Parliamentary Committee Briefing Paper

Justice and Other Legislation Amendment Bill 2026

Prepared by the Department of Justice for the Justice, Integrity and Community Safety Committee

Overview and policy intent

The Justice and Other Legislation Amendment Bill 2026 (the Bill) makes amendments to a broad range of legislation in the justice portfolio to ensure it remains accurate and current, provides greater certainty, and repeals redundant legislation.

The most significant amendments in the Bill include those to the:

- Criminal Code and the *Second-hand Dealers and Pawnbrokers Act 2003* (Second-hand Dealers Act) to deter metal theft and to disrupt the sale and disposal of stolen metal as scrap;
- *Coroners Act 2003* (Coroners Act) to create greater coronial efficiencies, ease the pressure on the coronial system, streamline the allocation of coronial resources and expand the reportable deaths framework;
- Criminal Code to strengthen the stock offence framework by increasing the monetary penalties for nine stock related offences; and
- *Police Service Administration Act 1990* (Police Service Administration Act), *Supreme Court of Queensland 1991* (Supreme Court of Queensland Act), *District Court of Queensland Act 1967* (District Court of Queensland Act) and *Magistrates Court Act 1921* (Magistrates Court Act) to facilitate the disclosure of information to accredited media entities regarding court proceedings related to adult alleged offenders.

The Bill also includes amendments to:

- repeal the *Brisbane Casino Agreement Act 1992* (Brisbane Casino Agreement Act) and make consequential amendments, following the termination of the Brisbane Casino Agreement and the closure of the Treasury Brisbane casino;
- change the definition of 'Casino Acts' in the *Charitable and Non-Profit Gaming Act 1999* (Charitable and Non-Profit Gaming Act) to capture the *Queens Wharf Brisbane Act 2016* (Queen's Wharf Brisbane Act), to fortify the existing intent that the State may permit two-up for commemorative purposes on certain days (Anzac Day), despite two-up exclusivities granted to any casino;
- remove references to the now repealed *Criminal Law (Sexual Offences) Act 1978* (Criminal Law (Sexual Offences) Act) in the *Child Protection Act 1999* (Child Protection Act) and the *Housing Act 2003* (Housing Act);
- the *Civil Proceedings Act 2011* (Civil Proceedings Act), the Supreme Court of Queensland Act and the *Uniform Civil Procedure Rules 1999* (Uniform Civil Procedure Rules) to allow the District and Magistrates Courts to issue enforcement warrants containing charging orders and stop orders;
- the District Court of Queensland Act to increase the monetary limit of the District Court of Queensland (District Court) civil jurisdiction from $750,000 to $1.5 million;
- the *Evidence Act 1977* (Evidence Act) to clarify the timing for filing and serving an application for leave to cross-examine a complainant about their sexual activities or to admit evidence as

to the sexual activities of the complainant, and to define the term ‘originating step’ for the purposes of particular transitional provisions;

- the *Information Privacy Act 2009* (Information Privacy Act) to enable privacy complaints to be more effectively managed;
- the *Integrity Act 2009* (Integrity Act) to support the delivery of the Integrity Commissioner’s core functions by clarifying the delegation powers of the Integrity Commissioner and providing them with discretion to receive requests for and to provide advice orally on ethics and integrity issues;
- the *Justices of the Peace and Commissioners for Declarations Act 1991* (Justices of the Peace and Commissioners for Declarations Act) to update Monarch references;
- the *Land Court Act 2000* (Land Court Act) to allow a retired judicial officer (including a retired member of the Land Court) to be appointed as an acting member of the Land Court up to the age of 78;
- the *Ombudsman Act 2001* (Ombudsman Act) to facilitate the Queensland Ombudsman to liaise and work with the National Student Ombudsman, and clarify the operation of section 92 in relation to the making of a public statement to confirm the way in which an investigation was concluded or correct misinformation in the public domain about an investigation or administrative action;
- the *Personal Injuries Proceedings Act 2002* (Personal Injuries Proceedings Act) to reinsert the inadvertently omitted definition of ‘average weekly earnings’ in section 75A;
- the *Property Law Act 2023* (Property Law Act) to correct a provision numbering error;
- the *Public Records Act 2023* (Public Records Act) to clarify the definition of ‘chief executive’ in section 11(4) to ensure that the responsibility for the management of public records is consistently placed with the person responsible for the day-to-day management of the public authority, rather than the governing body’s chairperson;
- the *Right to Information Act 2009* (Right to Information Act) to clarify aspects of the vexatious applicant declaration framework and support the Queensland Government’s participation in the Australian Government’s scheme for limited use of cyber security information under the *Cyber Security Act 2024* (Cth) and the *Intelligence Services Act 2001* (Cth);
- the *Security Providers Act 1993* (Security Providers Act) to clarify the existing, longstanding policy intention that a licence renewal application must be made in the approved form and accompanied by the prescribed fee; and
- the Supreme Court of Queensland Act and the District Court of Queensland Act to clarify the requirement for reserve judges to take or make the oath or affirmation of allegiance and of office.

Further details about the amendments contained in the Bill are set out below.

Amendments to the Criminal Code and the Second-hand Dealers Act to deter metal theft and disrupt the sale and disposal of stolen scrap metal

Background and policy intent

Metal theft has a significant impact on Queensland communities. It occurs in circumstances where the underlying motivation for the criminal conduct is to sell the constituent metal parts of an object that is stolen as scrap metal.

Metal theft results in financial, economic and social harm to individuals, business and the community (for example, where offenders strip the wire from sporting field lighting). Impacts also encompass direct and indirect health and safety risks, for example, some acts of metal theft targeting electrical equipment can create a risk of injury or death for members of the public and responding workers. There are also flow on impacts where significant public infrastructure is damaged and public services are interrupted, for example, where the action of offenders results in multiple streetlights going out along a busy, high-speed motorway, creating a serious safety risk for road users. In some cases, offenders are targeting telecommunications cabling in circumstances where the cabling contains no copper but is fibre optic cabling made of glass fibres. The damage and disruption to telecommunications infrastructure and end users that results are the same.

Criminal Code

The Bill includes a suite of targeted amendments to the Criminal Code designed to ensure significant penalties apply to offences involving metal theft in order to appropriately respond to the types of metal theft being experienced in and currently harming Queensland communities.

Second-hand Dealers Act

The Bill also aims to reduce scrap metal theft and improve regulation and enforcement by strengthening the capacity of the Second-hand Dealers Act to disrupt the sale and disposal of stolen scrap metal and increasing penalties for relevant offences.

The amendments are intended to provide a sufficient deterrent to dealing in scrap metal without a licence or failing to report suspected stolen scrap metal to police. Higher penalties, up to and including imprisonment, are needed to support community safety and prevent financial losses.

Amendments in the Bill

Criminal Code

The Bill amends the Criminal Code to:

- increase penalties for certain core offences typically charged in relation to metal theft, namely stealing, wilful damage and receiving tainted property; and
- introduce two new offences for attempted metal theft and unlawful possession of metal reasonably suspected of being stolen.

Apart from the new offence of unlawful possession (see further below), the amendments rely on the concept of '***valuable metal item***.' This is designed to ensure that the amendments capture the items and places regularly targeted by offenders whilst ensuring, as much as possible, that the amendments do not apply to the theft of objects that may contain metal but where it is not likely that these objects will be on-sold as scrap metal.

The new definition is multi-layered and provides an item is a valuable metal item in one of three ways:

<table>
<tr><th>Particular items</th></tr>
<tr><td>• a catalytic converter or diesel particulate filter</td></tr>
<tr><th>Any item containing metal, provided used for a stated purpose</th></tr>
<tr><td>• an item containing metal used (or intended to be used) for the operation of a facility or infrastructure relating to:
o telecommunication services; or
o water or sewerage services; or
o transportation on railway, road or water, or in the air; or
o supply of energy or fuel;</td></tr>
</table>

• an item containing metal used to manage traffic or safety on bikeway, footpath, railway, road or water, or in the air	
Particular Items, for particular purpose	
Item	**Purpose**
• cladding, flashing, guttering or roofing; • electrical equipment (which includes apparatus, cabling or wiring); • a pipe, pole or tube; • another item prescribed by regulation	• operation of facility or infrastructure (or intended to be part of facility/infrastructure) relating to: ○ exploration of natural resources; ○ management of public safety; ○ production of goods from agriculture, ○ aquaculture, fishery, forestry, ○ manufacturing or mining; ○ provision of community, education or ○ medical services; ○ provision of arts, recreation or sports; ○ provision of retail services; ○ storage of greenhouse gas • used for construction and is at a construction site • forms part of any premises that has never been occupied (i.e. new builds)

The penalty amounts are designed to reflect the behaviour involved, particularly the significant and disruptive impacts of metal theft where it occurs in settings such as at sporting and community facilities and agricultural, construction and public infrastructure sites. The highest maximum penalties proposed are for the new special cases for stealing and wilful damage, where the life or health of a person is endangered or the conduct occurs during or in the lead up to a natural disaster and are set at 25 years imprisonment. For example, where a person is caught stealing wiring from an electrical pit for an electricity distribution network during a cyclone the person will be subject to the highest possible penalties.

The Bill also increases penalties for receiving tainted property that is a valuable metal item to 20 years, where the person receiving the property is acting as a pawnbroker or dealer in second-hand goods.

The introduction of a new offence of attempted stealing of a valuable metal item or component is designed to ensure a significant penalty applies where an offender is caught in the act but does not take the property.

In addition, the Bill increases penalties where offenders target telecommunication cables (regardless of whether or not these contain metal). Offenders are regularly targeting telecommunications infrastructure, often on the false assumption that the cables they are attempting to steal contain copper when in fact they are fibreoptic cables with no metal components.

There are three ‘tiers’ of penalties provided by the amendments:

<table>
<tr><th>Tier</th><th>Circumstances</th></tr>
<tr><td>Tier 1
Offence involving valuable metal item
Applies to:
Stealing: 10 years
Attempted metal theft: 7 years
Receiving tainted property: 16 years/ 20 years (if pawnbroker)</td><td>The property is a valuable metal item or valuable metal component</td></tr>
<tr><td>Tier 2
Offence involving disruption
Applies to:
Stealing: 14 years
Wilful damage: 14 years</td><td>The property is a valuable metal item or valuable metal component, or a cable used for telecommunication
Applies where the operation or use of a public facility or infrastructure is disrupted because the valuable metal item was stolen or damaged
‘Public facility or infrastructure’ is facilities or infrastructure, whether publicly or privately owned, for any of the following purposes:
water or sewerage service
energy or fuel infrastructure
telecommunication system
road, railway or other infrastructure for public transport (including signals)
a community service.</td></tr>
<tr><td>Tier 3
Offence involving endangerment or disaster
Applies to:
Stealing: 25 yeas
Wilful damage: 25 years</td><td>The property is a valuable metal item or valuable metal component, or a cable used for telecommunication
Applies in any of the following situations:
the life or health of a person is endangered, or is likely to be endangered, because the thing is stolen or damaged;
the offence is committed during a natural disaster;
the offence is committed in a declared area for a disaster situation;
the offence is committed in an area where disaster operations in the response phase for a natural disaster are being conducted.</td></tr>
</table>

The introduction of a new offence of possessing certain kinds of prescribed metal provides an alternative charge in cases where there may be insufficient evidence to support a charge of stealing but there is nevertheless evidence to establish that the item was reasonably suspected of being stolen. The new possession offence is limited to unlawful possession of catalytic converters, diesel particulate filters and cabling or wiring. These are the high impact, high volume items that are reported as being stolen across the community. It will operate similarly to the existing offences of unlawful possession of suspected stolen property in section 16 of the *Summary Offences Act 2005* and possession of suspected tainted property in section 252 of the *Criminal Proceeds Confiscation Act 2002*.

Second-hand Dealers Act

The Bill amends the Second-hand Dealers Act to disrupt and disincentivise the sale and disposal of stolen metal as scrap. The Bill will clarify and confirm that the Second-hand Dealers Act applies to persons carrying on a business of dealing in second-hand scrap metal.

The Bill also increases the maximum penalty for unlicensed second-hand dealing in scrap metal from 200 penalty units to 400 penalty units, or two years imprisonment; and introduces an escalating penalty regime where a second-hand dealer fails to report suspected stolen scrap metal to police. A first offence will attract a maximum penalty of 200 penalty units; the maximum penalty for a second offence is 250 penalty units; and the maximum penalty for a third offence is 300 penalty units. The escalating penalty is intended to encourage second-hand dealers to inform police of suspected stolen scrap metal and to disrupt and deter the disposal of stolen scrap metal through second-hand dealers.

Other measures to deter, disrupt and disincentivise metal theft include strengthening requirements relating to the recording of scrap metal transactions and enhancing identity verification requirements for second-hand dealer transactions involving acquisition of scrap metal from a person.

In particular, the Bill:

- inserts a definition of 'scrap metal' into the Second-hand Dealers Act (clause 123);
- imposes additional photographic identity verification requirements under the Second-hand Dealers Act to ensure second-hand dealers transacting in scrap metal obtain accurate information about the identity of the person selling or providing the scrap metal to the dealer, including their name, date of birth and residential address (clause 120);
- increases penalties under the Second-hand Dealers Act for unlicensed second-hand dealing in scrap metal (clause 118);
- requires all transactions involving scrap metal, regardless of value, to be recorded in the transaction register (clause 119);
- addresses a practical issue for larger scrap metal recycling businesses by providing that scrap metal does not need to be held for 7 clear working days after acquisition, which is generally a requirement for other second-hand property (clause 123); and
- modernises the offences under the Second-hand Dealers Act for failing to report suspected stolen property to police and provides an escalating penalty for second-hand dealers that repeatedly fail to inform police of scrap metal suspected to have been stolen or unlawfully obtained (clauses 121 and 122).

Amendments to the Coroners Act to improve the coronial system

Background and policy intent

The coronial jurisdiction has been under increasing pressure with a substantial increase in matters over the last ten years. The intent of the amendments to the Coroners Act is to ease the pressures on the coronial system and expedite finalising coronial matters to give answers to families.

Under the current coronial model, a coroner is in control of a 'reportable death' investigation from the time the death is reported under section 7 of the Coroners Act, until the coroner stops investigating the death and makes the necessary findings. A 'reportable death' is defined in section 8 of the Coroners Act.

The role of the coroner includes to supervise the coronial investigation, direct the inquiry to ensure all necessary evidence is gathered, preside over an inquest (when an inquest must be held or the State Coroner decides it is in the public interest to hold an inquest), make findings and any preventative recommendations and ensure that families are regularly updated on the progress of the coronial investigation.

Queensland currently has eleven specialist full-time coroners, including the State Coroner, two Deputy State Coroners and a Mining and Resources Coroner. Coroners are based in Brisbane, Cairns, Mackay and Southport. Coroners generally have oversight of between 200 and 250 coronial investigations at any given time.

The State Coroner is tasked with issuing guidelines regarding the investigation of deaths and other relevant matters outlined in section 14 of the Coroners Act. These guidelines are designed to ensure best practice standards within the coronial system. Prior to issuing any guidelines or amendments to existing guidelines, the State Coroner must consult with the Chief Magistrate. The State Coroner’s Guidelines are available on the Coroners Court of Queensland website.

Delegation to Registrars and Deputy Registrars

Currently, section 86 of the Coroners Act empowers the State Coroner to delegate a power to a registrar or an appropriately qualified deputy registrar, with specific powers mentioned in subsections (3) and (4). Also, another coroner may, with the State Coroner’s approval, delegate a power to a registrar, or an appropriately qualified registrar. Non-delegable powers are the power to conduct an inquest (including making findings at an inquest) and to authorise a police officer to exercise a power under the *Police Powers and Responsibilities Act 2000*.

Prior to delegating a power or approving the delegation to a deputy registrar, the State Coroner must consult with the chief executive (Magistrates Court) about the amount of work to be done by the deputy registrar under the delegation.

There are currently two registrars located in Brisbane. The registrars triage and investigate deaths that are reported to police because a death certificate has not been issued and review potentially ‘reportable deaths’ reported directly by medical practitioners or funeral directors. The registrars also provide telephone advice to clinicians during business hours regarding whether a death is reportable. These deaths represent the high volume, less complex, range of matters reported to coroners.

The current delegation provision lacks clarity on the breadth of a coroner’s functions and powers that may be delegated by the State Coroner. The intent of the amendment is to clarify that the State Coroner may delegate the functions or powers of a coroner to a registrar or an appropriately qualified deputy registrar, while making it clear which functions are unable to be delegated.

The amendments will create efficiencies in the system by allowing less complex coronial matters to be finalised expeditiously by registrars and appropriately qualified deputy registrars.

Any coroner to investigate and conduct a mandatory inquest into certain deaths due to natural causes

Coroners are responsible for investigating ‘reportable deaths’ and are required to establish, if possible, who the deceased person was; when, where, and how they died; and the cause of the death. Most coronial investigations are finalised through the completion of chamber findings and do not require an inquest to be held.

Whether an inquest is to be held is determined by requirements outlined in sections 27 and 28 of the Coroners Act. Under section 28, coroners have a broad discretion to hold an inquest if satisfied it is in the public interest. Under section 27, a coroner investigating a death must hold an inquest in certain circumstances. These circumstances include a death in custody or a death that happened in the course of or as a result of police operations.

Currently, under section 11(7) of the Coroners Act, only the State Coroner, a Deputy State Coroner or an appointed coroner or local coroner (approved by the Governor in Council under section 11(7)(c)) may investigate and conduct mandatory inquests into a death in custody or a death that happened in the course of, or as a result of, police operations. There are currently no approved coroners appointed to investigate a particular death. These existing provisions place pressure and burden on these senior judicial roles.

The amendments in the Bill allow natural deaths that occurred in custody or during police operations to be investigated by any coroner. This aims to relieve the pressure on the coronial system and support bereaved families by enabling the allocation of investigation of these types of deaths to other coroners.

All coroners are appointed magistrates with extensive legal experience. Coroners will continue to conduct investigations and inquests with a high level of scrutiny, and in accordance with the Coroners Act and the State Coroner's Guidelines.

Statement of referral of information

At present, section 48(2) requires a coroner to give information obtained while investigating a death, to particular entities if the coroner reasonably suspects a person has committed an offence (e.g. the Director of Public Prosecutions (DPP)). Section 48(3) provides that a coroner may give information about corrupt conduct or police misconduct to the Crime and Corruption Commission (CCC). Section 48(4) provides a coroner may give information about a person's conduct in a profession or trade to a disciplinary body if the coroner reasonably believes the information might cause the body to inquire into, or take steps in relation to, the conduct.

The State Coroner's Guidelines state that a coroner should note in their findings if they have made a referral to ensure openness and transparency for bereaved family members and the public. However, sections 45(5) and 46(3) of the Coroners Act provide that the coroner must not include in the findings or comments any statement that a person is or may be guilty of an offence; or civilly liable for something.

The Bill (clauses 26 and 27) will clarify that a coroner may include in their findings (under section 45) or comments (under section 46), a statement that they have given or intend to give information to a person or entity (e.g. the DPP or CCC) under section 48. The amendment aims to clarify the application of section 48 to better support coroners to apprise stakeholders of the next steps following the inquest to aligns with the approach outlined in the State Coroner's Guidelines.

The State Coroner's Guidelines set out the existing safeguards for managing referrals, including that the subject of a possible referral be given the right to make submissions, and that the risk to reputation can be ameliorated by the coroner clarifying the low bar for referrals and that the DPP has authority for determining whether charges should be brought.

Appointment of a coroner as chairperson of the Domestic and Family Violence Death Review and Advisory Board (the Board)

The Board is responsible for the systemic review of domestic and family violence (DFV) deaths in Queensland. Its functions include identifying patterns and risk-factors, conducting research about prevention of DFV deaths, and making recommendations to the Minister responsible for the Coroners Act about improvements to legislation, polices, practices and services. The chairperson of the Board is currently Deputy State Coroner Stephanie Gallagher, and there are 11 Board members including Government and non-Government members.

Section 91K(1) of the Coroners Act requires the chairperson of the Board to be either the State Coroner or a Deputy State Coroner. The Bill amends section 91K to also allow an appropriately qualified coroner to be appointed as chairperson.

This amendment recognises that other coroners also possess the appropriate experience and knowledge relevant to undertake the role of the chairperson, including experience and expertise in dealing with deaths related to domestic and family violence.

Expanding the reportable deaths framework

As noted above, coroners are responsible for investigating ‘reportable deaths’. There are different types of reportable deaths in Queensland, including where:

- the person’s identity is unknown;
- the death was violent or otherwise unnatural;
- the death happened in suspicious circumstances;
- the death was related to health care;
- a ‘cause of death’ certificate has not been issued and is not likely to be issued;
- the death occurred in care; or
- the death occurred in custody or as the result of police operations.

The amendments in the Bill expand the ‘death in care’ category of reportable deaths. ‘Death in care’ is defined in section 9 of the Coroners Act and refers to the deaths of particularly vulnerable people (such as people with disabilities with high support needs, people with mental illness, and children) who were in certain types of care facilities or under certain types of care arrangements at the time of their death.

The Bill will reinstate the scope of coverage that applied prior to the rollout of the National Disability Insurance Scheme (NDIS) in Queensland to ensure relevant deaths are appropriately reported and investigated and to help prevent deaths from similar causes happening in the future.

Amendments in the Bill

Delegation to Registrars and Deputy Registrars

Clause 31 of the Bill replaces section 86 (delegation of duties or powers to registrar or deputy registrars). The revised section 86 provides that:

- the State Coroner may delegate the functions of a coroner to a registrar or an appropriately qualified deputy registrar; and
- before delegating a power or approving the delegation to a deputy registrar, the State Coroner must consult with the chief executive (Magistrates Court) about the amount of work to be done by the deputy registrar under the delegation.

Safeguards are included to ensure that only appropriate functions are delegated by the State Coroner. The amendments make it clear that the following functions cannot be delegated:

- coronial investigations about deaths in custody, deaths in the course of or as a result of police operations, mining related reportable deaths (section 11(7) or 11AAA(1));
- functions related to coronial inquests (under part 3, division 3);
- issuing search warrants and powers to direct or make requests of police officers under section 599(1) of the *Police Powers and Responsibilities Act 2000*;
- access to information by prescribed tissues banks (section 54AA);
- access to documents by the Family and Child Commissioner (sections 54A and 54B);
- entering into an arrangement with the Board (under section 91Z); or
- another function prescribed by regulation.

New section 86(4) provides that, if the State Coroner delegates a function of a particular coroner to a delegate, the *Acts Interpretation Act 1954* (Acts Interpretation Act), section 27A(3C), (3D), (7), (8), (10) and (10A) apply as if the delegator mentioned in those subsections were the coroner. This provides clarity that the State Coroner can delegate functions of a coroner.

The Bill provides (new section 86(5)) that if a delegate believes for any reason that it is inappropriate for them to perform a function relating to the investigation of a death or suspected death, the delegate must stop performing the function and provide a coroner with written notice stating the reasons for their belief.

Any coroner to investigate and conduct mandatory inquest into certain deaths due to natural causes

Clause 24 of the Bill amends section 11 to provide that only the State Coroner, a Deputy State Coroner or an approved coroner may investigate a death in custody that is an unnatural death or a death that happened in the course of or as a result of police operations that is an unnatural death.

An unnatural death is defined in new section 8A (clause 22 of the Bill) as a death that includes the death of a person who dies at any time after receiving an injury if— (a) the injury caused the death; or (b) both of the following apply— (i) the injury contributed to the death; (ii) the person would not have died if the person had not received the injury.

Inquests relating to deaths in custody from unnatural causes (including suspicious deaths) will continue to be investigated by the State Coroner, a Deputy State Coroner or an appointed coroner. Existing oversight mechanisms will still apply including the requirement for a person to report a death in custody to either a Deputy State Coroner or the State Coroner, and for the Coroners Court annual report to include a summary of the investigation and inquest.

Statement of referral of information

Clauses 26 and 27 of the Bill amend sections 45 and 46 of the Coroners Act to make it clear that although a coroner must not include in the findings or comments any statement that a person is, or may be guilty of an offence; or civilly liable for something, this does not prevent the coroner from including in the findings or comments a statement that the coroner has given, or intends to give, information to an entity under section 48.

Appointment of a coroner as chairperson of the Board

Clause 33 of the Bill expands the type of persons the Attorney-General can appoint to be the chairperson of the Board to include another *appropriately qualified* coroner, in addition to the State Coroner or Deputy State Coroner.

The Acts Interpretation Act defines *appropriately qualified* as, for appointment to an office—means having the qualifications, experience or standing appropriate to perform the functions of the office.

Expanding the reportable deaths framework

Clause 23 of the Bill expands the definition of death in care in section 9 of the Coroners Act to include a person's death if, at the time of their death, the person was not living in a private dwelling or aged care facility and was receiving services or supports under the Commonwealth's Disability Support for Older Australians (DSOA) Program or another program administered by the Commonwealth prescribed by regulation.

Excluding the deaths of people living in a private dwelling or an aged care facility is consistent with the existing approach in the Coroners Act for other disability-related deaths in care. This is intended to distinguish from deaths that result from the effect of natural disease and/or old age and to recognise the circumstances where the State (or, in this case, the Commonwealth) has accepted greater responsibility for the welfare of the deceased person.

As a reportable death, a person who becomes aware of the death, and does not reasonably believe that someone else has already reported the death, will be required to immediately report the death. Clause 20 of the Bill will require the NDIS provider or registered NDIS provider who is providing services or supports to the person under the DSOA Program and who becomes aware of the death to report it, regardless of whether someone else has reported or may report the death.

Following the coroner's investigation and inquest (if required), clause 28 of the Bill will require the coroner to provide a written copy of the findings and any comments to the Commissioner of the NDIS Quality and Safeguards Commission (in addition to the Attorney-General), noting that the NDIS Quality and Safeguards Commission is responsible for improving the quality and safety of disability support and services, including services delivered under the DSOA Program. Clause 28 also applies this requirement to the coroner's findings and any comments in relation to the investigation of a death in care of a person mentioned in section 9(1)(e) (i.e., a person with disability receiving relevant high-level services or supports as an NDIS participant).

Amendments to the Criminal Code to amend the stock offence framework

Background and policy intent

Stock related offending is a costly aspect of rural crime. Significant losses are incurred by primary producers as a result of stock related offending and significant resources are expended in investigating and prosecuting stock related offending.

The Criminal Code contains nine offences specifically relevant to stock:

- killing animals with intent to steal (section 444A);
- using registered brands with criminal intention (section 444B);
- unlawfully using stock (section 445);
- suspicion of stealing stock (section 446);
- illegal branding (section 447);
- defacing brands (section 448);
- having in possession stock with defaced brand (section 448A);
- injuring animals (section 468); and
- stealing with special circumstance of stealing stock (section 398).

Stock is defined to mean horses, asses, mules, camels, cattle, oxen, buffalo, sheep, swine, deer, and goats.

Offence penalties

The Criminal Code sets out maximum penalties (imprisonment and financial) the court may impose for each of the stock related offences. If the person is sentenced to pay a fine, in addition to or instead of a term of imprisonment, the court must impose the higher of the minimum prescribed fine or the value of the animal. This unique financial penalty regime is based on the principle that a fine imposed for stock related offences should reflect the value of the stock.

The current penalties for stock related offences are set out in the table below.

Offences	Maximum imprisonment	Maximum fine (penalty units)*	Minimum fine (penalty units)*
Killing animals with intent to steal	5 years	455	10
Using registered brands with criminal intention	5 years	455	4
Unlawfully using stock	5 years	455	4
Suspicion of stealing stock	5 years	455	4
Illegal branding	5 years	455	4

Offences	Maximum imprisonment	Maximum fine (penalty units)*	Minimum fine (penalty units)*
Defacing brands	5 years	455	4
Possession of stock with defaced brand	5 years	455	4
Injuring animals	7 years	500	Stock: 10 Other: 8
Stealing with special circumstance of stock	5 years	N/A	10

* Effective from 1 July 2025, the monetary value of a penalty unit is $166.90.

Stock disposal orders

The Criminal Code provides a regime for the sale of animals seized in connection with a stock offence. A stock disposal order provides police with the authority to sell the animal at auction, or another specified way, with the net proceeds paid into and held by the court until the end of the criminal proceedings. An order may be made if the defendant objects to the return of the animal to its owner, the owner has declined an offer from a police officer for the return of the animal, or the defendant and person claiming ownership of the animal cannot reasonably be located.

A police officer or prosecutor may apply for a stock disposal order before a charge has been finally determined. An application for a stock disposal order must be accompanied by one or more affidavits stating a range of prescribed matters including: the charge, a description of the animal, the value of the animal, the name of the person claiming to own the animal, and the persons given a copy of the application and who could not be given a copy because they could not reasonably be located. The applicant is required to give each person with a legal or equitable interest in the animal a copy of the application, at least 28 days before the application is heard, unless the person cannot reasonably be located.

Animal valuations

The Criminal Code provides that the value of an animal is to be determined in accordance with regulations. The regulatory framework for the valuation of animals is set out in the *Criminal Code (Animal Valuers) Regulation 2014*.

Amendments in the Bill

Part 8 of the Bill amends the stock offence framework in the Criminal Code.

Offence penalties

The Bill increases the minimum prescribed fines for the nine stock related offences. The increased penalties ensure the financial penalties for the stock related offences reflect the seriousness of the offending behaviour. The increased fine amounts are set out in the table below. The increased penalties will apply prospectively to conduct occurring after the commencement of the provisions in the Bill.

Offences	Minimum fine (penalty units)
Killing animals with intent to steal	20
Using registered brands with criminal intention	10
Unlawfully using stock	10
Suspicion of stealing stock	10
Illegal branding	10
Defacing brands	10

Offences	Minimum fine (penalty units)
Possession of stock with defaced brand	10
Injuring animals	Stock: 20 Other: 16
Stealing with special circumstance of stock	20

No changes are being made to the maximum penalties the court may impose.

Stock disposal orders

The Bill removes the requirement for an application for a stock disposal order to be accompanied by an affidavit stating the persons who were given a copy of the application and any who could not reasonably be located. The Bill instead provides that the applicant must file an affidavit, at least 14 days prior to the hearing, which states the persons given a copy of the application and any who could not reasonably be located. The amendment addresses the practical difficulties associated with including an affidavit about who has and has not been given a copy of the application, with the application itself.

The changes will apply to applications for stock disposal orders made after the commencement of the provisions in the Bill.

Animal valuations

The Bill amends the regulation making power for animal valuations to ensure it remains flexible and appropriate. The amendments remove references to animal valuer panels to enhance flexibility in how valuations may be conducted, clarify that valuations may be undertaken for the purpose of determining penalties or for stock disposal orders, provide for ‘remuneration’ to be paid to animal valuers rather than ‘fees’, and modernise the suitability requirements for appointment as an animal valuer.

Amendments to the Police Service Administration Act, Supreme Court of Queensland Act, District Court of Queensland Act and Magistrates Court Act to provide for information release to accredited media entities

Background and policy intent

The objective of amendments to the Police Service Administration Act and amendments to the District Court of Queensland Act, the Magistrates Court Act, and the Supreme Court of Queensland Act is to facilitate existing practices in which information is disclosed to enable media representatives to identify when a court proceeding in relation to an alleged adult offender is to be held. The attendance of media at criminal proceedings enhances open justice and increases the transparency of criminal proceedings.

The amendments to the Police Service Administration Act facilitate an existing practice of disclosing information to media representatives in respect of a person who has been charged with a criminal offence or offences. The amendments ensure that when the Queensland Police Service (QPS) makes a media release about an adult having been charged with criminal offences, media representatives may access information relating to the person that would enable them to attend the relevant court proceeding.

From time to time, the QPS will make a media release about a person who has been charged with criminal offences.

A media release may contain the defendant’s gender, age, and suburb or town of residence, the factual circumstances surrounding the person’s arrest (including the time and approximate location), the general nature of the charges, the court in which the defendant is to appear and the date of that appearance, and the bail status of the person.

A media release does not contain the person's name.

The name of the person who was the subject of the media release is required to 'marry up' the details provided in daily law lists. Without the person's name, it may not be possible to sufficiently identify a person who was the subject of a media release amongst others listed in a daily law list.

To overcome this, a media release was frequently accompanied by a QP number which is a reference number assigned to an occurrence by the QPS. A journalist could make contact with the QPS, quote the QP number and the QPS would then consider the disclosure of the person's name to the requesting journalist. However, the QPS is under no legal obligation to the disclose the person's name to the journalist.

There have been instances, in response to a request for information from the QPS, the person's name has not been provided or has been provided after a delay.

There are some instances where a person's name will not be released. An example is where the alleged offender is a child.

Where the information is disclosed by the QPS, it is released under section 10.2 (Authorisation of disclosure) of the Police Service Administration Act. The section permits the commissioner to authorise disclosure of information that is in the possession of the police service. The release of information to a journalist under this section is done with certain conditions being imposed that limit how the information may be used. Fixing conditions is permitted under section 10.2(4) of the Police Service Administration Act and breaching a condition is an offence under 10.2(5) of the Police Service Administration Act punishable by a maximum penalty of 40 penalty units.

The amendments to the Supreme Court of Queensland Act, the District Court of Queensland Act and the Magistrates Court Act (collectively, the Court Acts) are to provide a legislative basis for the provision of a detailed law list to media representatives. Providing a basis for the disclosure of detailed law lists to media representatives also enhances open justice and increases the transparency of criminal proceedings.

Currently, a version of daily law lists for various court centres are circulated to media representatives. This version of the law list contains additional information that enables the identification of a particular person.

The additional information contained in these lists set them apart from law lists that are publicly available.

For the Magistrates Court, the publicly available daily law list contains the person's name, the number of the courtroom in which they are to appear and the time of that appearance. For the Supreme and District Courts, that information – along with the purpose of the listing – is provided.

Law lists provided to the media for proceedings in the Magistrates Court contain relevant file numbers, the purpose of the listing and the charges in addition to the information that is publicly available. For the Supreme and District Courts, media law lists contain the charges and the person's custody status in addition to the information that is available to the public.

Amendments in the Bill

Amendments to the Police Service Administration Act

The Bill amends the Police Service Administration Act to require the QPS to disclose information to an accredited media entity about an adult who has been charged with an offence.

New section 10.2CC(1) of the Police Service Administration Act in clause 107 of the Bill provides that the provisions apply if a media release is published on the QPS' website and the release states that an adult has been charged with an offence by a police officer.

The provisions are not intended to apply where information is obtained by other means or from other sources. They are also not intended to limit the operation of other laws or practices through which information may also be disclosed by a police officer.

If an *accredited media entity* asks the QPS for *alleged offender information* for the offence, then the information is to be disclosed if it is in the possession of the commissioner.

Alleged offender information is defined in the Bill to mean:

(a) the name of the alleged offender;
(b) the charges brought against the alleged offender for the offence;
(c) details of court proceedings for the offence, including the proposed date, location and court file number; and,
(d) any reference number assigned by the QPS to the alleged offender in relation to the offence.

Accredited media entity is also defined to mean an entity listed as an accredited media entity in the Supreme Court's media accreditation policy.

Under new section 10.2CC(4) of the Police Service Administration Act, the QPS must not disclose the name of an alleged offender to the extent that disclosure is restricted or prohibited under an order of a court.

A mechanism is provided for in the Bill for the provisions to apply equally to the Department of Justice (DoJ). The relevant provisions are new sections 10.2CC(5) and (6) of the Police Service Administration Act in clause 107 of the Bill. The commissioner of police and the chief executive (justice) may enter into an arrangement for the disclosure of alleged offender information. Where an arrangement is in place, the amendments to the Police Service Administration Act will also apply to the DoJ. This means that an accredited media entity may contact either the QPS or the DOJ and be provided with alleged offender information that is in the possession of either agency.

New section 10.2CC(8) of the Police Service Administration Act limits the use of the information disclosed by an accredited media entity to the extent its use enable the entity to attend a court proceeding.

New section 10.2CD of the Police Service Administration Act will provide that a person who makes a disclosure under the amendments will not, if they acted honestly and without negligence, be liable civilly, criminally or under an administrative process for disclosing information. This ensures that a police officer or public sector employee can confidently act under these provisions.

The amendments do not affect the operation of offences located across the statute book which prohibit the publication of certain information. An example of such an offence is section 194 of the *Child Protection Act 1999*.

The Bill provides for an offence that is to apply where alleged offender information has been disclosed to an accredited media entity. The offence applies where a person intentionally discloses the name of the alleged offender to anyone other than as permitted under the amendments. It also applies where a person recklessly discloses the name of the alleged offender to anyone. The maximum penalty provided is 20 penalty units.

However, the offence will not apply where the disclosure is made to another person who is an employee, contractor or agent of the accredited media entity and the disclosure is necessary to enable the other person to attend the court proceeding.

Also, the name of the alleged offender may be disclosed if the person's name is lawfully accessible to the public in connection with the offence. Other instances where the alleged offender's name may be disclosed are contained in new section 10.2CE(4)(b) and (c) of the Police Service Administration Act which are set out in clause 107 of the Bill.

Amendments to the Courts Acts

The Bill amends each of the Courts Acts to insert provisions that enable a registrar to disclose *alleged offender information* to an *accredited media entity*. The amendments to each of the three Acts is identical.

As set out at page 15 of the Explanatory Notes to the Bill, the amendments to the Courts Acts provide a legislative basis for the provisions of a law list to accredited media entities. While the amendments are drafted in the singular, the power of the registrar is not limited to disclosing details of a single alleged offender. That is because section 32C of the *Acts Interpretation Act 1954 provides* that singular words in an Act also include the plural. In that context, the amendments provide a power to a registrar to distribute law list to media entities.

The definitions of *alleged offender information* and *accredited media entity have* the same effect as those definitions under the amendments to the Police Service Administration Act.

Unlike the amendments to the Police Service Administration Act, a registrar may exercise the power under these amendments without the need for a request from an accredited media entity for alleged offender information. This is consistent with the current practice of circulating a media version of the law list.

As with the amendments to the Police Service Administration Act, information disclosed under the amendments to an accredited media entity may be used by the entity only to the extent necessary to enable the entity to attend a court proceeding in relation to the offence.

An offence relating to the intentional or reckless disclosure of an alleged offender's name is also provided under the amendments to the Courts Acts. The offence operates in the same way as the offence provided under the amendments to the Police Service Administration Act and contained in clause 107 of the Bill.

The amendments to the Courts Acts also provide for a protection from liability for a person who discloses information to an accredited media entity under these provisions. The protection extends to civil and criminal liability and a liability arising under an administrative process.

Repeal of the Brisbane Casino Agreement Act

Background and policy intent

The *Casino Control Act 1982* (Casino Control Act) requires that prior to a casino licence being granted, the State and the proposed casino licensee must enter into an agreement which identifies the proposed casino and location of the site and includes other terms and conditions as specified by the Governor in Council. The agreement does not have force or effect until it is ratified by Parliament.

The Brisbane Casino Agreement between the State and the former casino licensee of the Treasury Brisbane casino governed the development and operation of the casino and the broader hotel-casino complex. The Brisbane Casino Agreement was ratified by Parliament and given the force of law through its inclusion in the Brisbane Casino Agreement Act.

The Brisbane Casino Agreement was terminated on 24 October 2024 by the then Attorney-General on behalf of the State following the closure of the Treasury Brisbane casino on 25 August 2024 and the surrender of the associated casino licence on 23 October 2024. Given the Brisbane Casino Agreement has been terminated, there is no need to retain the Brisbane Casino Agreement Act.

To ensure Queensland's statute books remain current, the Bill proposes to repeal the now redundant Brisbane Casio Agreement Act, remove references to the Act and other necessary consequential amendments.

Amendments in the Bill

Part 29, clause 149 of the Bill repeals the Brisbane Casino Agreement Act.

Each of the following clauses omits a now redundant reference to the Brisbane Casino Agreement Act:

- Part 2, clause 5 of the Bill amends the definition of 'agreement Act' in the Casino Control Act Schedule Dictionary to omit reference to the Brisbane Casino Agreement Act;
- Part 3, clause 7 of the Bill amends the *Casino Control Regulation 1999* (Casino Control Regulation) to omit section 19(1)(a);
- Part 3, clause 8 of the Bill also amends the Casino Control Regulation to omit section 46D(4); and
- Part 4, clause 10 of the Bill amends the definition of 'Casino Acts' in section 181(3) of the Charitable and Non-Profit Gaming Act to omit reference to the Brisbane Casino Agreement Act.

Other consequential amendments are as follows:

- Part 2, clause 4 of the Bill amends a transitional provision dealing with the supervision levy in the Casino Control Act to insert a note identifying the Brisbane Casino Agreement Act has been repealed;
- Part 3, clause 8 of the Bill amends section 46D of the Casino Control Regulation to remove spent references to supervision levy applicable to previous financial years; and
- Part 15, clause 87 of the Bill amends a transitional provision dealing with casino matters in the *Land Act 1994* to insert a note identifying the Brisbane Casino Agreement Act has been repealed.

Amendments to the Charitable and Non-Profit Gaming Act relating to two-up gaming

Background and policy intent

Part 8A of the Charitable and Non-Profit Gaming Act enables the conduct of two-up games by Returned and Services Leagues (RSLs) or Services Clubs, or a person approved by an RSL subbranch on designated days (i.e., ANZAC Day, or another day prescribed by regulation that is significant to the remembrance of the sacrifice for the nation by the men and women of its Defence Force). The Act provides that the State may permit or approve the conduct of two-up on a designated day under Part 8A despite any provisions in various Casino Acts which may grant casinos exclusive rights to conduct or play the game.

'Casino Acts' is defined to mean the Breakwater Island Casino Agreement Act 1984; Brisbane Casino Agreement Act; Cairns Casino Agreement Act 1993; and Jupiter Casino Agreement Act 1983. The definition was inserted in 2012 and reflected the casino agreement Acts in force at the time.

In 2016, the Queen's Wharf Brisbane Act ratified the Queen's Wharf Brisbane Casino Agreement, granting the casino licensee of The Star Brisbane with exclusive rights to conduct two-up within a defined geographical radius. However, the definition of 'Casino Acts' in the Charitable and Non-

Profit Gaming Act was not updated to reflect the Queen's Wharf Brisbane Act as a new agreement Act. It is considered that this consequential amendment was inadvertently overlooked.

The Bill seeks to rectify this oversight and clarify that two-up, as authorised under Part 8A of the Charitable and Non-Profit Gaming Act, is lawful despite provisions in the Queen's Wharf Brisbane Act providing the casino licensee of The Star Brisbane with rights to exclusive conduct of the game. The Bill also seeks for the retrospective operation of this amendment, and validation of permissions or approvals given by the State during the intervening period. This would give the amendment effect as if the definition had been correctly updated when the substantive provisions of the Queen's Wharf Brisbane Act commenced. Importantly, the proposed amendment does not represent a policy change.

Amendments in the Bill

Part 4, clause 10 of the Bill amends the definition of 'Casino Acts' in section 181(3) of the Charitable and Non-Profit Gaming Act to insert reference to the Queen's Wharf Brisbane Act.

Part 4, clause 12 of the Bill inserts a new section 200 into the Charitable and Non-Profit Gaming Act to provide the expansion of the definition of 'Casino Acts' would retrospectively operate from the beginning of 27 May 2016. Clause 12 also validates permissions or approvals given by the State under section 181 of the Act on or after 27 May 2016 and provides no compensation is payable in relation to the retrospective operation of the amendments.

Amendments to the Housing Act and the Child Protection Act to remove references to the Criminal Law (Sexual Offences) Act

Background and policy intent

On 26 May 2025, the *Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024* (CCAC Act) repealed the entirety of the Criminal Law (Sexual Offences) Act. Some provisions within the Criminal Law (Sexual Offences) Act were modernised and inserted into the Evidence Act. Notwithstanding its repeal, there are still references to sections of the Criminal Law (Sexual Offences) Act in the Housing Act and the Child Protection Act. There are no equivalent provisions of those sections of the Criminal Law (Sexual Offences) Act in the Evidence Act.

Amendments in the Bill

Parts 5 and 11 of the Bill amend the Child Protection Act and the Housing Act respectively to remove redundant references to the Criminal Law (Sexual Offences) Act.

Amendments to the Civil Proceedings Act, Supreme Court of Queensland Act and the Uniform Civil Procedure Rules to allow the District and Magistrates Courts to issue enforcement warrants

Background and policy intent

Currently, if a civil judgment is made in the District Court or the Magistrates Court and enforcement is sought through a charging order or a stop order, the matter must be enforced in the Supreme Court of Queensland (Supreme Court). This limitation stems from historical restrictions on the jurisdiction of the District and Magistrates Courts in dealing with equitable matters.

Charging and stop orders are two specific types of orders related to the enforcement of civil judgments in the Supreme, District and Magistrates Courts. A charging order allows a judgment creditor to secure payment of a judgment debt by effectively freezing or encumbering the debtor's financial interests in specified property until the debt is satisfied. A stop order preserves the status quo and stops any dealing with the property until the court decides how it should be applied towards the judgment debt.

The amendments to the Civil Proceedings Act, Supreme Court of Queensland Act and the Uniform Civil Procedure Rules will allow the District and Magistrates Courts to issue enforcement warrants containing charging orders and stop orders, consistent with the powers given to the Supreme Court. The amendments will ensure that individuals seeking an enforcement warrant for a charging order or stop order are not burdened with the unnecessary expense of applying to a higher court.

Amendments in the Bill

Part 6, clause 17 amends section 90 of the Civil Proceedings Act to insert new subsection (2A), clarifying that an enforcement warrant may include a charging order. Section 90(3) is revised for readability, and section 90(4), which limits charging orders to the Supreme Court, is omitted. Subsections are renumbered accordingly: new section 90(2A) becomes 90(3), and the existing 90(3) becomes 90(4).

Part 6, clause 18 inserts new part 19 (Transitional provision for Justice and Other Legislation Amendment Act 2026) into the Civil Proceedings Act to provide for transitional provisions for the amendments to section 90 to note that it applies in relation to an original order under section 90(1) only if the original order is made after commencement.

Part 27, clause 146 replaces Schedule 1, section 23(b) of the Supreme Court of Queensland Act to omit the words ‘for the Supreme Court’ from paragraph (b)(vi). Current Schedule 1, section 23(b) restricts the making of court rules in relation to enforcement warrants for charging orders and stop orders to the Supreme Court. This provision applies despite the operation of section 882 of the *Uniform Civil Procedure Rules 1999* (Uniform Civil Procedure Rules) which does not confine the power to make a stop order to the Supreme Court. The amendments to Schedule 1, section 23(b) also improve clarity and readability by removing the repetitive use of the term ‘enforcement warrants’.

Part 28, clause 148 omits section 874 of the Uniform Civil Procedure Rules which restricts the making of enforcement warrants for charging orders under chapter 19, part 8 to the Supreme Court.

Amendments to the District Court of Queensland Act to increase monetary limit of the District Court

Background and policy intent

Under section 68 of the District Court of Queensland Act, the District Court has jurisdiction to hear and determine a range of civil actions and matters where the amount sought to be recovered does not exceed the monetary limit of $750,000. In addition to money claims, the monetary limit also includes the value of property, including in relation to land, trusts, administration of deceased estates and family provision orders.

The amendments to the District Court of Queensland Act will increase the monetary limit of the District Court’s civil jurisdiction from $750,000 to $1.5 million, commencing on 1 January 2027.

The purpose of the amendments is to:

- align the District Court’s monetary limit with that of equivalent courts in other states and territories and address inflationary pressures, given the monetary limit has remained unchanged for 15 years;
- enhance access to justice, particularly in regional Queensland, by lowering the costs of running civil matters for litigants and for the justice system as a whole in circumstances

where the amount sought to be recovered (or value of property) is between $750,000 and $1.5 million. The increased limit will also deliver an improvement in geographical access to justice as the District Court has more regional locations (31) compared to the Supreme Court (10); and

- improve access to justice for other legislative schemes that reference or are fixed to the District Court's monetary limit.

Amendments in the Bill

Part 9, clause 62 amends the current definition of *monetary limit* in section 68(2) to increase the District Court monetary limit from $750,000 to $1.5 million.

Part 9, clause 63 inserts new section 153 (Transitional provision for Justice and Other Legislation Amendment Act 2026) to provide for transitional provisions for the amendments to note that it applies only in relation to an action, matter or proceeding started after the commencement of section 68(2).

Amendments to Evidence Act to clarify certain provisions

Background and policy intent

Replacing the term 'special hearing'

Part 6B, Division 2 of the Evidence Act provides a framework that prohibits or restricts certain questions and evidence being admitted in proceedings that relate, wholly or partly, to a charge for a sexual offence. Section 103ZH provides that the complainant must not be cross-examined, and the court must not admit any evidence, as to the sexual activities, whether consensual or non-consensual, of the complainant (other than those to which the charge relates), without the leave of the court.

Section 103ZI sets out the timeframes for seeking the leave of the court. Presently, section 103ZI(c) states that in the case of a trial being held in the Supreme Court or District Court, the application must be filed and served at least 14 days before the day on which the trial is listed to commence, or if a special hearing is to be held – 14 days before the hearing. The term 'special hearing' creates a lack of clarity in the provision, as it is not defined nor does it have practical significance in Queensland. The purpose of this provision, which incorporates the term 'special hearing', is to require a party to file and serve their application for leave before a hearing where a witness' evidence is taken and recorded ahead of the substantive hearing, such as a trial. It is common practice for the evidence of vulnerable and child witnesses to be taken and recorded at an earlier, designated court event.

Defining 'originating step' for transitional provisions

Part 9, Division 17 of the Evidence Act provides transitional provisions at sections 173 to 177, for evidence reforms implemented by the *Criminal Justice Legislation (Sexual Violence and Other Matters) Amendment Act 2024.* Each transitional provision provides that the relevant reform will apply to a proceeding for an offence committed before the commencement if an *originating step* for the proceeding is taken on or after the commencement. The term 'originating step' is not defined, leading to a lack of clarity in the operation of these provisions.

Amendments in the Bill

Replacing the term 'special hearing'

Clauses 65 to 67 and 70 of the Bill clarify the operation of section 103ZI. The Bill omits current section 103ZI and inserts a new framework that sets out the timing requirements for filing an application for leave to cross-examine a complainant ahead of a summary trial, committal proceeding or trial on indictment, or the 'giving of relevant recorded evidence' in respect of each of these proceedings.

The phrase 'the giving of relevant recorded evidence' is in effect, a replacement for the term 'special hearing'. The term 'relevant recorded evidence' is defined to mean evidence by a special witness given under an order or direction made or given under section 21A(2)(e); or an affected child's evidence taken at a preliminary hearing under section 21AK. These are references to designated court hearings where a witness gives recorded evidence in advance of the substantive proceeding.

The amendments in clauses 66 and 67 are minor and consequential or clarifying in nature. Clause 70 inserts new section 185, which is a validating provision to confirm that the rights and liabilities of all persons affected by an action taken in relation to former section 103ZI are the same and are taken to have always been the same as they would have been if the new section 103ZI was in force at the relevant time.

Defining 'originating step' for transitional provisions

Clause 70 of the Bill clarifies the transitional provisions in division 17 of the Evidence Act by inserting new section 184, which defines 'an originating step for a proceeding' to mean the arrest of the defendant in the proceeding; or the making of a complaint under the *Justices Act 1886*, section 42 in relation to the defendant in the proceeding; or the serving of a notice to appear on the defendant in the proceeding under the *Police Powers and Responsibilities Act 2000*, section 382.

Amendments to Information Privacy Act to enable privacy complaints to be more effectively managed

Background and policy intent

The purpose of the amendments is to clarify language and resolve an inconsistency in the Information Privacy Act.

Section 164(2)(a) of the Information Privacy Act provides that a privacy complaint does not include a complaint in relation to personal information if the personal information is *in a document to which the Act does not apply*. This term is not defined in the Act.

The Bill clarifies the meaning of this term with words used elsewhere in the Act to provide that a privacy complaint does not include a complaint about personal information in a document held by an entity which is not subject to the Act (for example, a document held by a government owned corporation), or in a document to which the privacy principle requirements of the Information Privacy Act do not apply (for example, a document about a person in a witness protection program).

The Bill also makes minor amendments to section 164A(4)(b) of the Information Privacy Act to clarify that, if an agency has asked for an extension of time to deal with a privacy complaint, the response period ends either when a complainant refuses an agency's extension request, or when any extensions which have been requested have ended.

Amendments in the Bill

Clause 74 of the Bill replaces the term '*in a document to which the Act does not apply'* at section 164(2)(a) of the Information Privacy Act with (a) in a document held by an excluded entity; or (ab) in a document to which the privacy principle requirements do not apply.

Part 12, clause 75 of the Bill omits section 164A(4)(b) of the Information Privacy Act.

Amendments to the Integrity Act to support the delivery of the Integrity Commissioner’s functions

Background and policy intent

Clarifying delegation powers

Currently, there is no power for the Integrity Commissioner to delegate any of their functions under another Act to the Deputy Commissioner, an appropriately qualified integrity officer or another appropriately qualified public service officer.

To support the delivery of the Integrity Commissioner’s core functions, the Bill clarifies that the Integrity Commissioner may delegate their functions under another Act to the Deputy Integrity Commissioner, an appropriately qualified integrity officer or an appropriately qualified public service officer.

Oral advice

The purpose of the oral advice amendments is to support the delivery of the Integrity Commissioner’s core functions, by providing them with the power to receive oral requests for advice, and to provide oral advice, on ethics and integrity issues.

The Integrity Commissioner has identified that there are circumstances, such as for minor or non-complex matters, whereby a designated person may wish to obtain the Integrity Commissioner’s advice orally rather than making a formal written request for advice. However, sections 7, 15 and 21 of the Integrity Act require that requests for advice on ethics and integrity issues for designated persons must be made in writing, and advice must be given in writing. Consequently, the Bill provides the Integrity Commissioner with a discretion to receive requests for, and to provide advice verbally on, ethics and integrity issues.

Amendments in the Bill

Clarifying delegation powers

The Bill amends sections 7 and 83 of the Integrity Act to clarify that the Integrity Commissioner may delegate their functions under another Act to the Deputy Commissioner, an appropriately qualified integrity officer or another appropriately qualified public service officer. For example, delegations may be established to assist the OQIC to:

- undertake budget planning for OQIC;
- prepare annual financial statements for OQIC; or
- establish and maintain systems of internal control and risk management within OQIC.

Oral advice

The Bill amends sections 7, 15 and 21 of the Integrity Act to provide that the Integrity Commissioner may give oral advice in response to an oral request if the Commissioner considers that it would be appropriate to do so. The Integrity Commissioner may also decide to defer considering such a request until the advisee makes the request in writing. For example, if the Integrity Commissioner receives a phone call from an advisee requesting advice about a complex conflict of interest management plan, the amendments will enable the Commissioner to defer consideration of such a request until the advisee provides it in writing, to enable the Commissioner to review a copy of the plan and respond appropriately.

The amendments include appropriate safeguards, including that the Integrity Commissioner must make a written record of any oral request for advice or oral advice given. In addition, to preserve the confidentiality of any written documents, such as file notes, relating to an oral request received, or oral advice provided, made by the Integrity Commissioner, the amendments ensure that such documents are exempted from disclosure under the *Right to Information Act 2009* and subject to secrecy protections and certain immunities under the Integrity Act.

Amendments to the Justices of the Peace and Commissioners for Declarations Act to update Monarch references

Background and policy intent

Section 20(1) of the Justices of the Peace and Commissioners for Declarations Act provides that before a person other than a Supreme Court judge or District Court judge performs any of the functions of office as a justice of the peace, the person is to take an oath or affirmation of allegiance in the form prescribed by the provision. The prescribed oath and affirmation under section 20(1) of the JP Act currently refer to 'Her Majesty Queen Elizabeth the Second, Her Heirs and Successors'.

Section 20(3) of the Justices of the Peace and Commissioners for Declarations Act provides that in the case of the death or abdication of Her Majesty, the name of Her Majesty's successor according to law for the time being is to be substituted in the form of the oath or affirmation prescribed by the section for the name of Her Majesty.

His Majesty was formally proclaimed as King Charles III at the Accession Council convened at St James's Palace in London on 9 September 2022, following the death of his mother, Her Majesty Queen Elizabeth II. Each of the Commonwealth realms also formally proclaimed His Majesty the King. Australia's Governor-General proclaimed the accession of His Majesty King Charles III as King of Australia and his other Realms and Territories, and Head of the Commonwealth on 11 September 2022 at Australian Parliament House.

Amendments in the Bill

Part 14, clause 85 of the Bill amends sections 20(1) and 20(3) of the Justices of the Peace and Commissioners for Declarations Act to reflect His Majesty King Charles III as the current Monarch.

Amendments to the Land Court Act to allow a retired judicial officer to be appointed as an acting member of the Land Court

Background and policy intent

Under section 42 of the Land Court Act, a member of the Land Court must retire on reaching 70 years of age. This requirement also applies to an acting member by virtue of section 19(3) of the Land Court Act.

To assist with administering the Land Court's workload, the Land Court Act is proposed to be amended to allow a retired judicial officer to be appointed as an acting member until 78 years of age. The amendments will assist with the efficient operation of the Land Court by increasing the pool of judicial officers available to hear matters.

Amendments in the Bill

Part 16, clauses 90 and 91 of the Bill amend sections 19 and 42 of the Land Court Act to enable the appointment of a retired Supreme Court judge, District Court judge or member of the Land Court as an acting member until 78 years of age.

Amendments to the Ombudsman Act to facilitate liaison and work with the National Student Ombudsman (NSO) and clarify the operation of section 92

Background and policy intent

Facilitate liaison and work with the NSO

In late 2024, the *Ombudsman Act 1976* (Cth) (Commonwealth Ombudsman Act) was amended to establish the NSO to provide a national escalated complaints-handling mechanism for higher education students to complain about the actions of their higher education provider.

The Commonwealth Ombudsman Act establishes a framework for a state or territory ombudsman to transfer a complaint to the NSO and provide associated documents and information or share information relating to a complaint if it is relevant to the role of the NSO.

Clarify the operation of section 92 (Secrecy)

Section 92 of the Ombudsman Act prohibits the disclosure of information by an officer of the Queensland Ombudsman, an officer of an agency or another person such as a complainant or witness who has obtained the information in a preliminary inquiry, investigation or because of the Queensland Ombudsman exercising another function. The purpose of section 92 and secrecy provisions broadly is to provide complainants, agencies and witnesses an assurance that the information they provide will be treated confidentially.

However, there is a lack of clarity about whether section 92 prohibits a person or an agency from making a public statement about an administrative action or an investigation.

Amendments in the Bill

Facilitate liaison and work with the NSO

Clauses 97 and 99 of the Bill amend the Ombudsman Act to facilitate the Queensland Ombudsman liaising and working with the NSO, as a complaints entity, to investigate administrative actions and to avoid inappropriate duplication of investigative activity.

Clause 97 of the Bill amends section 91A to include the NSO as an agency with whom the Queensland Ombudsman may disclose information obtained in the performance of their functions.

Clause 99 amends the definition of complaints entity to include the NSO.

Clarify the operation of section 92 (Secrecy)

Clause 98 of the Bill clarifies that a public statement can be made without contravening section 92 if the Queensland Ombudsman has concluded its investigation of an administrative action and the information identifying the investigation or administrative action is already in the public domain. In these circumstances, a public statement can be made to the extent the statement confirms the way in which the investigation concluded or corrects public misinformation about the investigation or administrative action.

Clause 98 of the Bill does not change the operation of section 92, in that a person or agency is still prohibited from publishing and weaponising information that is obtained during a preliminary inquiry, investigation or another function of the Queensland Ombudsman.

Amendments to the Personal Injuries Proceedings Act to reinsert the definition of 'average weekly earnings'

Background and policy intent

Section 75A(1) of the Personal Injuries Proceedings Act provides that the Minister must, before each financial year starts, make a notice for the financial year fixing particular costs limits relevant to claims made under the Personal Injuries Proceedings Act.

Section 75A(2) of the Personal Injuries Proceedings Act provides that the amount fixed for a limit is to be the amount last fixed by the Minister for the limit adjusted by the percentage change in average weekly earnings between the current financial year and the last financial year and rounded to the nearest 10 dollars (rounding one-half upwards).

Amendments are proposed to amend section 75A of the Personal Injuries Proceedings Act to reinsert the definition of 'average weekly earnings' that was inadvertently omitted when section 75A of the Personal Injuries Proceedings Act was amended by the *Justice and Other Legislation Amendment Act 2023.*

Amendments in the Bill

Part 20, clause 103 amends section 75A (Indexation of particular amounts) to reinsert the previously omitted definition of 'average weekly earnings'.

Amendments to the Property Law Act to correct a provision numbering error

Background and policy intent

Section 191 of the Property Law Act deals with the discharge of a debt or legal thing in action assigned under section 190 or in equity when the debtor, trustee or other person liable for the debt or thing in action does not have actual notice of the assignment.

Amendments are proposed to section 191 of the Property Law Act to correct a provision numbering error.

Amendments in the Bill

Part 22, clause 110 amends section 191 to correct the numbering of the subsections so that subsection 191(6) is renumbered as subsection 191(4).

Amendments to the Public Records Act to clarify the definition of chief executive

Background and policy intent

The purpose of the amendment is to support the effective management of public records.

Section 11(4)(c) of the Public Records Act provides that, for the purposes of that Act, a chief executive of a public authority means, if the authority has a governing body, the chairperson of the governing body of the authority.

To support the appropriate management of public records by public authorities and support compliance activities, the amendment in the Bill will ensure that the responsibility for the management of public records is consistently placed with the person who has responsibility for day-to-day management of the public authority, rather than the chairperson of the governing body.

Amendments in the Bill

Clause 112 of the Bill omits section 11(4)(c) of the Public Records Act.

Amendments to Right to Information Act to clarify the provisions of the vexatious applicant declarations and support the Australian Government's Cyber Security Scheme

Background and policy intent

The purpose of the amendments is to clarify the operation of the vexatious applicant framework, and to support Queensland's participation in a Commonwealth scheme.

Before 1 July 2025, when relevant provisions of the *Information Privacy and Other Legislation Amendment Act 2023* commenced, individuals could make access and amendment applications under the Information Privacy Act and that Act contained provisions allowing applicants to be declared vexatious based on their actions under that Act. The Bill amends the Right to Information Act to allow the Information Commissioner, when deciding whether to make a vexatious applicant declaration, to consider any 'access or amendment actions' previously made under the Information Privacy Act.

The Bill also amends the Right to Information Act to support the Queensland Government's participation in the Australian Government's scheme for the limited use of cyber security information under the *Cyber Security Act 2024* (Cth) and *Intelligence Services Act 2001* (Cth).

The intention of the Scheme is to facilitate the sharing of information voluntarily provided to, or acquired or prepared by, the Australian Signals Directorate or the National Cyber Security Coordinator about cyber security incidents by providing protections for how the information may be used.

Amendments in the Bill

Clause 114 of the Bill expands the existing meaning of *access or amendment action* at section 114 of the Right to Information Act to include 'an IP Act access or amendment action'.

Clause 115 of the Bill also clarifies that, if the Information Commissioner did consider making a declaration before the amendments commenced, they can rely on new section 114 and consider Information Privacy Act access and amendment actions relevant to that declaration after commencement.

Clause 116 of the Bill excludes documents originating with or received from the National Cyber Security Coordinator from the operation of the Right to Information Act. Clause 116 also updates, and provides more specific references, for relevant entities already captured under Schedule 1, section 1 of the Right to Information Act. For example, the amendments will update Schedule 1, section 1 of the Right to Information Act to continue to exclude documents originating with, or received, from the Australian Signals Directorate.

Amendments to Security Providers Act to provide certainty regarding renewal applications for security provider licenses

Background and policy intent

The Security Providers Act provides an occupational licensing framework for the private security industry (including, for example, security officers, crowd controllers, bodyguards, private investigators, security equipment installers and security advisers). The licensing framework under the Security Providers Act is administered by the Office of Fair Trading.

While the Security Providers Act explicitly states that original licence applications must be made in the approved form and be accompanied by the fee prescribed under a regulation, the relevant provision for licence renewal applications (section 20 of the Security Providers Act) does not include the same wording, which has led to some uncertainty about the requirement to pay licence renewal fees.

Regulation-making powers under the Security Providers Act include that a regulation may be made *'setting the fees payable under this Act, or providing for a refund of fees paid'* (section 54(2)(c) of the Security Providers Act) and the *Security Providers Regulation 2008* currently prescribes the fees for the renewal of security provider licences.

The Bill aims to provide more certainty by amending the Security Providers Act to clarify that licence renewal applications must be made in the approved form and be accompanied by the prescribed fee. The Bill also contains amendments to enable the chief executive to provide licensees who make, or have made, incomplete licence renewal applications, with an opportunity to provide the required information, documents or fees prior to the expiry of the licence taking effect.

Amendments in the Bill

Clause 128 amends section 20 (Renewal of unrestricted licence) to provide that a renewal application must be in the approved form and accompanied by the fee prescribed by the regulation. The amendments to section 20 also enable the chief executive to provide applicants with an opportunity to rectify renewal applications that do not meet the requirements of the Security Providers Act. Where an applicant does not complete the application after being provided with an opportunity to do so, the application is taken to be withdrawn, and the licence comes to end.

Clause 133 to clause 139 inclusive, make editorial changes to the structure of existing transitional provisions contained in Parts 5 to 10 of the Security Providers Act in accordance with current legislative drafting practices. The amendments in clauses 133 to 139 are not intended to change the substantive operation of the relevant provisions.

Clause 140 inserts transitional, declaratory and validating provisions for the Bill.

The Bill also includes other minor editorial amendments to the Security Providers Act.

Amendments to the Supreme Court of Queensland Act and the District Court of Queensland Act to clarify oath or affirmation requirements for reserve judges

Background and policy intent

Section 6A of the Supreme Court of Queensland Act and section 18 of the District Court of Queensland Act provide for the appointment of reserve judges in the Supreme Court and the District Court. A reserve judge can be appointed for a term up to five years; and during that appointment, can be engaged by the Chief Justice or Chief Judge (respectively) for periods up to six months at a time to undertake the duties of a judge.

Section 59 of the Constitution requires a judge to take or make the oath or affirmation "before entering on the duties of an office". There is a concern that this wording may require a reserve judge to take a fresh oath or affirmation each time they are engaged to perform duties as a judge, rather than only having to take the oath or affirmation once at the commencement of their appointment.

The amendments to the Supreme Court of Queensland Act and the District Court of Queensland Act clarify that a reserve judge must take or make the oath or affirmation of allegiance and office only once at the commencement of their appointment as a reserve judge and need not retake the oath or remake the affirmation upon each engagement during their term of appointment.

Amendments in the Bill

Part 9, clause 57 amends section 14(2) of the District Court of Queensland Act to state that retired Supreme or District Court judges appointed as reserve judges under section 18(1) remain in that role until their appointment ends.

Part 9, clause 58 amends section 18(3)(b)(i) of the District Court of Queensland Act to specify that a retired Supreme Court judge's appointment as a reserve judge ends when they reach 78 years of age, similar to retired District Court judges.

Part 9, clause 59 inserts new section 18B into the District Court of Queensland Act, requiring reserve judges appointed under section 18 to take an oath or affirmation of allegiance and office at the start of their appointment, as per section 59(2) of the Constitution of Queensland 2001. This does not need to be repeated for subsequent engagements under section 18A.

Part 27, clause 143 inserts new section 6C into the Supreme Court of Queensland Act, requiring reserve judges appointed under section 6A to take an oath or affirmation of allegiance and office at the start of their appointment, as per section 59(2) of the Constitution of Queensland 2001. This does not need to be repeated for subsequent engagements under section 6B.

Part 27, clause 144 amends section 21(2) of the Supreme Court of Queensland Act to state that retired Supreme Court judges appointed as reserve judges under section 6A remain in that role until their appointment ends.

Commencement

In accordance with clause 2 of the Bill, the commencement provisions are as follows:

Commencement 7 days after the date of assent: Parts: 2 to 7, 8 (except sections 49 to 52), 9 (except sections 62 and 63), 10 to 24, and 26 to 29.

Commencement on 1 January 2027: Part 9, sections 62 and 63 (relating to the amendment of section 68 of the District Court of Queensland Act, which increases the monetary limit for civil jurisdiction).

Commencement on a day to be fixed by proclamation: Part 8, sections 49 to 52 (relating to amendments to the Criminal Code regarding stock disposal orders and animal valuers) and Part 25 (relating to amendments to the Second-hand Dealers and Pawnbrokers Act to disrupt the sale and disposal of stolen metal). This will allow supporting amendments to the *Second-hand Dealers and Pawnbrokers Regulation 2004* to be considered by the Governor in Council. Moreover, commencing the amendments to the Second-hand Dealers Act on a day to be fixed by proclamation will provide second-hand dealers dealing in scrap metal to become aware of the new requirements and make any necessary changes to their business processes and procedures.

Fundamental legislative principles (FLPs)

Potential breaches of the fundamental legislative principles (FLPs) raised by the amendments are considered justified. The FLP issues and justifications for the potential breaches are outlined in the Explanatory Notes to the Bill.

Human rights impacts

The amendments in the Bill are considered to be compatible with human rights on the basis that they limit human rights only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the *Human Rights Act 2019*. The human rights issues and justifications are outlined in detail in the Statement of Compatibility for the Bill.