Crime and Corruption (Restoring Reporting Powers) Amendment Bill 2025

Explanatory Notes

FOR

Amendments to be moved during consideration in detail by the Honourable Deb Frecklington MP, Attorney-General and Minister for Justice and Minister for Integrity

Title of the Bill

Crime and Corruption (Restoring Reporting Powers) Amendment Bill 2025

Objectives of the amendments

Amendments relating to the Crime and Corruption Commission (CCC)

The CCC is Queensland's primary corruption watchdog. It is imperative that it is subject to the highest integrity standards, starting with its senior leadership. The most senior officials of the CCC are its commissioners. Together, the commissioners provide strategic leadership and direction for the performance of the CCC's functions and the exercise of its powers by its officers.

The Parliamentary Crime and Corruption Committee (PCCC) monitors and reviews the performance of the CCC. As part of this, the PCCC has a statutory function to conduct 5-yearly reviews of the CCC. In 2021, the PCCC tabled Report No. 106, 57th Parliament, *Review of the Crime and Corruption Commission's activities* (Report No. 106) which examined the CCC's performance between 2016-2021. Recommendation 4 of the report was to consider amending the *Crime and Corruption Act 2001* (CC Act) to provide for a single, non-renewable appointment for the chairperson and ordinary commissioners that does not exceed 7 years.

Providing a tenure limit is an important way that corruption risks within the CCC are prevented. This is to ensure there is no potential for a commissioner to be, or be seen to be, impacted in any way in the conduct of their work as a commissioner by the imperative of reappointment.

Therefore, it is an object of the amendments to give full effect to Recommendation 4 of PCCC Report No. 106.

There are also amendments to ensure the administrative efficiency of the CCC's operations through the electronic service of notices. The objectives of these amendments are to:

- establish a framework for the CCC to enter agreements to serve particular types of notices by email across multiple investigations or operations, or functions;
- ensure that the categories for which a person or a lawyer representing a person may nominate email addresses for service are the same; and
- ensure the validity and ongoing valid operation of agreements entered into before the new framework commences and related actions.

Amendments to the *Forensic Science Queensland Act 2024* (FSQ Act)

Forensic Science Queensland (FSQ), consisting of the Director and staff, was established as an independent office within the now Department of Justice (DoJ) on and from 1 July 2024, replacing the former Forensic and Scientific Services in Queensland Health. FSQ delivers forensic services to support the administration of criminal justice in Queensland.

Part 7 of the FSQ Act contains transitional provisions which:

- preserve the terms and conditions for staff who transferred from Queensland Health, as either public service employees under the *Public Sector Act 2022* or health service employees under the *Hospital and Health Boards Act 2011* (section 47(2)); and
- apply the terms and conditions of health service employment to new staff appointed to FSQ on or after 1 July 2024 (section 47(3)).

These provisions were intended to ensure that health service employees who transferred to DoJ were not disadvantaged and that new employees received the terms and conditions of health service employment (generally more favourable than public service employment).

The provisions were intended to operate temporarily during a transition period ending when new certified agreements covering FSQ staff take effect.

The FSQ Act amendments are intended to clarify the operation of transitional provisions relating to employment terms and conditions of FSQ employees. The amendments will assist in ensuring that FSQ is of a world-class standard and can be relied upon to bring justice for Queenslanders.

Amendments to the *Police Powers and Responsibilities Act 2000* (PPR Act)

The PPR Act provides for taking and analysing DNA samples, including samples obtained from crime scenes, victims, and suspects.

Section 490 of the PPR Act provides for the destruction of DNA samples taken from a person suspected of having committed an indictable offence and results of the DNA sample analysis (collectively, 'DNA material'). These samples must be destroyed within a reasonably practical time after the end of one year from the day the arrest or a proceeding for the offence is discontinued under the relevant provisions, the day the person is found not guilty of the offence, or the day the sample is taken, if a proceeding for the indictable offence is not started within one year after the sample was taken.

FSQ has experienced a substantial backlog in crime scene sample processing and reporting following the Commission of Inquiry into Forensic DNA Testing in Queensland ('2022 Commission of Inquiry') and Commission of Inquiry to examine DNA Project 13 concerns (together 'Commissions of Inquiry'). In the absence of these crime scene samples being processed, the reference samples collected from persons suspected of committing an indictable offence cannot be compared against the crime scene samples for elimination or comparative analysis purposes.

Additionally, in accordance with recommendations from the Commissions of Inquiry, a review of historical cases affected by potential sub-optimal DNA analyses remains ongoing. The purpose of the review is to determine whether further DNA information is available that may be probative to the affected cases. The comprehensiveness of the review of historical cases may be compromised if historical DNA material is destroyed.

To address the impact of testing delays and the review of historical cases, amendments to the PPR Act were made in 2023 to extend the retention period for DNA material for three years. Specifically, the amendments provided that, if proceedings have not been started:

- samples and results associated with historical cases (samples taken between 1 January 2007 and 12 June 2022) can be retained for a three-year review period (4 December 2023 to 3 December 2026); and
- samples and results affected by the testing backlog (samples taken between 13 June 2022 and 13 June 2025) can be retained for three years from the day the sample is taken (12 June 2025 to 12 June 2028, depending on the date of collection).

It has been identified that a further extension of the retention period is required to ensure delays in processing crime scene samples do not adversely impact investigations, and the review of historical cases is not compromised by the destruction of historical DNA material.

Similar to the 2023 amendments, the objective of the amendments to be moved during consideration in detail of the Bill is to ensure that reference samples obtained from suspects are not required to be destroyed before historical case reviews are completed or the backlogged crime scene samples are analysed. This will ensure that all available information can be used to comprehensively conduct reviews of historical cases and investigate current cases.

Amendments to the *Evidence Act 1977* (Evidence Act)

On 23 September 2024, section 162 of the Evidence Act was inserted by the *Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024* (the CCAC Act).

Prior to commencement of the CCAC Act, the admissibility of preliminary complaint evidence was governed by section 4A of the *Criminal Law (Sexual Offences) Act 1978* (the CLSO Act). Previous section 4A of the CLSO Act related only to sexual offence proceedings.

As recommended by the Women's Safety and Justice Taskforce, the CCAC Act repealed section 4A of the CLSO Act, moved it to the Evidence Act (section 94A) and expanded the admissibility of preliminary complaint evidence so that it is admissible in domestic violence proceedings as well as sexual offence proceedings.

Section 162 of the Evidence Act provides that section 94A applies to proceedings concerning sexual offences and domestic violence offences charged after commencement, regardless of whether the offence was committed before or after commencement.

It was intended that preliminary complaint evidence would continue to be admissible in sexual offence proceedings that were started prior to 23 September 2024, even though section 162 does not explicitly state so.

The amendments to the Evidence Act will clarify and put beyond doubt this intended transitional approach.

Amendments to the *Youth Justice Act 1992* (YJ Act)

The *Making Queensland Safer Act 2024* (MQS Act) inserted section 6 (Meaning of criminal history of child) into the YJ Act which provides a definition of the criminal history of a child and expanded the scope of the contents of a criminal history to include cautions, restorative justice agreements and breaches of supervised release orders.

The MQS Act also inserted section 439 into the YJ Act which outlined the transitional approach for new section 6. In particular, section 439 subsections (b) and (c) provide that:

- a reference to a finding of guilt includes a finding of guilt against a child that occurred before the commencement; and
- a reference to a restorative justice agreement does not include a restorative justice agreement—
    - made by a child before the commencement; or
    - made by a child on or after the commencement as a consequence of a referral of an offence for a restorative justice process that was made before the commencement.

Because a court diversion referral to a restorative justice agreement requires a child to enter a plea of guilty, it may be unclear whether section 439(b) or 439(c) will apply.

Amendments to be moved during consideration in detail will therefore clarify that restorative justice agreements made as a consequence of a court diversion referral (under section 163 of the YJ Act) are not included on the criminal history of a child where the referral was made before commencement of the MQS Act.

Amendments to be moved during consideration in detail will also provide that variations and breaches of community based orders for children are included in a child criminal history if they occurred before the commencement of the amendments.

An additional amendment will also clarify that interim orders are not captured by the new criminal history provisions.

Amendments to the *Respect at Work and Other Matters Amendment Act 2024* (RAW Act)

In line with the ministerial statement made by the Attorney-General and Minister for Justice and Minister for Integrity on 14 March 2025, amendments to the RAW Act to be moved during consideration in detail will delay the commencement of the uncommenced provisions to allow for further consideration and consultation on anti-discrimination laws.

Amendments to the *Anti-Discrimination Act 1991* (AD Act)

The RAW Act introduced new burden of proof provisions into the AD Act on 1 December 2024. However, it is apparent that the new provisions were commenced unintentionally, noting that a relevant transitional provision relating to the new burden of proof provisions currently does not commence until 1 July 2025. The amendments to be moved during consideration in detail will rectify this error.

Achievement of the objectives

To achieve the objectives, the amendments will amend the Crime and Corruption (Restoring Reporting Powers) Amendment Bill 2025 (the Bill), the CC Act, the *Crime and Corruption and Other Legislation Amendment Act 2024* (CCOLA Act), the Evidence Act, the FSQ Act, the PPR Act, the RAW Act and the YJ Act.

Amendments relating to the CCC

Tenure of commissioners
Currently, section 231 the CC Act provides that a commissioner or the chief executive officer holds office for up to 5 years, as stated in the appointment instrument. The commissioners or the chief executive officer may be reappointed for further terms up to a maximum of 10 years in total.

The CCOLA Act will:

- amend section 231 to provide for a fixed, non-renewable period of appointment of 7 years for commissioners (including the chairperson);

- insert new section 231A to continue the existing tenure arrangements for the chief executive officer; and
- insert new section 467, a transitional provision, to provide that current section 231 (before the amendment commences) continues to apply to a current commissioner who holds office despite the replacement of that section. This means that the current commissioners will continue to be eligible for reappointment up to a maximum of 10 years in total.

These provisions of the CCOLA Act are to commence on a day to be fixed by proclamation and have not yet come into force.

Therefore, the amendments will amend the CCOLA Act to provide that a commissioner may be appointed for a period up to 7 years and may not be reappointed.

Service by email

The CCOLA Act inserted section 85AA to enable the CCC to give particular notices by email. The framework is based on previous temporary COVID-19 related provisions. This is an alternative means of giving the notices that may be given under chapter 3 part 1 divisions 1, 2 or 4 but does not apply to a notice requiring immediate production of a document or thing or an attendance notice requiring immediate attendance at a commission hearing.

Service of notices by agreement

The Bill streamlines the requirements for service of particular notices by email.

To ensure that Bill's amendments can accommodate the range of circumstances in which the CCC may need to enter into an agreement about the service of notices of a particular type, the amendments will insert a framework enabling the CCC to enter into agreements in relation to service.

When entering the agreement, the CCC will need to be satisfied of factors similar to those mentioned in subsections 85AA(3)-(4) but which are adapted to the context of an agreement. These include additional factors unique to these kinds of agreements, namely:

- the involvement by the person in an investigation, operation or function to which the notices of the particular type relate; and
- the number of notices of the particular type proposed to be given by email under the agreement.

This would include consideration, for example, of the appropriateness of entering into an agreement with a person who is the subject of an investigation or a person on whom it is unlikely that a high volume of notices will be served.

The amendments will also ensure the validity of agreements entered into before the new framework commences and related service or compliance action taken under these agreements. The amendments will further ensure the ongoing validity of existing agreements.

Service of notices by email generally

Currently, a lawyer representing a person is able to nominate the lawyer's email address for service in respect of particular types of notice. There may be circumstances where a person only instructs their lawyer to accept service of a particular notice and not a type of notice. For example, an attendance notice requiring the person to attend at a commission hearing.

Conversely, a person who is not represented by a lawyer may nominate the person's email address for service in respect of only a single notice.

Therefore, the amendments will ensure that:
- a lawyer representing a person is also able to nominate the lawyer's email address for service for only a single notice; and
- that the categories for which a person or a lawyer representing a person may nominate email addresses for service are the same.

Amendments to the FSQ Act

The amendments to the FSQ Act will resolve uncertainty regarding the applicable terms and conditions of employment for senior FSQ employees (particularly those appointed on or after 1 July 2024) by providing that Part 7 does not apply to executive employees. This will ensure that senior FSQ employees are appropriately considered as public service employees with conditions as determined by public sector directives relating to conditions for senior executive service and senior officer staff.

The amendments will also provide that Part 7 does not limit a public sector directive made after the commencement from applying to initial FSQ employees or in relation to the terms and conditions of their employment, and validate the past application of public sector directives in line with this intended policy objective. At present, section 50 of the FSQ Act requires a directive of this type to state that it applies to initial FSQ employees. These amendments will remove any ambiguity in cases where a public sector directive applies broadly to a class of employees that includes FSQ employees, but the directive does not explicitly state that it applies to initial FSQ employees.

Amendments to the PPR Act

The amendments to the PPR Act will extend the current retention periods for DNA samples taken from suspects and the associated results of analysis as set out below.

Samples taken between 13 June 2022 and 13 June 2025 (testing backlog)

The amendments further extend the retention period in section 490A for DNA samples and results relating to suspects which continue to be impacted by the ongoing testing backlog.

This will mean that any DNA sample obtained from a suspect between 13 June 2022 and 13 June 2025, and any associated results of DNA analyses, may be kept for up to seven years from when the sample is obtained if a proceeding for an indictable offence has not commenced. This will allow FSQ an additional four years to test crime scene samples and compare them against DNA material from suspects.

The amendment will mean if a person is arrested or a proceeding against the suspect commences before the end of the seven years from when the sample is obtained, the destruction requirements under section 490(1)(a) to (c) will continue to apply. The DNA material must therefore be destroyed within a reasonably practicable time after one year from the:

- discontinuation of the person's arrest; or
- discontinuation of the proceeding before a court; or
- person being found not guilty, including on appeal.

In line with the 2023 amendments to the PPR Act, the amendments do not alter the exemptions to destruction requirements in section 490(2) to (5) of the PPR Act and do not affect destruction requirements outlined elsewhere in section 490. For example, under section 490 there is no requirement to destroy DNA material if a person is found guilty of an indictable offence.

Samples taken between 14 June 2025 and 14 June 2027 (testing backlog)

New section 490AA provides that any DNA sample obtained from a suspect between 14 June 2025 and 14 June 2027, and any associated results of DNA analyses, may be kept for up to three years from when the sample is obtained if a proceeding for an indictable offence has not commenced. This will allow FSQ an additional two years to test crime scene samples and compare them against DNA material from suspects.

As outlined above in relation to samples taken between 13 June 2022 and 13 June 2025, existing destruction requirements enlivened by the circumstances listed in section 490(1)(a) to (c) will continue to apply. Further, the amendments do not alter the exemptions to destruction requirements in section 490(2) to (5) of the PPR Act or destruction requirements outlined elsewhere in section 490.

Samples taken from suspects between 1 January 2007 and 12 June 2022 (historical cases)

The current amendments will further extend the retention period in section 490B for DNA samples taken from persons suspected of having committed indictable offences and results associated with historical cases.

This amendment will extend the retention period for retained DNA samples taken from suspects between 1 January 2007 and 12 June 2022 and associated results from three years (from 4 December 2023 when section 490B commenced) to seven years ending on 4 December 2030. This will allow FSQ an additional four years to complete historical case reviews.

In accordance with the current section 490B, retained DNA material may be dealt with under chapter 17 of the PPR Act as if it was never required to be destroyed under section 490. This will, for example, allow parties authorised under the PPR Act to use historical DNA material for comparison with other DNA analysis results or for inclusion on the QDNA database.

If, within the seven-year period, a person is arrested for an indictable offence or legal proceedings for such an offence are initiated, the destruction requirements under section 490(1)(a) to (c) will apply such that, the DNA material may be retained until a reasonably practicable time after the end of one year from the:

- discontinuation of the person's arrest; or
- discontinuation of the proceedings before a court; or
- person being found not guilty, including on appeal.

These destruction requirements apply to an arrest, discontinuance or proceeding that occurs after the amendments commence.

The amendments do not alter the exemptions to destruction requirements in section 490(2) to (5) of the PPR Act or require destruction of DNA material of a person who is found guilty of an indictable offence.

Amendment to the Evidence Act

The amendment clarifies the admissibility of preliminary complaint evidence in sexual offence proceedings by explicitly providing that section 94A applies, even where the sexual offence proceedings were started prior to commencement of the CCAC Act on 23 September 2024.

Amendments to the YJ Act

With respect to interim orders, amendments to section 6 of the YJ Act explicitly provide that a child's criminal history does not include interim orders. Interim orders are defined to mean orders made under sections 252D(5) and 252E(3)(c) or (4), and relate to orders for the child to appear before the original sentencing court in relation to contraventions of supervised release orders.

With respect to restorative justice agreements, amendments to section 439 of the YJ Act provide that a finding of guilt includes a finding of guilt against a child that occurred before the commencement to the extent that the finding of guilt formed part of the child's criminal history under former section 154.

Former section 154(3) of the YJ Act stated that a finding of guilt did not form part of the criminal history of the child for an offence if the offence was referred to the chief executive for a restorative justice process under section 163(1)(d)(i) and a restorative justice agreement was made as a consequence of the referral.

In effect, the amendment to section 439 makes clear that a restorative justice agreement made as a consequence of a court diversion referral made before commencement will not form part of a child's criminal history.

With respect to variations and breaches of community based orders, the amendment to section 439 provides that variations and breaches of community based orders for a child are included in the scope of section 6 if they occurred before commencement.

The transitional approach to breaches of supervised release orders which occurred before commencement not being included in a child's criminal history is retained.

Amendments to the RAW Act

Currently, section 2(2) of the RAW Act provides a commencement date of 1 July 2025 for a number of provisions which make various amendments to the AD Act. The amendments to the RAW Act replace the date of 1 July 2025 with a day to be fixed by proclamation. Further, the amendments provide that section 15DA of the *Acts Interpretation Act 1954* does not apply, to ensure the relevant provisions do not commence automatically after 1 year.

Amendments to the AD Act

The amendments to the AD Act rectify an apparent error in the commencement of new burden of proof provisions included in the RAW Act by providing that the new burden of proof provisions are to be taken as not having commenced and linking the commencement of the new burden of proof provisions to the commencement of the new definitions for discrimination under the RAW Act.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives other than by legislative amendment.

If amendments to the PPR Act are not progressed, DNA material relevant to current and historical cases may need to be destroyed before it can be used in investigations and proceedings.

Estimated cost for government implementation

In relation to the amendments affecting the CCC, any financial impacts are to be met from within existing resources.

On 15 December 2022, more than $95 million was allocated to the implementation of the 2022 Commission of Inquiry's findings, including the implementation of historical case review.

In September 2023, an additional $75.1 million over four years was allocated to in the implementation of the 2022 Commission of Inquiry's recommendations.

$6 million has also been allocated to the Office of the Director of Public Prosecutions to allow victims' cases impacted by DNA testing backlog to be finalised sooner.

The amendments to be moved during consideration in detail to the YJ Act do not introduce any new costs not anticipated in the Explanatory Notes of the MQS Act.

Consistency with fundamental legislative principles

The amendments have been drafted having regard to the fundamental legislative principles in the *Legislative Standards Act 1992*.

All potential departures have been carefully considered and wherever possible, the impact of the potential departures have been minimised.

The potential departures are considered justified to improve the justice outcomes of Queenslanders, maintain public confidence in the criminal justice system and deliver recommendations from the Commissions of Inquiry.

Legislation should not adversely affect rights and liberties, or impose obligations, retrospectively – *Legislative Standards Act 1992*, section 4(3)(g)

Amendments to the FSQ Act

Section 4(2)(a) of the *Legislative Standards Act 1992* provides that legislation must have sufficient regard to the rights and liberties of individuals. Section 4(3)(g) of the *Legislative Standards Act 1992* provides that one of the factors in determining whether legislation has sufficient regard to the rights and liberties of individuals is whether it adversely affects rights and liberties or imposes obligations retrospectively.

This fundamental legislative principle reflects the common law presumption that Parliament intends legislation to operate prospectively rather than retrospectively. However, this presumption in no way limits the sovereignty of parliament to legislate retrospectively and the presumption can be displaced if the legislation expressly states an intention to apply retrospectively or if the intention is clearly implied in the words of the statute.

The amendments apply to FSQ employees with retrospective effect. The replacement of section 46 of the FSQ Act removes executive employees from the operation of the Part 7 transitional provisions with effect from 1 July 2024. This amendment is designed to address uncertainty regarding the applicable terms and conditions of employment for senior FSQ employees, particularly those appointed on or after 1 July 2024, and ensure they are treated as public service employees. Further, the amendments do not adversely affect these employees as the terms and conditions under public sector employment are at least as favourable as the terms and conditions under health service employment. It is not intended that any executive employee, including any employee previously employed by Queensland Health, will be prejudiced by the retrospective amendment of section 46.

The replacement of section 50, together with new section 53, ensures that any public sector directive made on or after 1 July 2024 is capable of applying to FSQ employees, despite not being expressed to apply to 'initial FSQ employees'.

The Scrutiny of Legislation Committee has recognised that there are occasions on which curative retrospective legislation, without significant effects on rights and liberties of individuals, is justified in order to clarify a situation or correct unintended legislative consequences. Further, the Scrutiny Committee has no concerns about retrospective provisions that do not appear to adversely affect any person other than the State.

The amendments are designed to correct unintended consequences and operate to the benefit of FSQ employees. Therefore, it is considered that the amendments are consistent with fundamental legislative principles, paying sufficient regard to the rights and liberties of individuals and the institution of Parliament.

Whether the legislation adversely affects rights and liberties of individuals – *Legislative Standards Act 1992*, section 4(3)

Amendments to the PPR Act

The Scrutiny of Legislation Committee has noted that the right to privacy is relevant to whether legislation has sufficient regard to the rights and liberties of individuals.

Amendments to section 490A provide that DNA material impacted by the testing backlog may be retained for seven years from when the sample is taken. New section 490AA provides that DNA material impacted by the testing backlog into the short term

(between 14 June 2025 and 14 June 2027) may be retained for three years from when the sample is taken. Amendments to section 490B authorise the continued retention of historical DNA material for up to seven years between 4 December 2023 and 4 December 2030.

A DNA sample is a sensitive form of data. A sample contains unique personal information about a person, including information about physical attributes, ancestry, familial relationships, and health. The results of DNA analysis may also disclose information about a person's past movements, presence at certain locations, and alleged offending behaviour. Extended retention of DNA material may impact a suspect's right to privacy.

Protection of an individual's right to privacy must however be balanced against the forensic use of DNA for law enforcement and administration of justice purposes.

DNA material can be a critical investigative measure in identifying a suspect in criminal cases and informing investigations and prosecutions. In some cases, DNA material can inculpate or exculpate a suspect for a criminal offence.

By ensuring that a suspect's DNA material is not destroyed before it can be compared against crime scene evidence and used to inform investigations or prosecutions in current and historical cases, the amendments support law enforcement, promote public confidence in the justice system, and protect victims' rights. These are matters squarely within the public interest.

The importance of preserving the integrity of the criminal justice system by ensuring that indictable offences can be properly investigated and prosecuted outweighs the impact on a suspect's right to privacy.

While the amendments extend the duration of the current retention periods, they continue to set clear limitations on the duration and scope of the retention, and do not authorise a blanket or indiscriminate power to retain DNA material of persons suspected of convicting an indictable offence. The effect of the amendments, read together with the PPR Act as currently drafted, is that DNA material impacted by the testing backlog must be destroyed within a reasonably practicable time after seven years of the DNA sample collection (for samples collected between 13 June 2022 to 13 June 2025). Similarly, historical DNA material must be destroyed within a reasonably practicable time after 4 December 2030 if a proceeding for an indictable offence has not been brought by this time. DNA material relating to samples taken between 14 June 2025 and 14 June 2027 must be destroyed within a reasonable practicable time after the end of three years from the day the DNA sample is taken. FSQ and the Queensland Police Service may implement operational procedures to specify further requirements for when historical DNA material must be destroyed as long as they are consistent with the provision.

Other existing safeguards and oversight mechanisms also help ensure that sensitive information of suspects is handled appropriately, including restrictions on who can access DNA information, how it can be used, and consequences for unauthorised use. This includes the *Information Privacy Act 2009* and public sector codes of conduct.

Legislative confidentiality obligations also apply to public sector employees who are responsible for conducting reviews of historical cases and investigations into current cases. For example, section 532 of the PPR Act and section 40 of the FSQ Act create offences for the inappropriate disclosure of confidential information. The PPR Act further provides that DNA material is only used for its intended purpose.

Amendments to the AD Act

While the amendments to the AD Act apply retrospectively to provide that the new shared burden is taken not to have commenced, this is a procedural change, and does not impact any individuals' underlying rights, liberties or obligations. Accordingly, the amendments to the AD Act are consistent with fundamental legislative principles.

No inconsistencies with fundamental legislative principles have been identified.

Other amendments

The amendments to the CC Act, the CCOLA Act, the Evidence Act, the YJ Act and the RAW Act are consistent with fundamental legislative principles.

Consultation

The CCC was consulted on the broad policy proposals related to its operations.

The FSQ and Together Union were consulted during development of amendments to the FSQ Act. Feedback from the Together Union helped inform the final version of the amendments.

FSQ and the Director of Public Prosecutions were consulted during development of the amendments to the PPR Act, raising no issues.

The Chief Justice, Chief Judge, and Chief Magistrate were consulted during the development of the amendments to the Evidence Act, raising no issues.

No consultation was undertaken in relation to the amendments proposed to the YJ Act, or for the amendments to the RAW Act or AD Act.

Notes on provisions

Amendment 1 amends the short title of the Bill to "Crime and Corruption (Restoring Reporting Powers) and Other Legislation Amendment Bill 2025".

Amendment 2 omits clause 22 (Amendment of s 85AA (Giving notices by email)) of the Bill.

Amendment 3 provides for new amendments to existing section 85AA of the CC Act.

This includes:
- amending the heading of section 85AA by inserting '—general' after the word 'email';
- replicating the categories of notices for which a person and a lawyer representing a person may nominate email addresses for service;
- inserting new subsection (4A) which declares, to remove any doubt, that a notice may be given under subsection (2) even if it is of a particular type covered by an agreement under new section 85AB(2); and
- providing that the section does not limit the operation of the Corporations Act ..

Amendment 4 inserts new clause 22A into the Bill.

Clause 22A inserts new section 85AB (Giving of notices by email—agreements).

Section 85AB applies in relation to a notice that may be given under division 1, 2 or 4 in relation to an investigation, operation or function, other than a notice requiring immediate production of a document or thing or an attendance notice requiring immediate attendance at a commission hearing.

Section 85AB(2) provides that the chairperson may enter into an agreement with a person for the purpose of giving notices of a particular type to the person, under section 85AB, by sending the notices to an email address specified in the agreement.

Section 85AB(3) provides that in deciding whether to enter into an agreement with a person under subsection (2), the chairperson must have regard to—
- whether it is appropriate to enter into the agreement;
- the ability of the person to maintain the confidentiality of notices of the particular type proposed to be given by email under the agreement;
- any involvement by the person in an investigation, operation or function to which the notices of the particular type relate;
- the number of notices of the particular type proposed to be given by email under the agreement; and
- any other matter the chairperson considers relevant.

Section 85AB(4) provides that the chairperson may give a notice to a person by sending the notice by email to the person's email address specified in an agreement entered into under subsection (2).

Sections 85AB(5) and (6) provide, respectively, that section 85AB does not limit the operation of the *Acts Interpretation Act 1954*, part 10 or the Corporations Act and that the *Electronic Transactions (Queensland) Act 2001* does not apply to the giving of a notice under section 85AB.

Section 85AB(7) declares, to remove any doubt, that more than one email address may be specified in an agreement mentioned in subsection (2) for the purpose of giving notices of a particular type to a person under section 85AB.

Amendment 5 amends the heading of new chapter 8, part 21 by inserting the words "and Other Legislation" after the "Powers)" to reflect the new short title of the Bill.

Amendment 6 amends new section 471(4), definition of the term "introduction day" by inserting the words "and Other Legislation" after the "Powers)" to reflect the new short title of the Bill.

Amendment 7 inserts new sections 474 and 475 into clause 30 of the Bill.

Section 474 (Validation of particular agreements for giving notices by email) applies if before the commencement, the chairperson purportedly entered into an agreement with a person for the giving of notices of a particular type to the person by email under former section 85AA.

Section 474(2) provides that the agreement is taken to be, and to have always been, as valid as it would be or would have been if the agreement were entered into under new section 85AB(2).

Section 474(3) provides that the giving of a notice by the commission to the person under the agreement before the commencement is taken to be, and to have always been, as valid and lawful as it would be or would have been if the agreement were entered into under new section 85AB(2).

Section 474(4) provides that anything done by the person in compliance with a notice given by the commission under the agreement before the commencement is taken to be, and to have always been, as valid and lawful as it would have been if the agreement were entered into under new section 85AB(2).

Section 475 (Existing agreements for giving notices by email) applies if, before the commencement, the chairperson purportedly entered into an agreement with a person for the giving of notices of a particular type to the person by email under former section 85AA; the chairperson and the person could have entered into the agreement under new section 85AB(2) if that section had been in force; and immediately before the commencement, the agreement was in effect.

Section 475(2) provides that from the commencement, the agreement is taken to be an agreement entered into by the chairperson and the person under new section 85AB(2).

Amendment 8 inserts new clause 35 into the Bill.

Clause 35 amends section 36 of the *Crime and Corruption and Other Legislation Amendment 2024* by omitting section 231 as inserted by that Act, and replacing it with a new section 231.

New section 231 (Duration of commissioners' appointments) provides that a commissioner holds office for a non-renewable term, of not more than seven years, stated in the commissioner's instrument of appointment; and that a person may not be reappointed as a commissioner.

Amendment of other legislation

Amendment 9 inserts a new part 4 into the Bill with the heading "Amendment of other legislation".

Amendment of the *Anti-Discrimination Act 1991*

Amendment 10 inserts Division 1 (Amendment of *Anti-Discrimination Act 1991*) into the Bill.

Division 1 is comprised of Clauses 36 and 37.

Clause 36 provides that the division amends the *Anti-Discrimination Act 1991*.

Clause 37 inserts new section 285AA into chapter 11, part 10 of the AD Act.

Section 285AA(1) clarifies that the section applies to:

- a complaint made before the related changes to the definition of discrimination in section 7B of the RAW Act commence which has not been finally dealt with at that commencement; or
- a complaint made after the commencement of section 7B in relation to an alleged contravention of the AD Act that happened before the commencement of section 7B.

Section 285AA(2) provides that the new sections 204 and 205 do not apply in relation to complaints captured by subsection (1). The effect of this is to disapply the new burden of proof provisions for any complaints arising before the commencement of the related changes to the definition of discrimination in the RAW Act (which are to be commenced by proclamation).

Section 285AA(3) provides that former sections 204 to 206 continue to apply in relation to a complaint captured by subsection (1).

Section 285AA(4) provides that the section is taken to have applied from 1 December 2024.

Section 285AA(5) provides definitions for 'former sections 204 to 206', 'new sections 204 and 205' and 'relevant commencement'.

Amendment of *Evidence Act 1977*

Amendment 11 inserts new Division 2 Amendment of *Evidence Act 1977* into the Bill.

Division 2 is comprised of Clauses 38 to 40.

Clause 38 provides that division 2 amends the *Evidence Act 1977*.

Clause 39 amends section 162 (Application of s 94A to sexual offences and domestic violence offences charged before commencement) by replacing the word 'before' commencement to 'after' commencement. The amendment also inserts a note within section 162, which refers to new Division 16. The purpose of the amendments to the wording in the heading of section 162 is to distinguish the operation of the transitional provision in section 162 to the operation of the transitional provision in new section 172.

Clause 40 inserts a new Division 16 which inserts section 172 (Application of s 94A to sexual offences charged before s 162 commencement). New section 172 makes it clear that section 94A applies to sexual offence proceedings where the defendant was charged before 23 September 2024. New subsection (2) confirms that, from 23 September 2024, section 94A has applied to sexual offence proceedings where a defendant was charged before 23 September 2024.

Amendment of the *Forensic Science Queensland Act 2024*

Amendment 12 inserts Division 3 (Amendment of *Forensic Science Queensland Act 2024*) into the Bill.

Division 3 is comprised of Clauses 41 to 45.

Clause 41 states that Part 4 amends the *Forensic Science Queensland Act 2024*.

Clause 42 amends the heading to Part 7 of the *Forensic Science Queensland Act 2024* to 'Transitional provisions for Act No. 8 of 2024'.
Clause 43 omits and replaces current section 46 of the *Forensic Science Queensland Act 2024*.

Under new section 46(1), Part 7 applies to a person who is employed by the department after the commencement as a staff member of Forensic Science Queensland, including a person who was a health service employee or public service employee immediately before being transferred to the department.

New section 46(2) provides that Part 7 does not apply or stops applying to a person mentioned in subsection (1) if:

(a) the person is employed as an executive employee, including for any period the person is acting in or seconded to, the position of an executive employee; or

(b) a new certified agreement, applying to the person as an employee of the department, takes effect.

New section 46(3) provides that a person to whom this part applies is an initial FSQ employee.

New section 46(4) defines 'executive employee' as a senior executive, a senior officer under the *Public Sector Act 2022*, or a person employed in a position that is equivalent to a position mentioned in paragraph (a) or (b).

The new section contains a note which refers to new section 53 in relation to the amendment of this part and the validation of particular things done, or omitted to be done, before the amendment.

This amendment clarifies that part 7 only applies to non-senior Forensic Science Queensland employees (including health service employees or public service employees transferred to the department). Consistent with the current section 46, part 7 will stop applying to these employees if a new certified agreement applying to the employee comes into effect. This amendment is intended to resolve uncertainty under part 7 as currently drafted regarding the applicable terms and conditions of employment for senior staff, particularly those appointed on or after 1 July 2024.

Clause 44 omits and replaces section 50 of the *Forensic Science Queensland Act 2024*.

New section 50 provides that Part 7 does not limit a public sector directive made after the commencement from applying to initial FSQ employees or in relation to the terms and conditions of employment of those employees.

This amendment removes the existing requirement in section 50(1) relating to the application of a public sector directive made after commencement of the FSQ Act. Section 50(1) currently provides that the terms and conditions of employment of an initial FSQ employee are subject to a public sector directive made after the commencement if the directive states that it applies to initial FSQ employees.

The amended section 50 is intended to remove any ambiguity in cases where a public sector directive made on or after 1 July 2024 applies broadly to a class of employees that includes FSQ employees, but the directive does not explicitly state that it applies to initial FSQ employees.

Clause 45 inserts a new part 8 (Transitional and validation provision for *Crime and Corruption (Restoring Reporting Powers) and Other Legislation Amendment Act 2025*) into the Forensic Science Queensland Act.

New section 53 relates to the application of amended part 7 from 1 July 2024.

New section 53(1) provides that amended part 7 is taken to have applied from 1 July 2024.

New section 53(2) provides that anything done, or omitted to be done, in relation to the employment of a relevant employee that would have been valid and lawful if the amended part 7 had been in force from 1 July 2024 is taken to be, and always to have been, valid and lawful. Examples of things done for subsection (2) include the payment of a particular benefit or entitlement to a relevant employee and the approval or cancellation of particular leave for a relevant employee.

New section 53(3) defines 'amended part 7' as part 7 as amended by the *Crime and Corruption (Restoring Reporting Powers) and Other Legislation Amendment Act 2025*. A note provides that part 7 commenced on 1 July 2024. The section also defines 'relevant employee' as a person employed by the department as a staff member of Forensic Science Queensland from 1 July 2024.

This amendment is intended to validate anything done or omitted to be done under the amended part 7 since 1 July 2024, such as the application of public sector directives made after 1 July 2024 to relevant categories of FSQ employees.

Amendment of the *Police Powers and Responsibilities Act 2000*

Amendment 13 inserts Division 4 (Amendment of the *Police Powers and Responsibilities Act 2000*) into the Bill.

Division 4 is comprised of Clauses 46 to 51.

Clause 46 states that Part 6 amends the *Police Powers and Responsibilities Act 2000*.

Clause 47 amends section 490(6) of the Police Powers and Responsibilities Act to include a reference to the new section 490AA.

The amendment will mean that section 490 applies subject to sections 490A, 490AA and 490B.

Clause 48(1) amends the heading to section 490A of the Police Powers and Responsibilities Act to read 'Modified destruction timeframes – DNA samples taken from 13 June 2022 to 13 June 2025'.

Clause 48(2) amends section 490A(2) of the Police Powers and Responsibilities Act to replace the current references to '3 years' with references to '7 years'.

The amendment to section 490A(2) means that a DNA sample taken from a suspect between 13 June 2022 and 13 June 2025, and the results of a DNA analysis of the sample, must be destroyed within a reasonably practicable time after the end of 7 years from when it was taken is taken, if a proceeding for the offence is not started within 7 years.

Clause 49 inserts new section 490AA (Modified destruction timeframes– DNA samples taken between 14 June 2025 and 14 June 2027) in the Police Powers and Responsibilities Act.

Section 490AA extends the destruction timeframes for DNA material anticipated to be affected by the ongoing testing backlog in the short term. For DNA samples taken between 14 June 2025 and 14 June 2027 from persons suspected of having committed indictable offences, and the associated results, the timeframe is extended from 1 to 3 years.

Section 490AA(1) states that section 490AA applies in relation to a DNA sample and the results of a DNA analysis of the sample if:

(a) the sample is taken from a person suspected of having committed an indictable offence; and
(b) the sample is taken during the period starting at the beginning of the day on 14 June 2025 and ending at the end of the day on 14 June 2027.

Section 490AA(2) states that section 490(1)(d) applies in relation to the DNA sample and results as if:

(a) the reference to a proceeding for the indictable offence not starting within 1 year after the sample is taken were a reference to the proceeding not starting within 3 years after the sample is taken; and
(b) the reference to destroying the sample and results within a reasonably practicable time after the end of 1 year from the day the sample is taken were a reference to destroying the sample and results within a reasonably practicable time after the end of 3 years from the day the sample is taken.

Section 490AA(3) states that a reference in this Act or another Act to section 490 includes a reference to section 490 as modified by this section, if the context permits.

The purpose of this amendment is similar to the purpose of the amendment to s 490A. It is designed to ensure that DNA material affected by the ongoing testing backlog is not required to be destroyed before it can be analysed for comparison with other crime scene evidence, thereby informing the investigation and prosecution of serious criminal offences.

Clause 50 amends the definition of 'review period' in section 490B(7) to mean the period starting at the beginning of the day on 4 December 2023 and ending at the end of the day on 4 December 2030. A note states that section 490B commenced on 4 December 2023.The effect of this amendment is to extend the current retention period for DNA material that could be relevant to conducting reviews of historical cases from 3 years (from 4 December 2023 when section 490B commenced) to 7 years (ending on 4 December 2030).

Clause 51 inserts a note for section 898 (Validation for particular DNA samples affected by modifying sections) which states that section 898 commenced on 4 December 2023.

Amendment of the *Respect at Work and Other Matters Amendment Act 2024*

Amendment 14 inserts a new Division 5 (Amendment of *Respect at Work and Other Matters Amendment Act 2024*) into the Bill.

Division 5 is comprised of Clauses 52 to 54.

Clause 52 provides that Division 5 amends to the *Respect at Work and Other Matters Amendment Act 2024*.

Clause 53 amends section 2(2) of the RAW act to omit the commencement date of 1 July 2025 with 'a day to be fixed by proclamation'. Subsection (3) provides that section 15DA of the AI Act does not apply to the RAW Act.

Clause 54 amends section 51 of the RAW Act to remove section 285A, which is the uncommenced transitional provision for the changes to the burden of proof. This provision is no longer necessary.

Amendment of the *Youth Justice Act 1992*

Amendment 15 inserts new Division 6 (Amendment of *Youth Justice Act 1992*) into the Bill.

Division 6 is comprised of Clauses 55 to 57.

Clause 55 provides that Division 6 amends the YJ Act.

Clause 56(1) amends section 6(1)(d) of the YJ Act to exclude interim orders from the scope of a criminal history of a child.

Clause 56(2) inserts a definition of *interim order* into section 6(4) which is defined to mean an order made by:

(a) a magistrate under section 252D(5); or
(b) a court under 252E(3)(c) or (4).

Clause 57(1) amends section 439(1)(b) of the YJ Act to provide that in new section 6, a reference to a finding of guilt includes a finding of guilt against a child that occurred before the commencement to the extent the finding of guilt formed part of the child's criminal history under former section 154.

Clause 57(2) amends section 439(1)(d) to provide that in new section 6, a reference to a decision, finding, order or action of a court, Childrens Court judge, Childrens Court magistrate or other judicial officer:

- in relation to a community based order for a child, includes a decision, finding or order made, or action taken, under former section 245, 246, 246A or 247 before the commencement; or
- in relation to a child's contravention of a supervised release order, does not include a decision, finding or order made, or action taken, under former section 252D, 252E or 252F before the commencement.

Amendment of long title

Amendment 16 amends the long title of the Bill to include the *Anti-Discrimination Act 1991*.

Amendment 17 amends the long title of the of the Bill to include the *Evidence Act 1977,* the *Forensic Science Queensland Act 2024,* the *Police Powers and Responsibilities Act 2000,* the *Respect at Work and Other Matters Amendment Act 2024*, and the *Youth Justice Act 1992*.