



Queensland

Crime and Corruption Amendment Bill 2015



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2015

A Bill

for

An Act to amend the *Crime and Corruption Act 2001* and the Acts mentioned in schedules 1 and 2 for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Crime and Corruption
Amendment Act 2015*. 4
5

**Part 2 Amendment of Crime and
Corruption Act 2001** 6
7

Clause 2 Act amended 8

This part amends the *Crime and Corruption Act 2001*. 9

Clause 3 Amendment of s 4 (Act's purposes) 10

Section 4(1)(b)— 11

omit, insert— 12

(b) to continuously improve the integrity of, and
to reduce the incidence of corruption in, the
public sector. 13
14
15

**Clause 4 Amendment of s 5 (How Act's purposes are to be
achieved)** 16
17

Section 5(3)— 18

omit, insert— 19

(3) Also, the commission is to— 20

	(a) investigate cases of corrupt conduct, particularly more serious cases of corrupt conduct; and	1 2 3
	(b) help units of public administration to deal effectively and appropriately with corruption by increasing their capacity to do so.	4 5 6 7
Clause 5	Amendment of s 13 (Purpose of div 2)	8
	Section 13, note, after ‘function’—	9
	<i>insert—</i>	10
	under section 33(b)	11
Clause 6	Amendment of s 23 (Commission’s prevention function)	12
	Section 23, after ‘crime’—	13
	<i>insert—</i>	14
	and corruption	15
Clause 7	Amendment of s 24 (How commission performs its prevention function)	16 17
	(1) Section 24(a), after ‘crime’—	18
	<i>insert—</i>	19
	and corruption	20
	(2) Section 24—	21
	<i>insert—</i>	22
	(ba) analysing systems used within units of public administration to prevent corruption; and	23 24 25
	(ca) providing information to, consulting with, and making recommendations to, units of public administration; and	26 27 28

[s 8]

	(ea) generally increasing the capacity of units of public administration to prevent corruption by providing advice and training to the units and, if asked, to other entities; and	1 2 3 4
(3)	Section 24(f), after ‘crime’— <i>insert</i> — and corruption	5 6 7
(4)	Section 24(ba) to (f)— <i>renumber</i> as section 24(c) to (i).	8 9
Clause 8	Amendment of ch 2, pt 3, div 1, hdg (Corruption function) Chapter 2, part 3, division 1, heading, ‘function’— <i>omit, insert</i> — functions	10 11 12 13
Clause 9	Replacement of ss 33 and 34 Sections 33 and 34— <i>omit, insert</i> — 33 Commission’s corruption functions The commission has the following functions for corruption (the <i>corruption functions</i>)— (a) to raise standards of integrity and conduct in units of public administration; (b) to ensure a complaint about, or information or matter involving, corruption is dealt with in an appropriate way, having regard to the principles set out in section 34.	14 15 16 17 18 19 20 21 22 23 24 25

34 Principles for performing corruption functions	1
It is the Parliament’s intention that the commission	2
apply the following principles when performing its	3
corruption functions—	4
(a) Cooperation	5
• to the greatest extent practicable, the	6
commission and units of public	7
administration should work	8
cooperatively to prevent corruption	9
• the commission and units of public	10
administration should work	11
cooperatively to deal with corruption	12
(b) Capacity building	13
• the commission has a lead role in	14
building the capacity of units of public	15
administration to prevent and deal with	16
cases of corruption effectively and	17
appropriately	18
(c) Devolution	19
• subject to the cooperation and public	20
interest principles and the capacity of	21
the unit of public administration, action	22
to prevent and deal with corruption in a	23
unit of public administration should	24
generally happen within the unit	25
(d) Public interest	26
• the commission has an overriding	27
responsibility to promote public	28
confidence—	29
• in the integrity of units of public	30
administration and	31
• if corruption does happen within a	32
unit of public administration, in	33
the way it is dealt with	34

[s 10]

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

Clause 10	Amendment of s 35 (How commission performs its corruption function)	19
	(1) Section 35, heading, ‘function’—	20
	<i>omit, insert—</i>	21
	functions	22
	(2) Section 35(1) and (2), ‘function’—	23
	<i>omit, insert—</i>	24
	functions	25
	(3) Section 35(3), after ‘function’—	26
	<i>insert—</i>	27
	under section 33(b)	28
		29

Clause 11	Amendment of s 35A (Chief executive officer may issue direction about commission’s corruption function)	1 2
	Section 35A, heading, after ‘function’—	3
	<i>insert</i> —	4
	about complaints	5
Clause 12	Amendment of s 35B (Publication of information about how commission performs its corruption function)	6 7
	Section 35B, heading, after ‘function’—	8
	<i>insert</i> —	9
	about complaints	10
Clause 13	Amendment of s 36 (Complaining about corruption)	11
	(1) Section 36(3), (4) and (6)—	12
	<i>omit.</i>	13
	(2) Section 36(5)—	14
	<i>renumber</i> as section 36(3).	15
Clause 14	Replacement of s 52 (Research function)	16
	Section 52—	17
	<i>omit, insert</i> —	18
	52 Research functions	19
	(1) The commission has the following functions—	20
	(a) to undertake research to support the proper performance of its functions;	21 22
	(b) to undertake research into the incidence and prevention of criminal activity;	23 24
	(c) to undertake research into any other matter relating to the administration of criminal	25 26

[s 15]

	justice or relating to corruption referred to the commission by the Minister;	1 2
	(d) to undertake research into any other matter relevant to any of its functions.	3 4
(2)	Without limiting subsection (1)(a), the commission may undertake research into—	5 6
	(a) police service methods of operations; and	7
	(b) police powers and the use of police powers; and	8 9
	(c) law enforcement by police; and	10
	(d) the continuous improvement of the police service.	11 12
Clause 15	Amendment of s 213 (Secrecy)	13
	Section 213(4)(a), after ‘capacity,’—	14
	<i>insert—</i>	15
	or the chief executive officer in the chief executive officer’s official capacity,	16 17
Clause 16	Replacement of ch 6, pt 1, div 2, hdg	18
	Chapter 6, part 1, division 2, heading—	19
	<i>omit, insert—</i>	20
	Division 2	21
	Commissioners and chief executive officer	22
Clause 17	Insertion of new ch 6, pt 1, div 2, sdiv 1AA	23
	Chapter 6, part 1, division 2, before subdivision 1—	24
	<i>insert—</i>	25
	Subdivision 1AA Preliminary	26

222A Meaning of *officer* for div 2

In this division—

officer means a commissioner or the chief executive officer.

		1
		2
		3
		4
Clause 18	Amendment of s 223 (Membership of the commission)	5
	Section 223(c) and (d)—	6
	<i>omit, insert—</i>	7
	(c) 3 part-time commissioners who are ordinary commissioners.	8
		9
Clause 19	Insertion of new s 223A	10
	After section 223—	11
	<i>insert—</i>	12
	223A Chief executive officer	13
	The commission must have a chief executive officer.	14
Clause 20	Amendment of s 225 (Qualifications for appointment—other commissioners)	15
	Section 225, heading, ‘other’—	16
	<i>omit, insert—</i>	17
	chief executive officer and ordinary	18
		19
Clause 21	Replacement of s 226 (Disqualification as commissioner)	20
	Section 226—	21
	<i>omit, insert—</i>	22

[s 22]

	226 Disqualification as commissioner or chief executive officer	1 2
	(1) An ineligible person or the chief executive officer can not be appointed as, or continue as, a commissioner.	3 4 5
	(2) An ineligible person can not be appointed as, or continue as, the chief executive officer.	6 7
Clause 22	Amendment of s 227 (Advertising for appointment)	8
	Section 227(3), after ‘commissioner’—	9
	<i>insert—</i>	10
	or the chief executive officer	11
Clause 23	Replacement of s 228 (Consultation before nominating persons for appointment)	12 13
	Section 228—	14
	<i>omit, insert—</i>	15
	228 Prior consultation and bipartisan support for appointments	16 17
	The Minister may nominate a person for appointment to the office of chairperson, deputy chairperson, ordinary commissioner or the chief executive officer only if—	18 19 20 21
	(a) the Minister has consulted with—	22
	(i) the parliamentary committee; and	23
	(ii) except for an appointment as chairperson—the chairperson; and	24 25
	(b) the nomination is made with the bipartisan support of the parliamentary committee.	26 27
Clause 24	Amendment of s 229 (Appointment of commissioners)	28
	(1) Section 229, heading, ‘commissioners’—	29

omit, insert— 1

officers 2

(2) Section 229, ‘Commissioners’— 3

omit, insert— 4

Officers 5

Clause 25 Replacement of ss 231 and 232 6

Sections 231 and 232— 7

omit, insert— 8

231 Duration of appointment 9

(1) An officer holds office for the term, not longer than 5 years, stated in the instrument of the officer’s appointment. 10
11
12

(2) A person holding office as a commissioner or the chief executive officer may be re-appointed to the office for a further term or terms as long as— 13
14
15

(a) no term of appointment is longer than 5 years; and 16
17

(b) the person does not hold that office for more than 10 years in total. 18
19

(3) Subsection (2)(b) has effect despite the *Acts Interpretation Act 1954*, section 25(1)(c). 20
21

(4) Section 228 applies to the appointment of an officer for a further term under this section. 22
23

232 Terms of appointment 24

(1) An officer is to be paid the remuneration and allowances decided by the Governor in Council. 25
26

(2) To the extent that an officer’s terms and conditions are not provided for by this Act, the officer holds office on the terms and conditions decided by the Governor in Council. 27
28
29
30

[s 26]

	<i>Note—</i>	1
	See subdivision 3 for the chairperson’s pension entitlements.	2 3
Clause 26	Amendment of s 234 (Leave of absence)	4
	Section 234(1) and (2)—	5
	<i>omit, insert—</i>	6
	(1) The commission may grant leave to an officer in accordance with entitlements available to the officer under the officer’s conditions of office.	7 8 9
	(2) However, only the Minister may grant extended leave to an officer.	10 11
Clause 27	Amendment of s 235 (Resignation)	12
	Section 235, ‘A commissioner’—	13
	<i>omit, insert—</i>	14
	An officer	15
Clause 28	Replacement of ss 236 and 237	16
	Sections 236 and 237—	17
	<i>omit, insert—</i>	18
	236 Termination of appointment	19
	(1) The Governor in Council may terminate an officer’s appointment if the officer becomes incapable of satisfactorily performing the duties of office.	20 21 22 23
	(2) The Governor in Council may terminate a commissioner’s appointment if the commissioner is absent from 3 consecutive meetings of the commission without the commission’s prior leave and without reasonable excuse.	24 25 26 27 28

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

237 Acting appointments

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

[s 29]

	(a) a continuous period of more than 3 months;	1
	or	2
	(b) a period that, with the periods of other	3
	appointments of the person to act in the	4
	office, form a continuous period of more	5
	than 3 months.	6
	(3) However, subsection (2) does not apply if the	7
	Minister recommends the person for the	8
	appointment with the bipartisan support of the	9
	parliamentary committee.	10
	(4) The Minister must consult with the chairperson	11
	before recommending the person for the	12
	appointment.	13
	(5) Sections 227 and 228 do not apply to the	14
	appointment.	15
	(6) In this section—	16
	<i>qualified</i> , in relation to an appointment to act in	17
	an office, means qualified for appointment to the	18
	office.	19
Clause 29	Amendment of s 238 (Disclosure of interests by	20
	commissioners)	21
	(1) Section 238, heading, ‘by commissioners’—	22
	<i>omit.</i>	23
	(2) Section 238(1), ‘commissioner’s’—	24
	<i>omit, insert—</i>	25
	officer’s	26
	(3) Section 238(2), ‘commissioner’—	27
	<i>omit, insert—</i>	28
	officer	29
	(4) Section 238(2), ‘person’s’—	30
	<i>omit, insert—</i>	31

	officer's	1
(5)	Section 238(3), 'a commissioner's'—	2
	<i>omit, insert—</i>	3
	an officer's	4
(6)	Section 238(4)—	5
	<i>omit, insert—</i>	6
	(4) In this section—	7
	<i>personal or political association</i> , of an officer,	8
	means a personal or political association that	9
	might influence the officer in the discharge of the	10
	officer's duties.	11
Clause 30	Amendment of s 238E (Pension if appointment ends because of ill health)	12
	Section 238E(1)(b), '236(1)(a)'—	13
	<i>omit, insert—</i>	14
	236(1)	15
Clause 31	Amendment of s 238I (What happens if former chairman's appointment is terminated under s 236(3))	16
	Section 238I, '236(3)'—	17
	<i>omit, insert—</i>	18
	236(4)	19
Clause 32	Amendment of s 241 (Disqualification as a sessional commissioner)	20
	Section 241, after 'person'—	21
	<i>insert—</i>	22
	or the chief executive officer	23
		24
		25
		26

[s 33]

Clause 33	Amendment of s 245 (Senior officers)	1
	Section 245(3)(b), ‘function’—	2
	<i>omit, insert—</i>	3
	functions	4
Clause 34	Replacement of s 262 (Senior executive officer may attend meetings)	5
	Section 262—	6
	<i>omit, insert—</i>	7
	262 Chief executive officer or senior executive officer may attend meetings	8
	The chief executive officer or a senior executive officer may attend commission meetings but is not entitled to vote at a meeting.	9
		10
		11
		12
		13
Clause 35	Amendment of s 266 (Conduct of meetings)	14
	Section 266(4), ‘senior’—	15
	<i>omit.</i>	16
Clause 36	Amendment of s 269 (Delegation—commission)	17
	Section 269(4)(c)—	18
	<i>omit.</i>	19
Clause 37	Amendment of s 292 (Functions)	20
	Section 292(e)—	21
	<i>omit, insert—</i>	22
	(e) to participate in the selection of commissioners and the chief executive officer, and the removal from office of a commissioner or the chief executive officer, as provided under this Act;	23
		24
		25
		26
		27

Clause 38	Amendment of s 302A (Meetings of parliamentary committee generally to be held in public)	1 2
	Section 302A(2)(c), ‘corruption function’—	3
	<i>omit, insert—</i>	4
	corruption functions	5
Clause 39	Amendment of s 314A (Recommendation or referral arising from investigation conducted on parliamentary commissioner’s own initiative)	6 7 8
	(1) Section 314A(3)(a), after ‘a commissioner’—	9
	<i>insert—</i>	10
	or the chief executive officer	11
	(2) Section 314A(3)(a), after ‘the commissioner’—	12
	<i>insert—</i>	13
	or chief executive officer	14
Clause 40	Amendment of s 314B (Report on investigation conducted on parliamentary commissioner’s own initiative)	15 16 17
	(1) Section 314B(2)(b), after ‘a commissioner’—	18
	<i>insert—</i>	19
	or the chief executive officer	20
	(2) Section 314B(4), note, ‘236(3)(a)’—	21
	<i>omit, insert—</i>	22
	236(4)(a)	23
Clause 41	Amendment of s 329 (Duty to notify the parliamentary committee and the parliamentary commissioner of improper conduct)	24 25 26
	Section 329(1), table—	27

[s 42]

omit, insert—

1

Column 1

chairperson

deputy chairperson

chief executive officer

Column 2

commissioner other than the
 chairperson

chief executive officer

chairperson

commission officer other than a
 commissioner or the chief executive
 officer

Clause 42	Amendment of s 348A (Criteria for recommending an entity be declared a criminal organisation)	2 3
	Section 348A(1), '2005'—	4
	<i>omit, insert—</i>	5
	2015	6
Clause 43	Insertion of new ch 8, pt 13	7
	Chapter 8—	8
	<i>insert—</i>	9
	Part 13	10
	Crime and Corruption Amendment Act 2015	11
	424 Chief executive officer	12
	(1) This section applies in relation to a person who, immediately before the commencement, held office as a commissioner and the chief executive officer under an appointment by the Governor in Council.	13 14 15 16 17
	(2) On the commencement, the appointment as a commissioner ends.	18 19

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

425 Acting appointments

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

426 References to chair titles

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

Clause 44 Amendment of sch 2 (Dictionary)

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

[s 45]

- (iii) the chief executive officer; or 1
- (5) Schedule 2, definition *corruption investigation*, ‘its’— 2
omit, insert— 3
 a 4
- (6) Schedule 2, definition *officer*— 5
insert— 6
 (c) for chapter 6, part 1, division 2, see section 7
 222A. 8

- Clause 45 Amendments for chair references** 9
- (1) Each provision of the Act containing a reference to 10
 ‘chairman’ is amended by omitting ‘chairman’ and inserting 11
 ‘chairperson’. 12
- (2) Each provision of the Act containing a reference to 13
 ‘chairman’s’ is amended by omitting ‘chairman’s’ and 14
 inserting ‘chairperson’s’. 15
- (3) Each provision of the Act containing a reference to 16
 ‘Chairman’s’ is amended by omitting ‘Chairman’s’ and 17
 inserting ‘Chairperson’s’. 18

Part 3 Amendments of other Acts 19

- Clause 46 Acts amended in schs 1 and 2** 20
 Schedules 1 and 2 amend the Acts they mention. 21

Schedule 1 Amendments for chair references 1
2

section 46 3

1 References to ‘chairman’ 4

Each of the following provisions is amended by omitting
‘chairman’ and inserting ‘chairperson’— 5
6

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

Schedule 1

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

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

2 Reference to ‘Chairman’

1

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

2

3

3 References to ‘chairman’s’

4

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

5

6

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

Schedule 1

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

Schedule 2	Other consequential amendments	1
		2
	section 46	3
Right to Information Act 2009		4
1	Schedule 3, section 10(9), definition <i>corruption function</i>, ‘<i>function</i>’—	5
	<i>omit, insert—</i>	6
	<i>functions</i>	7
		8
2	Schedule 3, section 10(9), definition <i>prescribed functions</i>, paragraph (a), ‘<i>corruption function</i>’—	9
	<i>omit, insert—</i>	10
	corruption functions	11
		12