

*I hereby certify that this PUBLIC BILL has finally passed the
Legislative Assembly of Queensland.*

*Legislative Assembly Chamber,
Brisbane,*

The Clerk of the Parliament.

5 May 2016

In the name and on behalf of the Queen, I assent to this Bill.

Paul de Jersey

*Government House,
Brisbane,*

5th May 2016



Queensland

**No. 19 of 2016
A BILL for**

An Act to amend the Crime and Corruption Act 2001, the Queensland Civil and Administrative Tribunal Act 2009, the Queensland Civil and Administrative Tribunal Regulation 2009 and the Acts mentioned in schedules 1 and 2 for particular purposes



Queensland

Crime and Corruption Amendment Bill 2016

Contents

		Page
Part 1	Preliminary	
1	Short title	6
Part 2	Amendment of Crime and Corruption Act 2001	
2	Act amended	6
3	Amendment of s 4 (Act's purposes)	6
4	Amendment of s 5 (How Act's purposes are to be achieved)	6
5	Amendment of s 13 (Purpose of div 2)	7
6	Amendment of s 23 (Commission's prevention function)	7
7	Amendment of s 24 (How commission performs its prevention function) 7	
8	Amendment of ch 2, pt 3, div 1, hdg (Corruption function)	8
9	Replacement of ss 33 and 34.	8
	33 Commission's corruption functions.	8
	34 Principles for performing corruption functions	9
10	Amendment of s 35 (How commission performs its corruption function) 10	
11	Amendment of s 35A (Chief executive officer may issue direction about commission's corruption function)	11
12	Amendment of s 35B (Publication of information about how commission performs its corruption function).	11
13	Amendment of s 36 (Complaining about corruption)	11
14	Replacement of s 52 (Research function)	11
	52 Research functions.	11
15	Amendment of s 213 (Secrecy)	12
16	Replacement of ch 6, pt 1, div 2, hdg.	12
17	Insertion of new ch 6, pt 1, div 2, sdiv 1AA	12
	Subdivision 1AA Preliminary	

Contents

	222A	Meaning of officer for div 2	13
18		Amendment of s 223 (Membership of the commission)	13
19		Insertion of new s 223A	13
	223A	Chief executive officer	13
20		Amendment of s 225 (Qualifications for appointment—other commissioners)	13
21		Replacement of s 226 (Disqualification as commissioner)	13
	226	Disqualification as commissioner or chief executive officer	14
22		Amendment of s 227 (Advertising for appointment)	14
23		Replacement of s 228 (Consultation before nominating persons for appointment)	14
	228	Prior consultation and bipartisan support for appointments	14
24		Amendment of s 229 (Appointment of commissioners)	14
25		Replacement of ss 231 and 232	15
	231	Duration of appointment	15
	232	Terms of appointment	15
26		Amendment of s 234 (Leave of absence)	16
27		Amendment of s 235 (Resignation)	16
28		Replacement of ss 236 and 237	16
	236	Termination of appointment	16
	237	Acting appointments	17
29		Amendment of s 238 (Disclosure of interests by commissioners)	18
30		Amendment of s 238E (Pension if appointment ends because of ill health)	19
31		Amendment of s 238I (What happens if former chairman's appointment is terminated under s 236(3))	19
32		Amendment of s 241 (Disqualification as a sessional commissioner)	19
33		Amendment of s 245 (Senior officers)	20
34		Replacement of s 262 (Senior executive officer may attend meetings)	20
	262	Chief executive officer or senior executive officer may attend meetings	20
35		Amendment of s 266 (Conduct of meetings)	20
36		Amendment of s 269 (Delegation—commission)	20
37		Amendment of s 292 (Functions)	20
38		Amendment of s 302A (Meetings of parliamentary committee generally to be held in public)	21

39	Amendment of s 314A (Recommendation or referral arising from investigation conducted on parliamentary commissioner's own initiative)	21
40	Amendment of s 314B (Report on investigation conducted on parliamentary commissioner's own initiative)	21
41	Amendment of s 329 (Duty to notify the parliamentary committee and the parliamentary commissioner of improper conduct)	21
42	Amendment of s 348A (Criteria for recommending an entity be declared a criminal organisation)	22
43	Insertion of new ch 8, pt 13	22
	Part 13 Crime and Corruption Amendment Act 2016	
	424 Chief executive officer	22
	425 Acting appointments	23
	426 References to chair titles	23
44	Amendment of sch 2 (Dictionary)	23
45	Amendments for chair references	24
Part 2A	Amendment of Queensland Civil and Administrative Tribunal Act 2009	
45A	Act amended	24
45B	Amendment of s 206BB (Expiry of pt 4B)	25
Part 2B	Amendment of Queensland Civil and Administrative Tribunal Regulation 2009	
45C	Regulation amended	25
45D	Omission of s 20 (Expiry of the Act, ch 4, pt 4B—Act, s 206BB) .	25
Part 3	Amendments of other Acts	
46	Acts amended in schs 1 and 2	25
Schedule 1	Amendments for chair references	26
Schedule 2	Other consequential amendments	30
	Right to Information Act 2009	30

2016

A Bill

for

An Act to amend the *Crime and Corruption Act 2001*, the *Queensland Civil and Administrative Tribunal Act 2009*, the *Queensland Civil and Administrative Tribunal Regulation 2009* and the Acts mentioned in schedules 1 and 2 for particular purposes

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Crime and Corruption Amendment Act 2016*.

Part 2 Amendment of Crime and Corruption Act 2001

2 Act amended

This part amends the *Crime and Corruption Act 2001*.

3 Amendment of s 4 (Act's purposes)

Section 4(1)(b)—

omit, insert—

- (b) to continuously improve the integrity of, and to reduce the incidence of corruption in, the public sector.

4 Amendment of s 5 (How Act's purposes are to be achieved)

Section 5(3)—

omit, insert—

- (3) Also, the commission is to—

- (a) investigate cases of corrupt conduct, particularly more serious cases of corrupt conduct; and
- (b) help units of public administration to deal effectively and appropriately with corruption by increasing their capacity to do so.

5 Amendment of s 13 (Purpose of div 2)

Section 13, note, after ‘function’—

insert—

under section 33(b)

6 Amendment of s 23 (Commission’s prevention function)

Section 23, after ‘crime’—

insert—

and corruption

7 Amendment of s 24 (How commission performs its prevention function)

- (1) Section 24(a), after ‘crime’—

insert—

and corruption

- (2) Section 24—

insert—

- (ba) analysing systems used within units of public administration to prevent corruption; and
- (ca) providing information to, consulting with, and making recommendations to, units of public administration; and

[s 8]

(ea) generally increasing the capacity of units of public administration to prevent corruption by providing advice and training to the units and, if asked, to other entities; and

(3) Section 24(f), after ‘crime’—

insert—

and corruption

(4) Section 24(ba) to (f)—

renumber as section 24(c) to (i).

8 Amendment of ch 2, pt 3, div 1, hdg (Corruption function)

Chapter 2, part 3, division 1, heading, ‘function’—

omit, insert—

functions

9 Replacement of ss 33 and 34

Sections 33 and 34—

omit, insert—

33 Commission’s corruption functions

The commission has the following functions for corruption (the *corruption functions*)—

- (a) to raise standards of integrity and conduct in units of public administration;
- (b) to ensure a complaint about, or information or matter involving, corruption is dealt with in an appropriate way, having regard to the principles set out in section 34.

34 Principles for performing corruption functions

It is the Parliament's intention that the commission apply the following principles when performing its corruption functions—

(a) Cooperation

- to the greatest extent practicable, the commission and units of public administration should work cooperatively to prevent corruption
- the commission and units of public administration should work cooperatively to deal with corruption

(b) Capacity building

- the commission has a lead role in building the capacity of units of public administration to prevent and deal with cases of corruption effectively and appropriately

(c) Devolution

- subject to the cooperation and public interest principles and the capacity of the unit of public administration, action to prevent and deal with corruption in a unit of public administration should generally happen within the unit

(d) Public interest

- the commission has an overriding responsibility to promote public confidence—
 - in the integrity of units of public administration and
 - if corruption does happen within a unit of public administration, in the way it is dealt with

[s 10]

- the commission should exercise its power to deal with particular cases of corruption when it is appropriate having primary regard to the following—
 - the capacity of, and the resources available to, a unit of public administration to effectively deal with the corruption
 - the nature and seriousness of the corruption, particularly if there is reason to believe that corruption is prevalent or systemic within a unit of public administration
 - any likely increase in public confidence in having the corruption dealt with by the commission directly.

10 Amendment of s 35 (How commission performs its corruption function)

- (1) Section 35, heading, ‘function’—

omit, insert—

functions

- (2) Section 35(1) and (2), ‘function’—

omit, insert—

functions

- (3) Section 35(3), after ‘function’—

insert—

under section 33(b)

11 Amendment of s 35A (Chief executive officer may issue direction about commission's corruption function)

Section 35A, heading, after 'function'—

insert—

about complaints

12 Amendment of s 35B (Publication of information about how commission performs its corruption function)

Section 35B, heading, after 'function'—

insert—

about complaints

13 Amendment of s 36 (Complaining about corruption)

(1) Section 36(3), (4) and (6)—

omit.

(2) Section 36(5)—

renumber as section 36(3).

14 Replacement of s 52 (Research function)

Section 52—

omit, insert—

52 Research functions

(1) The commission has the following functions—

- (a) to undertake research to support the proper performance of its functions;
- (b) to undertake research into the incidence and prevention of criminal activity;
- (c) to undertake research into any other matter relating to the administration of criminal

[s 15]

justice or relating to corruption referred to
the commission by the Minister;

(d) to undertake research into any other matter
relevant to any of its functions.

(2) Without limiting subsection (1)(a), the
commission may undertake research into—

(a) police service methods of operations; and

(b) police powers and the use of police powers;
and

(c) law enforcement by police; and

(d) the continuous improvement of the police
service.

15 Amendment of s 213 (Secrecy)

Section 213(4)(a), after ‘capacity,’—

insert—

or the chief executive officer in the chief executive
officer’s official capacity,

16 Replacement of ch 6, pt 1, div 2, hdg

Chapter 6, part 1, division 2, heading—

omit, insert—

**Division 2 Commissioners and chief
executive officer**

17 Insertion of new ch 6, pt 1, div 2, sdiv 1AA

Chapter 6, part 1, division 2, before subdivision 1—

insert—

Subdivision 1AA Preliminary

222A Meaning of *officer* for div 2

In this division—

officer means a commissioner or the chief executive officer.

18 Amendment of s 223 (Membership of the commission)

Section 223(c) and (d)—

omit, insert—

- (c) 3 part-time commissioners who are ordinary commissioners.

19 Insertion of new s 223A

After section 223—

insert—

223A Chief executive officer

The commission must have a chief executive officer.

20 Amendment of s 225 (Qualifications for appointment—other commissioners)

Section 225, heading, ‘other’—

omit, insert—

chief executive officer and ordinary

21 Replacement of s 226 (Disqualification as commissioner)

Section 226—

omit, insert—

[s 22]

226 Disqualification as commissioner or chief executive officer

- (1) An ineligible person or the chief executive officer can not be appointed as, or continue as, a commissioner.
- (2) An ineligible person can not be appointed as, or continue as, the chief executive officer.

22 Amendment of s 227 (Advertising for appointment)

Section 227(3), after ‘commissioner’—

insert—

or the chief executive officer

23 Replacement of s 228 (Consultation before nominating persons for appointment)

Section 228—

omit, insert—

228 Prior consultation and bipartisan support for appointments

The Minister may nominate a person for appointment to the office of chairperson, deputy chairperson, ordinary commissioner or the chief executive officer only if—

- (a) the Minister has consulted with—
 - (i) the parliamentary committee; and
 - (ii) except for an appointment as chairperson—the chairperson; and
- (b) the nomination is made with the bipartisan support of the parliamentary committee.

24 Amendment of s 229 (Appointment of commissioners)

- (1) Section 229, heading, ‘commissioners’—

omit, insert—

officers

- (2) Section 229, ‘Commissioners’—

omit, insert—

Officers

25 Replacement of ss 231 and 232

Sections 231 and 232—

omit, insert—

231 Duration of appointment

- (1) An officer holds office for the term, not longer than 5 years, stated in the instrument of the officer’s appointment.
- (2) A person holding office as a commissioner or the chief executive officer may be re-appointed to the office for a further term or terms as long as—
 - (a) no term of appointment is longer than 5 years; and
 - (b) the person does not hold that office for more than 10 years in total.
- (3) Subsection (2)(b) has effect despite the *Acts Interpretation Act 1954*, section 25(1)(c).
- (4) Section 228 applies to the appointment of an officer for a further term under this section.

232 Terms of appointment

- (1) An officer is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) To the extent that an officer’s terms and conditions are not provided for by this Act, the officer holds office on the terms and conditions decided by the Governor in Council.

[s 26]

Note—

See subdivision 3 for the chairperson's pension entitlements.

26 Amendment of s 234 (Leave of absence)

Section 234(1) and (2)—

omit, insert—

- (1) The commission may grant leave to an officer in accordance with entitlements available to the officer under the officer's conditions of office.
- (2) However, only the Minister may grant extended leave to an officer.

27 Amendment of s 235 (Resignation)

Section 235, 'A commissioner'—

omit, insert—

An officer

28 Replacement of ss 236 and 237

Sections 236 and 237—

omit, insert—

236 Termination of appointment

- (1) The Governor in Council may terminate an officer's appointment if the officer becomes incapable of satisfactorily performing the duties of office.
- (2) The Governor in Council may terminate a commissioner's appointment if the commissioner is absent from 3 consecutive meetings of the commission without the commission's prior leave and without reasonable excuse.

- (3) The Governor in Council must terminate the chairperson's or chief executive officer's appointment if the chairperson or chief executive officer engages in paid employment outside the chairperson's or chief executive officer's duties of office without the Minister's approval.
- (4) The Governor may terminate an officer's appointment if—
 - (a) a recommendation to the Legislative Assembly to terminate the appointment is made with the bipartisan support of the parliamentary committee; and
 - (b) the Legislative Assembly, by resolution, approves the termination of the appointment.
- (5) The office of a commissioner is vacated if the commissioner becomes an ineligible person or the chief executive officer.
- (6) The office of the chief executive officer is vacated if the chief executive officer becomes an ineligible person.

237 Acting appointments

- (1) The Governor in Council may appoint a qualified person to act in the office of chairperson, deputy chairperson, ordinary commissioner or the chief executive officer for all or part of a period in which—
 - (a) the office is vacant; or
 - (b) the person holding the office is absent from duty or from the State or, for another reason, can not perform the duties of the office.
- (2) A person may not be appointed to act in the office for—

[s 29]

- (a) a continuous period of more than 3 months;
or
- (b) a period that, with the periods of other appointments of the person to act in the office, form a continuous period of more than 3 months.
- (3) However, subsection (2) does not apply if the Minister recommends the person for the appointment with the bipartisan support of the parliamentary committee.
- (4) The Minister must consult with the chairperson before recommending the person for the appointment.
- (5) Sections 227 and 228 do not apply to the appointment.
- (6) In this section—
qualified, in relation to an appointment to act in an office, means qualified for appointment to the office.

29 Amendment of s 238 (Disclosure of interests by commissioners)

- (1) Section 238, heading, ‘by commissioners’—
omit.
- (2) Section 238(1), ‘commissioner’s’—
omit, insert—
officer’s
- (3) Section 238(2), ‘commissioner’—
omit, insert—
officer
- (4) Section 238(2), ‘person’s’—
omit, insert—

officer's

- (5) Section 238(3), 'a commissioner's'—

omit, insert—

an officer's

- (6) Section 238(4)—

omit, insert—

- (4) In this section—

personal or political association, of an officer,
means a personal or political association that
might influence the officer in the discharge of the
officer's duties.

30 Amendment of s 238E (Pension if appointment ends because of ill health)

Section 238E(1)(b), '236(1)(a)'—

omit, insert—

236(1)

31 Amendment of s 238I (What happens if former chairman's appointment is terminated under s 236(3))

Section 238I, '236(3)'—

omit, insert—

236(4)

32 Amendment of s 241 (Disqualification as a sessional commissioner)

Section 241, after 'person'—

insert—

or the chief executive officer

[s 33]

33 Amendment of s 245 (Senior officers)

Section 245(3)(b), ‘function’—

omit, insert—

functions

34 Replacement of s 262 (Senior executive officer may attend meetings)

Section 262—

omit, insert—

262 Chief executive officer or senior executive officer may attend meetings

The chief executive officer or a senior executive officer may attend commission meetings but is not entitled to vote at a meeting.

35 Amendment of s 266 (Conduct of meetings)

Section 266(4), ‘senior’—

omit.

36 Amendment of s 269 (Delegation—commission)

Section 269(4)(c)—

omit.

37 Amendment of s 292 (Functions)

Section 292(e)—

omit, insert—

- (e) to participate in the selection of commissioners and the chief executive officer, and the removal from office of a commissioner or the chief executive officer, as provided under this Act;

38 Amendment of s 302A (Meetings of parliamentary committee generally to be held in public)

Section 302A(2)(c), ‘corruption function’—

omit, insert—

corruption functions

39 Amendment of s 314A (Recommendation or referral arising from investigation conducted on parliamentary commissioner’s own initiative)

(1) Section 314A(3)(a), after ‘a commissioner’—

insert—

or the chief executive officer

(2) Section 314A(3)(a), after ‘the commissioner’—

insert—

or chief executive officer

40 Amendment of s 314B (Report on investigation conducted on parliamentary commissioner’s own initiative)

(1) Section 314B(2)(b), after ‘a commissioner’—

insert—

or the chief executive officer

(2) Section 314B(4), note, ‘236(3)(a)’—

omit, insert—

236(4)(a)

41 Amendment of s 329 (Duty to notify the parliamentary committee and the parliamentary commissioner of improper conduct)

Section 329(1), table—

[s 42]

omit, insert—

Column 1	Column 2
chairperson	commissioner other than the chairperson
	chief executive officer
deputy chairperson	chairperson
chief executive officer	commission officer other than a commissioner or the chief executive officer

42 Amendment of s 348A (Criteria for recommending an entity be declared a criminal organisation)

Section 348A(1), ‘2005’—

omit, insert—

2015

43 Insertion of new ch 8, pt 13

Chapter 8—

insert—

Part 13	Crime and Corruption Amendment Act 2016
----------------	--

424 Chief executive officer

- (1) This section applies in relation to a person who, immediately before the commencement, held office as a commissioner and the chief executive officer under an appointment by the Governor in Council.
- (2) On the commencement, the appointment as a commissioner ends.

- (3) The appointment, to the extent it relates to the office of chief executive officer, continues under section 229 until it ends under this Act.

425 Acting appointments

Section 237(2) does not apply to an appointment made under section 237 before the commencement that is still in effect on the commencement.

426 References to chair titles

- (1) A reference in an Act or document to the chairman of the crime and corruption commission may, if the context permits, be taken to be a reference to the chairperson.
- (2) A reference in an Act or document to a person who was the chairperson of the crime and corruption commission may, if the context permits, be taken to include a person who was the chairman of the crime and corruption commission.

44 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definition *corruption function*—
omit.
- (2) Schedule 2—
insert—

corruption functions see section 33.
- (3) Schedule 2, definition *commission officer*, paragraph (a)(iii) to (vi)—
renumber as paragraph (iv) to (vii).
- (4) Schedule 2, definition *commission officer*, paragraph (a)—
insert—

[s 45]

- (iii) the chief executive officer; or
- (5) Schedule 2, definition *corruption investigation*, ‘its’—
omit, insert—
 - a
- (6) Schedule 2, definition *officer*—
insert—
 - (c) for chapter 6, part 1, division 2, see section 222A.

45 Amendments for chair references

- (1) Each provision of the Act containing a reference to ‘chairman’ is amended by omitting ‘chairman’ and inserting ‘chairperson’.
- (2) Each provision of the Act containing a reference to ‘chairman’s’ is amended by omitting ‘chairman’s’ and inserting ‘chairperson’s’.
- (3) Each provision of the Act containing a reference to ‘Chairman’s’ is amended by omitting ‘Chairman’s’ and inserting ‘Chairperson’s’.

Part 2A Amendment of Queensland Civil and Administrative Tribunal Act 2009

45A Act amended

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

45B Amendment of s 206BB (Expiry of pt 4B)

Section 206BB(1) and (2)—

omit, insert—

This part expires on 13 November 2016.

**Part 2B Amendment of Queensland
Civil and Administrative
Tribunal Regulation 2009**

45C Regulation amended

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

45D Omission of s 20 (Expiry of the Act, ch 4, pt 4B—Act, s 206BB)

Section 20—

omit.

Part 3 Amendments of other Acts

46 Acts amended in schs 1 and 2

Schedules 1 and 2 amend the Acts they mention.

Schedule 1 Amendments for chair references

section 46

1 References to ‘chairman’

Each of the following provisions is amended by omitting ‘chairman’ and inserting ‘chairperson’—

<i>Child Protection (Offender Reporting) Act 2004</i>	section 64
<i>Corrective Services Act 2006</i>	section 290
<i>Criminal Code</i>	section 1, definition <i>law enforcement officer</i>
<i>Criminal Proceeds Confiscation Act 2002</i>	section 12 section 214 section 266 schedule 6, definition <i>chairman</i>
<i>Evidence Act 1977</i>	section 21C, definition <i>chief executive officer</i> section 21H sections 21KE to 21KG
<i>Judges (Pension and Long Leave) Act 1957</i>	section 2AB section 2BA section 18AA section 18A(3), definition <i>scheme</i> schedule 1, definition <i>CCC chairman</i>

<i>Police Powers and Responsibilities Act 2000</i>	section 232 section 241 section 250 section 275 section 319 sections 673 and 674 section 678 schedule 6, definition <i>chief executive officer</i>
<i>Police Service Administration Act 1990</i>	sections 4.2 and 4.3 section 4.5 section 4.7 section 5AA.13 section 7.2 section 9.2A
<i>Prostitution Act 1999</i>	section 102
<i>Public Interest Disclosure Act 2010</i>	schedule 1

Schedule 1

<i>Telecommunications Interception Act 2009</i>	schedule, definition <i>chief officer</i>
<i>Witness Protection Act 2000</i>	sections 6 to 16 sections 20 to 22 section 25 sections 28 to 33 section 35 sections 37 and 38 sections 40 and 41 section 43 sections 45 and 46 sections 48 and 49 schedule 2, definitions <i>chairman</i> and <i>witness protection officer</i>

2 Reference to ‘Chairman’

The *Evidence Act 1977*, schedule 1, item 2 is amended by omitting ‘Chairman’ and inserting ‘Chairperson’.

3 References to ‘chairman’s’

Each of the following provisions is amended by omitting ‘chairman’s’ and inserting ‘chairperson’s’—

<i>Judges (Pension and Long Leave) Act 1957</i>	section 2BA section 18A(3), definition <i>scheme</i>
<i>Police Powers and Responsibilities Act 2000</i>	section 232 section 275 section 319

<i>Police Service Administration Act 1990</i>	section 5AA.13
<i>Witness Protection Act 2000</i>	section 6 section 36

Schedule 2 Other consequential amendments

section 46

Right to Information Act 2009

- 1 Schedule 3, section 10(9), definition *corruption function*,
‘*function*’—**

omit, insert—

functions

- 2 Schedule 3, section 10(9), definition *prescribed
functions*, paragraph (a), ‘*corruption function*’—**

omit, insert—

corruption functions

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