



Peace and Good Behaviour Act 1982

Current as at 3 December 2004



Queensland

Peace and Good Behaviour Act 1982

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Peace and Good Behaviour Act 1982

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

Part 1 Preliminary

1 Short title

This Act may be cited as the *Peace and Good Behaviour Act 1982*.

2 Commencement

This Act shall commence on a day appointed by proclamation.

Part 2 Orders to keep the peace and be of good behaviour

4 Complaint in respect of breach of the peace

(1) A person (the *complainant*) may make a complaint to a justice of the peace that a person has threatened—

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

- (b) to procure any other person to assault or to do any bodily injury to the complainant or to any person under the care or charge of the complainant; or
- (c) to destroy or damage any property of the complainant; or
- (d) to procure any other person to destroy or damage any property of the complainant;

and that the complainant is in fear of the person complained against (the *defendant*).

- (2) A person (also the *complainant*) may make a complaint to a justice of the peace that the intentional conduct of a person (also the *defendant*) directed at the complainant has caused the complainant to fear that the defendant will destroy or damage any property of the complainant.
- (2A) If the matter of a complaint under subsection (1) or (2) is substantiated to the justice's satisfaction, and the justice considers it is reasonable in the circumstances for the complainant to have the fear mentioned in the subsection, the justice may issue—
 - (a) a summons directed to the defendant requiring the defendant to appear at a stated time and place before a Magistrates Court; or
 - (b) a warrant to apprehend the defendant and to cause the defendant to be brought before a Magistrates Court;

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

- (3) If the justice before whom the complaint mentioned in subsection (1) or (2) is made considers that the matter would be better resolved by mediation than by proceedings before a Magistrates Court, the justice may, with the complainant's consent, order the complainant to submit the matter to mediation under the *Dispute Resolution Centres Act 1990*.

- (4) In this section—

complaint means a written complaint made on oath.

5 Justice may make inquiries or receive evidence

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

6 Magistrates Court may make order

- (1) The Magistrates Court before which the defendant appears in obedience to the summons or is brought pursuant to the warrant, as the case may be, shall hear and determine the matter of the complaint.
- (2) Without limiting any other evidence given by or on behalf of the defendant, the defendant may produce evidence that the complaint is made from malice or for vexation only.
- (3) Upon a consideration of the evidence, the Court may—
 - (a) dismiss the complaint; or
 - (b) make an order that the defendant shall keep the peace and be of good behaviour for such time, specified in the order, as the Court thinks fit.
- (4) The order made by the Court may contain such other stipulations or conditions as the Court thinks fit.

7 Where defendant does not appear

- (1) If at the time and place appointed by summons for the hearing of the complaint the defendant does not appear when called and proof is made to the Court of due service of the summons in accordance with section 56 of the *Justices Act 1886*, the Court may—
 - (a) issue its warrant to apprehend the defendant and to bring the defendant before a Magistrates Court to answer the complaint and to be further dealt with according to law; or
 - (b) proceed in the absence of the defendant to hear and determine the matter of the complaint as fully and

effectually to all intents and purposes as if the defendant had personally appeared before the Court in obedience to the summons and may make an order referred to in section 6; or

- (c) for any reason appearing to it to be a sufficient reason, adjourn the hearing to a time and place determined by it before a Magistrates Court.
- (2) Where the Court makes an order, a copy thereof shall be served on the defendant in the same manner as a summons may be served under the *Justices Act 1886*.

8 Application of Justices Act

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

9 Application of Bail Act

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

Part 3 Offence provisions

10 Offence for breach of order

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

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

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

11 Court may make further order

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

12 Proceedings for offences

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

Part 4 **Miscellaneous provisions**

13 **Service or execution of summons or warrant on Sundays**

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

14 **Regulations**

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

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 3 December 2004. Future amendments of the **Peace and Good Behaviour Act 1982** may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
t			
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renu	= renumbered
		m	

Key	Explanation	Key	Explanation
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised edition
d			
num	= numbered	s	= section
o in	= order in council	sch	= schedule
c			
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnu	= unnumbered
		m	
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1992 Act No. 68	7 December 1992	27 October 1993
1A	1997 Act No. 9	20 June 1997	4 July 1997

Reprint No.	Amendments included	Effective	Notes
1B	2004 Act No. 43	3 December 2004	

5 List of legislation

Peace and Good Behaviour Act 1982 No. 67

date of assent 14 December 1982

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

amending legislation—

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

date of assent 7 December 1992

commenced on date of assent

Justice and Other Legislation (Miscellaneous Provisions) Act 1997 No. 9 ss 1, 2(5) pt 16

date of assent 15 May 1997

ss 1–2 commenced on date of assent

remaining provisions commenced 20 June 1997 (1997 SL No. 155)

Justice and Other Legislation Amendment Act 2004 No. 43 ss 1–2, pt 16

date of assent 18 November 2004

ss 1–2 commenced on date of assent

remaining provisions commenced 3 December 2004 (2004 SL No. 263)

6 List of annotations

Arrangement

s 3 om R1 (see RA s 36)

Complaint in respect of breach of the peace

s 4 amd 1997 No. 9 s 48; 2004 No. 43 s 66

Application of Justices Act

s 8 amd 1992 No. 68 s 3 sch 1

Offence for breach of order

s 10 amd 1992 No. 68 s 3 sch 1

Regulations

s 14 sub 1992 No. 68 s 3 sch 1