



Crime and Corruption Amendment Bill 2020



Queensland

Crime and Corruption Amendment Bill 2020

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2020

A Bill

for

An Act to amend the *Crime and Corruption Act 2001* for particular purposes

	The Parliament of Queensland enacts—	1
Clause 1	Short title	2
	This Act may be cited as the <i>Crime and Corruption Amendment Act 2020</i> .	3 4
Clause 2	Act amended	5
	This Act amends the <i>Crime and Corruption Act 2001</i> .	6
Clause 3	Insertion of new s 216B	7
	After section 216A—	8
	<i>insert—</i>	9
	216B Unlawfully publishing corrupt conduct allegations during election periods	10 11
	(1) A person must not publish a corrupt conduct allegation about a candidate for a State election during the election period for the election.	12 13 14
	Maximum penalty—50 penalty units or 6 months imprisonment.	15 16
	(2) A person must not publish a corrupt conduct allegation about a candidate for a local government election during the election period for the election.	17 18 19 20
	Maximum penalty—50 penalty units or 6 months imprisonment.	21 22
	(3) Subsections (1) and (2) do not apply if the person publishes the corrupt conduct allegation at least 3 months after—	23 24 25
	(a) if the allegation identifies a relevant complaint—the day the complaint was made or notified to the commission; or	26 27 28

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- (b) otherwise—the day the person notified the commission of the person’s intention to publish the allegation.
- (4) For subsection (3)(a) and (b), it does not matter whether the day mentioned in the subsection was before or after the commencement.
- (5) This section does not limit another provision of this Act or another law that restricts the publication of a corrupt conduct allegation about a person.
- (6) In this section—
- candidate*, for a State election or local government election, means—
- (a) a person who holds an office to be contested in the election; or
- (b) a person who has publicly indicated the person’s intention to be a candidate for the election; or
- (c) a person who has nominated to be a candidate for the election under an Act applying to the election.
- corrupt conduct allegation*, about a person, means a statement that—
- (a) indicates a relevant complaint about the person has been made or notified to the commission; or
- (b) identifies the subject matter of a relevant complaint that has been made or notified to the commission; or
- (c) indicates a relevant complaint about the person is proposed to be made or notified to the commission; or
- (d) alleges the person has been involved, is involved, or may be involved, in corrupt conduct.

[s 4]

	<i>election period</i> —	1
	(a) for a State election, means the period, under the <i>Electoral Act 1992</i> —	2 3
	(i) starting when the writ for the election is issued; and	4 5
	(ii) ending at the close of the poll for the election; or	6 7
	(b) for a local government election, means the period, under the <i>Local Government Electoral Act 2011</i> —	8 9 10
	(i) starting on the nomination day for the election; and	11 12
	(ii) ending at the close of the poll for the election.	13 14
	<i>local government election</i> see the <i>Local Government Electoral Act 2011</i> , schedule 2.	15 16
	<i>publish</i> , a corrupt conduct allegation, means publicly disclose the allegation, or cause the allegation to be publicly disclosed, by—	17 18 19
	(a) newspaper, radio or television; or	20
	(b) other electronic or printed media for communicating to the public or participating in social networking with the public.	21 22 23
	<i>relevant complaint</i> , about a person, means a complaint that involves, or may involve, corrupt conduct of the person.	24 25 26
	<i>State election</i> means an election of a member or members of the Legislative Assembly.	27 28
Clause 4	Amendment of s 344 (Injunctions)	29
	Section 344, heading, after ‘Injunctions’—	30
	<i>insert</i> —	31
	for contraventions of s 212	32

Clause 5	Insertion of new ss 344A–344C	1
	After section 344—	2
	<i>insert—</i>	3
	344A Applications for injunctions for contraventions of s 216B	4
	(1) This section applies if—	6
	(a) a person has engaged, is engaging, or is proposing to engage, in conduct that constitutes or would constitute an offence under section 216B; and	7 8 9 10
	(b) the commission, or a candidate in relation to whom section 216B applies, has reasonable grounds to believe an injunction under this section would mitigate any adverse effect on the commission or the candidate to whom the conduct relates.	11 12 13 14 15 16
	(2) The commission or candidate may, during the election period to which the conduct relates, apply to the District Court for an injunction in relation to the conduct.	17 18 19 20
	(3) On considering the application, the District Court may grant an injunction to—	21 22
	(a) stop the person from engaging in the conduct; or	23 24
	(b) require the person to do anything else the court considers desirable.	25 26
	<i>Note—</i>	27
	See also section 344C in relation to the grant of an injunction under this section.	28 29
	(4) An interim injunction may be granted until the application is finally decided.	30 31
	(5) The powers conferred on the District Court under this section do not limit any other powers of the court.	32 33 34
	(6) If the commission applies for an injunction under	35

this section, no undertaking as to damages or costs 1
may be required to be made. 2

**344B Injunctions if s 216B offence proceeding 3
started 4**

(1) This section applies if a section 216B offence 5
proceeding has started in a Magistrates Court 6
during the election period to which the proceeding 7
relates. 8

(2) The magistrate may constitute the court to 9
consider and decide whether an injunction should 10
be granted under subsection (3). 11

(3) The magistrate may grant an injunction to— 12

(a) stop a person from engaging in conduct to 13
which the section 216B offence proceeding 14
relates; or 15

(b) require the person to do anything else the 16
court considers desirable. 17

Note— 18

See also section 344C in relation to the grant of an 19
injunction under this section. 20

(4) The magistrate may act under subsection (2) or 21
(3) on the magistrate’s own initiative or on 22
application by the prosecution. 23

(5) Also, subsection (6) applies if— 24

(a) a section 344A injunction proceeding has 25
started in the District Court; and 26

(b) the proceeding relates to the same conduct 27
to which the section 216B offence 28
proceeding relates. 29

(6) The District Court may order that the section 30
344A injunction proceeding be transferred to the 31
Magistrates Court. 32

(7) If the District Court makes an order under 33
subsection (6), the registrar of the court must send 34

to the clerk of the court of the Magistrates Court a
 copy of the order and any record of the hearing of
 the section 344A injunction proceeding. 1
 2
 3

(8) In this section— 4

section 216B offence proceeding means a
 proceeding against a person for an offence under
 section 216B. 5
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section 344A injunction proceeding means a
 proceeding for an application for an injunction
 made by the commission or a person under
 section 344A. 8
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**344C Hearing and deciding s 344A or 344B
 injunctions** 12
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(1) This section applies in relation to a power of a
 court to grant an injunction under section 344A or
 344B. 14
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(2) The injunction may be granted for a stated period
 or on any other terms the court considers
 appropriate. 17
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(3) A question of fact for a decision for the injunction
 must be decided on the balance of probabilities. 20
 21

(4) The injunction may be granted in relation to a
 person, whether or not another order is made by a
 court against the person in a section 216B offence
 proceeding. 22
 23
 24
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(5) Subsection (6) applies if an injunction is ordered
 by a court in relation to a person against whom a
 section 216B offence proceeding has started. 26
 27
 28

(6) The injunction may be varied or revoked at any
 time by the court that granted the injunction or a
 Magistrates Court hearing the section 216B
 offence proceeding. 29
 30
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 32

(7) In this section— 33

section 216B offence proceeding means a 34

[s 5]

proceeding against a person for an offence under
section 216B.

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