the last financial year would reduce or would not change the amount fixed as the limit; or
 - (b) the percentage change in average weekly earnings between the current financial year and the last financial year is not available from the Australian Statistician.
- (4) The Minister must fix an amount for the limit that is not less than the amount for the limit last fixed by the Minister.
- (5) The Minister's notice is subordinate legislation.
- (6) Despite subsection (1), the Minister may make a notice for a financial year, after 1 July in the financial year, that has retrospective operation to 1 July in the financial year.
- (7) Subsection (6) applies despite the *Statutory Instruments Act 1992*, section 34.
- (8) In this section—
- current financial year***, for a notice, means the financial year immediately before the financial year for which the notice is made.
- last financial year***, for a notice, means the financial year immediately before the current financial year.

169 Insertion of new ch 4, pt 10

Chapter 4—

insert—

**Part 10 Transitional provisions
for Justice and Other
Legislation
Amendment Act 2023**

89 Definition for part

In this part—

new section 75A means section 75A as in force from the commencement.

90 First notice made by Minister

- (1) This section applies in relation to the first notice made by the Minister under new section 75A.
- (2) For new section 75A(2) and (4), a reference to the amount last fixed by the Minister is taken to be a reference to the amount last prescribed by regulation for the limit.

91 Existing prescribed limits for particular definitions

- (1) This section applies in relation to each amount that, immediately before the commencement, was prescribed by regulation as the declared costs limit, the lower offer limit or the upper offer limit for a period.
- (2) The amount continues to have effect as if it had been fixed under new section 75A.
- (3) The Minister may, for information only, include the amount in the notice made by the Minister

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[s 170]

under new section 75A.

170 Amendment of sch 1 (Dictionary)

- (1) Schedule 1, definitions *declared costs limit*, *lower offer limit* and *upper offer limit*—

omit.

- (2) Schedule 1—

insert—

declared costs limit means the amount fixed by the Minister under section 75A as the declared costs limit.

lower offer limit means the amount fixed by the Minister under section 75A as the lower offer limit.

upper offer limit means the amount fixed by the Minister under section 75A as the upper offer limit.

Part 27

Amendment of Public Guardian Act 2014

171 Act amended

This part amends the *Public Guardian Act 2014*.

172 Amendment of s 26 (Power of court if noncompliance with attendance notice)

Section 26(3), note, from ‘chapter 11’—

omit, insert—

chapter 11, part 4.

173 Replacement of s 113 (Resignation, suspension and termination of community visitor)

Section 113—

omit, insert—

113 Vacancy in office

- (1) The office of a community visitor becomes vacant and the person's appointment as a community visitor ends if—
 - (a) the community visitor completes a fixed term and is not reappointed; or
 - (b) the community visitor resigns by notice of resignation given to the public guardian—
 - (i) at least 2 weeks before the notice is to take effect; or
 - (ii) within a shorter period approved by the public guardian; or
 - (c) for a community visitor (adult)—the person is, or becomes, ineligible to hold office under section 110(2); or
 - (d) for a community visitor (child)—the person is, or becomes, ineligible to hold office under section 111(2).
- (2) A notice of resignation mentioned in subsection (1)(b) takes effect in accordance with its terms and without needing the acceptance of the public guardian.

113A Termination of community visitor

- (1) The public guardian may terminate the appointment of a community visitor if the community visitor has been convicted of an offence the public guardian considers makes the person unsuitable to perform the duties of a community visitor.

DRAFT ONLY

[s 174]

(2) In this section—

convicted means found guilty, or having a plea of guilty accepted, by a court, whether or not a conviction is recorded.

174 Amendment of ch 5, pt 5, hdg

Chapter 5, part 5, heading, after ‘engaged’—

insert—

or continue

175 Insertion of new ch 5, pt 5, div 1, hdg

Before section 119—

insert—

Division 1

**Suitability of persons to be
or continue to be engaged
as community visitors**

176 Replacement of s 119

Section 119—

omit, insert—

119 Application of division

This division applies, despite the *Public Sector Act 2022*, chapter 3, part 5, in relation to assessing the suitability of a person to be, or continue to be, appointed as a community visitor.

119A Disclosure of criminal history

A person seeking to be engaged by the public guardian as a community visitor must disclose to the public guardian, before being engaged—

- (a) whether or not the person has a criminal history; and
- (b) if the person has a criminal history—the person’s complete criminal history.

177 Amendment of s 120 (Investigations about suitability of applicant to be community visitor or child advocacy officer)

- (1) Section 120, heading, from ‘of’—

omit.

- (2) Section 120(1), from ‘be’—

omit, insert—

be, or continue to be, a community visitor.

178 Replacement of s 121 (Community visitor or child advocacy officer to disclose change in criminal history)

Section 121—

omit, insert—

121 Community visitor to disclose change in criminal history

- (1) This section applies if there is a change in the criminal history of a community visitor.
- (2) The community visitor must immediately disclose the details of the change to the public guardian.
- (3) The disclosure under subsection (2) must be in the approved form.
- (4) The information disclosed about a conviction or charge in the visitor’s criminal history must include—
 - (a) the existence of the conviction or charge; and

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[s 179]

- (b) when the offence was committed or alleged to have been committed; and
 - (c) the details of the offence or alleged offence; and
 - (d) for a conviction—whether or not a conviction was recorded and the sentence imposed on the visitor.
- (5) For a community visitor who does not have a criminal history, there is taken to be a change to the visitor’s criminal history if the visitor acquires a criminal history.

179 Amendment of s 122 (Failing to make disclosure or making false, misleading or incomplete disclosure)

- (1) Section 122(1), ‘or child advocacy officer’—
omit.
- (2) Section 122(1)(a) from ‘section 119’ to ‘officer’—
omit, insert—
section 119A or 121, unless the visitor
- (3) Section 122(2), ‘or officer’—
omit.
- (4) Section 122(2)(b), ‘or officer’s’—
omit.

180 Amendment of s 123 (Person to be advised of information obtained from commissioner of the police service)

Section 123(2), ‘or child advocacy officer’—
omit.

181 Amendment of s 124 (Use of information obtained under this part)

- (1) Section 124(2), from ‘be’—

omit, insert—

be, or continue to be, a community visitor.

- (2) Section 124(3)(b), ‘or child advocacy officer’—

omit.

182 Replacement of s 125 (Guidelines for dealing with information obtained under this part)

Section 125—

omit, insert—

125 Guidelines for dealing with information obtained under this part

- (1) The public guardian may make a guideline for dealing with information obtained under this part.
- (2) The purpose of the guidelines is to ensure—
 - (a) procedural fairness is afforded to a person about whom the information is obtained; and
 - (b) only relevant information is used in assessing the person’s suitability to be appointed as a community visitor; and
 - (c) decisions about the suitability of persons, based on the information, are made consistently.
- (3) If the public guardian makes a guideline under subsection (1), the public guardian must give a copy of the guideline to—
 - (a) a person seeking to be engaged by the public guardian as a community visitor; and

DRAFT ONLY

[s 183]

- (b) if a community visitor asks for a copy of the guideline—the community visitor.

183 Insertion of new ch 5, pt 5, div 2

Chapter 5, part 5—

insert—

Division 2 Suitability of persons to be engaged as child advocacy officers

125A Disclosure of criminal history

A person seeking to be engaged by the public guardian as a child advocacy officer must disclose to the public guardian, before being engaged—

- (a) whether or not the person has a criminal history; and
- (b) if the person has a criminal history—the person's complete criminal history.

184 Insertion of new ch 7, pt 4

Chapter 7—

insert—

Part 4 Transitional provisions for Justice and Other Legislation Amendment Act 2023

197 Definition for part

In this part—

former, for a provision of this Act, means the provision as in force from time to time before the commencement.

198 Existing suspensions

- (1) This section applies if—
 - (a) before the commencement a community visitor was suspended; and
 - (b) immediately before the commencement the suspension was still in effect.
- (2) From the commencement, the suspension continues under the *Public Sector Act 2022*, section 101.

199 Termination notices given before commencement

- (1) This section applies if—
 - (a) the public guardian gave a community visitor a notice of termination before the commencement; and
 - (b) on the commencement the termination had not yet taken effect.
- (2) Former section 113 continues to apply in relation to the termination as if the *Justice and Other Legislation Amendment Act 2023*, part 27 had not commenced.

200 Particular community visitors go out of office

- (1) This section applies to a community visitor if, immediately before the commencement, under former section 110(2) or former section 111(2), the community visitor could not hold office.
- (2) On the commencement, the community visitor

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[s 185]

goes out of office and the person's appointment as a community visitor ends.

185 Amendment of sch 1 (Dictionary)

Schedule 1, definition *criminal history*, paragraph (a), 'record'—

omit, insert—

history

Part 28 Amendment of Queensland Civil and Administrative Tribunal Act 2009

186 Act amended

This part amends the *Queensland Civil and Administrative Tribunal Act 2009*.

187 Amendment of s 188 (Removal from office)

Section 188(1)(c), 'as defined under the Corporations Act'—
omit.

188 Amendment of s 191 (Acting senior members)

Section 191(5) to (9)—

omit, insert—

- (5) The Minister may appoint a person to act as a senior member.
- (6) The president may appoint a person from the senior members pool to act as a senior member.
- (7) An appointment may be made under subsection (5) or (6) if—

-
- (a) there is a vacancy in the office of a senior member; or
 - (b) a senior member is absent or for any other reason is unable to perform the functions of the office; or
 - (c) the appointment is required for the proper functioning of the tribunal.
- (8) A person appointed to act as a senior member—
- (a) has all the functions and powers of a senior member; and
 - (b) is taken to be a senior member for all purposes relating to this Act or an enabling Act.
- (9) Without limiting subsection (8), section 187 applies to a person acting as senior member as if the person were a senior member.
- (10) An appointment to act as a senior member may be for a period of not more than 6 months.
- (11) A person appointed to act as a senior member may be appointed to act as a senior member for a further period if—
- (a) the term of the appointment does not immediately follow the person's previous appointment as acting senior member; or
 - (b) the appointment is continuous on 1 or more of the person's previous appointments as acting senior member and the total period of the continuous appointments is not more than 6 months.
- (12) The Minister or president may at any time cancel the appointment of a person to act as a senior member.

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[s 189]

189 Replacement of s 191A (Acting ordinary members)

Section 191A—

omit, insert—

191A Acting ordinary members

- (1) The Minister must establish a pool of persons to act as ordinary members (the *ordinary members pool*).
- (2) The Minister may approve a person as a member of the ordinary members pool only if the person is eligible to be appointed to the office of ordinary member under section 183(4).
- (3) The Minister may—
 - (a) approve a person as a member of the ordinary members pool for a specified time; and
 - (b) cancel the approval of a person as a member of the ordinary members pool at any time.
- (4) The Minister may approve a person as a member of the ordinary members pool only after consultation with the president.
- (5) The Minister may appoint a person to act as an ordinary member.
- (6) The president may appoint a person from the ordinary members pool to act as an ordinary member.
- (7) An appointment may be made under subsection (5) or (6) if—
 - (a) there is a vacancy in the office of an ordinary member; or
 - (b) an ordinary member is absent or for any other reason is unable to perform the functions of the office; or

-
- (c) the appointment is required for the proper functioning of the tribunal.
 - (8) A person appointed to act as an ordinary member—
 - (a) has all the functions and powers of an ordinary member; and
 - (b) is taken to be an ordinary member for all purposes relating to this Act or an enabling Act.
 - (9) Without limiting subsection (8), section 187 applies to a person acting as ordinary member as if the person were an ordinary member.
 - (10) An appointment to act as an ordinary member may be for a period of not more than 6 months.
 - (11) A person appointed to act as an ordinary member may be appointed to act as an ordinary member for a further period if—
 - (a) the term of the appointment does not immediately follow the person's previous appointment as acting ordinary member; or
 - (b) the appointment is continuous on 1 or more of the person's previous appointments as acting ordinary member and the total period of the continuous appointments is not more than 6 months.
 - (12) The Minister or president may at any time cancel the appointment of a person to act as an ordinary member.

190 Amendment of s 192 (Appointment of supplementary members)

- (1) Section 192(2), 'or magistrate'—

omit, insert—

, magistrate or member of the Land Court

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[s 190]

(2) Section 192(3)—

insert—

- (d) for appointing a member of the Land Court—the President of the Land Court.

(3) Section 192(4)—

insert—

- (d) with the President of the Land Court about using members of the Land Court appointed as supplementary members to perform their functions under this Act.

(4) Section 192(5) and (6)—

omit, insert—

- (5) The arrangement may provide for the following for a judge, magistrate or member of the Land Court to whom the arrangement applies—
 - (a) the matters the judge, magistrate or member may hear and decide;
 - (b) the time the judge, magistrate or member may allocate to performing functions as a supplementary member;
 - (c) the places at which the judge, magistrate or member may constitute the tribunal.
- (6) A judge, magistrate or member of the Land Court to whom the arrangement applies may perform a function as a supplementary member only as authorised, and in the way provided, under the arrangement.

(5) Section 192(9)—

omit, insert—

- (9) The appointment of a magistrate or member of the Land Court as a supplementary member does not affect—

-
- (a) the magistrate's or member's tenure of office or status as a magistrate or member of the Land Court; or
 - (b) the payment of the magistrate's or member's salary or allowances as a magistrate or member of the Land Court; or
 - (c) any other right or privilege the magistrate or member has as a magistrate or member of the Land Court.
- (6) Section 192(10) and (11), after 'a magistrate'—
insert—
or member of the Land Court

191 Amendment of s 193 (Vacancy of office)

Section 193(a)—

insert—

- (iv) for a supplementary member who is a member of the Land Court—a member of the Land Court; or

192 Amendment of s 198 (Appointment of adjudicators)

(1) Section 198(5)—

omit.

(2) Section 198(8), from ', whether' to 'advertised'—

omit.

193 Amendment of s 203 (Removal from office)

Section 203(1)(c), 'as defined under the Corporations Act'—

omit.

DRAFT ONLY

[s 194]

194 Replacement of s 206 (Acting adjudicators)

Section 206—

omit, insert—

206 Acting adjudicators

- (1) The Minister must establish a pool of persons to act as adjudicators (the *adjudicators pool*).
- (2) The Minister may approve a person as a member of the adjudicators pool only if the person is eligible to be appointed to the office of adjudicator under section 198(6).
- (3) The Minister may—
 - (a) approve a person as a member of the adjudicators pool for a specified time; and
 - (b) cancel the approval of a person as a member of the adjudicators pool at any time.
- (4) The Minister may approve a person as a member of the adjudicators pool only after consultation with the president.
- (5) The Minister may appoint a person to act as an adjudicator.
- (6) The president may appoint a person from the adjudicators pool to act as an adjudicator.
- (7) An appointment may be made under subsection (5) or (6) if—
 - (a) there is a vacancy in the office of an adjudicator; or
 - (b) an adjudicator is absent or for any other reason is unable to perform the functions of the office; or
 - (c) the appointment is required for the proper functioning of the tribunal.
- (8) A person appointed to act as an adjudicator—

-
- (a) has all the functions and powers of an adjudicator; and
 - (b) is taken to be an adjudicator for all purposes relating to this Act or an enabling Act.
- (9) Without limiting subsection (8), section 202 applies to a person acting as adjudicator as if the person were an adjudicator.
- (10) An appointment to act as an adjudicator may be for a period of not more than 6 months.
- (11) A person appointed to act as adjudicator may be appointed to act as adjudicator for a further period if—
- (a) the term of the appointment does not immediately follow the person's previous appointment as acting adjudicator; or
 - (b) the term of the appointment is continuous on 1 or more of the person's previous appointments as acting adjudicator and the total period of the continuous appointments is not more than 6 months.
- (12) The Minister or president may at any time cancel the appointment of a person to act as an adjudicator.

DRAFT ONLY

195 Amendment of s 206O (Appointment)

- (1) Section 206O(5)—
omit.
- (2) Section 206O(8), from ' , whether' to 'advertised'—
omit.

196 Amendment of s 206T (Removal from office)

Section 206T(1)(c), 'as defined under the Corporations Act'—

[s 197]

omit.

197 Amendment of ch 4, pt 5, hdg (The Queensland Civil and Administrative Tribunal Registry)

Chapter 4, part 5, heading, after ‘Registry’—

insert—

and associates

198 Insertion of new s 212A

After section 212—

insert—

212A Associates to senior members

- (1) The president may appoint a person nominated by a senior member as an associate to the member.
- (2) An associate is to be paid the remuneration and allowances decided by the Governor in Council.
- (3) An associate holds office on the terms and conditions decided by the Governor in Council.
- (4) An associate is appointed under this Act and not the *Public Sector Act 2022*.

199 Amendment of s 228 (Oath of office)

Section 228(2)(b)(i) and (ii), after ‘president’—

insert—

or deputy president

200 Insertion of new ch 10, pt 3

Chapter 10—

insert—

Part 3 Transitional provision for Justice and Other Legislation Amendment Act 2023

290 Existing associates to senior members

- (1) This section applies to a person who, immediately before the commencement, held an appointment under the *Public Sector Act 2022* as an associate to a senior member.
- (2) From the commencement—
 - (a) the person's appointment as an associate to the senior member continues on the same terms that applied immediately before the commencement; and
 - (b) despite section 212A, the person continues to be a public service employee under the *Public Sector Act 2022*.

201 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definition *former judge*, paragraph (b)—
omit, insert—
 - (b) a former judge of a court of the Commonwealth or another State other than—
 - (i) a magistrates court of the Commonwealth or another State; or
 - (ii) the Federal Circuit and Family Court of Australia (Division 2).
- (2) Schedule 3, definition *judicial member*, paragraph (a)(iii), 'or District Court judge'—
omit, insert—

DRAFT ONLY

[s 202]

, District Court judge or member of the Land Court

Part 29 Amendment of Referendums Act 1997

202 Act amended

This part amends the *Referendums Act 1997*.

203 Amendment of s 17A (Supply of electoral rolls and ballot papers)

Section 17A(1)(a), after ‘as at’—

insert—

6p.m. on

204 Amendment of s 21 (Who may vote)

Section 21(1)(d)(ii), after ‘after’—

insert—

6p.m. on

205 Insertion s 36A

After section 36—

insert—

36A Saving of ballot papers not in declaration envelopes

(1) This section applies if—

- (a) the commission or the returning officer for an electoral district receives an envelope (an *outer envelope*) containing a ballot paper and a declaration envelope; but

- (b) the ballot paper is not in the declaration envelope.
- (2) Members of the commission's staff must—
 - (a) examine the contents of the outer envelope under section 36 to determine whether the ballot paper in the outer envelope is to be accepted for counting; and
 - (b) deal with the ballot paper in the outer envelope under section 36 as if the ballot paper had been in the declaration envelope.

Part 30 **Amendment of Statutory Instruments Act 1992**

206 **Act amended**

This part amends the *Statutory Instruments Act 1992*.

207 **Replacement of s 30B (Statutory instrument may exempt from fee)**

Section 30B—

omit, insert—

30B Statutory instrument may exempt from fee

- (1) If a power is conferred under a law for a statutory instrument to prescribe a fee, the power includes a power to—
 - (a) exempt any person or matter from payment of all or part of the fee; or
 - (b) waive payment of all or part of the fee for any person or matter; or
 - (c) refund all or part of an amount of the fee paid by a person; or

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[s 208]

- (d) provide for a stated person to grant an exemption, or make a waiver or refund, mentioned in paragraph (a), (b) or (c).
- (2) If—
- (a) a law requires payment of a fee prescribed under a statutory instrument by a person or for a matter; and
 - (b) either—
 - (i) the person or matter is exempted under the statutory instrument from payment of all or part of the fee; or
 - (ii) all or part of the fee is waived for the person or matter under the statutory instrument;the requirement to pay the fee is taken to have been satisfied to the extent of the exemption or waiver.
- (3) A provision of a statutory instrument under which a fee is refunded, or a person may refund a fee, does not authorise the payment of an amount from the consolidated fund.

Part 31 Amendment of Supreme Court of Queensland Act 1991

208 Act amended

This part amends the *Supreme Court of Queensland Act 1991*.

209 Amendment of s 86 (Admission guidelines)

- (1) Section 86(2) to (4)—
 - omit, insert—*
 - (2) A guideline takes effect—

-
- (a) on the first day it is published under subsection (3)(a); or
 - (b) if a later day is fixed in the guideline—on that day.
- (3) The registrar must ensure each guideline, while it is in effect, is—
- (a) published on the court’s website; and
 - (b) available for public inspection, without charge, at the regional registries at Brisbane, Rockhampton, Townsville and Cairns.
- (2) Section 86(5), definition *court’s internet website*, ‘internet’—
omit.
- (3) Section 86(5)—
renumber as section 86(4).

Part 32 Amendment of Trust Accounts Act 1973

210 Act amended

This part amends the *Trust Accounts Act 1973*.

211 Insertion of new pt 1, hdg

Before section 1—

insert—

Part 1 Preliminary

212 Amendment of s 4 (Definitions)

- (1) Section 4, definitions *trustee* and *trust moneys*—
omit.

DRAFT ONLY

[s 213]

(2) Section 4—

insert—

contributor see the *Funeral Benefit Business Act 1982*, section 5.

funeral benefit agreement see the *Funeral Benefit Business Act 1982*, section 5.

trustee see section 4AA.

trust moneys, in relation to a trustee, means moneys received for or on behalf of a contributor that is a party to a funeral benefit agreement.

213 Insertion of new s 4AA

Before section 4A—

insert—

4AA Meaning of trustee

- (1) A **trustee** is an entity, other than a contributor, that is a party to a funeral benefit agreement entered into on or after 1 December 2003.
- (2) However, the following are not **trustees**—
 - (a) an authorised deposit-taking institution under the *Banking Act 1959* (Cwlth);
 - (b) a company registered under the *Life Insurance Act 1995* (Cwlth).

214 Omission of s 4C (Act continues to apply to particular persons after they stop being trustees)

Section 4C—

omit.

215 Insertion of new pt 2, hdg

Before section 5—

insert—

Part 2 Trust accounts

216 Omission of s 8 (Purposes for which money may be withdrawn from trust account)

Section 8—

omit.

217 Omission of s 11 (Claims and liens not affected)

Section 11—

omit.

218 Insertion of new pt 3, hdg

After section 13—

insert—

Part 3 Audits and auditors

219 Amendment of s 15 (Qualifications, resignation, termination of appointment of auditor)

(1) Section 15(1)(d)—

omit, insert—

(d) is not—

- (i) a person registered as an auditor under the Corporations Act, part 9.2; or
- (ii) a member of CPA Australia who is entitled to use the letters ‘CPA’ or ‘FCPA’; or
- (iii) a member of Chartered Accountants Australia and New Zealand who is

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entitled to use the letters ‘CA’ of ‘FCA’; or

- (iv) a member of the Institute of Public Accountants who is entitled to use the letters ‘MIPA’ or ‘FIPA’; or
- (v) a person approved by the chief executive who has completed a tertiary course of study in accounting with an auditing component from an institute prescribed under the Corporations Act, section 1280(2A); or

(2) Section 15(2)(d)—

omit, insert—

- (d) each member of the firm is—
 - (i) a person registered as an auditor under the Corporations Act, part 9.2; or
 - (ii) a member of CPA Australia who is entitled to use the letters ‘CPA’ or ‘FCPA’; or
 - (iii) a member of Chartered Accountants Australia and New Zealand who is entitled to use the letters ‘CA’ of ‘FCA’; or
 - (iv) a member of the Institute of Public Accountants who is entitled to use the letters ‘MIPA’ or ‘FIPA’; or
 - (v) a person approved by the Minister;

220 Amendment of s 17 (Duties of auditor)

Section 17(b), ‘section 6, 7 or 8’—

omit, insert—

section 6 or 7

221 Amendment of s 21 (Power of Minister to appoint independent auditor)

Section 21(1), ‘the auditor-general, an officer of the auditor-general or’—

omit.

222 Amendment of s 22 (Power of Minister to appoint independent auditor upon application of client)

Section 22(1), ‘the auditor-general, an officer of the auditor-general or’—

omit.

223 Insertion of new pt 4, hdg

After section 26—

insert—

Part 4 Miscellaneous

224 Omission of s 28A (Supervising entity to report annually to Minister)

Section 28A—

omit.

225 Omission of ss 31 and 32

Sections 31 and 32—

omit.

226 Omission of ss 34–36

Sections 34 to 36—

omit.

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[s 227]

227 Amendment of s 41 (Regulations)

- (1) Section 41, heading—

omit, insert—

41 Regulation-making power

- (2) Section 41(2)(c), ‘trustees’—

omit, insert—

trustees’

228 Insertion of new s 42

After section 41—

insert—

42 Transitional regulation-making power

- (1) A regulation (a *transitional regulation*) may make provision about a matter for which—
- (a) it is necessary or convenient to assist in returning security lodged with the chief executive under repealed section 31; and
 - (b) this Act does not make provision or enough provision.
- (2) A transitional regulation may have retrospective operation to a day that is not earlier than the day of the commencement.
- (3) A transitional regulation must declare it is a transitional regulation.
- (4) This section and any transitional regulation expire 2 years after the day of the commencement.

229 Insertion of new pt 5

After section 43—

insert—

Part 5 Transitional provisions for Justice and Other Legislation Amendment Act 2023

44 Definitions for part

In this part—

former, for a provision of this Act, means the provision as in force immediately before the commencement.

former trustee means a person who, immediately before the commencement—

- (a) was a public accountant and trustee; or
- (b) was a former public accountant under former section 4C.

new, for a provision of this Act, means the provision as in force from the commencement.

45 Proceedings for particular offences

- (1) This section applies in relation to an offence against this Act committed by a person before the commencement.
- (2) Without limiting the *Acts Interpretation Act 1954*, section 20, a proceeding for the offence may be started or continued, and the person may be convicted of and punished for the offence, as if the *Justice and Other Legislation Amendment Act 2023*, part 32 had not commenced.
- (3) Subsection (2) applies despite the *Criminal Code*, section 11.

DRAFT ONLY

46 Continuing application of Act to former trustees

- (1) This Act, as in force immediately before the commencement, other than the excluded provisions, continues to apply in relation to a former trustee during the transition period.
- (2) This section is subject to sections 48, 49 and 50.
- (3) In this section—

excluded provisions means—

- (a) the following provisions—
 - (i) section 5;
 - (ii) section 6(1), (2), (5) and (6);
 - (iii) sections 7 to 13;
 - (iv) section 18(1), (2) and (3);
 - (v) section 19(1); and
- (b) from the day that is 1 year after the commencement—section 16(1).

transition period means the period—

- (a) starting on the commencement; and
- (b) ending on the day that is 2 years after the commencement.

47 Existing requirement to keep records

Former section 6(5) continues to apply to a former trustee in relation to a record made by a former trustee before the commencement.

48 Existing requirement to give notices to supervising entity

- (1) This section applies if a former trustee—

-
- (a) was subject to a requirement under section 5(1), (2), (4), (5) or (6) (each a **former notification provision**) to lodge with or give to the supervising entity notice of a matter; and
 - (b) did not comply with the requirement before the commencement.
- (2) The former notification provision continues to apply to the former trustee in relation to the requirement.

49 Continuing application of ss 12 and 13

- (1) Subsection (2) applies if—
 - (a) before the commencement a former trustee received a demand mentioned in section 12(3) or 13 (each a **relevant provision**); and
 - (b) the former trustee did not comply with the relevant provision before the commencement.
- (2) The relevant provision continues to apply to the former trustee in relation to dealing with the demand or former trust moneys.
- (3) Subsection (4) applies if before the commencement the trustee received written notice under former section 12(4) that ownership of moneys is in dispute.
- (4) Former section 12(4) continues to apply in relation to the former trustee.
- (5) In this section—
former trust moneys means moneys that immediately before the commencement were trust moneys.

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50 Unannounced examination exemption

- (1) This section applies if a former trustee or an auditor appointed by a former trustee—
 - (a) was subject to a requirement under section 18(3) to give a statement to the supervising entity; and
 - (b) did not comply with the requirement before the commencement.
- (2) Section 18(3) continues to apply to the former trustee or the auditor appointed by the former trustee in relation to the requirement.

51 Existing appeals

- (1) This section applies in relation to an appeal to a court under this Act started, but not decided, before the commencement.
- (2) The court may continue to hear, and decide, the appeal under former section 35 as if the *Justice and Other Legislation Amendment Act 2023*, part 32 had not commenced.

Part 33

Amendment of Uniform Civil Procedure (Fees) Regulation 2019

230 Regulation amended

This part amends the *Uniform Civil Procedure (Fees) Regulation 2019*.

231 Amendment of sch 1 (Supreme Court and District Court fees)

- (1) Schedule 1, item 1(1)(a), second column, '2,882.00'—

omit, insert—

2,911.90

- (2) Schedule 1, item 1(1)(b), second column, ‘1,203.00’—

omit, insert—

1,232.90

- (3) Schedule 1, item 1(2)(a), second column, ‘2,882.00’—

omit, insert—

2,991.90

- (4) Schedule 1, item 1(2)(b), second column, ‘1,203.00’—

omit, insert—

1,232.90

- (5) Schedule 1, item 1(3)(a), second column, ‘2,023.00’—

omit, insert—

2,052.90

- (6) Schedule 1, item 1(3)(b), second column, ‘1,008.00’—

omit, insert—

1,037.90

- (7) Schedule 1, item 1(3)(a), third column, ‘1,816.00’—

omit, insert—

1,838.85

- (8) Schedule 1, item 1(3)(b), third column, ‘911.00’—

omit, insert—

933.85

- (9) Schedule 1, item 1(4)(a), second column, ‘2,023.00’—

omit, insert—

2,052.90

- (10) Schedule 1, item 1(4)(b), second column, ‘1,008.00’—

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omit, insert—

1,037.90

- (11) Schedule 1, item 1(4)(a), third column, ‘1,816.00’—

omit, insert—

1,838.85

- (12) Schedule 1, item 1(4)(b), third column, ‘911.00’—

omit, insert—

933.85

232 Amendment of sch 2 (Magistrates Courts fees)

- (1) Schedule 2, item 1(a), second column, ‘182.40’—

omit, insert—

186.35

- (2) Schedule 2, item 1(b), second column, ‘253.90’—

omit, insert—

257.85

- (3) Schedule 2, item 1(c), second column, ‘272.80’—

omit, insert—

276.75

- (4) Schedule 2, item 1(d)(i), second column, ‘350.90’—

omit, insert—

354.85

- (5) Schedule 2, item 1(d)(ii), second column, ‘553.30’—

omit, insert—

557.25

- (6) Schedule 2, item 1(e)(i), second column, ‘416.30’—

omit, insert—

420.25

- (7) Schedule 2, item 1(e)(ii), second column, ‘691.50’—
omit, insert—

695.45

Part 34 **Amendment of Victims of Crime Assistance Act 2009**

233 **Act amended**

This part amends the *Victims of Crime Assistance Act 2009*.

234 **Amendment of s 5 (Meaning of *victim*)**

- (1) Section 5—

insert—

(1A) Subsection (3) applies if a victim mentioned in subsection (1)(a) is pregnant when the crime is committed and, as a result of the commission of the crime—

- (a) the person sustains a bodily injury that results in the destruction of the life of the person’s unborn child; or
- (b) the person dies, resulting in the destruction of the life of the person’s unborn child.

(1B) For sections 18 to 20 and schedule 1AA, part 1, ***victim*** includes a person who has suffered harm because the person would, if the unborn child had been born alive, have been a family member of the child.

- (2) Section 5(2), after ‘subsection (1)(b) or (c)’—

insert—

or (3)

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(3) Section 5(3), after ‘subsection (1)’—

insert—

or (3)

(4) Section 5(1A) to (3)—

renumber as section 5(2) to (5).

235 Amendment of s 21 (Scheme for financial assistance)

Section 21(1)(b), from ‘expenses for’—

omit, insert—

expenses for—

(a) a primary victim of an act of violence; or

(b) an unborn child of a primary victim of an act of violence.

236 Amendment of s 23 (Assistance for victim available only in 1 capacity)

Section 23(3)—

omit, insert—

(3) This section does not prevent—

(a) a primary victim of an act of violence also being granted assistance for funeral expenses for the unborn child of the primary victim; or

(b) a witness secondary victim or related victim of an act of violence also being granted assistance for funeral expenses for—

(i) a primary victim of the act of violence; or

(ii) an unborn child of a primary victim of the act of violence.

237 Replacement of ch 3, pt 8 (Person who incurs funeral expenses for primary victim's funeral)

Chapter 3, part 8—

omit, insert—

Part 8 Funeral expense assistance

50 Eligibility and assistance

- (1) A person is eligible for assistance under this section (*funeral expense assistance*) if the person incurs, or is reasonably likely to incur, funeral expenses for the funeral of—
 - (a) a primary victim of an act of violence who dies as a direct result of the act; or
 - (b) if a primary victim of an act of violence is pregnant when the act is committed and, as a direct result of the act, the life of the primary victim's unborn child is destroyed—the unborn child.
- (2) However, if the person committed the act of violence mentioned in subsection (1), the person is not eligible for funeral expense assistance.
- (3) A person eligible for funeral expense assistance under subsection (1) may be granted up to \$8,000 for funeral expenses incurred, or reasonably likely to be incurred, by the person for—
 - (a) if subsection (1)(a) applies—each primary victim; or
 - (b) if subsection (1)(b) applies—each unborn child of the primary victim.
- (4) However, if more than 1 person is eligible for funeral expense assistance for a primary victim or unborn child, only a combined total of up to

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\$8,000 may be granted to the persons for the funeral expenses for each primary victim or unborn child.

- (5) To remove any doubt, it is declared that a person may, in relation to an act of violence, be eligible for—
- (a) funeral expense assistance for a primary victim even though the person is also a witness secondary victim or related victim of the act; and
 - (b) funeral expense assistance for an unborn child even though the person is also a primary victim, witness secondary victim or related victim of the act.

238 Amendment of s 56 (Who may apply for funeral expense assistance)

Section 56, from ‘who incurs’ to ‘violence’—

omit, insert—

who may be eligible for assistance under section 50

239 Amendment of s 58 (Time limit)

Section 58(1)—

omit, insert—

- (1) An application for funeral expense assistance must be made within—
- (a) for a primary victim—3 years after the death of the victim; or
 - (b) for an unborn child of a primary victim—3 years after the life of the unborn child is destroyed.

240 Insertion of new ch 9

After chapter 8—

insert—

**Chapter 9 Transitional
provision for Justice
and Other
Legislation
Amendment Act
2023**

220 Application of s 5 and ch 3

- (1) Section 5, as amended by the amending Act, applies in relation to a crime only if the crime is committed after the commencement.
- (2) Chapter 3, as amended by the amending Act, applies in relation to an act of violence only if the act is committed after the commencement.
- (3) In this section—

amending Act means the *Justice and Other Legislation Amendment Act 2023*.

241 Amendment of sch 1AA (Charter of victims' rights)

Schedule 1AA, part 1, divisions 1 and 3, note, 'section 5(3)'—

omit, insert—

section 5(5)

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[s 242]

242 Amendment of sch 2 (Amounts and categories for special assistance)

- (1) Schedule 2, section 1(3), definition *very serious injury*, item 1(b), ‘loss of a fetus’—

omit, insert—

destruction of the life of an unborn child

- (2) Schedule 2, section 3(1)(d)—

omit, insert—

(d) an act that constitutes an offence under the Criminal Code, section 229B.

243 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definition *funeral expense assistance*—

omit.

- (2) Schedule 3—

insert—

funeral expense assistance see section 50(1).

Part 35 Amendment of Youth Justice Act 1992

244 Act amended

This part amends the *Youth Justice Act 1992*.

245 Amendment of s 150 (Sentencing principles)

- (1) Section 150—

insert—

(3B) In determining the appropriate sentence for a child convicted of a relevant serious offence

committed in relation to a pregnant person that resulted in destroying the life of the person's unborn child, the court must treat the destruction of the unborn child's life as an aggravating factor, unless the court considers it is not reasonable because of the exceptional circumstances of the case.

(2) Section 150(6)—

insert—

relevant serious offence means an offence against—

- (a) the following provisions of the Criminal Code—
 - (i) sections 302 and 305;
 - (ii) sections 303 and 310;
 - (iii) section 320;
 - (iv) section 323;
 - (v) section 328A;
 - (vi) section 339; and
- (b) the *Transport Operations (Road Use Management) Act 1995*, section 83.

Part 36

Repeal

246 Repeal

The *Court Funds Act 1973*, No.73 is repealed.

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[s 247]

Part 37 **Other amendments**

247 **Legislation amended**

Schedule 1 amends the legislation it mentions.

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Schedule 1 Other amendments

section 247

**Part 1 Amendments relating to the
Acts Interpretation Act 1954****1 Amendments for definition *electronic document***

Each of the following provisions is amended by omitting the definition *electronic document*—

- *Architects Act 2002*, schedule 2
- *Biosecurity Act 2014*, schedule 4
- *Building Boost Grant Act 2011*, schedule
- *Disability Services Act 2006*, schedule 8
- *Education (Accreditation of Non-State Schools) Act 2017*, schedule 1
- *Education and Care Services Act 2013*, section 136 and schedule 1
- *Education (Overseas Students) Act 2018*, schedule 1
- *Electoral Act 1992*, schedule 1
- *Environmental Offsets Act 2014*, schedule 2
- *Exhibited Animals Act 2015*, schedule 2
- *Fair Trading Inspectors Act 2014*, schedule 1
- *Farm Business Debt Mediation Act 2017*, schedule 1
- *Fisheries Act 1994*, schedule 1
- *Further Education and Training Act 2014*, section 113 and schedule 1
- *Health Ombudsman Act 2013*, schedule 1

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- *Hospital and Health Boards Act 2011*, section 201 and schedule 2
- *Industrial Relations Act 2016*, section 898 and schedule 5
- *Labour Hire Licensing Act 2017*, schedule 1
- *Land Act 1994*, section 390C and schedule 6
- *Local Government Act 2009*, schedule 4
- *Medicines and Poisons Act 2019*, schedule 1
- *Mental Health Act 2016*, section 554 and schedule 3
- *Motor Accident Insurance Act 1994*, section 4
- *Professional Engineers Act 2002*, schedule 2
- *Queensland Building and Construction Commission Act 1991*, section 103G and schedule 2
- *Racing Integrity Act 2016*, schedule 1
- *Waste Reduction and Recycling Act 2011*, section 181 and schedule 1.

2 **Amendments for definition *insolvent under administration***

- (1) Each of the following provisions is amended by omitting the definition *insolvent under administration*—
- *Building and Construction Industry (Portable Long Service Leave) Act 1991*, section 62A(4)
 - *Community Services Industry (Portable Long Service Leave) Act 2020*, schedule 2
 - *Crime and Corruption Act 2001*, schedule 2
 - *Cross River Rail Delivery Authority Act 2016*, schedule 1
 - *Debt Collectors (Field Agents and Collection Agents) Act 2014*, schedule 2
 - *Education (Accreditation of Non-State Schools) Act 2017*, section 108(7)

- *Exhibited Animals Act 2015*, schedule 2
- *Explosives Regulation 2017*, section 43(3)
- *Health and Wellbeing Queensland Act 2019*, schedule 1
- *Local Government Act 2009*, schedule 4
- *Mineral and Energy Resources (Common Provisions) Act 2014*, schedule 2
- *Motor Dealers and Chattel Auctioneers Act 2014*, schedule 3
- *Professional Standards Act 2004*, schedule 2
- *Property Occupations Act 2014*, schedule 2
- *Queensland Building and Construction Commission Act 1991*, schedule 2
- *Queensland Rail Transit Authority Act 2013*, schedule 1
- *Queensland Veterans' Council Act 2021*, schedule 1
- *Resources Safety and Health Queensland Act 2020*, schedule 1
- the following provisions of the *Retirement Villages Act 1999*—
 - section 87
 - schedule
- *South East Queensland Water (Restructuring) Act 2007*, schedule 3
- *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, schedule
- *TAFE Queensland Act 2013*, section 19(7)
- *Trade and Investment Queensland Act 2013*, section 22(2)
- *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*, schedule 7.

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- (2) Each of the following provisions is amended by omitting ‘under the Corporations Act, section 9’—
- the following provisions of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*—
 - section 60H(a)
 - section 60RB(b)
 - the following provisions of the *Coroners Act 2003*—
 - section 91L(2)(a)
 - section 91P(1)(c)
 - *Director of Child Protection Litigation Act 2016*, section 32(1)(c)
 - *Disaster Management Act 2003*, section 16J(1)(a)(iii)
 - *Economic Development Act 2012*, section 134(6)(b)
 - the following provisions of the *Family and Child Commission Act 2014*—
 - section 15(1)(a)(iii)
 - section 29X(4)(b)
 - the following provisions of the *Farm Business Debt Mediation Act 2017*—
 - section 11(1)(a)
 - section 60(3)(a)
 - *Gold Coast Waterways Authority Act 2012*, schedule 2, definition *disqualified person*, paragraph (g)
 - *Hospital and Health Boards Act 2011*, section 28(a)
 - the following provisions of the *Labour Hire Licensing Act 2017*—
 - section 24(1)(d)
 - section 27(1)(e)
 - *Labour Hire Licensing Regulation 2018*, section 10(1)(a)

- *Major Sports Facilities Act 2001*, section 14(2)(a)
 - *Multicultural Recognition Act 2016*, section 11(1)(b)
 - *Public Guardian Act 2014*, section 99(1)(a)(iii)
 - the following provisions of the *Public Trustee Act 1978*—
 - section 117ZF(b)
 - section 117ZI(1)(a)
 - *Queensland Independent Remuneration Tribunal Act 2013*, section 11(2)(j)
 - *Queensland Mental Health Commission Act 2013*, section 21(1)(c)
 - the following provisions of the *Queensland Plan Act 2014*—
 - section 23(2)(a)
 - section 27(b)
 - the following provisions of the *Queensland Reconstruction Authority Act 2011*—
 - section 21(1)(e)
 - section 33(1)(e)
 - *River Improvement Trust Act 1940*, section 5C(1)(b)
 - the following provisions of the *Tourism and Events Queensland Act 2012*—
 - section 17(1)(c)
 - section 23(1)(c)
 - *Voluntary Assisted Dying Act 2021*, section 124(3)(a)
 - *Waste Reduction and Recycling Act 2011*, schedule 1, definition *eligible individual*, paragraph (a)
 - *Water Act 2000*, section 471(e)
 - *Work Health and Safety Act 2011*, section 38(1)(c).
- (3) Each of the following provisions is amended by omitting ‘within the meaning of the Corporations Act, section 9’—

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- *Architects Act 2002*, schedule 2, definition *affected by bankruptcy action*
 - *Biosecurity Act 2014*, section 72(a)
 - the following provisions of the *Building Industry Fairness (Security of Payment) Act 2017*—
 - section 53B(1)(b)
 - section 151(c)
 - section 161(2)(a)(iv)
 - *Carers (Recognition) Act 2008*, section 18(2)(c)
 - *Food Production (Safety) Act 2000*, schedule 1, section 1(1)(a)
 - *Gaming Machine Act 1991*, section 214A(2)(b)
 - *Housing (Freeholding of Land) Act 1957*, section 6A(c)
 - *Plumbing and Drainage Act 2018*, section 112(1)(c)
 - *Professional Engineers Act 2002*, schedule 2, definition *affected by bankruptcy action*
 - *Racing Act 2002*, schedule 1, definition *affected by bankruptcy action*
 - *Racing Integrity Act 2016*, schedule 1, definition *affected by bankruptcy action*
 - *State Penalties Enforcement Regulation 2014*, section 19AT(c)
 - *Tourism Services Act 2003*, section 14(b)
 - *Transport Operations (Marine Safety) Regulation 2016*, section 35(4), definition *relevant proceeding*.
- (4) The *Auditor-General Act 2009*, section 17(c) is amended by omitting ‘as defined in the Corporations Act, section 9’.
- (5) Each of the following provisions is amended by omitting ‘within the meaning of the Corporations Act’—
- *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*, section 19(1)(a)

- *Surveyors Act 2003*, section 16(1)(a).

3 Amendments for definition *police commissioner*

Each of the following provisions is amended by omitting the definition *police commissioner*—

- *Adoption Act 2009*, schedule 3
- *Architects Act 2002*, schedule 2
- *Child Protection Act 1999*, schedule 3
- *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*, schedule 5
- *City of Brisbane Act 2010*, schedule 2
- the following provisions of the *Community Services Act 2007*—
 - section 104
 - schedule 2
- *Disability Services Act 2006*, schedule 8
- *Domestic and Family Violence Protection Act 2012*, schedule
- the following provisions of the *Education (General Provisions) Act 2006*—
 - section 175A
 - section 280
 - schedule 4
- *Evidence Act 1977*, schedule 3
- *Gaming Machine Act 1991*, schedule 2
- *Liquor Act 1992*, section 4
- *Local Government Act 2009*, schedule 4
- *Medicines and Poisons Act 2019*, schedule 1

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- *Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020*, schedule 1
- *Ministerial and Other Office Holder Staff Act 2010*, schedule
- *Parliamentary Service Act 1988*, section 4
- *Professional Engineers Act 2002*, schedule 2
- *Public Sector Act 2022*, schedule 2
- *Racing Act 2002*, schedule 1
- *Racing Integrity Act 2016*, schedule 1
- *Rail Safety National Law (Queensland) Regulation 2017*, schedule 1
- the following provisions of the *State Penalties Enforcement Act 1999*—
 - section 134A
 - schedule 2
- *Telecommunications Interception Act 2009*, schedule
- *Tow Truck Act 1973*, schedule 2
- *Transport Infrastructure Act 1994*, section 46(9)
- *Victims of Crime Assistance Act 2009*, schedule 3
- *Working with Children (Risk Management and Screening) Act 2000*, schedule 7.

4 Amendments for definition *spent conviction*

Each of the following provisions is amended by omitting the definition *spent conviction*—

- *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 21
- *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Regulation 2008*, schedule 21

- *Animal Care and Protection Act 2001*, section 50
- *Animal Management (Cats and Dogs) Act 2008*, schedule 2
- *Architects Act 2002*, schedule 2
- *Biosecurity Act 2014*, schedule 4
- the following provisions of the *Building Industry Fairness (Security of Payment) Act 2017*—
 - section 158
 - schedule 2
- *Central Queensland University Act 1998*, schedule 2
- *Child Protection Act 1999*, schedule 3
- *City of Brisbane Act 2010*, schedule 2
- *Civil Partnerships Act 2011*, section 20(8)
- Criminal Code, section 1
- *Cross River Rail Delivery Authority Act 2016*, schedule 1
- *Economic Development Act 2012*, section 160(7)
- *Education (Accreditation of Non-State Schools) Act 2017*, schedule 1
- *Education (Queensland College of Teachers) Act 2005*, schedule 3
- *Education (Queensland Curriculum and Assessment Authority) Act 2014*, schedule 1
- *Evidence Act 1977*, section 21AZX(6)
- *Exhibited Animals Act 2015*, schedule 2
- *Fair Trading Inspectors Act 2014*, schedule 1
- *Family and Child Commission Act 2014*, schedule 1
- *Family Responsibilities Commission Act 2008*, schedule
- *Farm Business Debt Mediation Act 2017*, schedule 1
- *Food Act 2006*, schedule 3

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- *Gas Supply Act 2003*, schedule 2
- *Grammar Schools Act 2016*, schedule 1
- *Griffith University Act 1998*, schedule 2
- *Guide, Hearing and Assistance Dogs Act 2009*, schedule 4
- *Health and Wellbeing Queensland Act 2019*, schedule 1
- *Hospital Foundations Act 2018*, schedule 1
- *James Cook University Act 1997*, schedule 2
- *Jobs Queensland Act 2015*, schedule 1
- *Land Act 1994*, schedule 6
- *Local Government Act 2009*, schedule 4
- *Major Sports Facilities Act 2001*, schedule 2
- the following provisions of the *Mineral and Energy Resources (Common Provisions) Act 2014*—
 - section 196A
 - schedule 2
- *Plumbing and Drainage Act 2018*, schedule 1
- *Professional Engineers Act 2002*, schedule 2
- *Public Health (Infection Control for Personal Appearance Services) Act 2003*, schedule 2
- *Public Sector Act 2022*, schedule 2
- the following provisions of the *Public Trustee Act 1978*—
 - section 6
 - schedule 117V
- *Queensland Building and Construction Commission Act 1991*, schedule 2
- *Queensland Heritage Act 1992*, schedule
- *Queensland Independent Remuneration Tribunal Act 2013*, schedule 1

-
- *Queensland Rail Transit Authority Act 2013*, schedule 1
 - *Queensland University of Technology Act 1998*, schedule 2
 - *Queensland Veterans' Council Act 2021*, schedule 1
 - *Racing Act 2002*, schedule 1
 - *Racing Integrity Act 2016*, section 252BD(3)
 - *Residential Services (Accreditation) Act 2002*, schedule 2
 - *Resources Safety and Health Queensland Act 2020*, schedule 1
 - *Retirement Villages Act 1999*, section 87
 - *South Bank Corporation Act 1989*, section 11(6)
 - *South East Queensland Water (Restructuring) Act 2007*, schedule 3
 - *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, schedule
 - *TAFE Queensland Act 2013*, schedule 1
 - *Trade and Investment Queensland Act 2013*, section 22(2)
 - *Transport Operations (Passenger Transport) Act 1994*, section 111B(5)
 - *University of Queensland Act 1998*, schedule 2
 - *University of Southern Queensland Act 1998*, schedule 2
 - *University of the Sunshine Coast Act 1998*, schedule 2
 - *Vegetation Management Act 1999*, schedule
 - *Victims of Crime Assistance Act 2009*, schedule 3
 - *Waste Reduction and Recycling Act 2011*, schedule 1
 - *Water Act 2000*, schedule 4
 - *Weapons Act 1990*, schedule 2
 - *Work Health and Safety Regulation 2011*, schedule 19.

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5 Amendments for references to s 36

Each of the following provisions is amended by omitting ‘section 36’ and inserting ‘schedule 1’—

- *Architects Act 2002*, section 9(a), editor’s note
- the following provisions of the *Criminal Practice Rules 1999*—
 - rule 20(1), editor’s note
 - rule 38, editor’s note
 - rule 39(1), editor’s note
- *Criminal Proceeds Confiscation Act 2002*, section 93D(1), note
- the following provisions of the *Disability Services Act 2006*—
 - section 220(3), editor’s note
 - section 258(4), editor’s note
- *Electrical Safety Act 2002*, section 247A, definition *amended*, note
- *Fair Trading (Code of Practice—Fitness Industry) Regulation 2003*, schedule, definition *supplier*, editor’s note
- the following provisions of the *Housing Act 2003*—
 - section 6(g)(iii), note
 - schedule 4, definition *state provider*, note
- *Torres Strait Islander Cultural Heritage Act 2003*, section 9(a), editor’s note.

6 Amendment of Brisbane Olympic and Paralympic Games Arrangements Act 2021

- (1) This section amends the *Brisbane Olympic and Paralympic Games Arrangements Act 2021*.
- (2) Section 24(5)—

omit.

7 Amendment of Building Act 1975

- (1) This section amends the *Building Act 1975*.
- (2) Schedule 2, definition *convicted*, paragraph 2—
omit, insert—

2 For paragraph 1, a conviction includes a finding of guilt, or the acceptance of a plea of guilty, by a court, whether or not a conviction is recorded.

8 Amendment of Casino Control Act 1982

- (1) This section amends the *Casino Control Act 1982*.
- (2) Section 44(4)—
omit.

9 Amendment of Community Services Act 2007

- (1) This section amends the *Community Services Act 2007*.
- (2) Section 9(4), ‘section 33(2), (7) and (11) does’—
omit, insert—
sections 33(2), 33AA(2) and 33AB(2) do
- (3) Section 9(4), note, ‘section 33 deals’—
omit, insert—
sections 33, 33AA and 33AB deal

10 Amendment of Community Services Industry (Portable Long Service Leave) Act 2020

- (1) This section amends the *Community Services Industry (Portable Long Service Leave) Act 2020*.
- (2) Section 22(2)—
omit.

11 Amendment of Contract Cleaning Industry (Portable Long Service Leave) Act 2005

- (1) This section amends the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*.
- (2) Section 19(2)—
omit.

12 Amendment of Coroners Act 2003

- (1) This section amends the *Coroners Act 2003*.
- (2) Section 91L(3)—
omit.

13 Amendment of Education (Queensland College of Teachers) Act 2005

- (1) This section amends the *Education (Queensland College of Teachers) Act 2005*.
- (2) Section 246(1)(b), from ‘within’ to ‘*administration*’—
omit.

14 Amendment of Education (Queensland Curriculum and Assessment Authority) Act 2014

- (1) This section amends the *Education (Queensland Curriculum and Assessment Authority) Act 2014*.
- (2) Section 29(7)—
omit.

15 Amendment of Environmental Protection Act 1994

- (1) This section amends the *Environmental Protection Act 1994*.
- (2) Section 484B, heading, ‘Definitions’—
omit, insert—

Definition

-
- (3) Section 484B, definition *spent conviction*—
omit.

16 Amendment of Fisheries Act 1994

- (1) This section amends the *Fisheries Act 1994*.
(2) Section 173D, heading, ‘Definitions’—
omit, insert—

Definition

- (3) Section 173D, definition *spent conviction*—
omit.

17 Amendment of Fisheries (General) Regulation 2019

- (1) This section amends the *Fisheries (General) Regulation 2019*.
(2) Section 64(3)—
omit.

18 Amendment of Further Education and Training Act 2014

- (1) This section amends the *Further Education and Training Act 2014*.
(2) Section 112W(2)—
omit.

19 Amendment of Gaming Machine Act 1991

- (1) This section amends the *Gaming Machine Act 1991*.
(2) Section 214A(6)—
omit.

20 Amendment of Grammar Schools Act 2016

- (1) This section amends the *Grammar Schools Act 2016*.

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- (2) Section 18(7)—
omit.

21 Amendment of Health Ombudsman Act 2013

- (1) This section amends the *Health Ombudsman Act 2013*.
(2) Section 250(3)—
omit.

22 Amendment of Hospital Foundations Act 2018

- (1) This section amends the *Hospital Foundations Act 2018*.
(2) Section 33(2)—
omit.

23 Amendment of Interactive Gambling (Player Protection) Act 1998

- (1) This section amends the *Interactive Gambling (Player Protection) Act 1998*.
(2) Section 77(4)—
omit.

24 Amendment of Jobs Queensland Act 2015

- (1) This section amends the *Jobs Queensland Act 2015*.
(2) Section 12(2)—
omit.

25 Amendment of Keno Act 1996

- (1) This section amends the *Keno Act 1996*.
(2) Section 61(4)—
omit.

26 Amendment of Land Access Ombudsman Act 2017

- (1) This section amends the *Land Access Ombudsman Act 2017*.
- (2) Section 10(2)—
omit.
- (3) Section 15(a)(ii), ‘section 10(1)’—
omit, insert—
section 10.

27 Amendment of Lotteries Act 1997

- (1) This section amends the *Lotteries Act 1997*.
- (2) Section 59(4)—
omit.

28 Amendment of Multicultural Recognition Act 2016

- (1) This section amends the *Multicultural Recognition Act 2016*.
- (2) Section 11(2)—
omit.

29 Amendment of Nature Conservation (Animals) Regulation 2020

- (1) This section amends the *Nature Conservation (Animals) Regulation 2020*.
- (2) Section 238(3)—
omit.

30 Amendment of Pharmacy Business Ownership Act 2001

- (1) This section amends the *Pharmacy Business Ownership Act 2001*.
- (2) Section 139G(5)—
omit.

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31 Amendment of Plumbing and Drainage Act 2018

- (1) This section amends the *Plumbing and Drainage Act 2018*.
- (2) Section 120(5)—
omit.

32 Amendment of Powers of Attorney Act 1998

- (1) This section amends the *Powers of Attorney Act 1998*.
- (2) Section 24A, definitions *document*, *electronic document* and *physical document*—
omit.
- (3) Section 24A—
insert—

physical document means a document other than
an electronic document.
- (4) Schedule 3, definitions *document* and *electronic document*—
omit.

33 Amendment of Public Safety Preservation Act 1986

- (1) This section amends the *Public Safety Preservation Act 1986*.
- (2) Section 8AE(10)—
omit.

34 Amendment of Queensland Civil and Administrative Tribunal Rules 2009

- (1) This section amends the *Queensland Civil and Administrative Tribunal Rules 2009*.
- (2) Rule 97D(4)—
omit.

35 Amendment of Reprints Act 1992

- (1) This section amends the *Reprints Act 1992*.
- (2) Section 39, example 2, from ‘section 33’ to ‘section 36’—
omit, insert—
section 33 (References to Ministers), 33AA (References to departments), 33AB (References to chief executives) and schedule 1

36 Amendment of Rural and Regional Adjustment Regulation 2011

- (1) This section amends the *Rural and Regional Adjustment Regulation 2011*.
- (2) Each of the following provisions is amended by omitting the definition *insolvent under administration—*
 - schedule 17, section 5(4)
 - schedule 18, section 5(3)
 - schedule 37, section 3
 - schedule 38, section 3
 - schedule 45, section 5(4).
- (3) Schedule 27, section 6(2)—
omit.

37 Amendment of Second-hand Dealers and Pawnbrokers Act 2003

- (1) This section amends the *Second-hand Dealers and Pawnbrokers Act 2003*.
- (2) Section 7(5)—
omit.

38 Amendment of Surveyors Act 2003

- (1) This section amends the *Surveyors Act 2003*.

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- (2) Section 16(2)—
omit.

39 Amendment of Uniform Civil Procedure Rules 1999

- (1) This section amends the *Uniform Civil Procedure Rules 1999*.

- (2) Rule 211(1), note, definition *document*—
omit, insert—

***document*—**

- (a) means a record of information, however recorded; and
- (b) includes—
- (i) anything on which there is writing; and
 - (ii) anything on which there are marks, symbols or perforations having a meaning for persons qualified to interpret them; and
 - (iii) an electronic document.

- (3) Rule 434(4), definition *electronic document*—
omit.

- (4) Rule 959A, definition *electronic document*—
omit.

- (5) Schedule 3, definition *electronic document*—
omit.

40 Amendment of Voluntary Assisted Dying Act 2021

- (1) This section amends the *Voluntary Assisted Dying Act 2021*.

- (2) Section 124(4)—
omit.

41 Amendment of Wagering Act 1998

- (1) This section amends the *Wagering Act 1998*.
- (2) Section 123(4)—
omit.

42 Amendment of Workers' Compensation and Rehabilitation Act 2003

- (1) This section amends the *Workers' Compensation and Rehabilitation Act 2003*.
- (2) Section 532M(2)—
omit.
- (3) Section 532Q(5)—
omit.

Part 2 Amendment for repeal of Court Funds Act 1973**43 Amendment of Uniform Civil Procedure Rules 1999**

- (1) This section amends the *Uniform Civil Procedure Rules 1999*.
- (2) Rule 561(3), '*Court Funds Act 1973*'—
omit, insert—

Civil Proceedings Act 2011, part 11A

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