

Crime and Corruption (Restoring Reporting Powers) Amendment Bill 2025

Amendments during consideration in detail to be moved by
The Honourable the Attorney-General and Minister for Justice and Minister
for Integrity

1 **Clause 1 (Short title)**

Page 6, line 5, after ‘*Powers*’—

insert—

and Other Legislation

2 **Clause 22 (Amendment of s 85AA (Giving notices by email))**

Page 25, lines 11 to 13—

omit.

3 **Clause 22 (Amendment of s 85AA (Giving notices by email))**

Page 25, after line 13—

insert—

(1) Section 85AA, heading, after ‘email’—

insert—

—general

(2) Section 85AA(3)(b)(i), ‘the notice under this section; or’—

omit, insert—

under this section—

(A) all notices for the investigation,
operation or function; or

(B) all notices of a particular type for the
investigation, operation or function; or

- (C) all notices given during a particular period for the investigation, operation or function; or
 - (D) a particular notice for the investigation, operation or function; or
- (3) Section 85AA(3)(b)(ii)—
insert—
 - (D) a particular notice for the investigation, operation or function.
- (4) Section 85AA—
insert—
 - (4A) To remove any doubt, it is declared that the chairperson may give the notice to a person under subsection (2) even if—
 - (a) it is a notice to be given to a person that has entered into an agreement with the chairperson under section 85AB(2); and
 - (b) the notice is of a particular type to be given to the person by email under the agreement.
- (5) Section 85AA(5), after ‘part 10’—
insert—
or the Corporations Act

4 After clause 22

Page 25, after line 13—

insert—

22A Insertion of new s 85AB

After section 85AA—

insert—

85AB Giving notices by email—agreements

- (1) This section 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) a notice requiring immediate production of a document or thing; or
 - (b) an attendance notice requiring immediate attendance at a commission hearing.
- (2) The chairperson may enter into an agreement with a person for the purpose of giving notices of a particular type to the person, under this section, by sending the notices to an email address specified in the agreement.

Examples of notices of a particular type—

- notices requiring production of financial records
 - notices to produce a document or thing
 - notices given under section 83
- (3) In deciding whether to enter into an agreement with a person under subsection (2), the chairperson must have regard to—
 - (a) whether it is appropriate to enter into the agreement; and
 - (b) the ability of the person to maintain the confidentiality of notices of the particular type proposed to be given by email under the agreement; and
 - (c) any involvement by the person in an investigation, operation or function to which notices of the particular type relate; and
 - (d) the number of notices of the particular type proposed to be given by email under the agreement; and

- (e) any other matter the chairperson considers relevant.
- (4) 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).
- (5) This section does not limit the operation of the *Acts Interpretation Act 1954*, part 10 or the Corporations Act.
- (6) The *Electronic Transactions (Queensland) Act 2001* does not apply to the giving of a notice under this section.
- (7) To remove any doubt, it is declared that more than 1 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 this section.

5 Clause 30 (Insertion of new ch 8, pt 21)

Page 28, line 16, after 'Powers)'—

insert—

and Other Legislation

6 Clause 30 (Insertion of new ch 8, pt 21)

Page 30, line 1, after 'Powers)'—

insert—

and Other Legislation

7 Clause 30 (Insertion of new ch 8, pt 21)

Page 31, after line 7—

insert—

474 Validation of particular agreements for giving notices by email

- (1) This section 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.
- (2) 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).
- (3) 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).
- (4) 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 be or would have been if the agreement were entered into under new section 85AB(2).

475 Existing agreements for giving notices by email

- (1) This section applies if—
 - (a) 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; and
 - (b) the chairperson and the person could have entered into the agreement under new section 85AB(2) if that section had been in force; and

- (c) immediately before the commencement, the agreement was in effect.
- (2) From the commencement, the agreement is taken to be an agreement entered into by the chairperson and the person under new section 85AB(2).

8 After clause 34

Page 32, after line 21—

insert—

35 Amendment of s 36 (Replacement of s 231 (Duration of appointment))

Section 36, inserted section 231—

omit, insert—

231 Duration of commissioners' appointments

- (1) A commissioner holds office for a non-renewable term, of not more than 7 years, stated in the commissioner's instrument of appointment.
- (2) A person may not be reappointed as a commissioner.

Editor's note—

Legislation ultimately amended—

- *Crime and Corruption Act 2001*

9 After clause 34

Page 32, after line 21—

insert—

Part 4 Amendment of other legislation

10 After clause 34

Page 32, after line 21—

insert—

**Division 1 Amendment of
Anti-Discrimination Act
1991**

36 Act amended

This division amends the *Anti-Discrimination Act 1991*.

37 Insertion of new s 285AA

Chapter 11, part 10, after section 285—

insert—

**285AA Delayed application of new burden of
proof for complaints**

- (1) This section applies in relation to—
 - (a) a complaint made before the relevant commencement that, immediately before the relevant commencement, had not been finally dealt with; or
 - (b) a complaint made after the relevant commencement in relation to an alleged contravention of the Act that happened before the relevant commencement.
- (2) New sections 204 and 205 do not apply in relation to the complaint.
- (3) Former sections 204 to 206 continue to apply in relation to the complaint, as if section 47A of the amendment Act had not commenced.
- (4) This section is taken to have applied from 1 December 2024.

(5) In this section—

former sections 204 to 206 means sections 204 to 206 of this Act as in force before 1 December 2024.

new sections 204 and 205 means sections 204 and 205 of this Act as in force from 1 December 2024.

relevant commencement means the commencement of section 7B of the amendment Act.

11 After clause 34

Page 32, after line 21—

insert—

**Division 2 Amendment of Evidence
Act 1977**

38 Act amended

This division amends the *Evidence Act 1977*.

**39 Amendment of s 162 (Application of s 94A to
sexual offences and domestic violence
offences charged before commencement)**

(1) Section 162, heading, ‘before’—

omit, insert—

after

(2) Section 162—

insert—

Note—

See also division 16.

40 Insertion of new pt 9, div 16

Part 9—

insert—

**Division 16 Crime and Corruption
(Restoring Reporting
Powers) and Other
Legislation
Amendment Act 2025**

**172 Application of s 94A to sexual offences
charged before s 162 commencement**

- (1) Section 94A applies in relation to a proceeding for a sexual offence charged against the defendant before the section 162 commencement.
- (2) Subsection (1) is taken to have applied from the section 162 commencement.
- (3) To remove any doubt, it is declared that this section applies in addition to section 162.
- (4) In this section—
section 162 commencement means the commencement of section 162.

Note—

Section 162 commenced on 23 September 2024.

12 After clause 34

Page 32, after line 21—

insert—

**Division 3 Amendment of Forensic
Science Queensland Act
2024**

41 Act amended

This division amends the *Forensic Science Queensland Act 2024*.

42 Amendment of pt 7, hdg

Part 7, heading, after ‘provisions’—
insert—

for Act No. 8 of 2024

43 Replacement of s 46 (Application of part)

Section 46—

omit, insert—

46 Application of part

- (1) This part 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.
- (2) However, this part 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.
- (3) A person to whom this part applies is an *initial FSQ employee*.
- (4) In this section—

executive employee means—

- (a) a senior executive; or
- (b) a senior officer under the *Public Sector Act 2022*; or
- (c) a person employed in a position that is equivalent to a position mentioned in paragraph (a) or (b).

Note—

See also 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.

44 Replacement of s 50 (Application of public sector directive made after commencement)

Section 50—

omit, insert—

50 Application of public sector directive made after commencement

This part 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.

45 Insertion of new pt 8

After part 7—

insert—

Part 8

Transitional and validation provision for Crime and Corruption (Restoring Reporting Powers) and Other Legislation Amendment Act 2025

53 Application of amended part 7 from 1 July 2024

- (1) Amended part 7 is taken to have applied from 1 July 2024.
- (2) Anything done, or omitted to be done, in relation to the employment of a relevant employee that would have been valid and lawful if 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)—

- the payment of a particular benefit or entitlement to a relevant employee
- the approval or cancellation of particular leave for a relevant employee

- (3) In this section—

amended part 7 means part 7 as amended by the *Crime and Corruption (Restoring Reporting Powers) and Other Legislation Amendment Act 2025*.

Note—

Part 7 commenced on 1 July 2024.

relevant employee means a person employed

by the department as a staff member of Forensic Science Queensland from 1 July 2024.

13 After clause 34

Page 32, after line 21—

insert—

**Division 4 Amendment of Police
Powers and
Responsibilities Act 2000**

46 Act amended

This division amends the *Police Powers and Responsibilities Act 2000*.

**47 Amendment of s 490 (When DNA sample taken
from suspected person and results must be
destroyed)**

Section 490(6), ‘sections 490A and 490B’—

omit, insert—

sections 490A, 490AA and 490B

**48 Amendment of s 490A (Modified destruction
timeframes for analysing particular DNA
samples)**

- (1) Section 490A, heading, ‘for analysing particular DNA samples’—

omit, insert—

**—DNA samples taken between 13 June
2022 and 13 June 2025**

- (2) Section 490A(2), ‘3 years’—

omit, insert—

7 years

49 Insertion of new s 490AA

After section 490A—

insert—

490AA Modified destruction timeframes—DNA samples taken between 14 June 2025 and 14 June 2027

- (1) This section 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—
 - (i) starting at the beginning of the day on 14 June 2025; and
 - (ii) ending at the end of the day on 14 June 2027.
- (2) 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.

- (3) 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.

50 Amendment of s 490B (Modified powers and destruction requirements for review of particular DNA samples)

- (1) Section 490B(7), definition *review period*—
omit, insert—

review period means the period—

- (a) starting at the beginning of the day on 4 December 2023; and
(b) ending at the end of the day on 4 December 2030.

- (2) Section 490B—
insert—

Note—

This section commenced on 4 December 2023.

51 Amendment of s 898 (Validation for particular DNA samples affected by modifying sections)

Section 898—

insert—

Note—

This section commenced on 4 December 2023.

14 After clause 34

Page 32, after line 21—

insert—

Division 5 Amendment of Respect at Work and Other Matters Amendment Act 2024

52 Act amended

This division amends the *Respect at Work and Other Matters Amendment Act 2024*.

53 Amendment of s 2 (Commencement)

- (1) Section 2(2), ‘1 July 2025’—

omit, insert—

a day to be fixed by proclamation

- (2) Section 2(2)(a), ‘in force on 30 June 2025’—

omit, insert—

commenced under subsection (1)

- (3) Section 2—

insert—

- (4) The *Acts Interpretation Act 1954*, section 15DA does not apply to this Act.

54 Amendment of s 51 (Insertion of new ch 11, pt 10)

Section 51, inserted section 285A—

omit.

Editor’s note—

Legislation ultimately amended—

- *Anti-Discrimination Act 1991*

15 After clause 34

Page 32, after line 21—

insert—

Division 6 Amendment of Youth Justice Act 1992

55 Act amended

This division amends the *Youth Justice Act 1992*.

56 Amendment of s 6 (Meaning of criminal history of a child)

- (1) Section 6(1)(d), after ‘orders’—

insert—

, other than interim orders,

- (2) Section 6(4)—

insert—

interim order means an order made by—

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

57 Amendment of s 439 (Criminal histories)

- (1) Section 439(1)(b), after ‘commencement’—

insert—

to the extent the finding of guilt formed part
of the child’s criminal history under former
section 154

- (2) Section 439(1)(d), from ‘judicial officer’—

omit, insert—

judicial officer—

- (i) 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

- (ii) 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.

16 Long title

Long title, after 'amend'—

insert—

the Anti-Discrimination Act 1991,

17 Long title

Long title, 'and the *Crime and Corruption and Other Legislation Amendment Act 2024*'—

omit, insert—

, the Crime and Corruption and Other Legislation Amendment Act 2024, 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

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