

## **QUEENSLAND STATE LEGISLATION THAT MAY BE USED AGAINST GROUPS WHICH SHOW CULT-LIKE BEHAVIOUR.**

Harms associated with cultic groups have been addressed through various forms of self-help, conservatorship, habeas corpus proceedings, consumer protection legislation, and litigation. Cases indicate that self-proclaimed religious organizations are heading towards a time of greater accountability. Juries tend to be sympathetic toward plaintiffs, though courts seem unwilling to enforce judgments so large they threaten a group's existence.

This document briefly surveys some relevant legislation from the State of Queensland, Australia. Legislation will differ in other jurisdictions, but many of the same principles will apply.

There is no relevant Australian Federal or State law enforcement legislation, which applies specifically to cults. Therefore we must look at the policy, procedures and actions of cults to ascertain the relevant law enforcement legislation, which may apply.

This document was prepared by a law student whose child was affected by a cult, and adapted for future reference by friends of the Cult Information Service.

Special thanks to Ashley D for this work.

Anyone wishing to contribute further thoughts, or relevant legislation from other jurisdictions, is welcome to do so. Please email the webmaster or contact Cult Information Services, Brisbane, Australia (07) 3878 5212. (International phone + 61 7 3878 5212)

### **Disclaimer: Important – Please read before venturing further.**

Information contained in this document is presented in good faith, and is the work and opinion of one researcher.

This information is of a general nature only, and is intended to provide a starting general background for persons interested in researching legislation which may be brought to bear against cults. It is no substitute for professional legal advice. The Cult Information Service, members, volunteers and friends, and supporting and related churches, tertiary institutions and other groups accept no liability for the use of this material and recommend persons intending to act against cults in a legal way obtain the best possible professional legal advice. Remember, some of these organisations are extremely well funded.

References to organisations contained in this document in no way implies that they are a “cult”, or that any member of CIS or related bodies described above considers them a “cult”. It simply refers the reader to reported legal cases.

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## **UNLAWFUL STALKING**

### **Criminal Code Act 1899 (incorporating the Criminal Code)**

#### **Section 359A. Definitions for ch 33A**

In this chapter—

“detriment” includes the following—

- (a) apprehension or fear of violence to, or against property of, the stalked person or another person;
- (b) serious mental, psychological or emotional harm;
- (c) prevention or hindrance from doing an act a person is lawfully entitled to do;
- (d) compulsion to do an act a person is lawfully entitled to abstain from doing.

The above definitions seem to fit nicely in the affects of cult harassment.

If a group you suspect may be a cult is harassing you, calling you or visiting you despite repeated requests that they desist, it may be possible to take legal action.

#### **Section 359B. What is unlawful stalking**

“Unlawful stalking” is conduct—

- (a) intentionally directed at a person (the “stalked person”); and
- (b) engaged in on any 1 occasion if the conduct is protracted or on more than 1 occasion; and
- (c) consisting of 1 or more acts of the following, or a similar, type—
  - (i) following, loitering near, watching or approaching a person;
  - (ii) contacting a person in any way, including, for example, by telephone, mail, fax, e-mail or through the use of any technology;
  - (iii) loitering near, watching, approaching or entering a place where a person lives, works or visits;
  - (iv) leaving offensive material where it will be found by, given to or brought to the attention of, a person;
  - (v) giving offensive material to a person, directly or indirectly;
  - (vi) an intimidating, harassing or threatening act against a person, whether or not involving violence or a threat of violence;
  - (vii) an act of violence, or a threat of violence, against, or against property of, anyone, including the defendant; and
- (d) that—
  - (i) would cause the stalked person apprehension or fear, reasonably arising in all the circumstances, of violence to, or against property of, the stalked person or another person; or
  - (ii) causes detriment, reasonably arising in all the circumstances, to the stalked person or another person.

#### **Section 359E. Punishment of unlawful stalking**

**(1)** A person who unlawfully stalks another person is guilty of a crime.

**(2)** A person who commits the crime of unlawful stalking is liable to a maximum penalty of imprisonment for 5 years.

**(3)** However, a person is liable to a maximum penalty of imprisonment for 7 years if, for any of the acts constituting the unlawful stalking, the person—

(a) uses or intentionally threatens to use, violence against anyone or anyone's property; or

(c) contravenes or intentionally threatens to contravene an injunction or order imposed or made by a court or tribunal under a law of the Commonwealth or a State.

### **Section 359F. Court may restrain unlawful stalking**

**(1)** This section applies on the hearing before a court of a charge against a person of unlawful stalking.

**(2)** Whether the person is found guilty or not guilty or the prosecution ends in another way, if the presiding judge or magistrate considers it desirable, the judge or magistrate may constitute the court to consider whether a restraining order should be made against the person.

**(3)** The judge or magistrate may act under subsection (2) on application by the Crown or an interested person or on the judge's or magistrate's own initiative.

**(4)** Also, if the restraining order proceeding is started before the Supreme Court or the District Court, the court may order the proceeding to be transferred to a Magistrates Court.

**(5)** If a court makes an order under subsection (4), the registrar of the court must send to the clerk of the relevant Magistrates Court a copy of the order and the record of proceedings of the hearing of the charge and any application mentioned in subsection (3).

**(6)** The court hearing the restraining order proceeding may make a restraining order against the person in relation to any person or any property if it considers it desirable to do so having regard to the evidence given at the hearing of the charge and any application under subsection (3) and any further evidence the court may admit.

**(7)** A restraining order may be varied or revoked at any time by the court, and, if the order provides, by another court.

**(8)** A person who knowingly contravenes a restraining order commits an offence.

Maximum penalty—40 penalty units or 1 year's imprisonment.

**(9)** A restraining order may be made against a person whether or not another order is made against the person in the proceeding for the charge.

**(10)** A restraining order proceeding is not a criminal proceeding.

**(11)** A question of fact for a decision under subsection (2) and in a restraining order proceeding must be decided on the balance of probabilities.

Evidentiary requirements are spelled out in Section 359B and 359F (11) Above

### **Recommended action:**

Police should be immediately notified or your family doctor if any distress is caused. Even if distress is not caused, you can warn the appropriate person of stalking laws and request that they stop approaching you.

Responsive policing is the only way of handling this situation. If aggressive or oppressive policing were used, it could lead to discrimination issues against a group, so police can only help when asked.

If the community were educated to use these laws on a regular basis, then after a time, it may become preventative policing.

## **SHODDY GOODS, SERVICES, SEMINARS, TRINKETS.**

### **Fair Trading Act 1989 Part 2B**

For this act to be effective, we have to draw the bow a little, but it has had good results in the USA, which can be used as a persuasive argument: *Molko v. Holy Spirit Association*, *George v. International Society for Krishna Consciousness*, and *Wollersheim v. Church of Scientology*.

Trade or commerce is when ANY item is requested to receive a service.

When a person requests items for a purpose, then they become a representative of that group.

Also, many cults hierarchy, are a registered organization of some kind for tax purposes. (Mostly for avoidance thereof.)

Remember, its all about power and or money.

Many cults involve the supply of services or token goods. Some cults have offered, for example, vials of water, for sale at exorbitant prices, or “seminars”, “training programs”, “personality tests” etc. These goods and services should be covered under this act.

### **Section 38. Misleading or deceptive conduct—TPA s 52**

(1) A person shall not, in trade or commerce, engage in conduct that is misleading or deceptive or is likely to mislead or deceive.

### **Section 39. Unconscionable conduct—TPA s 51AB**

(1) A supplier shall not, in trade or commerce, in connection with the supply or possible supply of goods or services to a person (the “customer”), engage in conduct that is, in all the circumstances, unconscionable.

(2) Without limiting the matters to which regard may be had for the purpose of determining whether a supplier has contravened subsection (1) in connection with the supply or possible supply of goods or services, regard may be had to—

(b) whether, because of conduct engaged in by the supplier, the customer was required to comply with conditions that were not reasonably necessary for the protection of the legitimate interests of the supplier; and

(d) whether any undue influence or pressure was exerted on, or any unfair tactics were used against, the customer (or person acting on behalf of the customer) by the supplier or a person acting on behalf of the supplier in relation to the supply or possible supply of the goods or services; and

### **Section 40. False or misleading representations—TPA s 53 (Cth)**

A person shall not, in trade or commerce, in connection with the supply or possible supply of goods or services or in connection with the promotion by any means of the supply or use of goods or services—

- (a) falsely represent that goods are of a particular standard, quality, value, grade, composition, style or model or have had a particular history or particular previous use; or
- (b) falsely represent that services are of a particular standard, quality, value or grade; or
- (d) falsely represent that a particular person has agreed to acquire goods or services; or
- (e) represent that goods or services have sponsorship, approval, performance characteristics, accessories, uses or benefits they do not have; or
- (f) represent that the person has a sponsorship, approval or affiliation the person does not have; or
- (g) make a false or misleading representation concerning the price of goods or services; or
- (i) make a false or misleading representation concerning the place of origin of goods; or
- (j) make a false or misleading representation concerning the need for any goods or services; or
- (k) make a false or misleading representation concerning the existence, exclusion or effect of any condition, warranty, guarantee, right or remedy.

**Specific enforcement powers, processes and procedures which must be followed.**

**Section 88B:** Commissioner's power to ask for substantiation of claims about the supply of goods or services.

- (1) This section applies if the commissioner believes, on reasonable grounds, that—
  - (a) a person has caused a statement to be published promoting or apparently intended to promote, the supply of goods or services; and
  - (b) the statement is false or misleading.
- (2) The commissioner may, by written notice, ask the person to give to the commissioner written proof that supports any representation made in the statement.
- (5) It is not a reasonable excuse for the person to fail to respond to the notice on the ground that information given in the response might tend to incriminate the person.

**Section 89: Powers of inspectors**

- (1) For the purpose of the discharge by the office of any of its functions under this Act, or for any other purposes of this Act, an inspector may at all reasonable times—
  - (a) enter any premises the inspector knows or reasonably suspects—
    - (i) are being used for the production, manufacture, assembly preparation, storage or supply of goods or the supply of services; or
    - (ii) have been or are being or are likely to be used by any person in connection with a contravention of this Act; and
  - (b) enter any premises where the inspector knows or reasonably suspects that records are kept relating to the supply of goods or services or relating to a contravention of this Act; and
  - (c) enter any premises that the inspector knows or reasonably suspects to be used by any person for printing or as an office in connection with the trade or commerce of printing any newspaper or other publication, which the inspector knows or reasonably suspects to be associated with any contravention of this Act; and

- (e) in any premises entered by the inspector—
- (i) search for, examine, take possession of or make copies of or extracts from records relating to goods or services supplied or to be supplied or relating to any matter the subject of an investigation under this Act; and
  - (ii) search for and examine goods found on the premises; and
  - (iii) exercise any power under this Act to seize goods without payment or take any goods found on the premises, on payment or tendering of a reasonable price for them; and
  - (iv) seize without payment any brochures, leaflets, books, writings, documents or other materials that the inspector knows or reasonably suspects have been, are being, or are likely to be used to advertise, promote or make representations with respect to any matter in contravention of this Act; and
  - (v) open any room, place or container or package that the inspector knows or reasonably suspects to contain goods; and
  - (vi) question with respect to matters under this Act any person the inspector finds on the premises; and
- (f) make such inquiry and examination as the inspector believes to be necessary or desirable to assist the discharge or exercise of any function or power under this Act or to ascertain whether any contravention of this Act has been, is being, or is likely to be committed.
- (1A) Subsection (1) does not authorise forcible entry by an inspector to any premises other than under the authority of a warrant obtained by the inspector under subsection (3).
- (2) Before an inspector enters any part of premises which part is used as a dwelling the inspector shall, unless the inspector has the permission of the occupier of that part to the inspector's entry, obtain from a justice a warrant to enter.
- (3) A justice who is satisfied upon the complaint of an inspector that there is reasonable cause to suspect that any place has been or is being or is likely to be used in connection with a contravention of this Act or for the keeping of records relating to a contravention of this Act may issue the justice's warrant directed to the inspector to enter the place specified in the warrant for the purpose of the inspector exercising in the premises the powers conferred on an inspector by this Act.

**Section 90: Power to obtain information**

- (1) In relation to any matter relevant to the operation or enforcement of this Act, an inspector may require a person (either by oral or written requisition) to furnish—
- (a) any information; and
  - (b) any records or a copy of them; in the person's possession.
- (2) For the purpose of subsection (1), a person shall be taken to be in possession of—
- (a) information, if the person has the information or is entitled to access to the information; and
  - (b) records, if the person has them in the person's possession or if the person has them under control in any place, whether for the person's own use or benefit or for another's use or benefit and although another person has the actual possession or custody of the records.

(3) A requisition made under subsection (1) may require that the information or records or copy of them be furnished—

- (a) to the inspector or another inspector or to an officer of the office specified; or
- (b) at the place the requisition is made or at another place; or
- (c) immediately or at, by or within a time specified; or
- (d) in person, or by certified mail or in another way specified; or
- (e) by means of, or accompanied by, verification in the form of, a statutory declaration; or
- (f) in the case of information, orally or in writing.

(4) A person must not, without reasonable excuse—

- (a) refuse or fail to furnish any information, records or a copy of them as required of the person under this section; or
- (b) in response to a requisition made under this section furnish information, records or copies that is or are false or misleading in a material particular.

Maximum penalty—100 penalty units.

(5) It is not a reasonable excuse for a person to refuse or fail to furnish information, a record or copy of a record on the ground that the information, record or copy might tend to incriminate the person.

(7) Where a person records or stores any matter by means of a mechanical, electronic or other device, the duty imposed by this section to produce any records containing those matters shall be construed as including a duty to produce the matters in written form if that is demanded.

(7A) The duty imposed by this section to produce a copy of any records shall be construed as a duty to produce a clear reproduction.

(8) An inspector or officer of the office may take notes or copies of or extracts from records or a copy of them produced under this section.

#### **Section 91A:** General power to seize goods

(1) This division applies if an inspector reasonably believes goods have been supplied in contravention of this Act, other than section 86.15

(2) The inspector may seize enough of the goods—

- (a) to decide whether the contravention has happened; or
- (b) to be used as evidence in a proceeding under this Act about the contravention.

(3) If the goods are in a container and it is not practicable to seize them without the container, the inspector may seize the container and its contents.

#### **Section 91B:** Returning the seized goods

(1) The commissioner must return the seized goods to their owner at the end of—

- (a) 9 months; or
- (b) if a prosecution for an offence involving the seized goods is started within the 9 months—the prosecution for the offence and any appeal from the prosecution.

(2) Despite subsection (1), the commissioner must return the seized goods to their owner immediately if the commissioner is not satisfied or stops being satisfied the retention of the goods as evidence is necessary.

### **113 Regulation-making power**

(1) The Governor in Council may make regulations under this Act.

(2) A regulation may be made for or about a matter mentioned in the schedule.

(3) A regulation may provide for an offence punishable by a maximum penalty of 20 penalty units.

### **Evidentiary requirements:**

#### **Section 112. Evidence**

(1) In any proceedings under this Act—

(a) where—

(i) a published statement is intended, or apparently intended, to promote the supply or use of any goods or services; and

(ii) a name, business name, address, telephone number, post office box number, facsimile number, telex number, or newspaper office reply number specified in the statement is that of a person, or the agent of a person, who—

(A) is the owner, whether alone or jointly with another person or other persons, of such goods; or

(B) is a supplier of such goods or services; or

(C) has an interest, otherwise than as owner, in such goods; or

(D) has an interest, otherwise than as supplier, in the supply of such services; it shall be presumed, unless the contrary is proved, that the person or agent, as the case may be, caused the statement to be published; and

(c) in relation to an offence against section 9029 in respect of a failure to furnish information or to produce records or a copy of them, an allegation or averment in a charge that a person failed as required to furnish information, or produce records or a copy of them shall be evidence and, unless the contrary is proved, conclusive evidence of the matter so alleged or averred; and

(f) a printed document that purports—

(i) to be a standard, rule, code or specification of an association or body referred to in, or prescribed under, the regulations; and

(ii) to have been published or issued by or on behalf of that association or body; is evidence of that standard, rule, code or specification.

(2) In a proceeding against a person under section 99 or in an application under section 100(2)30 for an order against a person, a finding of any fact by a court made in proceedings under section 9831 or for an offence against this Act in which that person has been found to have contravened, or to have been involved in a contravention of, a provision of this Act is

evidence of that fact and the finding may be proved by production of a document under the seal of the court from which the finding appears.

**Recommended Action:**

Responsive policing is the only way of handling this situation. If aggressive or oppressive policing were used, it could lead to discrimination issues against a group, so police can only help when asked.

After a time, and if this law was used on a regular basis, policing may become preventative.

## **CHARITY**

**If the organization requests money or items, describing it as charity, they must be a registered fund, and the monies or goods must be used for the specified purpose.**

### **Charitable Funds Act 1958**

An Act to make alternative provision for the extension of the charitable purposes for which certain funds may be applied, and for the disposition and appropriation of such funds for and to charitable purposes other than those for which they were established, and for other purposes.

### **Evidentiary Requirements, Enforcement Powers & Procedures**

Lack of certification by an officer appointed by the Governor in Council and/or proof of diversion of funds from intended use.

### **Section 14. Judge may adopt certifying officer's report**

Without derogating from the provisions of section 13, where a certifying officer had made a report on a scheme submitted to the officer or which has been referred to the officer by a judge for a report under this Act, the judge before whom the same is laid may adopt such report, and make an order thereon accordingly.

### **Section 12. Judge of Supreme Court to have jurisdiction**

(1) Any judge of the Supreme Court shall have jurisdiction and authority to hear and determine all matters relating to any scheme or application laid before, submitted or made to the judge under this Act, and all proceedings therein shall be had in a summary way, and the judge may decide what persons shall be heard before the judge in support of or in opposition to the scheme or application.

### **Section 20: Return of contributions**

Subject to subsection (2), in relation to the disposition or appropriation under this Act of any property in any fund the principle, as regards collections, shall be observed that, except where a contrary intention has been expressed by the donor, property received from an identifiable donor (whether identified in the first place, or being at first anonymous, subsequently proves the donor's identity) shall be taken to have been contributed for the particular and exclusive purpose for which the donor's contribution was solicited and none other, and that there will be a resulting trust in the donor's favour if that purpose fails.

### **Section 24. Audit**

(1) An audit in relation to any fund (including an examination of such of the accounts and other books, vouchers, documents, records, agreements and securities relating to the fund as are necessary for the purpose of the audit) shall be made in accordance with this section—

(a) if directed by the certifying officer—

(i) upon the submission to a certifying officer under this Act of a scheme relating to the fund; or  
(b) if directed by the judge upon any scheme relating to the fund being laid before or submitted under this Act to a judge of the Supreme Court.

**(6)** Any person who—

(a) fails to produce when and as required by and under subsection (5), any account, other book, voucher, document, record, correspondence, agreement or security referred to in that subsection; or

(b) (knowing or being in a position to know the answer or information required), fails to answer any question or supply any information when and as required by and under subsection (5) with respect to any such account, other book, voucher, document, record, correspondence, agreement or security, or with respect to any entry therein; or

(c) when and as required by and under subsection (5) to answer any question or supply any information to an auditor furnishes an answer or supplies information, which is in any respect false or misleading; shall be punishable as for a contempt of court.

## **CHILD PROTECTION**

**Where a Mother or a Father takes a child into a cult, or the child is under 18 years old.**

### **Child Protection Act 1999**

#### **Section 4. Purpose of Act**

The purpose of this Act is to provide for the protection of children.

#### **Section 8. Who is a “child”?**

A “child” is an individual under 18 years.

#### **Section 9. What is “harm”?**

(1) “Harm”, to a child, is any detrimental effect of a significant nature on the child’s physical, psychological or emotional wellbeing.

(2) It is immaterial how the harm is caused.

(3) Harm can be caused by—

(a) physical, psychological or emotional abuse or neglect; or

(b) sexual abuse or exploitation.

## **Evidentiary Requirements, Enforcement Powers & Procedures**

### **Section 18. Child at immediate risk may be taken into custody**

(1) This section applies if—

(a) an authorised officer or police officer is investigating an allegation of harm, or risk of harm, to a child; and

(b) the officer reasonably believes the child is at risk of harm and the child is likely to suffer harm if the officer does not immediately take the child into custody.

(2) The officer may take the child into the chief executive’s custody.

(3) For subsection (2), the officer may—

(a) enter the place where the officer reasonably believes the child is; and

(b) search the place to find the child; and

(c) remain in the place for as long as the officer reasonably considers is necessary to find the child.

(4) The officer may exercise a power under subsection (2) or (3) with the help, and using the force, that is reasonable in the circumstances.

(5) The officer must, as soon as practicable, apply for a temporary assessment order for the child.

(6) Also, the officer may arrange a medical examination of, or for medical treatment for, the child that is reasonable in the circumstances.

### **Section 104. Court’s paramount consideration**

In exercising its jurisdiction or powers, the Childrens Court must regard the welfare and best interests of the child as paramount.

**Section 105. Evidence**

(1) In a proceeding, the Childrens Court is not bound by the rules of evidence, but may inform itself in any way it thinks appropriate.

(2) If, on an application for an order, the Childrens Court is to be satisfied of a matter, the court need only be satisfied of the matter on the balance of probabilities.

**Section 113. Court may hear submissions from non-parties to proceeding**

(1) In a proceeding on an application for an order for a child, the Childrens Court may hear submissions from the following persons—

(a) a member of the child's family;

(b) anyone else the court considers is able to inform it on any matter relevant to the proceeding.

(1) A submission may be made by a person's lawyer.

## **COLLECTING MONEY**

**When asking for monies or items.**

### **Collections Act 1966**

An Act relating to collections from the public for purposes of charity and otherwise of the community, and for other purposes

#### **Section 10. Conducting of unlawful appeals for support**

(1) No person shall make or cause to be made or assist in making any appeal for support for any purpose to which this part applies unless—

(a) where the appeal for support is made for the purpose of a charity only—that charity is then registered as such under this Act;

(b) where the appeal for support is made for the purpose referred to in section 9(b) to (g)—that purpose is then sanctioned under this Act.

(2) Any person guilty of an offence against this section shall be liable—

(a) for the first offence—to a fine not exceeding 20 penalty units or to imprisonment for a term not exceeding 3 months;

(b) for a second or subsequent offence—to a fine not exceeding 40 penalty units or to imprisonment for a term not exceeding 6 months.

#### **Section 19. Registration of charities**

(1) There shall be a register of charities containing all charities for the time being registered under this Act and in which there shall be entered with respect to such charities such particulars as may be prescribed.

## **Evidentiary Requirements, Enforcement Powers & Procedures**

#### **Section 27. Investigations**

(1) The Minister may at any time and from time to time cause an investigation to be made into—

(a) Any charity, including the nature and objects and administration thereof, and the application of the estates, funds, property, and income belonging thereto;

(b) Any association for the objects of which any appeal for support has been or is sanctioned under this Act, including the nature and objects and administration thereof, and the application of the estates, funds, property, and income belonging thereto;

(c) Any appeal for support for any purpose referred to in section 25(2).

(2) The Minister may cause any such investigation to be made by an inspector or by any other person (who shall for the purposes thereof have all the powers of and shall be deemed an inspector) appointed in writing by the Minister in that behalf.

## **DOMESTIC VIOLENCE**

**If you believe that a partner within the cult is abusing a person, or a member of a cult house or community is becoming abusive or violent.**

### **Domestic and Family Violence Protection Act 1989**

#### **Section 3A. Main purpose of Act**

(1) The main purpose of this Act is to provide for the safety and protection of a person in the case of domestic violence committed by someone else if any of the following domestic relationships exist between the 2 persons—

- (a) a spousal relationship;
- (b) an intimate personal relationship;
- (c) a family relationship;
- (d) an informal care relationship.

(2) The way in which the main purpose of this Act is to be achieved is by allowing a court to make a domestic violence order to provide protection for the person against further domestic violence.

## **Evidentiary Requirements , Enforcement Powers & Procedures**

#### **Section 11. What is domestic violence**

(1) “Domestic violence” is any of the following acts that a person commits against another person if a domestic relationship exists between the 2 persons—

- (a) Wilful injury;
- (b) Wilful damage to the other person’s property;

Example of paragraph (b)—

Wilfully injuring a defacto’s pet.

- (c) intimidation or harassment of the other person;
- (d) indecent behaviour to the other person without consent;
- (e) a threat to commit an act mentioned in paragraphs (a) to (d).

(2) The person committing the domestic violence need not personally commit the act or threaten to commit it.

#### **Section 14. Who can apply for a protection order?**

(1) An application for a protection order may be made only by—

- (a) an aggrieved; or
- (b) an authorised person mentioned in subsection (2); or
- (c) a police officer mentioned in subsection (3); or
- (d) a person acting under another Act for the aggrieved as mentioned in subsection (4).

(2) An “authorised person” means—

- (a) an adult authorised in writing by an aggrieved to appear on behalf of the aggrieved;9 or

(b) an adult whom the court believes is authorised by an aggrieved to appear on behalf of the aggrieved even though the authority is not in writing.

(3) A police officer who—

(a) has investigated a matter under section 67;10 and

(b) has the reasonable beliefs mentioned in section 67(2); may apply for a protection order.

(4) A person is acting under another Act for the aggrieved—

(a) if the person is a guardian for a personal matter of the aggrieved, or an administrator for a financial matter of the aggrieved, under the Guardianship and Administration Act 2000

#### **Section 39A. Act of domestic violence necessary before particular temporary protection orders made**

(1) A court may make a temporary protection order against a respondent under this division, other than section 39D, only if it appears to the court, on application for a protection order, that an act of domestic violence has been committed against the aggrieved by the respondent.

(2) A temporary protection order under this division need only be supported by evidence the court considers sufficient and appropriate having regard to the temporary nature of the order.

#### **Section 84. Evidentiary provision**

(1) In any proceeding with the view to giving effect to any provision of this Act a document purporting to be—

(a) a copy of a protection order or a temporary protection order; or

(b) a copy of an order revoking a protection order or a temporary protection order, or varying the prohibitions and restrictions imposed by a protection order or a temporary protection order; shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of the making of the order and of the matters contained therein.

(2) In any proceeding with the view to—

(a) making a protection order or a temporary protection order; or

(b) revoking a protection order or a temporary protection order; or

(c) varying the prohibitions and restrictions imposed by a protection order or a temporary protection order; the court or magistrate may inform itself, himself or herself in such manner as it or the magistrate thinks fit and is not bound by the rules or practice as to evidence.

(3) The court or magistrate need not have the personal evidence of the aggrieved before making a domestic violence order.

## **DRUGS**

**If you believe that drugs are used in the cult.**

### **Drugs Misuse Act 1986**

An Act to consolidate and amend the law relating to the misuse of drugs and to make further provision for the prevention of the misuse of drugs and for other purposes

#### **Section 6. Supplying dangerous drugs**

(1) A person who unlawfully supplies a dangerous drug to another, whether or not such other person is in Queensland, is guilty of a crime.

(2) For the purposes of this section, an offence is one of aggravated supply if the offender is an adult and—

- (a) the person to whom the thing is supplied is a minor; or
- (b) the person to whom the thing is supplied is an intellectually impaired person; or
- (c) the person to whom the thing is supplied is within an educational institution; or
- (d) the person to whom the thing is supplied is within a correctional facility; or
- (e) the person to whom the thing is supplied does not know he or she is being supplied with the thing.

#### **Section 129. Evidentiary provisions**

(1) In respect of a charge against a person of having committed an offence defined in part 2—

- (a) it is not necessary to particularise the dangerous drug in respect of which the offence is alleged to have been committed;
- (b) that person shall be liable to be convicted as charged notwithstanding that the identity of the dangerous drug to which the charge relates is not proved to the satisfaction of the court that hears the charge if the court is satisfied that the thing to which the charge relates was at the material time a dangerous drug;
- (c) proof that a dangerous drug was at the material time in or on a place of which that person was the occupier or concerned in the management or control of is conclusive evidence that the drug was then in the person's possession unless the person shows that he or she then neither knew nor had reason to suspect that the drug was in or on that place;
- (d) the operation of the Criminal Code, section 2428 is excluded unless that person shows an honest and reasonable belief in the existence of any state of things material to the charge;
- (e) the burden of proving any authorisation to do any act or make any omission lies on that person.

## **TEACHING CHILDREN**

**If you are informed that the organization will teach the children within its group.**

### **Education (Accreditation of Non-State Schools) Act 2001**

An Act to provide for the accreditation of non-State schools, and deciding the eligibility of non-State schools' governing bodies for Government funding for the schools, and for other purposes

#### **Section 161. Evidentiary provisions**

**(1)** A certificate purporting to be signed by the chief executive and stating any of the following matters is evidence of the matter—

(a) a stated document is one of the following things made, given, issued or kept under this Act—

(i) an appointment, approval or decision;

(ii) a notice, direction or requirement;

(iii) a certificate of provisional accreditation;

(iv) a certificate of accreditation;

(v) a record, or an extract from a record;

(vi) the register, or an extract from the register;

(b) a stated document is another document kept under this Act;

(c) a stated document is a copy of a thing mentioned in paragraph (a) or (b);

(d) on a stated day, or during a stated period, a stated school was or was not provisionally accredited;

(e) on a stated day, or during a stated period, a stated school was or was not accredited;

(f) on a stated day, or during a stated period, a provisional accreditation or accreditation of a school was or was not in force;

(g) on a stated day, a provisional accreditation or accreditation of a school was cancelled;

(h) on a stated day, or during a stated period, a school's governing body was or was not eligible for Government funding for the school;

(i) on a stated day, or during a stated period, an appointment as an authorised person was, or was not, in force for a stated person;

(j) on a stated day, a stated person was given a stated notice or direction under this Act;

(k) on a stated day, a stated requirement was made of a stated person.

**(2)** A statement in a complaint for an offence against this Act that the matter of the complaint came to the knowledge of the complainant on a stated day is evidence of the matter stated.

## **FAILING TO TEACH**

**If you are concerned about the child's education.**

### **Education (General Provisions) Act 1989**

An Act to consolidate and amend the law relating to education and for related purposes

#### **Section 114. Compulsory enrolment and attendance at school**

Every parent of a child being of the age of compulsory attendance shall cause that child—

- (a) to be enrolled at a State school; or
- (b) to be enrolled at a non-State school; and to attend the State school or non-State school, on every school day, for the program of instruction for which the child is enrolled, unless there is in existence at the material time, in respect of that child, a dispensation or provisional dispensation granted in accordance with section 115.

#### **Section 118. Penalty for non-compliance with compulsory education provisions**

**(1)** A parent of a child being of the age of compulsory attendance who fails to comply with section 114 or 117 commits an offence against this Act.

Maximum penalty—

- (a) for a first offence in respect of any child of that parent—5 penalty units;
- (b) for a second or subsequent offence, whether in relation to the same child or another child of that parent—10 penalty units.

**(2)** A proceeding for such an offence may be commenced upon the complaint of a person authorised in writing in that behalf by the Minister.

**(3)** In a proceeding in respect of such an offence—

- (a) it shall not be necessary to prove the authority of any person to commence such proceeding;
- (b) a statement in a complaint that—
  - (i) a child is of the age of compulsory attendance;
  - (ii) a parent of a child has failed to cause such child to be enrolled at a State or non-State school or to attend on any school day the State or non-State school at which the child is enrolled;
  - (iii) a parent of a child has failed to cause such child to enrol in a non-State school that is accredited to provide distance education or a State educational institution offering distance education, in a course approved by the principal of that school or that institution, as the case may be; is evidence of the thing stated;
- (c) a certificate purporting to be signed by the principal of a school—
  - (i) that the child named therein is or is not enrolled in such school; or
  - (ii) wherein are specified the particulars of attendance of the child named therein at such school; is evidence of the things contained in the certificate;

## **FAILING TO VOTE OR REGISTER ADDRESS**

**Most cults are anti government. They like personal secrecy. Many are not enrolled.**

### **Electoral Act 1992**

An Act relating to the parliamentary elections, and for other purposes

#### **Section 150. Failure to enrol etc.**

(1) Subject to this section, a person who contravenes section 65(2) or (3)77 commits an offence punishable on conviction by a penalty of a fine of not more than 1 penalty unit.

(2) Subject to this section, if a person who is entitled to be enrolled for an electoral district is not enrolled for the electoral district—

(a) at the end of 21 days after becoming entitled; or

(b) at any later time while the person continues to be entitled to be enrolled for the district;

the person commits an offence punishable on conviction by a penalty of a fine of not more than 1 penalty unit.

It can also be an offence to prevent persons from voting, or to intimidate to prevent voting.

## **IRREGULAR MATRIMONIAL ARRANGEMENTS**

**When there is more than 1 Wife involved.**

**Criminal Code Act 1899 (incorporating the Criminal Code)**

### **Section 360. Bigamy**

(1) Any person who—

(a) being married, goes through the form of marriage with any other person during the life of his or her wife or husband; or

(b) goes through the form of marriage with any person whom he or she knows to be married; is guilty of a crime, and is liable to imprisonment for 7 years.

Refer also to Family Law Act (Cth)

## **SOMEONE HAS CHANGED CHARACTERISTICS**

**When some one has changed characteristics which could be a result of mental illness.**

### **Mental Health Act 2000**

An Act about treating and protecting people who have mental illnesses, and for other purposes.

#### **Section 12. What is “mental illness”?**

(1) “Mental illness” is a condition characterised by a clinically significant disturbance of thought, mood, perception or memory.

(2) However, a person must not be considered to have a mental illness merely because of any 1 or more of the following—

(a) the person holds or refuses to hold a particular religious, cultural, philosophical or political belief or opinion;

(b) the person is a member of a particular racial group;

(c) the person has a particular economic or social status;

(d) the person has a particular sexual preference or sexual orientation;

(e) the person engages in sexual promiscuity;

(f) the person engages in immoral or indecent conduct;

(g) the person takes drugs or alcohol;

(h) the person has an intellectual disability;

(i) the person engages in antisocial behaviour or illegal behaviour;

(j) the person is or has been involved in family conflict;

(k) the person has previously been treated for mental illness or been subject to involuntary assessment or treatment.

#### **Section 13. What are the “assessment criteria”**

(1) The “assessment criteria” for a person, are all of the following, based on available information—

(a) the person appears to have a mental illness;

(b) the person requires immediate assessment;

(c) the assessment can properly be made at an authorised mental health service;

(d) there is a risk that the person may—

(i) cause harm to himself or herself or someone else; or

(ii) suffer serious mental or physical deterioration;

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