

Justice and Other Legislation Amendment Bill 2019

Amendments during consideration in detail to be moved by
The Honourable the Acting Attorney-General and Minister for Justice,
Minister for Local Government, Minister for Racing and Minister for
Multicultural Affairs

1 Clause 28 (Insertion of new s 11AA)

Page 24, line 10, ‘any of’—

omit, insert—

only

2 Clause 40 (Amendment of s 100 (When repealed Act still applies))

Page 30, line 18 to page 31, line 2—

omit.

3 Before clause 41

Page 31, before line 3—

insert—

40A Omission of s 100 (When repealed Act still applies)

Section 100—

omit.

4 Clause 41 (Insertion of new ss 100A–100E)

Page 31, line 4—

omit, insert—

Part 6, division 1—

5 Clause 51 (Amendment of s 552BB (Excluded offences))

Page 36, lines 19 to 21—

omit.

6 Clause 51 (Amendment of s 552BB (Excluded offences))

Page 36, line 22, '(2)'—

omit.

7 After clause 81

Page 51, after line 3—

insert—

Part 17A Amendment of Human Rights Act 2019

81A Act amended

This part amends the *Human Rights Act 2019*.

81B Amendment of s 41 (Human rights certificate for subordinate legislation)

(1) Section 41—

insert—

(1A) However, if there is more than 1 responsible Minister for the subordinate legislation, the human rights certificate for the legislation may be prepared by 1 of the responsible Ministers under the authority of the other responsible Ministers.

(2) Section 41(2)(a) and (b), 'in the responsible Minister's opinion'—

omit, insert—

in the opinion of the Minister preparing the certificate

(3) Section 41—

insert—

- (4A) This section does not apply in relation to subordinate legislation that is—
- (a) a proclamation or other instrument that fixes a single day for the commencement of all of the provisions of an Act that are not in force; or
 - (b) an instrument, other than a regulation, of a type prescribed by regulation.
- (4B) The Minister may recommend to the Governor in Council the making of a regulation under subsection (4A)(b) only if the Minister is satisfied an instrument of that type will not directly or indirectly limit a human right.

8 Clause 141 (Amendment of s 263 (Investigations))

Page 74, line 14—

omit, insert—

- (1) Section 263(2)—

9 Clause 141 (Amendment of s 263 (Investigations))

Page 74, after line 22—

insert—

- (2) Section 263(5), ‘is a *trust account investigation*’—

omit, insert—

is a *part 3.3 investigation*

- (3) Section 263(5), note, ‘trust account investigation’—

omit, insert—

part 3.3 investigation

10 Clause 144 (Amendment of sch 2 (Dictionary))

Page 76, after line 1—

insert—

(1AA) Schedule 2, definitions *levy* and *trust account investigation*—

omit.

(1AB) Schedule 2—

insert—

chapter 5 body corporate means a Chapter 5 body corporate under the Corporations Act.

part 3.3 investigation see section 263(5).

11 Clause 144 (Amendment of sch 2 (Dictionary))

Page 76, lines 9 to 14—

omit.

12 Clause 148 (Amendment of s 4 (Jurisdiction of Magistrates Courts))

Page 77, line 18—

omit, insert—

(1) Section 4(a), ‘amount claimed’—

13 Clause 148 (Amendment of s 4 (Jurisdiction of Magistrates Courts))

Page 77, after line 20—

insert—

(2) Section 4(a), after ‘otherwise’—

insert—

, including any claim for detention of goods or chattels

(3) Section 4(c)—

omit, insert—

(c) every action in which a person has an equitable claim or demand against another person in respect of which—

(i) the only relief sought is—

(A) the recovery of a sum of money or of damages, whether liquidated or unliquidated; or

(B) the delivery of possession of goods or chattels in relation to a right, security interest, encumbrance, charge or lien; and

(ii) the amount, value or damage claimed is not more than the prescribed limit;

(4) Section 4—

insert—

(2) For the purpose of determining whether a Magistrates Court has jurisdiction under subsection (1) for a claim for detention of goods or chattels, the amount claimed is taken to be the total of—

(a) the amount claimed for the value of the goods or chattels; and

(b) any amount claimed for damages for the detention of the goods or chattels.

14 Clause 218 (Subordinate legislation amended)

Page 106, line 10, ‘Subordinate legislation’—

omit, insert—

Legislation

15 Clause 218 (Subordinate legislation amended)

Page 106, line 11, ‘subordinate’—
omit.

16 Schedule 1 (Subordinate legislation amended)

Page 107, line 1, ‘Subordinate legislation’—
omit, insert—

Legislation

17 Schedule 1 (Subordinate legislation amended)

Page 107, after line 16—
insert—

Legal Profession Act 2007

1 Sections 264, 265(1)(a), 266(3)(a), 541, definition *investigation*, paragraph (b), 542(1) and 564(1)(a), ‘trust account investigation’—

omit, insert—

part 3.3 investigation

2 Section 540(a), ‘trust account investigations’—

omit, insert—

part 3.3 investigations

18 Long title

Long title, after ‘the *Guardianship and Administration Act 2000*,’—

insert—

the *Human Rights Act 2019*,

© State of Queensland 2020