

I hereby certify that this PUBLIC BILL has finally passed the
Legislative Assembly of Queensland.



Legislative Assembly Chamber,
Brisbane,

M. W. Rios
The Clerk of the Parliament.
21 May 2014

In the name and on behalf of the Queen, I assent to this Bill.

Penelope Wensley
Government House,
Brisbane, 21st May, 2014



Queensland

No. 21 of 2014
A BILL for

An Act to amend the Crime and Misconduct Act 2001, the Public Service Act 2008 and the Public Service Regulation 2008 for particular purposes, and to make minor and consequential amendments to the legislation mentioned in schedule 2



Queensland

Crime and Misconduct and Other Legislation Amendment Bill 2014

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2014

A Bill

for

An Act to amend the *Crime and Misconduct Act 2001*, the *Public Service Act 2008* and the *Public Service Regulation 2008* for particular purposes, and to make minor and consequential amendments to the legislation mentioned in schedule 2

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Crime and Misconduct and Other Legislation Amendment Act 2014*.

2 Commencement

- (1) Section 80 is taken to have commenced on the day the Bill for this Act was introduced into the Legislative Assembly.
- (2) This Act, other than section 80, commences on a day to be fixed by proclamation.

Part 2 Amendment of Crime and Misconduct Act 2001

3 Act amended

This part amends the *Crime and Misconduct Act 2001*.

Note—

See also the amendments in schedule 1.

4 Amendment of long title

Long title, ‘Misconduct’—

omit, insert—

Corruption

5 Amendment of s 1 (Short title)

Section 1, ‘Misconduct’—

omit, insert—

Corruption

6 Amendment of s 4 (Act’s purposes)

Section 4(1)(b)—

omit, insert—

(b) to reduce the incidence of corruption in the public sector.

7 Amendment of s 5 (How Act’s purposes are to be achieved)

(1) Section 5(1), ‘Misconduct’—

omit, insert—

Corruption

(2) Section 5(2), after ‘major crime’—

insert—

and criminal organisations and their participants

(3) Section 5(3)—

omit, insert—

(3) Also, the commission is to investigate cases of corrupt conduct, particularly more serious cases of corrupt conduct.

8 Omission of s 13 (Notes in text)

Section 13—

omit.

[s 9]

9 Replacement of ch 1, pt 4, div 2, hdg and ss 14 and 15

Chapter 1, part 4, division 2, heading and sections 14 and 15—
omit, insert—

Division 2 Corrupt conduct

13 Purpose of div 2

This division provides for the meaning of corrupt conduct for this Act.

Note—

Under section 35(3), the commission, in performing its corruption function, must focus on more serious cases of corrupt conduct and cases of systemic corrupt conduct within a unit of public administration.

14 Definitions for div 2

In this division—

appointment means appointment in a unit of public administration.

conduct includes—

- (a) neglect, failure and inaction; and
- (b) conspiracy to engage in conduct; and
- (c) attempt to engage in conduct.

15 Meaning of *corrupt conduct*

- (1) *Corrupt conduct* means conduct of a person, regardless of whether the person holds or held an appointment, that—
 - (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—
 - (i) a unit of public administration; or

- (ii) a person holding an appointment; and
 - (b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—
 - (i) is not honest or is not impartial; or
 - (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
 - (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and
 - (c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and
 - (d) would, if proved, be—
 - (i) a criminal offence; or
 - (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.
- (2) Without limiting subsection (1), conduct that involves any of the following could be corrupt conduct under subsection (1)—
 - (a) abuse of public office;
 - (b) bribery, including bribery relating to an election;
 - (c) extortion;
 - (d) obtaining or offering a secret commission;
 - (e) fraud;
 - (f) stealing;

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- (g) forgery;
- (h) perverting the course of justice;
- (i) an offence relating to an electoral donation;
- (j) loss of revenue of the State;
- (k) sedition;
- (l) homicide, serious assault or assault occasioning bodily harm or grievous bodily harm;
- (m) obtaining a financial benefit from procuring prostitution or from unlawful prostitution engaged in by another person;
- (n) illegal drug trafficking;
- (o) illegal gambling.

10 Amendment of s 23 (Commission’s prevention function)

Section 23, ‘and misconduct’—

omit.

11 Amendment of s 24 (How commission performs its prevention function)

(1) Section 24(a) and (i), ‘and misconduct’—

omit.

(2) Section 24(c), (e) and (h)—

omit.

(3) Section 24(d) to (i)—

renumber as section 24(c) to (f).

12 Replacement of s 33 (Commission’s misconduct functions)

Section 33—

omit, insert—

33 Commission's corruption function

The commission has the function (the *corruption function*) 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.

13 Amendment of s 34 (Principles for performing misconduct functions)

(1) Section 34, 'misconduct functions'—

omit, insert—

corruption function

(2) Section 34(a), first dot point—

omit.

(3) Section 34(a), second dot point, 'misconduct'—

omit, insert—

corruption

(4) Section 34(b)—

omit.

(5) Section 34(c), 'prevent and deal with misconduct'—

omit, insert—

deal with corruption

(6) Section 34(d), first dot point—

omit, insert—

- the commission has an overriding responsibility to promote public confidence in the way corruption within a unit of public administration is dealt with

(7) Section 34(d), second dot point, 'misconduct'—

omit, insert—

[s 14]

corruption

- (8) Section 34(c) and (d)—
renumber as section 34(b) and (c).

14 Amendment of s 35 (How commission performs its misconduct functions)

- (1) Section 35, ‘misconduct functions’—
omit, insert—

corruption function

- (2) Section 35(1)(a), (b) and (f), ‘misconduct’—
omit, insert—

corruption

- (3) Section 35(1)(d) and (e), ‘official misconduct’—
omit, insert—

corrupt conduct

- (4) Section 35(1)—
insert—

- (i) assessing the appropriateness of systems and procedures adopted by a unit of public administration for dealing with complaints about corruption;
- (j) providing advice and recommendations to a unit of public administration about dealing with complaints about corruption in an appropriate way.

- (5) Section 35—
insert—

- (3) In performing its corruption function, the commission must focus on more serious cases of corrupt conduct and cases of systemic corrupt conduct within a unit of public administration.

15 Insertion of new ss 35A and 35B

Chapter 2, part 3, division 1—

insert—

35A Chief executive officer may issue direction about commission's corruption function

- (1) The chief executive officer may issue a direction about how commission officers are to decide whether a complaint involves, or may involve, a more serious case of corrupt conduct or a case of systemic corrupt conduct within a unit of public administration.
- (2) In issuing a direction under subsection (1), the chief executive officer is subject to the direction and control of the chairman.
- (3) A commission officer must comply with a direction issued under subsection (1).

35B Publication of information about how commission performs its corruption function

- (1) The chief executive officer must publish, on a publicly accessible website of the commission, information about the commission's systems and procedures for dealing with complaints about corruption.
- (2) The information published on the website must include the following—
 - (a) the standard timeframes adopted by the commission for assessing, investigating and completing its dealing with complaints about corruption;
 - (b) the standard procedures adopted by the commission for assessing and investigating complaints about corruption;

[s 16]

- (c) how the commission monitors the progress of complaints about corruption being dealt with by the commission to ensure they are being dealt with in a timely way;
- (d) what action the commission takes if the standard timeframes are not met for a complaint about corruption being dealt with by the commission to ensure the complaint is dealt with in a timely way.

16 Amendment of s 36 (Complaining about misconduct)

- (1) Section 36, 'misconduct'—

omit, insert—

corruption

- (2) Section 36(1)—

omit, insert—

- (1) A person may make a complaint about corruption to the commission for the purpose of the commission dealing with the complaint under section 35.

- (3) Section 36—

insert—

- (3) A complaint about corruption under subsection (1) must be made by way of statutory declaration unless the commission decides, because of exceptional circumstances, that it need not be made by statutory declaration.

Examples of exceptional circumstances—

the person making the complaint—

- fears retaliation for making the complaint in relation to the person's employment, property, personal safety or well being
- is illiterate, or not literate in English

- has a disability or impairment that affects the person's ability to make the complaint by statutory declaration
 - has a personal or physical disadvantage that makes it difficult or impossible for the person to make the complaint by statutory declaration
 - is a child.
- (4) The commission may only deal with a complaint made under subsection (1) that complies with subsection (3).
- (5) A person may also give information or matter involving corruption to the commission.

Examples of information or matter involving corruption that may be given to the commission—

- information given to the commission through a commission activity, including, for example—
 - evidence given by a witness at a commission hearing
 - information obtained through telephone interception or a covert operation
 - evidence gathered through a corruption investigation
 - a routine departmental audit report
 - an intelligence report from a law enforcement agency
 - a Crime Stoppers report
 - information about a significant police event such as a death in police custody or police shooting
 - information or matter referred to the commission by a coroner, a court, a commission of inquiry or another investigative body or public inquiry
- (6) However, subsection (3) does not apply to—
- (a) information or matter involving corruption given to the commission under subsection (5); or
- (b) a complaint about corruption made as a disclosure, or a referral of a disclosure, to

[s 17]

the commission under the *Public Interest Disclosure Act 2010*; or

- (c) a complaint about, or information or matter involving, corruption given to the commission as a referral, notification or recommendation under another law.

17 Amendment of s 38 (Duty to notify commission of official misconduct)

- (1) Section 38, ‘official misconduct’—

omit, insert—

corrupt conduct

- (2) Section 38(1), after ‘public official’—

insert—

reasonably

18 Amendment of s 40 (Commission may issue directions about how notifications are to be made)

- (1) Section 40, heading, ‘how notifications are to be made’—

omit, insert—

notifications

- (2) Section 40(1)—

omit, insert—

- (1) The commission may issue directions about the following—

- (a) the kinds of complaints a public official must notify, or need not notify, the commission of under section 37 or 38;
- (b) how and when a public official must notify the commission of complaints under section 37 or 38.

(3) Section 40(2), from ‘of’—

omit, insert—

of—

- (a) the relevant public official; and
- (b) if the direction relates to the chief executive officer of a department or a public service office within the meaning of the *Public Service Act 2008*—the public service commission.

19 Amendment of s 46 (Dealing with complaints—commission)

(1) Section 46(1), ‘misconduct’—

omit, insert—

corruption

(2) Section 46(2)(a) to (c), ‘official misconduct’—

omit, insert—

corrupt conduct

(3) Section 46(2)(g)(i)—

insert—

- (C) is not made in good faith; or
- (D) is made primarily for a mischievous purpose; or
- (E) is made recklessly or maliciously; or

(4) Section 46(2)(g)(ii)—

omit, insert—

- (ii) dealing with the complaint—
 - (A) would not be in the public interest; or

[s 20]

- (B) would be an unjustifiable use of resources; or
 - (iii) the subject matter of the complaint—
 - (A) is not within the commission's functions; or
 - (B) has been dealt with by another entity;
- (5) Section 46—
insert—
 - (2A) For taking action, or action taken, under subsection (2) for a complaint, the commission may require a public official to provide stated information about the complaint in the way and at the times the commission directs.
 - (2B) A public official must comply with a requirement made under subsection (3).
- (6) Section 46(2A) to (5)—
renumber as section 46(3) to (7).

20 Insertion of new ch 2, pt 3, div 4, sdiv 4

Chapter 2, part 3, division 4—

insert—

Subdivision 4 Miscellaneous provision

48A Policy about how complaints involving public official are to be dealt with

- (1) A public official must, in consultation with the chairman, prepare a policy about how the unit of public administration for which the official is responsible will deal with a complaint that involves or may involve corruption of the public official.

-
- (2) The policy may nominate a person other than the public official to notify the commission of the complaint under section 37 or 38, and to deal with the complaint under subdivision 1 or 2, on behalf of the public official.
 - (3) If the policy includes a nomination as mentioned in subsection (2), this Act applies as if a reference about notifying or dealing with the complaint to the public official were a reference to the nominated person.

Example of operation of subsection (3)—

If a policy prepared under this section for a unit of public administration includes a nomination as mentioned in subsection (2)—

- (a) under section 38 as applying under subsection (3), the nominated person must notify the commission of complaints about the relevant public official that the person suspects involve or may involve corrupt conduct; and
 - (b) under section 35(1)(b) as applying under subsection (3), the commission may refer complaints about the relevant public official to the nominated person for the nominated person to deal with; and
 - (c) under section 42 or 44 as applying under subsection (3), the nominated person must deal with complaints about the relevant public official referred to the nominated person by the commission.
- (4) In this section—
complaint includes information or matter.

21 Replacement of s 52 (Research functions)

Section 52—

omit, insert—

52 Research function

- (1) The commission has the function to undertake the following research in accordance with a

[s 21]

- research plan approved by the Minister under subsection (2)—
- (a) research to support the proper performance of its functions;
 - (b) research required to be undertaken by the commission under another Act;
 - (c) research into any other matter referred to the commission by the Minister.
- (2) As soon as practicable after the end of each financial year, the commission must give the Minister, for the Minister's approval, a plan (a *research plan*) for the research it proposes to undertake in the period comprising—
- (a) the financial year in which the plan is prepared; and
 - (b) the following 2 financial years.
- (3) In preparing a research plan, the commission must identify the priorities for the research it proposes to undertake in the period to which the plan relates—
- (a) having regard to its strategic and business plans and any other relevant matter; and
 - (b) in consultation with units of public administration.
- (4) The commission may ask the Minister to approve an amendment of an approved research plan to allow research for an emergent issue relevant to any of its functions.
- (5) The Minister must first consult with the parliamentary committee before approving a research plan or amendment of an approved research plan.

22 Amendment of s 58 (Independence of holders of judicial office)

(1) Section 58(2)—

omit, insert—

(2) To the extent a commission investigation is, or would be, in relation to conduct of a judicial officer, the commission's authority to conduct the investigation is limited to investigating corrupt conduct of a kind that, if established, would warrant the judicial officer's removal from office.

(2A) However, subsection (2) does not apply to a commission investigation that is, or would be, in relation to conduct of a judicial officer—

(a) other than in the judicial officer's capacity as a judicial officer; and

(b) as a member or representative of a decision-making body in a unit of public administration.

Examples of decision-making bodies—

a governing body, a board of management

(2B) To the extent a commission investigation is, or would be, in relation to conduct of a judicial officer, the investigation must be conducted in accordance with appropriate conditions and procedures agreed by the chairman and the Chief Justice from time to time.

(2) Section 58(3) and (4), 'chairperson'—

omit, insert—

chairman

(3) Section 58—

insert—

(4A) However, the chairman may delegate the chairman's functions and powers under this

[s 23]

section, including the functions and powers mentioned in subsection (6), for a commission investigation mentioned in subsection (3) to a senior officer.

- (4) Section 58(2A) to (5)—
renumber as section 58(3) to (8).

23 Amendment of s 130 (Disclosure of information obtained using surveillance warrant)

Section 130—

insert—

- (3) In this section—
commission officer includes a former commission officer.

24 Amendment of s 146K (Protection from liability)

- (1) Section 146K(1)(b) and (c)—

omit, insert—

- (b) the chairman;
(c) a senior executive officer;

- (2) Section 146K(5)(c), ‘misconduct’—

omit, insert—

corruption

24A Amendment of s 146ZQ (Report about authorities for assumed identities etc.)

- (1) Section 146ZQ(1), ‘parliamentary commissioner’—

omit, insert—

chairperson of the parliamentary committee

- (2) Section 146ZQ(3)—

omit, insert—

- (3) The chairperson of the parliamentary committee must table a copy of the report in the Legislative Assembly within 14 sitting days after the chairperson receives the report.

25 Amendment of s 146ZU (Delegation—chairperson)

- (1) Section 146ZU, heading, ‘chairperson’—

omit, insert—

chairman

- (2) Section 146ZU(1), from ‘chairperson’ to ‘assistant commissioner’—

omit, insert—

chairman may delegate any of the chairman’s powers under this part relating to the following to the chief executive officer or a senior executive officer

- (3) Section 146ZU(2), from ‘chairperson’ to ‘chairperson’s’—

omit, insert—

chairman may delegate to an authorised commission officer the chairman’s

26 Amendment of s 178 (Who must conduct hearings)

- (1) Section 178(1), ‘chairperson’—

omit, insert—

chairman

- (2) Section 178(2)—

omit, insert—

- (2) However, if the chairman considers it necessary for the efficient operation of the commission, a public hearing may be conducted by a sessional

[s 27]

commissioner or senior executive officer as decided by the chairman.

(3) Section 178(3)—

omit, insert—

(3) A closed hearing may be conducted by any of the following as decided by the chairman—

- (a) the chairman;
- (b) a sessional commissioner;
- (c) a senior executive officer;
- (d) another person qualified for appointment as the chairman.

27 Amendment of s 213 (Secrecy)

Section 213(5)—

insert—

commission officer includes a person who was an assistant commissioner or part-time commissioner under this Act as in force before the commencement of this definition.

28 Amendment of s 216 (Frivolous or vexatious complaint)

(1) Section 216, heading, ‘or vexatious’—

omit.

(2) Section 216(1), from ‘misconduct’—

omit, insert—

corruption made by the person to the commission will not be investigated or further investigated by the commission because it appears to concern frivolous matter.

(3) Section 216(4), ‘and was not given or made vexatiously’—

omit.

(4) Section 216(5) and (6)—

omit, insert—

(5) In this section—

make, a complaint to the commission, means—

- (a) make a complaint to the commission under section 36; or
- (b) make a complaint to another entity that is under an obligation to refer the complaint to the commission; or
- (c) cause a complaint to be referred to the commission.

29 Insertion of new s 216A

After section 216—

insert—

216A Other improper complaints

(1) A person commits an offence if the person—

(a) makes a complaint to the commission—

- (i) vexatiously; or
- (ii) not in good faith; or
- (iii) primarily for a mischievous purpose; or
- (iv) recklessly or maliciously; or

(b) counsels or procures another person to make a complaint to the commission as mentioned in paragraph (a).

Maximum penalty—85 penalty units or 1 year's imprisonment.

(2) In this section—

make, a complaint to the commission, means—

[s 30]

- (a) make a complaint, or give information or matter, to the commission under section 36; or
- (b) make a complaint, or give information or matter, to another entity that is under an obligation to refer the complaint, information or matter to the commission; or
- (c) cause a complaint, or information or matter, to be referred to the commission.

30 Amendment of ch 6, pt 1, hdg (Crime and Misconduct Commission)

Chapter 6, part 1, heading, ‘Misconduct’—
omit, insert—

Corruption

31 Amendment of ch 6, pt 1, div 1, hdg (Establishment of Crime and Misconduct Commission)

Chapter 6, part 1, division 1, heading, ‘Misconduct’—
omit, insert—

Corruption

32 Amendment of s 220 (Establishment)

Section 220, ‘Misconduct’—
omit, insert—

Corruption

33 Amendment of s 221 (Commission has common seal etc.)

Section 221(1), ‘Misconduct’—
omit, insert—

Corruption

34 Replacement of s 223 (Membership of the commission)

Section 223—

omit, insert—

223 Membership of the commission

The commission is to consist of the following commissioners—

- (a) a full-time commissioner who is the chairman;
- (b) a part-time commissioner who is the deputy chairman;
- (c) a full-time commissioner who is the chief executive officer;
- (d) 2 part-time commissioners who are ordinary commissioners.

35 Amendment of s 224 (Qualifications for appointment as the chairperson)

- (1) Section 224, heading, ‘as the chairperson’—

omit, insert—

—chairman and deputy chairman

- (2) Section 224, ‘chairperson if’—

omit, insert—

chairman or deputy chairman if

36 Replacement of s 225 (Qualifications for appointment as a part-time commissioner)

Section 225—

omit, insert—

[s 37]

225 Qualifications for appointment—other commissioners

- (1) A person is qualified for appointment as the chief executive officer if the person has qualifications, experience or standing appropriate to perform the functions of the chief executive officer.
- (2) A person is qualified for appointment as an ordinary commissioner if the person has qualifications, experience or standing appropriate to assist the commission to perform its functions.

37 Amendment of s 227 (Advertising and nominations for appointment)

- (1) Section 227, heading, ‘and nominations’—
omit.
- (2) Section 227(1), ‘chairperson’—
omit, insert—
chairman
- (3) Section 227(2) to (4)—
omit, insert—
 - (2) The Minister must advertise throughout the State for applications from suitably qualified persons to be considered for selection as the deputy chairman, the chief executive officer or an ordinary commissioner.
 - (3) Subsections (1) and (2) do not apply to the reappointment of a person as a commissioner.

38 Replacement of ss 228–230

Sections 228 to 230—
omit, insert—

228 Consultation before nominating persons for appointment

- (1) Before nominating a person for appointment as a commissioner, the Minister must first consult with—
 - (a) the parliamentary committee; and
 - (b) for the appointment of a commissioner other than the chairman—the chairman.
- (2) The parliamentary committee may veto the person's nomination by giving the Minister notice within 14 days (the *consultation period*) after receiving notice of the Minister's proposal to nominate the person.
- (3) The Minister may nominate a person for appointment as a commissioner only if the person's nomination is not vetoed by the parliamentary committee during the consultation period.

229 Appointment of commissioners

- (1) Commissioners are to be appointed by the Governor in Council.
- (2) Commissioners are appointed under this Act and not the *Public Service Act 2008*.

39 Amendment of s 231 (Duration of appointment)

Section 231(2) and (3)—

omit, insert—

- (2) A person appointed as a commissioner may be appointed as a commissioner for a further term or terms as long as—
 - (a) no term of appointment is longer than 5 years; and

[s 40]

- (b) the commissioner does not hold office as a commissioner for more than 10 years in total.
- (3) Subsection (2)(b) has effect despite the *Acts Interpretation Act 1954*, section 25(1)(c).
- (4) Section 228 applies to the appointment of a commissioner for a further term under this section.

40 Amendment of s 233 (Preservation of rights)

Section 233, ‘chairperson’—

omit, insert—

chairman or chief executive officer

41 Amendment of s 234 (Leave of absence)

Section 234(3), definition *extended leave*—

omit, insert—

extended leave means—

- (a) for the chairman or chief executive officer—leave of more than 10 business days; or
- (b) for the deputy chairman or an ordinary commissioner—leave of more than 20 business days.

42 Amendment of s 236 (Termination of appointment)

Section 236(2), from ‘chairperson if’ to ‘chairperson’s’—

omit, insert—

chairman or chief executive officer if the chairman or chief executive officer engages in paid employment outside the chairman’s or chief executive officer’s

43 Replacement of ss 237 and 237A

Sections 237 and 237A—

omit, insert—

237 Acting commissioners

- (1) The Governor in Council may appoint a person qualified for appointment as the chairman, the deputy chairman, the chief executive officer or an ordinary commissioner (the *relevant commissioner*) to act as the relevant commissioner—
 - (a) during a vacancy in the relevant commissioner's office; or
 - (b) during any period, or all periods, when the relevant commissioner is absent from duty or from the State or, for another reason, can not perform the duties of the office.
- (2) Sections 227 and 228 do not apply to the appointment of a person to act as the relevant commissioner.
- (3) However, before recommending the appointment of a person to act as the relevant commissioner, the Minister must first consult with the chairman.

44 Insertion of new ch 6, pt 1, div 2A

Chapter 6, part 1—

insert—

Division 2A Sessional commissioners

239 Appointment of sessional commissioners

The chairman may appoint as many sessional commissioners as are required to help the chairman to perform the commission's functions or exercise the commission's powers by—

[s 44]

- (a) conducting a hearing for a crime investigation, corruption investigation or the intelligence function; or
- (b) examining 1 or more witnesses, and reporting on the examination to the chairman, for a crime investigation, corruption investigation or the intelligence function; or
- (c) conducting a specific investigation relevant to the commission's functions.

240 Qualification for appointment as a sessional commissioner

A person is qualified for appointment as a sessional commissioner only if the person has served as, or is qualified for appointment as, a judge of—

- (a) the Supreme Court of Queensland; or
- (b) the Supreme Court of another State; or
- (c) the High Court of Australia; or
- (d) the Federal Court of Australia.

241 Disqualification as a sessional commissioner

An ineligible person can not be appointed as, or continue as, a sessional commissioner.

242 Terms of appointment

A sessional commissioner is appointed on a sessional basis and holds office for the period, and on the terms and conditions, stated in the commissioner's instrument of appointment.

243 Resignation

A sessional commissioner may resign by signed notice given to the chairman.

45 Amendment of ch 6, pt 1, div 3, hdg (Assistant commissioners and senior officers)

Chapter 6, part 1, division 3, heading, from ‘Assistant’ to ‘senior’—

omit, insert—

Senior

46 Omission of ss 239–244

Sections 239 to 244—

omit.

47 Amendment of s 245 (Senior officers)

Section 245—

insert—

- (3) The commission must employ—
 - (a) a senior officer who is responsible to the chairman for the proper performance of the commission’s crime functions (the *senior executive officer (crime)*); and
 - (b) a senior officer who is responsible to the chairman for the proper performance of the commission’s corruption function (the *senior executive officer (corruption)*).
- (4) In the performance of the commission’s functions or exercise of the commission’s powers, senior officers are subject to the direction and control of the chairman.
- (5) In this section—

[s 48]

senior officer means a person who, in the chief executive officer's opinion, is performing duties that would, if the person were a public service officer, be duties of a senior executive.

48 Amendment of s 247 (Duration of appointment)

- (1) Section 247(1), 'An assistant commissioner or senior'—

omit, insert—

A senior

- (2) Section 247(2) and (3), 'an assistant commissioner or senior'—

omit, insert—

a senior

- (3) Section 247(3), example, from 'The person is appointed'—

omit, insert—

The person may be reappointed as a senior officer for a further term of 3 years. However, the person must not continue in, or be reappointed to, the office at the end of that 3-year term, unless the reappointment is made under subsection (3A).

- (4) Section 247(3A), from 'An assistant' to '10 years'—

omit, insert—

A senior officer who has held office in the commission as a senior officer for 10 years

- (5) Section 247(3A)(b), 'an assistant commissioner or senior'—

omit, insert—

a senior

- (6) Section 247(3A), example—

omit, insert—

Example—

A person has held office in the commission for 10 years as a senior officer. At the end of 10-year period, the

person may be reappointed as a senior officer for a further term of not more than 5 years.

- (7) Section 247(3B), ‘either an assistant commissioner or senior’—

omit, insert—

a senior

- (8) Section 247—

insert—

- (3C) For subsections (3) to (3B), any time a person held office in the commission as an assistant commissioner under this Act before the commencement of this subsection is taken to be time held by the person in office in the commission as a senior officer.

- (9) Section 247(4), ‘to (3B)’—

omit, insert—

to (3C)

- (10) Section 247(5), definition *senior officer*, ‘misconduct’—

omit, insert—

corruption

49 Amendment of s 247A (Notice to parliamentary committee)

Section 247A(1), ‘chairperson’—

omit, insert—

chief executive officer

50 Amendment of s 248 (Basis of employment for assistant commissioners or senior officers)

- (1) Section 248, heading, ‘assistant commissioners or’—

omit.

[s 51]

(2) Section 248(1), ‘an assistant commissioner or’—
omit, insert—

a

(3) Section 248(4)(c), (e) and (f), ‘chairperson’—
omit, insert—

chief executive officer

51 Omission of s 250 (Acting assistant commissioner)

Section 250—

omit.

52 Replacement of ch 6, pt 1, div 4 (Roles of chairperson and assistant commissioners)

Chapter 6, part 1, division 4—

omit, insert—

**Division 4 Roles of commission,
chairman and chief
executive officer**

251 Role of commission

- (1) The commission is responsible for providing strategic leadership and direction for the performance of the commission’s functions, and the exercise of the commission’s powers, by the chairman, chief executive officer and commission staff.
- (2) The commission is also responsible for—
 - (a) the preparation of the commission’s strategic and business plans; and
 - (b) the establishment of internal management committees and their charters; and

- (c) the preparation of the internal audit charter prepared for the *Financial Accountability Act 2009*.
- (3) If asked by the chairman, the commission may help the chairman in the performance of the commission's functions or exercise of the commission's powers delegated to the chairman under section 269.

252 Role of chairman

- (1) The chairman—
 - (a) is the chair of the commission; and
 - (b) is responsible for the proper performance of the commission's functions delegated to the chairman under section 269.
- (2) The chairman is to—
 - (a) perform the functions, and exercise the powers, of the commission delegated to the chairman under section 269; and
 - (b) perform the other functions, and exercise the other powers, conferred on the chairman under this Act or another Act.
- (3) The chairman is to report to the commission on the performance of the commission's functions, but is not subject to the direction of the commission in the performance of a function or exercise of a power in an investigation, hearing, operation or other proceeding under this Act or another Act.
- (4) Anything done in the commission's name by the chairman or the chairman's delegate is taken to have been done by the commission.

[s 52]

253 Role of chief executive officer

- (1) The chief executive officer is responsible to the commission for the administration of the commission.
- (2) The chief executive officer is to—
 - (a) perform the functions, and exercise the powers, of the commission delegated to the chief executive officer under section 269; and
 - (b) perform the functions and exercise the powers delegated to the chief executive officer by the chairman; and
 - (c) perform the other functions, and exercise the other powers, conferred on the chief executive officer under this Act.
- (3) In performing a function or exercising a power under this Act, the chief executive officer is subject to the direction of—
 - (a) for a function or power delegated to the chief executive officer by the chairman—the chairman; or
 - (b) otherwise—the commission.
- (4) The chief executive is to report to the commission on—
 - (a) all matters relating to the administration of the commission; and
 - (b) the performance of the functions and exercise of the powers mentioned in subsection (2)(a) and (c).
- (5) Anything done in the commission's name by the chief executive officer or chief executive officer's delegate is taken to have been done by the commission.

53 Amendment of s 254 (Commission staff)

- (1) Section 254(4), ‘in consultation with the Minister’—
omit.
- (2) Section 254(6), ‘chairperson’—
omit, insert—
chief executive officer

54 Amendment of s 255 (Secondment of officers)

- (1) Section 255(1), (3) and (4), ‘chairperson’—
omit, insert—
chief executive officer
- (2) Section 255(5), example, ‘misconduct’—
omit, insert—
corruption

55 Amendment of s 259 (Budget and performance)

- (1) Section 259(1), ‘develop,’—
omit.
- (2) Section 259—
insert—
(1A) The chief executive officer is responsible for developing the budget for the commission.
- (3) Section 259(1A) to (5)—
renumber as section 259(2) to (6).

56 Replacement of s 262 (Assistant commissioners to attend meetings)

- Section 262—
omit, insert—

[s 57]

262 Senior executive officer may attend meetings

A senior executive officer may attend commission meetings, but is not entitled to vote at a meeting.

57 Amendment of s 265 (Presiding at meetings)

(1) Section 265(1), ‘chairperson’—

omit, insert—

chairman

(2) Section 265(2)—

omit, insert—

(2) If the chairman is absent from a commission meeting, the deputy chairman is to preside at the meeting.

(3) If both the chairman and deputy chairman are absent from a commission meeting, the commissioner chosen by the commissioners present is to preside at the meeting.

58 Replacement of s 269 (Delegation—commission)

Section 269—

omit, insert—

269 Delegation—commission

(1) The commission’s functions and powers under this Act or another Act, other than the commission’s functions under sections 234, 251(1) and (2) and 259, are delegated to—

(a) for a function or power under sections 40, 245, 254, 256, 258, 260 and 346B, the commission’s financial accountability functions and the commission’s public record powers—the chief executive officer; or

-
- (b) otherwise—the chairman.
- (2) However, in issuing a direction under section 40, the chief executive officer is subject to the direction and control of the chairman.
- (3) The chief executive officer may sub-delegate a function or power of the commission delegated to the chief executive officer under subsection (1) to an appropriately qualified commission officer.
- (4) However—
- (a) the commission’s powers under section 254 in relation to the appointment of a person at a level equivalent to or above the level of a senior officer can not be sub-delegated by the chief executive officer; and
- (b) the commission’s functions and powers under section 346B, and the commission’s public record powers, may only be sub-delegated to a senior executive officer; and
- (c) the commission’s financial accountability functions can not be sub-delegated by the chief executive officer.
- (5) The chairman may sub-delegate a function or power of the commission delegated to the chairman under subsection (1) to an appropriately qualified commission officer.
- (6) However, the commission’s powers under the provisions mentioned in column 1 of the following table may only be sub-delegated to the commission officer or officers mentioned in column 2 of the table—

Provision	Commission officer
section 50 (Commission may prosecute corrupt conduct)	senior executive officer

[s 59]

Provision	Commission officer
section 60 (Commission may give evidence or information to other entities)	chief executive officer or senior executive officer
section 62 (Restriction on access)	chief executive officer or senior executive officer
section 257(2) (Commission officers)	chief executive officer

(7) In this section—

commission’s financial accountability functions means the commission’s functions under the *Financial Accountability Act 2009*.

commission’s public record powers means the commission’s powers under the *Public Records Act 2002* as the responsible public authority for a public record.

Note—

For an example of the commission’s public record powers, see the *Public Records Act 2002*, section 19.

59 Amendment of s 270 (Delegation—chairperson)

(1) Section 270, heading and subsection (1), ‘chairperson’—

omit, insert—

chairman

(2) Section 270(1), ‘chairperson’s’—

omit, insert—

chairman’s

(3) Section 270(2) and (3)—

omit, insert—

(2) However—

- (a) the chairman's powers under section 55F or 82(7) may only be delegated to the senior executive officer (crime); and
- (b) the chairman's powers under section 272 may only be delegated to a senior executive officer.

60 Replacement of s 271 (Delegation—assistant commissioner)

Section 271—

omit, insert—

271 Delegation—chief executive officer and senior executive officer

The chief executive officer or a senior executive officer may delegate the officer's powers under this Act to an appropriately qualified commission officer.

61 Amendment of s 273 (Commission officer's identity card)

Section 273(1) and (3), 'chairperson'—

omit, insert—

chief executive officer

62 Insertion of new ch 6, pt 1, divs 9 and 10

Chapter 6, part 1—

insert—

Division 9 Disciplinary action for senior officers and commission staff and agents etc.

273A Definitions for div 9

In this division—

disciplinary action see section 273C(1).

disciplinary finding means a finding that a disciplinary ground exists.

disciplinary ground means a ground for disciplining a relevant commission officer or former relevant commission officer under section 273B.

employment, in relation to a person, includes secondment and engagement.

former relevant commission officer see section 273D(1)(a).

relevant commission officer means—

- (a) a senior officer; or
- (b) a person employed under section 254 or seconded under section 255; or
- (c) a person engaged under section 256.

273B Grounds for discipline

- (1) The chief executive officer may discipline a relevant commission officer if the chief executive officer is reasonably satisfied the officer has—
 - (a) performed the officer's duties carelessly, incompetently or inefficiently; or
 - (b) been guilty of misconduct; or

- (c) been absent from duty without approved leave and without reasonable excuse; or
 - (d) contravened, without reasonable excuse, a direction given to the officer by a responsible person; or
 - (e) used, without reasonable excuse, a substance to an extent that has adversely affected the competent performance of the officer's duties; or
 - (f) contravened, without reasonable excuse, a requirement of the chief executive officer under section 273G(1) in relation to the officer's employment by, in response to the requirement—
 - (i) failing to disclose a serious disciplinary action; or
 - (ii) giving false or misleading information; or
 - (g) contravened, without reasonable excuse—
 - (i) a provision of this Act; or
 - (ii) a standard of conduct applying to the officer under an approved code of conduct under the *Public Sector Ethics Act 1994*; or
 - (iii) a standard of conduct, if any, applying to the officer under an approved standard of practice under the *Public Sector Ethics Act 1994*.
- (2) Also, the chief executive officer may discipline a former relevant commission officer under section 273D on the same grounds mentioned in subsection (1).
- (3) A disciplinary ground arises when the act or omission constituting the ground is done or made.

[s 62]

(4) In this section—

misconduct means—

- (a) inappropriate or improper conduct in an official capacity; or
- (b) inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the commission.

Example of misconduct—

victimising another commission officer in the course of the other officer's employment or engagement with the commission

responsible person, for a direction, means a person with authority to give the direction, whether the authority derives from this Act or otherwise.

273C Disciplinary action that may be taken against a relevant commission officer

- (1) In disciplining a relevant commission officer, the chief executive officer may take the action, or order the action be taken, (***disciplinary action***) that the chief executive officer considers reasonable in the circumstances.

Examples of disciplinary action—

- termination of employment
- reduction of classification level and a consequential change of duties
- transfer or redeployment to another unit of the commission
- forfeiture or deferment of a remuneration increment or increase
- reduction of remuneration
- imposition of a monetary penalty

- if a penalty is imposed, a direction that the amount of the penalty be deducted from the officer's periodic remuneration payments
 - a reprimand
 - counselling
- (2) A monetary penalty can not be more than the total of 2 of the relevant commission officer's periodic remuneration payments.
- (3) Also, an amount directed to be deducted from any particular periodic remuneration payment of the relevant commission officer—
- (a) must not be more than half of the amount payable to or for the officer in relation to the payment; and
 - (b) must not reduce the amount of salary payable to the officer in relation to the period to less than—
 - (i) if the officer has a dependant—the guaranteed minimum wage for each week of the period; or
 - (ii) otherwise—two-thirds of the guaranteed minimum wage for each week of the period.
- (4) An order under subsection (1) is binding on anyone affected by it.

273D Disciplinary action that may be taken against a former relevant commission officer

- (1) This section applies if—
- (a) a disciplinary ground arises in relation to a relevant commission officer (the *former relevant commission officer*); and

[s 62]

- (b) after the disciplinary ground arises, the officer's employment as a relevant commission officer ends for any reason.
- (2) The chief executive officer may make a disciplinary finding, or take disciplinary action under this section, against the former relevant commission officer in relation to the disciplinary ground.
- (3) The disciplinary finding or disciplinary action must be made or taken within a period of 2 years after the end of the relevant commission officer's employment.
- (4) For subsections (2) and (3), the chief executive officer takes disciplinary action against a former relevant commission officer by making a disciplinary declaration against the officer.
- (5) The chief executive officer may only make a disciplinary declaration if the disciplinary action that would have been taken against the former relevant commission officer if the officer's employment had not ended would have been—
- (a) dismissal; or
- (b) reduction of classification level.
- (6) The making of the disciplinary declaration does not affect the way in which the relevant commission officer's employment ended, or any benefits, rights or liabilities arising because the employment ended.
- (7) In this section—
- disciplinary declaration*** means a declaration of—
- (a) the disciplinary finding against the former relevant commission officer; and
- (b) the disciplinary action that would have been taken against the relevant commission

officer if the officer's employment had not ended.

273E Suspension of relevant commission officer liable to disciplinary action

- (1) The chief executive officer may suspend a relevant commission officer from duty if the chief executive officer reasonably believes the officer is liable to disciplinary action under this Act.
- (2) However, before suspending the relevant commission officer, the chief executive officer must consider all alternative duties that may be available for the officer to perform.
- (3) During the period of the suspension the relevant commission officer is entitled to normal remuneration, less any amount earned by the officer from alternative employment that the officer engages in during the period.
- (4) For subsection (3), alternative employment does not include employment of the relevant commission officer if—
 - (a) the officer was engaged in the employment at the time of the suspension; and
 - (b) the officer's engaging in the employment was not in contravention of this Act or an obligation imposed on the officer under a code of conduct approved under the *Public Sector Ethics Act 1994*.
- (5) The deduction under subsection (3) must not be more than the amount of the relevant commission officer's normal remuneration during the period of the suspension.
- (6) The continuity of the relevant commission officer's service as a relevant commission officer

[s 62]

is taken not to have been broken only because of the suspension.

- (7) The chief executive officer may cancel the suspension at any time.

273F Procedure for disciplinary action

- (1) In disciplining a relevant commission officer or former relevant commission officer or suspending a relevant commission officer, the chief executive officer must comply with this Act and the principles of natural justice.
- (2) However, natural justice is not required if the suspension is on normal remuneration.
- (3) If the chief executive officer decides to suspend or terminate the employment of a relevant commission officer, the chief executive officer must give the officer notice of the suspension or termination.
- (4) The notice must state—
 - (a) for a suspension—
 - (i) when the suspension starts and ends; and
 - (ii) the remuneration to which the relevant commission officer is entitled for the period of the suspension under section 273E; and
 - (b) for a termination—the day when it takes effect.

**Division 10 Additional provision about
senior officers and
commission staff and
agents**

**273G Requirement to disclose previous history of
serious disciplinary action**

- (1) If the chief executive officer proposes to employ a person as a relevant commission officer, the chief executive officer may require the person to disclose to the chief executive officer particulars of any serious disciplinary action taken against the person.
- (2) The person must comply with the requirement before the employment takes effect and within the time and in the way stated by the chief executive officer.
- (3) The chief executive officer may have regard to information disclosed by the person under this section in deciding whether to employ a person as a relevant commission officer.
- (4) The chief executive officer is not required to further consider the person for employment as a relevant commission officer if the person—
 - (a) fails to comply with the requirement; or
 - (b) gives false or misleading information in response to the requirement.
- (5) In this section—

disciplinary action, for a person, means any action of a disciplinary nature taken against the person under this Act or a public sector disciplinary law.

disciplinary declaration means—

[s 62]

- (a) a disciplinary declaration under section 273D; or
- (b) a disciplinary declaration within the meaning of the *Public Service Act 2008*, schedule 4, definition *disciplinary declaration*, paragraph (a).

employ, in relation to a person, includes second and engage.

public sector disciplinary law means a public sector disciplinary law under the *Public Service Act 2008*.

relevant commission officer means—

- (a) a senior officer; or
- (b) a person employed under section 254 or seconded under section 255; or
- (c) a person engaged under section 256.

serious disciplinary action, in relation to a person, means—

- (a) disciplinary action taken against the person, involving—
 - (i) termination of employment; or
 - (ii) reduction of classification level or rank; or
 - (iii) transfer or redeployment to other employment; or
 - (iv) reduction of remuneration level; or
- (b) a disciplinary declaration that states a disciplinary action mentioned in paragraph (a)(i) or (ii) as the disciplinary action that would have been taken against the person if the person's employment had not ended.

63 Amendment of s 278 (Membership of reference committee)

(1) Section 278(1)(a) and (b)—

omit, insert—

- (a) the senior executive officer (crime), who is the chairperson of the reference committee;
- (b) the chairman of the commission;

(2) Section 278(1)(ea) and (1B), ‘assistant commissioner, misconduct’—

omit, insert—

senior executive officer (corruption)

(3) Section 278(1B), ‘misconduct.’—

omit, insert—

corruption.

(4) Section 278(4)—

omit.

64 Amendment of s 279 (Deputy committee member)

Section 279(1)—

omit, insert—

- (1) The chairman of the commission may appoint as the chairman’s deputy for a reference committee meeting another commissioner or the senior executive officer (corruption) (*deputy committee member*).

65 Amendment of ch 6, pt 3, hdg (Parliamentary Crime and Misconduct Committee)

Chapter 6, part 3, heading, ‘Misconduct’—

omit, insert—

[s 66]

Corruption

66 Amendment of s 291 (Establishment of parliamentary committee)

Section 291, 'Misconduct'—

omit, insert—

Corruption

67 Amendment of s 292 (Functions)

(1) Section 292(f), from 'at a time' to 'members and'—

omit, insert—

by 30 June 2016, and by the end of each 5-year period following that day, and, for each review,

(2) Section 292(g)—

renumber as section 292(h).

(3) Section 292—

insert—

(g) to periodically review the structure of the commission, including the relationship between the types of commissioners and the roles, functions and powers of the commission, the chairman and the chief executive officer, and, for each review, to table in the Legislative Assembly a report about the review, including any recommendations about changes to the Act.

68 Amendment of s 295 (Referral of concerns by parliamentary committee)

Section 295(1)(b)—

omit, insert—

- (b) is notified by the chairman, deputy chairman or chief executive officer of conduct of a commission officer that the chairman, deputy chairman or chief executive officer suspects involves, or may involve, improper conduct.

Note—

See section 329 for the duties to notify the parliamentary committee of conduct of commission officers suspected to involve, or may involve, improper conduct.

69 Insertion of new s 302A

Chapter 6, part 3, division 5—

insert—

302A Meetings of parliamentary committee generally to be held in public

- (1) A meeting of the parliamentary committee must be held in public.
- (2) However, the parliamentary committee may decide that a meeting or a part of a meeting be held in private if the committee considers it is necessary to avoid the disclosure of—
 - (a) confidential information or information the disclosure of which would be contrary to the public interest; or
 - (b) information about a complaint about corrupt conduct dealt with, or being dealt with, by the commission; or
 - (c) information about an investigation or operation conducted, or being conducted, by the commission in the performance of its crime function, corruption function or intelligence function.

[s 70]

Note—

The standing rules and orders of the Legislative Assembly provide for who may attend a public or private meeting of the committee—see standing order 207.

70 Amendment of ch 6, pt 4, hdg (Parliamentary crime and misconduct commissioner)

Chapter 6, part 4, heading, ‘misconduct’—

omit, insert—

corruption

71 Amendment of s 303 (Office of parliamentary crime and misconduct commissioner)

Section 303, heading and subsection (1), ‘misconduct’—

omit, insert—

corruption

72 Amendment of s 308 (Acting parliamentary commissioner)

Section 308(1), ‘must’—

omit, insert—

may

73 Amendment of s 314 (Functions of parliamentary commissioner)

Section 314—

insert—

- (4) The parliamentary commissioner also has the function to investigate on his or her own initiative a matter mentioned in subsection (2)(b) or (c), or

a matter notified to the parliamentary commissioner under section 329, if—

- (a) the matter relates to conduct of a commission officer that involves or may involve corrupt conduct; and
 - (b) the parliamentary commissioner is satisfied, on reasonable grounds—
 - (i) the commission has not adequately dealt with the matter; or
 - (ii) the commission may not adequately deal with the matter; or
 - (iii) it is in the public interest.
- (5) The parliamentary commissioner may conduct a preliminary assessment of a matter to decide whether subsection (4)(a) and (b) is satisfied for the matter.
- (6) The parliamentary commissioner may exercise the powers under section 317, but not the powers under section 318, for a preliminary assessment under subsection (5).
- (7) If the parliamentary commissioner decides to investigate a matter under subsection (4) or conduct a preliminary assessment under subsection (5), the parliamentary commissioner must notify the parliamentary committee of the decision.

74 Insertion of new ss 314A and 314B

After section 314—

insert—

[s 74]

314A Recommendation or referral arising from investigation conducted on parliamentary commissioner's own initiative

- (1) This section applies if the parliamentary commissioner investigates a matter under section 314(4).
- (2) If, from information obtained in conducting the investigation, the parliamentary commissioner decides that prosecution proceedings for an offence should be considered, the parliamentary commissioner may refer the matter to the director of public prosecutions, or other appropriate prosecuting authority, for the purposes of any prosecution proceedings the director or other authority considers warranted.
- (3) If the matter involved conduct of a commission officer, the parliamentary commissioner may—
 - (a) for conduct of a commissioner—make a recommendation to the Minister or the parliamentary committee that the Minister or parliamentary committee consider whether disciplinary action should be taken against the commissioner; or
 - (b) for conduct of another commission officer—make a recommendation to the chief executive officer that the chief executive officer consider whether disciplinary action should be taken against the officer.
- (4) The parliamentary commissioner must not include in a referral under subsection (2) or a recommendation under subsection (3)—
 - (a) any statement that a person has engaged, is engaging or is about to engage in conduct that constitutes a criminal offence or disciplinary breach; or

- (b) any opinion or recommendation that a person should be prosecuted for a criminal offence or be the subject of disciplinary action or further disciplinary action.
- (5) The parliamentary commissioner may give a copy of a referral under subsection (2) or a recommendation under subsection (3), or an extract from the referral or recommendation, to the Speaker for tabling in the Legislative Assembly if, and only if—
 - (a) the parliamentary commissioner is satisfied of the following—
 - (i) the referral or recommendation relates to a case of serious corrupt conduct;
 - (ii) the referral or recommendation has not been adequately dealt with;
 - (iii) tabling the referral or recommendation, or extract, is in the public interest; and
 - (b) the person to whom the referral or recommendation relates has been afforded procedural fairness for the disclosure of the referral or recommendation.
- (6) The Speaker must table in the Legislative Assembly a copy of, or extract from, a referral or recommendation within 7 days after the Speaker receives the copy or extract under subsection (5).
- (7) In this section—

disciplinary action, for a commission officer, means any action of a disciplinary nature permitted to be taken against the officer under this Act, another law or the officer's terms of employment or engagement, including, for example, terminating the officer's appointment, employment or engagement under this Act.

[s 74]

Note—

See chapter 6, part 1, division 9 in relation to disciplinary action against senior officers and commission staff and agents.

314B Report on investigation conducted on parliamentary commissioner's own initiative

- (1) This section applies if the parliamentary commissioner investigates a matter under section 314(4).
- (2) The parliamentary commissioner must—
 - (a) report to the parliamentary committee on the results of the investigation; and
 - (b) give a copy of the report to—
 - (i) if the report relates to the conduct of a commissioner—the Minister; or
 - (ii) otherwise—the chief executive officer.
- (3) The parliamentary commissioner must include in the report information about—
 - (a) a referral made by the parliamentary commissioner under section 314A(2); or
 - (b) a recommendation made by the parliamentary commissioner under section 314A(3).
- (4) The parliamentary committee may take action under this Act in relation to the matter the subject of the report.

Note—

See, for example, sections 236(3)(a) and 295 for action the parliamentary committee may take under this Act.

- (5) The parliamentary committee or the Minister may table the report, or an extract from the report, in the Legislative Assembly if, and only if—

- (a) the committee or Minister is satisfied of the following—
 - (i) the report relates to a case of serious corrupt conduct;
 - (ii) the matter the subject of the report has not been adequately dealt with under this Act;
 - (iii) tabling the report or extract is in the public interest; and
- (b) if the tabling of the report or extract would disclose information adverse to a person, the person has been afforded procedural fairness for the disclosure.

75 Amendment of s 318 (Parliamentary commissioner may conduct hearings in limited circumstances)

- (1) Section 318(1)(b)—

omit, insert—

- (b) the parliamentary commissioner considers it appropriate to hold a hearing to obtain the information.

- (2) Section 318(2)—

omit.

- (3) Section 318(3)—

renumber as section 318(2).

- (4) Section 318—

insert—

- (3) If the parliamentary commissioner decides to hold a hearing under this section, the parliamentary commissioner must notify the parliamentary committee of the decision.

[s 76]

76 Insertion of new s 323A

Chapter 6, part 4—

insert—

323A Use of report on investigation conducted by parliamentary committee or parliamentary commissioner

- (1) This section applies if the Minister or chief executive officer receives a report on an investigation into the conduct of a commission officer from the parliamentary committee or the parliamentary commissioner.

Note—

See section 314B in relation to reports given to the Minister or chief executive officer by the parliamentary commissioner.

- (2) The report may be used—
- (a) by the Minister or chief executive officer for deciding whether to take disciplinary action against the commission officer the subject of the report and what disciplinary action should be taken; and
- (b) for any disciplinary proceeding relating to the commission officer.
- (3) This section applies despite section 323 or any other law providing for parliamentary privilege in relation to the report.
- (4) In this section—

disciplinary action, for a commission officer, means any action of a disciplinary nature permitted to be taken against the officer under this Act, another law or the officer's terms of employment or engagement, including, for example, terminating the person's appointment, employment or engagement under this Act.

Note—

See chapter 6, part 1, division 9 in relation to disciplinary action against senior officers and commission staff and agents.

disciplinary proceeding, relating to a commission officer, means—

- (a) a proceeding for taking disciplinary action against the officer; or
- (b) a proceeding for the review of, or appeal against, disciplinary action taken against the officer; or
- (c) a proceeding involving a claim for a remedy relating to disciplinary action taken against the officer.

77 Replacement of s 329 (Duty of chairperson to notify improper conduct to the parliamentary committee)

Section 329—

omit, insert—

329 Duty to notify the parliamentary committee and the parliamentary commissioner of improper conduct

- (1) The person mentioned in column 1 of the following table (the *notifier*) must notify the parliamentary committee and the parliamentary commissioner of all conduct of a person mentioned opposite the notifier in column 2 of the table that the notifier suspects involves, or may involve, improper conduct.

Column 1	Column 2
chairman	commissioner other than the chairman
deputy chairman	chairman
chief executive officer	commission officer other than a commissioner

[s 77]

- (2) A notification under subsection (1) must be given in the way and within the time required by the parliamentary committee or parliamentary commissioner.
- (3) In forming a suspicion for subsection (1) in relation to the conduct of a person, the notifier must disregard the intention of the person in engaging in the conduct.
- (4) In this section—
improper conduct, of a person, means—
 - (a) disgraceful or improper conduct in an official capacity; or
 - (b) disgraceful or improper conduct in a private capacity that reflects seriously and adversely on the commission; or
 - (c) conduct that would, if the person were an officer in a unit of public administration, be corrupt conduct; or
 - (d) disclosure of confidential information without the required authorisation, whether or not the disclosure contravenes an Act; or
 - (e) failure to ensure—
 - (i) a register kept by the commission under an Act is up to date and complete; or
 - (ii) all required documentation is on a file kept by the commission and correctly noted on a register kept by the commission under an Act; or
 - (f) exercise of a power without obtaining the required authorisation, whether inadvertently or deliberately; or
 - (g) noncompliance with a policy or procedural guideline set by the commission, whether

inadvertently or deliberately, that is not of a minor or trivial nature; or

- (h) exercise of a power conferred on the person under this or another Act in a way that is an abuse of the power.

78 Amendment of s 335 (Protecting officials and others from liability)

Section 335(5), definition *official*, after ‘means’—

insert—

a person who is or was

79 Amendment of s 336 (Protection of parliamentary commissioner and officers etc.)

- (1) Section 336—

insert—

(5A) In a proceeding for defamation, there is a defence of absolute privilege for a publication to or by the parliamentary commissioner made for the purpose of performing the parliamentary commissioner’s functions under this Act.

(5B) This section does not limit protection given to a person under another provision of this Act.

- (2) Section 336(6), definition *parliamentary commissioner officer*, after ‘means’—

insert—

a person who is or was

- (3) Section 336(5A) to (6)—

renumber as section 336(6) to (8).

[s 80]

80 Insertion of new ch 8, pt 11

Chapter 8—

insert—

**Part 11 Crime and Misconduct
and Other Legislation
Amendment Act 2014**

Division 1 Preliminary

396 Definitions for pt 11

In this part—

amendment Act means the *Crime and Misconduct and Other Legislation Amendment Act 2014*.

commencement day means the day divisions 3 to 7 of this part, as inserted by the amendment Act, commence.

**Division 2 Continuing particular
appointments until the
commencement day**

397 Acting chairperson

- (1) This section applies to a person who holds an appointment to act as the chairperson of the commission on the day this section commences.
- (2) The person's appointment to act as the chairperson of the commission continues until, and only until, the commencement day on the same terms and conditions (other than the duration of the appointment).

- (3) Subsection (2) stops applying if the person's appointment is terminated or otherwise ends under this Act or the terms and conditions applying to the person's appointment under the subsection.
- (4) This section applies despite the *Acts Interpretation Act 1954*, section 24B(5).

398 Part-time commissioners and acting part-time commissioners

- (1) This section applies to a person who holds a part-time commissioner appointment on the day this section commences.
- (2) The person's part-time commissioner appointment continues until, and only until, the commencement day on the same terms and conditions (other than the duration of the appointment).
- (3) Subsection (2) stops applying if the person's appointment is terminated or otherwise ends under this Act or the terms and conditions applying to the person's appointment under the subsection.
- (4) In this section—
part-time commissioner appointment means an appointment—
 - (a) as a part-time commissioner; or
 - (b) to act as a part-time commissioner.

399 Declaration for continued appointments

- (1) This section applies if the amendment Act is assented to after the day that a person's appointment to act as the chairperson, as a part-time commissioner, or to act as a part-time

[s 81]

commissioner, would have ended but for section 397 or 398.

- (2) For this Act, the person's appointment is declared to always have been validly extended for the relevant period.
- (3) Anything done or omitted to be done by the person during the relevant period that would have been valid and lawful under this Act had the person's appointment been validly extended for the relevant period is declared to always have been valid and lawful.
- (4) Subsection (3) applies for all purposes, including a proceeding decided before, or started before or after, the relevant period ends.

- (5) In this section—

proceeding means—

- (a) an investigation or hearing under this Act; or
- (b) a civil or criminal proceeding.

relevant period, for a person appointed to act as the chairperson, as a part-time commissioner or to act as a part-time commissioner, means the period between—

- (a) when the person's appointment would have ended but for section 397 or 398; and
- (b) the day the amendment Act is assented to.

81 Insertion of new ch 8, pt 11, divs 3 to 7

Chapter 8, part 11 as inserted by this Act—

insert—

Division 3 General

400 References to Crime and Misconduct Act 2001 and particular terms

In an instrument, if the context permits—

- (a) a reference to the *Crime and Misconduct Act 2001* may be taken to be a reference to the *Crime and Corruption Act 2001*; and
- (b) a reference to misconduct within the meaning given by the *Crime and Misconduct Act 2001* may be taken to be a reference to corruption within the meaning given by the *Crime and Corruption Act 2001*; and
- (c) a reference to official misconduct within the meaning given by the *Crime and Misconduct Act 2001* may be taken to be a reference to corrupt conduct within the meaning given by the *Crime and Corruption Act 2001*.

401 References to former titles

- (1) In an instrument, a reference in column 1 of the following table may, if the context permits, be taken to be the corresponding reference in column 2 of the table.

Column 1	Column 2
crime and misconduct commission	crime and corruption commission
chairperson of the crime and misconduct commission	chairman of the crime and corruption commission
assistant commissioner, crime	senior executive officer (crime)

[s 81]

- | Column 1 | Column 2 |
|---|---|
| assistant commissioner, misconduct | senior executive officer (corruption) |
| parliamentary crime and misconduct commissioner | parliamentary crime and corruption commissioner |
| parliamentary crime and misconduct committee | parliamentary crime and corruption committee |
- (2) Subsection (3) applies if a reference in column 2 of the table in section 351(2) is also a reference in column 1 of the table in subsection (1) of this section.
- (3) From the commencement day, if the context permits, section 351(2) applies as if the reference in column 2 of the table in section 351(2) were the corresponding reference in column 1 of the table in subsection (1) of this section.

Division 4 Commissioners from commencement day

Subdivision 1 Existing appointments

402 Acting chairperson

- (1) This section applies to a person who, immediately before the commencement day, holds an appointment to act as the chairperson of the commission.

Note—

See section 397 in relation to the continuation of the person's appointment to act as the chairperson until the commencement day.

- (2) The person is appointed to act as the chairman of the commission—

- (a) from the start of the commencement day;
and
- (b) until the earlier of the following—
 - (i) 31 October 2014;
 - (ii) the day a person's appointment as chairman under section 229 takes effect.
- (3) The person's appointment and employment to act as the chairman of the commission is subject to the same terms and conditions applying to the person's appointment and employment to act as the chairperson before the commencement day (other than the duration of that appointment).
- (4) Until the person's appointment to act as the chairman of the commission ends under subsection (2)(b)—
 - (a) a reference in a provision of this part to the chairman is taken to be a reference to the person; and
 - (b) for that purpose, the provision applies with necessary changes.
- (5) Subsection (6) applies if the person is appointed as a commissioner from the day the person's appointment under subsection (2) ends.
- (6) The period for which the person was appointed to act as the chairperson immediately before the commencement day, and the period of the person's appointment under subsection (2), is to be counted as a period for which the person holds office in the commission as a commissioner for the purposes of section 231(3).

[s 81]

403 Part-time commissioners

- (1) This section applies if a person who was a part-time commissioner immediately before the commencement day—
 - (a) is appointed as a commissioner from the commencement day; or
 - (b) is appointed to act as a commissioner from the commencement day and is appointed as a commissioner from when that acting appointment ends.

Note—

See section 398 in relation to the continuation of the person's appointment as a part-time commissioner until the commencement day.

- (2) The period for which the person was a part-time commissioner immediately before the commencement day is to be counted as a period for which the person holds office in the commission as a commissioner for the purposes of section 231(3).
- (3) Also, if subsection (1)(b) applies, the period for which the person was appointed to act as a commissioner from the commencement day is to be counted as a period for which the person holds office in the commission as a commissioner for the purposes of section 231(3).

404 Acting part-time commissioners

- (1) This section applies if a person who held an appointment to act as a part-time commissioner immediately before the commencement day—
 - (a) is appointed as a commissioner from the commencement day; or
 - (b) is appointed to act as a commissioner from the commencement day and is appointed as

a commissioner from when that acting appointment ends.

Note—

See section 398 in relation to the continuation of the person's appointment to act as a part-time commissioner until the commencement day.

- (2) The period for which the person was appointed to act as a part-time commissioner immediately before the commencement day is to be counted as a period for which the person holds office in the commission as a commissioner for the purposes of section 231(3).
- (3) Also, if subsection (1)(b) applies, the period for which the person was appointed to act as a commissioner from the commencement day is to be counted as a period for which the person holds office in the commission as a commissioner for the purposes of section 231(3).

Subdivision 2 New appointments

405 Provision for selection processes for roles of commissioners

An appointment of a person as a commissioner after the enactment of the amendment Act is not to be taken to be invalid only because action was taken in relation to the filling of the role of the commissioner before the enactment.

[s 81]

Subdivision 3 Other provisions about former commissioners

406 Hearing, investigation or operation being conducted by former commissioner

- (1) This section applies to a commission hearing, commission investigation or specific intelligence operation that, immediately before the commencement day, was being conducted by a former commissioner.
- (2) From the start of the commencement day, the commission hearing, commission investigation or specific intelligence operation may be continued and be conducted by the following person (the *presiding officer*)—
 - (a) for a commission hearing that is a public hearing—
 - (i) the chairman; or
 - (ii) if the chairman considers it necessary for the efficient operation of the commission—a sessional commissioner or senior executive officer as decided by the chairman;
 - (b) for a commission hearing that is a closed hearing, any of the following as decided by the chairman—
 - (i) the chairman;
 - (ii) a sessional commissioner;
 - (iii) a senior executive officer;
 - (iv) another person qualified for appointment as the chairman;
 - (c) for a commission investigation or specific intelligence operation—an appropriately

qualified commission officer decided by the chairman.

(3) For subsection (2), anything done by the former commissioner in relation to the commission hearing, commission investigation or specific intelligence operation is taken to have been done by the presiding officer.

(4) In this section—

conducted includes undertaken.

former commissioner means a person who was any of the following under this Act as in force before the commencement day—

- (a) the acting chairperson;
- (b) a part-time commissioner;
- (c) an acting part-time commissioner.

407 Things done by or in relation to former commissioner

(1) This section applies to anything done by or in relation to a former commissioner under an Act (the *empowering Act*)—

- (a) whose effect had not ended immediately before the commencement day; and
- (b) that, on and from the commencement day, is something that can be done by or in relation to a commissioner under the empowering Act; and
- (c) that is not otherwise dealt with by a provision of this division.

(2) The thing done by or in relation to the former commissioner—

- (a) continues to have effect; and

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- (b) from the start of the commencement day, is taken to have been done by or in relation to—
 - (i) if the thing is something that may be done by or in relation to the chairman under the empowering Act—the chairman; or
 - (ii) if subparagraph (i) does not apply and the thing is something that may be done by or in relation to the deputy chairman under the empowering Act—the deputy chairman; or
 - (iii) if subparagraph (i) does not apply and the thing is something that may be done by or in relation to the chief executive officer under the empowering Act—the chief executive officer; or
 - (iv) otherwise—a commissioner.
- (3) In this section—

former commissioner means a person who was any of the following under this Act as in force before the commencement day—

 - (a) the chairperson;
 - (b) the acting chairperson;
 - (c) a part-time commissioner;
 - (d) an acting part-time commissioner.

Division 5 Assistant commissioners

408 Assistant commissioners continue as senior executive officers

- (1) This section applies to a person who, immediately before the commencement day,

holds an appointment as an assistant commissioner.

- (2) At the start of the commencement day, the appointment and employment of the person as an assistant commissioner ends.
- (3) From the start of the commencement day, the person is appointed as—
 - (a) for the assistant commissioner (crime)—the senior executive officer (crime); or
 - (b) for the assistant commissioner (misconduct)—the senior executive officer (corruption).
- (4) The person is taken to be employed as the senior executive officer (crime) or senior executive officer (corruption) under the contract under which the person was employed as an assistant commissioner before the commencement day.
- (5) Without limiting subsection (4), the person's appointment and employment as the senior executive officer (crime) or senior executive officer (corruption) continues on the same terms, conditions and entitlements as those applying to the person's appointment and employment as an assistant commissioner.
- (6) Also, the following applies for the person—
 - (a) the person retains and is entitled to all rights, benefits and entitlements that have accrued to the person because of the person's previous employment as an assistant commissioner, including because of the operation of section 249(2) as in force before the commencement day;
 - (b) the person's accruing rights, including to superannuation or recreation, sick, long service or other leave, are not affected;

[s 81]

- (c) continuity of service is not interrupted, except that the person is not entitled to claim the benefit of a right or entitlement more than once in relation to the same period of service;
- (d) the employment does not constitute a termination of employment or a retrenchment or redundancy;
- (e) the person is not entitled to a payment or other benefit because he or she is no longer an assistant commissioner;
- (f) section 249(3) as in force before the commencement day does not apply to the person in relation to the person ceasing to be an assistant commissioner.

Note—

See also section 247(3C) in relation to counting time spent by a person as assistant commissioner as time spent by the person as a senior officer.

409 Acting assistant commissioners

- (1) This section applies to a person who, immediately before the commencement day, holds an appointment to act as an assistant commissioner.
- (2) At the start of the commencement day, the person's appointment and employment to act as the assistant commissioner ends.
- (3) If the person is appointed as a senior officer, the period for which the person was appointed to act as an assistant commissioner immediately before the commencement day is to be counted as a period for which the person holds office as the senior officer for the purposes of section 247.

410 Hearing, investigation or operation being conducted by assistant commissioner

- (1) This section applies to a commission hearing, commission investigation or specific intelligence operation that, immediately before the commencement day, was being conducted by an assistant commissioner.
- (2) From the start of the commencement day, the commission hearing, commission investigation or specific intelligence operation may be continued and be conducted by—
 - (a) if the hearing, investigation or operation was being conducted by the assistant commissioner (crime)—the senior executive officer (crime); or
 - (b) if the hearing, investigation or operation was being conducted by the assistant commissioner (misconduct)—the senior executive officer (corruption).
- (3) For subsection (2), anything done by the assistant commissioner in relation to the commission hearing, commission investigation or specific intelligence operation is taken to have been done by—
 - (a) if the hearing, investigation or operation was being conducted by the assistant commissioner (crime)—the senior executive officer (crime); or
 - (b) if the hearing, investigation or operation was being conducted by the assistant commissioner (misconduct)—the senior executive officer (corruption).
- (4) In this section—
conducted includes undertaken.

[s 81]

411 Things done by or in relation to assistant commissioner (crime)

- (1) This section applies to anything done by or in relation to the assistant commissioner (crime) under an Act (the *empowering Act*)—
 - (a) whose effect had not ended immediately before the commencement day; and
 - (b) that, on and from the commencement day, is something that may be done by or in relation to the senior executive officer (crime) under the empowering Act; and
 - (c) that is not otherwise dealt with by a provision of this division.
- (2) The thing done by or in relation to the assistant commissioner (crime)—
 - (a) continues to have effect; and
 - (b) from the start of the commencement day, is taken to have been done by or in relation to the senior executive officer (crime).

412 Things done by or in relation to assistant commissioner (misconduct)

- (1) This section applies to anything done by or in relation to the assistant commissioner (misconduct) under an Act (the *empowering Act*)—
 - (a) whose effect had not ended immediately before the commencement day; and
 - (b) that, on and from the commencement day, is something that may be done by or in relation to the senior executive officer (corruption) under the empowering Act; and
 - (c) that is not otherwise dealt with by a provision of this division.

- (2) The thing done by or in relation to the assistant commissioner (misconduct)—
 - (a) continues to have effect; and
 - (b) from the start of the commencement day, is taken to have been done by or in relation to the senior executive officer (corruption).

Division 6 Functions of parliamentary commissioner

413 Investigations on parliamentary commissioner's own initiative

Section 314(4) applies only in relation to conduct, of a commission officer, engaged in on or after the commencement day.

414 Hearings conducted by parliamentary commissioner

- (1) Section 318 as in force on the commencement day applies only in relation to a matter that comes to the parliamentary commissioner's knowledge on or after the commencement day.
- (2) Section 318 as in force before the commencement day continues to apply in relation to a matter that comes to the parliamentary commissioner's knowledge before the commencement day, as if the amendment Act had not been enacted.

415 Use of report of investigation conducted by parliamentary commissioner

Section 323A applies only in relation to a report of an investigation started on or after the commencement day.

[s 81]

Division 7 Other provisions

416 Existing complaints

- (1) The commission or a public official must deal with an existing complaint under this Act as in force on the commencement day.
- (2) However, section 36(3) does not apply in relation to an existing complaint.
- (3) Also, section 216 as in force before the commencement day continues to apply in relation to an existing complaint.
- (4) Section 216A does not apply in relation to an existing complaint, even if the person who made the complaint takes further action in relation to the complaint on or after the commencement day.
- (5) If an existing complaint relates to conduct that was official misconduct within the meaning of this Act as in force before the commencement day but is not corrupt conduct within the meaning of this Act as in force on the commencement day—
 - (a) anything done by the commission or public official in relation to the complaint before the commencement day is not invalidated by the amendment of this Act by the amendment Act; but
 - (b) the commission or public official must take no action or discontinue action under this Act in relation to the complaint.
- (6) Subsection (5)(b) does not affect a public official's functions or powers about dealing with the complaint other than under this Act.
- (7) In this section—

existing complaint means either of the following made or referred to the commission, but not finally dealt with, immediately before the commencement day—

- (a) a complaint under section 36;
- (b) a complaint made to another entity that is under an obligation to refer the complaint to the commission.

417 Initial research plan

The commission must prepare a research plan under section 52 for the period comprising—

- (a) the period starting from the start of the commencement day and ending at the end of the financial year in which commencement happens; and
- (b) the following 2 financial years.

418 Investigation of holders of judicial officers

Section 58(2A) applies only in relation to conduct of a judicial officer engaged in on or after the commencement day.

419 Notifying parliamentary committee of improper conduct

- (1) Subsection (2) applies if—
 - (a) before the commencement day, the chairperson of the commission suspected conduct of a commission officer involved, or may have involved, improper conduct within the meaning of former section 329; and

[s 81]

- (b) immediately before the commencement day, the chairperson had not notified the parliamentary committee of the conduct under former section 329.
- (2) Former section 329 applies in relation to the conduct as if the reference to the chairperson were a reference to the chairman.
- (3) New section 329 applies in relation to the conduct of a commission officer engaged in before the commencement day only if the chairperson was not aware of the conduct before the commencement day.
- (4) In this section—
former section 329 means section 329 as in force before the commencement day.
new section 329 means section 329 as in force at the commencement day.

420 Disciplinary action

- (1) Chapter 6, part 1, division 9 applies in relation to a relevant commission officer—
 - (a) regardless of whether the officer's employment with the commission started before, on or after the commencement day; and
 - (b) despite the terms and conditions applying to the officer's employment immediately before the commencement day.
- (2) However, the chief executive officer may take disciplinary action against a relevant commission officer under chapter 6, part 1, division 9 only in relation to a disciplinary ground arising on or after the commencement day.
- (3) In this section—

disciplinary ground see section 273A.

employment see section 273A.

relevant commission officer see section 273A.

421 Declaration about s 385

- (1) From the start of the commencement day, section 385 applies to a corruption hearing as if a reference in the section to a misconduct hearing were a reference to a corruption hearing.
- (2) In this section—
corruption hearing means a commission hearing in the context of a corruption investigation.

422 Application of Public Interest Disclosure Act 2010

- (1) This section applies if, before the commencement day, a person made a disclosure under the *Public Interest Disclosure Act 2010*, section 17 about conduct of another person that—
 - (a) could, if proved, be official misconduct within the meaning of this Act as in force before the commencement day; but
 - (b) would not, if proved, be corrupt conduct within the meaning of this Act as in force on the commencement day.
- (2) The *Public Interest Disclosure Act 2010* continues to apply in relation to the disclosure as if the amendment Act had not been enacted.

82 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *assistant commissioner*, *assistant commissioner*, *crime*, *assistant commissioner*, *misconduct*,

[s 82]

chairperson, commissioner, Crime and Misconduct Commission, misconduct, misconduct functions, misconduct investigation, misconduct offence, official misconduct, part-time commissioner, senior officer and specific intelligence operation (misconduct)—

omit.

(2) Schedule 2—

insert—

appointment, for chapter 1, part 4, division 2, see section 14.

benefit includes property, advantage, service, entertainment, the use of or access to property or facilities, and anything of benefit to a person whether or not it has any inherent or tangible value, purpose or attribute.

chairman means the person appointed as the chairman of the commission under this Act.

chief executive officer means the person appointed as the chief executive officer of the commission under this Act.

commissioner means a person appointed as a commissioner of the commission under this Act.

corrupt conduct see section 15.

corruption means corrupt conduct or police misconduct.

corruption function see section 33.

corruption investigation means an investigation conducted by the commission in the performance of its corruption function.

corruption offence means alleged or suspected criminal conduct that may be—

(a) corrupt conduct; or

(b) misconduct under the *Police Service Administration Act 1990*.

Crime and Corruption Commission means the Crime and Corruption Commission established under section 220.

deputy chairman means the person appointed as the deputy chairman of the commission under this Act.

detriment, caused to a person, includes detriment caused to a person's property.

disciplinary action, for chapter 6, part 1, division 9, see section 273C(1).

disciplinary finding, for chapter 6, part 1, division 9 generally, see section 273A.

disciplinary ground, for chapter 6, part 1, division 9, see section 273A.

employment, for chapter 6, part 1, division 9, see section 273A.

former commission officer means a person who was but is no longer a commission officer under this Act, including, for example, a person who was an assistant commissioner under this Act as in force before the commencement of this definition.

former relevant commission officer, for chapter 6, part 1, division 9, see section 273D(1)(a).

ordinary commissioner means a person appointed as an ordinary commissioner of the commission under this Act.

relevant commission officer, for chapter 6, part 1, division 9, see section 273A.

senior executive officer means the senior executive officer (crime) or the senior executive officer (corruption).

[s 82]

senior executive officer (corruption) see section 245(3)(b).

senior executive officer (crime) see section 245(3)(a).

senior officer means a senior officer employed under section 245.

sessional commissioner means a person appointed as a sessional commissioner under section 239.

specific intelligence operation (corruption) means a specific intelligence operation authorised in relation to a matter mentioned in section 55A(1)(b).

- (3) Schedule 2, definition *commission officer*, paragraph (a)(ii)—
omit, insert—
(ii) a sessional commissioner; or
- (4) Schedule 2, definition *commission officer*, paragraph (a)(vi), ‘chairperson’—
omit, insert—
chairman
- (5) Schedule 2, definition *commission officer*, paragraph (b), ‘331(4)’—
omit, insert—
331(3)

Part 3 **Amendment of Public Service Act 2008**

83 Act amended

This part amends the *Public Service Act 2008*.

Note—

See also the amendments in schedule 2.

84 Amendment of s 26 (Work performance and personal conduct principles)

Section 26—

insert—

- (2) Also, a public service manager must take all reasonable steps to ensure each public service employee under the manager's management is aware of the following—
 - (a) the work performance and personal conduct expected of the employee;
 - (b) the values of the public service and of the department or public service office in which the employee is employed;
 - (c) what constitutes corrupt conduct under the *Crime and Corruption Act 2001*.
- (3) Further, a public service manager must—
 - (a) pro-actively manage the work performance and personal conduct of public service employees under the manager's management; and
 - (b) if a case of unacceptable work performance or personal conduct arises, take prompt and appropriate action to address the matter.
- (4) In this section—

[s 85]

public service manager means a public service employee whose duties involve or include managing other public service employees in the carrying out of their duties.

85 Amendment of s 46 (Main functions)

Section 46(1)—

insert—

(ea) conduct reviews under part 6 about the handling by departments of work performance matters;

86 Amendment of s 62 (Delegation)

(1) Section 62—

insert—

(1A) The commission chief executive may also delegate his or her functions under section 88I to any other appropriately qualified entity.

(2) Section 62(1A) and (2)—

renumber as section 62(2) and (3).

87 Insertion of new ch 3, pt 6

Chapter 3—

insert—

Part 6 **Functions of commission relating to work performance matters**

88H Definitions for pt 6

In this part—

information includes a document.

public service employee includes a person who was a public service employee.

work performance information directive means a directive issued by the commission chief executive under section 53(a) under which a department must give the commission information about work performance matters being, or that have been, handled by the department.

work performance matter means a matter involving a public service employee's work performance or personal conduct, including, for example, an allegation against the employee that constitutes or would, if proved, constitute a disciplinary ground.

88I Commission may conduct review of department's handling of work performance matters

- (1) This section applies if, on the basis of information received under a work performance information directive, the commission chief executive reasonably considers it may be beneficial to conduct a review under this section to promote—

[s 87]

- (a) the continuous improvement of a department's practices regarding the handling of work performance matters; or
 - (b) the optimal resolution of a current work performance matter.
- (2) The commission may—
 - (a) conduct a review of—
 - (i) 1 or more work performance matters that have been handled by the department; or
 - (ii) a current work performance matter; and
 - (b) give the chief executive of the department a report about the review.
- (3) The report mentioned in subsection (2)(b) must include any recommendations made by the commission about—
 - (a) for a review mentioned in subsection (2)(a)(i)—improvements to the department's practices regarding the handling of work performance matters; or
 - (b) for a review mentioned in subsection (2)(a)(ii)—the optimal resolution of the current work performance matter the subject of the review.
- (4) A review under this section must be conducted—
 - (a) by the commission chief executive; or
 - (b) for the commission chief executive by—
 - (i) a staff member of the commission to whom the function is delegated under section 62(1); or

- (ii) any other appropriately qualified entity to whom the function is delegated under section 62(2).
- (5) In this section—

current work performance matter means a work performance matter being handled by the department at the time the commission chief executive forms the view mentioned in subsection (1).

88J Chief executive of department to provide help for review under s 88I

- (1) This section applies if the commission chief executive or another person (the *reviewer*) is conducting a review under section 88I for a department.
- (2) The chief executive of the department must give the reviewer the help the reviewer reasonably requires to conduct the review.
- (3) The reviewer may ask the chief executive of the department for information relevant to the review.
- (4) The chief executive of the department must comply with a request under subsection (3).

88K Exchange of information with external agency

- (1) The commission chief executive may enter into an information exchange agreement with the chief executive officer (however described) of an external agency.
- (2) For the purposes of a review under section 88I, the commission chief executive may do either or both of the following under the information exchange agreement—

[s 87]

- (a) obtain relevant information from the external agency;
 - (b) with the consent of the chief executive of the department to which the review relates, give relevant information to the external agency.
- (3) Also, to help the commission chief executive perform his or her functions under this part, the commission chief executive may give information to an external agency under an information exchange agreement.
- (4) In this section—
- external agency* means an entity established under an Act and prescribed under a regulation as an external agency for this section.
- information exchange agreement* means an agreement providing for the giving and receiving of information.
- relevant information* means information about or relevant to any of the following—
- (a) a review of a work performance matter being conducted under section 88I;
 - (b) an investigation, inquiry or other activity being conducted by an external agency relating to the conduct, of a public service employee, that is the subject of a work performance matter being reviewed under section 88I.

88L Protection from liability for giving information

- (1) This section applies to a person who, acting honestly and reasonably, gives information under this part.

- (2) The person is not liable, civilly, criminally or under an administrative process, for giving the information.
- (3) Without limiting subsection (2)—
 - (a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and
 - (b) the person—
 - (i) does not, by giving the information, contravene an Act, oath, rule of law or practice requiring the person to maintain the confidentiality of the information; and
 - (ii) is not liable for disciplinary action for giving the information.
- (4) Also, merely because the person gives the information, the person can not be held to have—
 - (a) breached any code of professional etiquette or ethics; or
 - (b) departed from accepted standards of professional conduct.

88M Confidentiality of information

- (1) This section applies to a person who—
 - (a) is, or has been, any of the following—
 - (i) the commission chief executive;
 - (ii) a staff member of the commission, or any other person, to whom the function of conducting a review under section 88I is delegated by the commission chief executive; and
 - (b) in that capacity, acquired confidential information under this part.

[s 87]

- (2) The person must not disclose the confidential information to anyone else.

Maximum penalty—100 penalty units.

- (3) Subsection (2) does not apply to the disclosure of confidential information—

- (a) for the purpose of administering this Act; or
- (b) to the extent necessary to perform the person's functions under an Act; or
- (c) for a proceeding in a court or tribunal; or
- (d) with the consent of the person to whom the confidential information relates; or
- (e) if the disclosure is otherwise required or permitted under another Act or law.

- (4) In this section—

confidential information—

- (a) means personal information; but
- (b) does not include information in the public domain unless further disclosure of the information is prohibited by law.

personal information means information or an opinion about an individual—

- (a) if the individual's identity is apparent, or can reasonably be ascertained, from the information or opinion; and
- (b) whether or not the information or opinion—
 - (i) is true; or
 - (ii) forms part of a database; or
 - (iii) is recorded in a material form.

88N Publication of information about work performance matters

- (1) By 30 September after each financial year, the commission must publish the following information for the financial year in a publicly accessible way—
 - (a) the number of work performance matters handled by each department in the year;
 - (b) the types of work performance matters handled by each department in the year;
 - (c) information about how work performance matters were handled by each department in the year, including, for example—
 - (i) the period within which the handling of the matters was finalised; and
 - (ii) the outcomes of the handling of the matters.
- (2) Subsection (1) applies only in relation to information the commission receives under the work performance information directive or to which the commission otherwise has access.

88 Insertion of new s 219A

After section 219—

insert—

219A Departments to have complaints management system for customer complaints

- (1) A department must establish and implement a system for dealing with customer complaints.
- (2) The system must—
 - (a) provide for the department to take responsibility for managing the receipt, processing and outcome of a customer complaint; and

[s 88]

- (b) comply with any Australian Standard about the handling of customer complaints that is in effect from time to time; and
 - (c) provide for giving notice of the outcome of a customer complaint to the complainant (unless the complaint was made anonymously).
- (3) By 30 September after each financial year, the chief executive of the department must publish the following information for the financial year on the department's website—
 - (a) the number of customer complaints received by the department in the year;
 - (b) the number of those complaints resulting in further action;
 - (c) the number of those complaints resulting in no further action
- (4) In this section—
 - customer complaint***—
 - (a) means a complaint about the service or action of a department, or its staff, by a person who is apparently directly affected by the service or action; and
 - (b) includes, for example, a complaint about any of the following—
 - (i) a decision made, or a failure to make a decision, by a public service employee of the department;
 - (ii) an act, or failure to act, of the department;
 - (iii) the formulation of a proposal or intention by the department;
 - (iv) the making of a recommendation by the department;

- (v) the customer service provided by a public service employee of the department.

89 Amendment of sch 4 (Dictionary)

- (1) Schedule 4—

insert—

information, for chapter 3, part 6, see section 88H.

work performance information directive, for chapter 3, part 6, see section 88H.

work performance matter, for chapter 3, part 6, see section 88H.

- (2) Schedule 4, definition *public sector disciplinary law*, paragraphs (d) and (e)—

renumber as paragraphs (e) and (f).

- (3) Schedule 4, definition *public sector disciplinary law*—

insert—

(d) the *Crime and Corruption Act 2001*; or

- (4) Schedule 4, definition *public service employee*—

insert—

3 For chapter 3, part 6, see also section 88H.

Part 4 Amendment of Public Service Regulation 2008

90 Regulation amended

This part amends the *Public Service Regulation 2008*.

[s 91]

Note—

See also the amendments in schedule 2.

91 Insertion of new pt 4A

After part 3—

insert—

Part 4A Miscellaneous provision

15 External agencies

Each of the following is an external agency for section 88K of the Act—

- (a) the Crime and Corruption Commission;
- (b) the Queensland Police Service.

92 Amendment of sch 1 (Public service offices, their heads and applied provisions and rulings)

- (1) Each of the following provisions is amended by omitting ‘part 3’ and inserting ‘parts 3 and 6’—
 - schedule 1, item 1, column 3, paragraphs (a) and (b)
 - schedule 1, item 3, column 3, paragraph (a)
 - schedule 1, item 4, column 3, paragraph (a)
 - schedule 1, item 6, column 3, paragraph (a)
 - schedule 1, item 7, column 3, paragraph (a)
- (2) Each of the following provisions is amended by omitting ‘and chapter 7’ and inserting ‘, chapter 7 and section 219A’—
 - schedule 1, item 1, column 3, paragraph (a)
 - schedule 1, item 3, column 3, paragraph (a)
 - schedule 1, item 4, column 3, paragraph (a)

-
- schedule 1, item 6, column 3, paragraph (a)
 - schedule 1, item 7, column 3, paragraph (a)
- (3) Schedule 1, item 11, column 3, paragraph (a)—
omit, insert—
- (a) chapter 3 parts 3 (other than section 55) and 6, sections 101, 103(1) and (3), 133(2), (3) and (4), 183, 184, 185 and 186, chapter 5 part 7, chapters 6 and 7 and section 219A;
and
- (4) Schedule 1, item 13, column 3, paragraph (a), from ‘and chapter’—
omit, insert—
, chapter 3 part 4 divisions 4 and 5, chapter 3 part 6 and section 219A

93 Amendment of sch 2 (Applied provisions and rulings for health service employees)

- (1) Schedule 2, part 1—
insert—
- 2A chapter 3, part 6 (Functions of commission relating to work performance matters)
 - 17 section 219A (Departments to have complaints management system for customer complaints)
- (2) Schedule 2, part 1, items 2A to 17—
renumber as schedule 2, part 1, items 3 to 18.
- (3) Schedule 2, part 2—
insert—

[s 94]

- 2A chapter 3, part 6 (Functions of commission relating to work performance matters)
- (4) Schedule 2, part 2, items 2A to 17—
renumber as schedule 2, part 1, items 3 to 18.

Part 5 **Minor and consequential amendments**

94 **Legislation amended in schs 1 and 2**

- (1) Schedule 1 amends the *Crime and Misconduct Act 2001*.
- (2) Schedule 2 amends the legislation it mentions.

Schedule 1 **Minor and consequential amendments of Crime and Misconduct Act 2001**

section 94(1)

1 Particular references to official misconduct

Each of the following provisions is amended by omitting ‘official misconduct’ or ‘Official misconduct’ and inserting ‘corrupt conduct’ or ‘Corrupt conduct’—

- sections 16, 17, 18 and 19
- sections 41(2), 43, 45(1) and 50
- section 42(5) and (6)
- section 44(2)
- section 48, heading
- section 48(1)
- section 48(4), definition *complaint*
- section 109, definition *prosecution*
- section 219B, definition *disciplinary proceeding*, paragraph (a)
- sections 219D, 219DA, 219F, 219I and 219IA(2)
- section 320(5)
- section 332, heading and subsection (1)
- schedule 2, definition *police misconduct*

2 Particular references to misconduct and related terms

Each of the following provisions is amended by omitting ‘Misconduct’, ‘misconduct’ or ‘(misconduct)’ and inserting ‘Corruption’, ‘corruption’ or ‘(corruption)’—

- sections 7, 9 and 10

Schedule 1

- chapter 1, part 4, division 4, heading
- section 22
- chapter 2, part 3, heading
- section 39(2)
- section 49(1)
- sections 51, 55A(1)(b), (3)(b) and (4) and 55B(2)
- chapter 3, part 1, division 1, subdivision 2, heading
- section 73(1) and (3)
- chapter 3, part 1, division 2, subdivision 2, heading
- sections 75(1)(a) and (7)(a)
- section 75A and section 75B(1), note
- chapter 3, part 1, division 3, subdivision 2, heading
- section 82(1)(a), (2)(a)(iii), and (4)(a)
- section 85(2)(a) and (3)
- sections 86(1)(a) and (4)(c)(i), 87(1), 90 and 91(1)(b)
- section 92(4), definition *unlawful activity*
- section 94, heading and subsection (1)
- section 111, heading and subsection (1)
- sections 121(1), 123(a), (c), (e), (f) and (g), 124(1) and (2), 126(2) and 127(2)
- section 130(2)(f)(i)
- chapter 3, part 6A, heading
- sections 132, 134(a) and (b), 135, 138(1)(c) and 139(5)(b) and (c)
- sections 143(3)(a) and (b), 144(1)(a) and 146(4)(b) and (e)
- sections 146D, 146E(1)(c), 146I(1)(a), 146O, 146T(2)(a) and 146ZP(2)(a) and (b)(ii)
- section 157(1)

-
- sections 160(a), 162(b), 165(1)(c)(i) and 166(4)(a)
 - chapter 4, part 2, division 2, subdivision 2, heading
 - section 187
 - chapter 4, part 2, division 3, subdivision 2, heading
 - section 191
 - chapter 4, part 2, division 4, subdivision 2, heading
 - chapter 5, heading
 - chapter 5, part 2, heading
 - section 219BA(1) and section 219BA(2), definition *decision*
 - sections 219J(1) and (2) and 219L(4), (5) and (6)
 - section 283(1)(c)
 - section 294(1)
 - section 348A(1)
 - schedule 2, definitions *commission*, *deal with*, *evidence*, *parliamentary commissioner* and *parliamentary committee*
 - schedule 2, definition *privilege*, paragraph (b) and definition *surveillance device*, paragraph (b)

3 Particular references to chairperson

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

- section 32(1)
- section 55(1) and (3)
- section 55F(1) and (2)
- section 72(2) and (3)
- section 73(2) and (6)
- section 74(2), (3A) and (4)

Schedule 1

- section 74A(2) and (3)
- section 74A(6), note
- section 75(1)(b), (2) and (6)
- section 82(1) and (7)
- section 83(1), (2) and (2A)
- section 84(1)
- section 85(1), (1A), (3A) and (4)
- section 118(3)(a)
- section 121(1) and (2)
- section 130(2)(e)
- section 131(3)
- section 137
- section 139(3)
- section 141
- section 144(2)
- section 146(2)
- section 146B
- section 146M
- section 146S(1), (3) and (4)
- section 146T(1), (2) and (3)
- section 146U(1)(a)
- section 146W(1) and (2)
- section 146X(1), (3) and (4)
- section 146Y(1)
- section 146ZA(2)
- section 146ZB(2)
- section 146ZE(1)
- section 146ZH(1)

- section 146ZL(1)
- section 146ZQ(1)
- section 146ZR(1)
- section 146ZS
- section 146ZT
- section 148(1)
- section 158(1)
- section 167
- section 195B(2)
- section 196(2)
- section 263
- section 272(1) and (2)
- section 317(2)
- section 320(3)(b) and (c)
- section 340(3) and (5)
- section 342(2)
- section 371(3)
- section 375(2)(b)

4 Particular references to assistant commissioner, crime

Each of the following provisions is amended by omitting ‘assistant commissioner, crime’ and inserting ‘senior executive officer (crime)’—

- section 27(7)(a)(ii) and (b)(ii)
- section 29A(1)
- section 30
- section 30A(3) and (4)
- section 55A(5)(b)
- section 55C(4)

- section 277(1), (3) and (4)
- section 285

5 Particular references to assistant commissioner, misconduct

Each of the following provisions is amended by omitting ‘assistant commissioner, misconduct’ or ‘assistant commissioner, misconduct’s’ and inserting ‘senior executive officer (corruption)’ or ‘senior executive officer (corruption)’s’—

- section 55A(5)(b)
- section 55C(4)
- section 277(2A), (4A) and (4B)
- section 334(1)(a) and (b)

6 Chapter 2, part 3, division 1, heading, ‘Misconduct functions’—

omit, insert—

Corruption function

7 Section 69(3), ‘chairperson,’—

omit, insert—

chairman,

8 Section 134(c), from ‘chairperson,’ to ‘, to’—

omit, insert—

chairman, or a senior executive officer, acting in accordance with procedures established by the chairman, to

9 Section 139(2), ‘chairperson or an assistant commissioner’—

omit, insert—

chairman or a senior executive officer

10 Section 146I(1), ‘chairperson or an assistant commissioner’—

omit, insert—

chairman or a senior executive officer

11 Section 146I(2), ‘chairperson or assistant commissioner’—

omit, insert—

chairman or senior executive officer

12 Section 146N(2), ‘chairperson or an assistant commissioner’—

omit, insert—

chairman or a senior executive officer

13 Sections 208(1) and 209(1), ‘property or’—

omit.

14 Section 208(2), ‘or advantage’—

omit.

15 Section 249(1)(a), (2) and (3), ‘an assistant commissioner or senior officer’—

omit, insert—

a senior officer

16 Section 266(4), ‘or assistant commissioners’—

omit, insert—

or senior officers mentioned in section 262

17 Section 277(1)(a) and (2A), ‘assistant commissioner’s’—
omit, insert—

senior executive officer’s

18 Section 277(2A) and (4A), ‘misconduct.’—
omit, insert—

corruption.

19 Section 287(1) to (3)—
omit, insert—

- (1) The senior executive officer (crime) is to preside at all meetings at which the officer is present.
- (2) If the senior executive officer (crime) is absent from a meeting, the chairman of the commission is to preside at the meeting.
- (3) If both the senior executive officer (crime) and the chairman are absent from a meeting, the committee member chosen by the committee members is to preside.

20 Section 293(1), editor’s note—
omit, insert—

Note—

See also the *Parliament of Queensland Act 2001*, chapter 3, part 1 for other powers of the committee to require attendance and production of documents or other things.

21 Section 356(3), after ‘included *chairperson*’—
insert—

or *chairman*

Schedule 2 Minor and consequential amendments of other legislation

section 94(2)

Acts Interpretation Act 1954

1 Schedule 1—

insert—

Crime and Corruption Commission means the Crime and Corruption Commission established under the *Crime and Corruption Act 2001*.

Ambulance Service Act 1991

1 Section 18I(4)(b)—

omit, insert—

(b) an investigation of a matter for the purpose of notifying the Crime and Corruption Commission of suspected corrupt conduct under the *Crime and Corruption Act 2001*.

Auditor-General Act 2009

1 Section 12(7)(c)—

omit, insert—

(c) the Crime and Corruption Commission; or

2 Section 53(3)(b)—

omit, insert—

(b) the Crime and Corruption Commission; or

Births, Deaths and Marriages Registration Act 2003

1 Section 44(19), definition *law enforcement body*, paragraph (c)—

omit, insert—

(c) the Crime and Corruption Commission; or

Births, Deaths and Marriages Registration Regulation 2003

1 Schedule 4, definition *law enforcement body*, paragraph (c)—

omit, insert—

(c) the Crime and Corruption Commission; or

Casino Control Regulation 1999

1 Schedule 1, entry for Crime and Misconduct Commission, Queensland—

omit, insert—

Crime and Corruption Commission, Queensland

Charitable and Non-Profit Gaming Regulation 1999

1 Schedule 1, entry for Crime and Misconduct Commission, Queensland—

omit, insert—

Crime and Corruption Commission, Queensland

Child Protection (Offender Prohibition Order) Act 2008

1 Section 60—

omit, insert—

60 Review of Act

- (1) The Crime and Corruption Commission must review the operation of this Act and prepare a report on the review.
- (2) The conduct of the review and the preparation of the report is a function of the Crime and Corruption Commission for the *Crime and Corruption Act 2001*.
- (3) The review must be started as soon as practicable after 5 years after the commencement of this section.
- (4) The Crime and Corruption Commission must give a copy of the report to the Speaker for tabling in the Legislative Assembly.

Child Protection (Offender Reporting) Act 2004

1 Section 64(1)(b), ‘chairperson of the Crime and Misconduct Commission’—

omit, insert—

chairman of the Crime and Corruption Commission

City of Brisbane Act 2010

1 Section 146(3) and (4)—

omit, insert—

- (3) Subsection (2) does not limit any duty the chief executive officer may have under the Crime and Corruption Act to notify the CCC of any complaint, information or matter that the chief executive officer suspects involves, or may involve, corrupt conduct under that Act.

2 Sections 178(7)(b), ‘Crime and Misconduct Act’—

omit, insert—

Crime and Corruption Act

3 Section 179(4)(b), ‘official misconduct’—

omit, insert—

corrupt conduct under the Crime and Corruption Act

4 Section 179(5)—

omit, insert—

- (5) This section does not apply to a complaint about corrupt conduct referred to the department's chief executive by the CCC.

5 Section 180(4), 'official misconduct under the Crime and Misconduct Act'—

omit, insert—

corrupt conduct under the Crime and Corruption Act

6 Section 183(2)(g) 'Crime and Misconduct Commission'—

omit, insert—

CCC

7 Section 186, heading and subsection (1), 'Crime and Misconduct Act'—

omit, insert—

Crime and Corruption Act

8 Section 186(2), from 'misconduct' to 'Act'—

omit, insert—

corrupt conduct under the Crime and Corruption Act by a councillor, a reference to a public official in the Crime and Corruption Act

9 Schedule 1, definition *Crime and Misconduct Act*—

omit.

10 Schedule 1—

insert—

CCC means the Crime and Corruption Commission.

Crime and Corruption Act means the *Crime and Corruption Act 2001*.

City of Brisbane Regulation 2012

1 Section 178(f)(iii), ‘official misconduct’—

omit, insert—

corrupt conduct under the Crime and Corruption Act

Cooperatives Act 1997

1 Section 456(4)(h), ‘Crime and Misconduct Commission’—

omit, insert—

Crime and Corruption Commission

Coroners Act 2003

1 Section 47(3), definition *relevant Act*, paragraph (b)(iii)—

omit, insert—

(iii) for the death of a person in the custody of the Crime and Corruption Commission—the *Crime and Corruption Act 2001*; or

2 Section 48, heading, ‘offences or misconduct’—

insert—

offences, corrupt conduct or police misconduct

3 Section 48(3)—

omit, insert—

- (3) A coroner may give information about corrupt conduct or police misconduct under the *Crime and Corruption Act 2001* to the Crime and Corruption Commission.

Corrective Services Act 2006

1 Section 69(4), definition *civil proceeding*, paragraph (b) and section 290(2)(e), ‘official misconduct’—

omit, insert—

corrupt conduct

2 Sections 219(e)(i) and 233(e)(i)—

omit, insert—

- (i) the *Crime and Corruption Act 2001*; or

3 Section 273(2), ‘*Crime and Misconduct Act 2001*’—

omit, insert—

Crime and Corruption Act 2001

4 Section 290(2)(e)(i) and schedule 4, definition *law enforcement agency*, paragraph (a), ‘Crime and Misconduct Commission’—

omit, insert—

Crime and Corruption Commission

Schedule 2

5 Section 290(2)(e)(ii), 'Crime and Misconduct Commission's chairperson'—

omit, insert—

Crime and Corruption Commission's chairman

6 Schedule 4, definition *official misconduct*—

omit.

7 Schedule 4—

insert—

corrupt conduct see the *Crime and Corruption Act 2001*, section 15.

Corrective Services Regulation 2006

1 Section 11(2)(j), 'Crime and Misconduct Commission'—

omit, insert—

Crime and Corruption Commission

Crime and Misconduct Regulation 2005

1 Section 1, '*Crime and Misconduct Regulation 2005*'—

omit, insert—

Crime and Corruption Regulation 2005

2 Particular references to misconduct

Each of the following provisions is amended by omitting ‘misconduct’ and inserting ‘corruption’—

- section 2(b)
- section 3(e)
- section 9(b)
- section 9(c)
- section 10(1)(b)
- section 10(1)(d)
- section 10(1)(f)(iii)(B)
- section 12(1)(d)

3 Section 10(1)(b), ‘chairperson’—

omit, insert—

chairman

Criminal Code**1 Section 1, definition *judicial officer*, paragraph (c)—**

omit, insert—

- (c) a person conducting a hearing of the Crime and Corruption Commission under the *Crime and Corruption Act 2001*, chapter 4; and

2 Section 1, definition *law enforcement agency*, paragraph (c)—

omit, insert—

- (c) the Crime and Corruption Commission; or

3 Section 1, definition *law enforcement officer*, paragraphs (b) and (c), ‘chairperson of the Crime and Misconduct Commission’—

omit, insert—

chairman of the Crime and Corruption Commission

4 Section 228H(2)(a)(ii), ‘*Crime and Misconduct Act 2001*’—

omit, insert—

Crime and Corruption Act 2001

Criminal Law (Sexual Offences) Act 1978

1 Section 8(1)(e)—

omit, insert—

- (e) a report made to or on behalf of the Crime and Corruption Commission.

Criminal Organisation Act 2009

1 Particular references to Crime and Misconduct Act 2001

Each of the following provisions is amended by omitting ‘*Crime and Misconduct Act 2001*’ and inserting ‘*Crime and Corruption Act 2001*’—

- section 65(5)(a)
- section 77(5)(a)
- section 83(4)(a)
- section 87(4), definition *monitor*

2 Section 59A definition *external agency*, paragraph (a)—
omit, insert—

- (a) the Crime and Corruption Commission;

3 Section 84(3)(c)—
omit, insert—

- (c) the Crime and Corruption Commission;

Criminal Proceeds Confiscation Act 2002

1 Particular references to Crime and Misconduct Act 2001

Each of the following provisions is amended by omitting '*Crime and Misconduct Act 2001*' and inserting '*Crime and Corruption Act 2001*'—

- section 43
- section 93ZH
- section 238(a)
- section 239(2)(a)
- section 265(1)
- schedule 6, definition *authorised commission officer*
- schedule 6, definition *commission officer*
- schedule 6, definition *monitoring order*, paragraph (a)

2 Sections 12(5)(a)(i), 214(2) and 266(1)(a), 'chairperson'—
omit, insert—

chairman

Schedule 2

- 3 Section 265, heading, ‘Crime and Misconduct Act 2001’—**
omit, insert—

Crime and Corruption Act 2001

- 4 Schedule 6, definitions *chairperson* and *commission*—**
omit.

- 5 Schedule 6—**
insert—

chairman means the chairman of the commission.

commission means the Crime and Corruption Commission.

- 6 Schedule 6, definition *suspension order*, paragraph (a), ‘Crime and Misconduct Act 2000’—**
omit, insert—

Crime and Corruption Act 2001

Disability Services Act 2006

- 1 Schedule 7, definition *complaints agency*, paragraph (b)—**

omit, insert—

(b) the Crime and Corruption Commission;

Education (Queensland College of Teachers) Act 2005

1 Section 112(2)(a)(ii)—

omit, insert—

- (ii) the Crime and Corruption Commission;

2 Section 287(5), definition *relevant agency*, paragraph (b)—

omit, insert—

- (b) the Crime and Corruption Commission;

Electoral Act 1992

1 Section 58(13), definition *government entity*, ‘Crime and Misconduct Commission’—

omit, insert—

Crime and Corruption Commission

Evidence Act 1977

1 Particular references to Crime and Misconduct Act 2001

Each of the following provisions is amended by omitting ‘*Crime and Misconduct Act 2001*’ and inserting ‘*Crime and Corruption Act 2001*’—

- section 21C, definition *operative*, paragraph (a)
- section 21G(5), definition *false representation*, paragraph (b)

- section 21G(5), definition *law enforcement officer*, paragraph (a)

2 Particular references to chairperson of the CMC

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

- section 21H(1)(b)
- section 21KE(2)
- section 21KE(3)
- section 21KE(5)
- section 21KF(1)(f)
- section 21KG(1)(f)

3 Section 21B(b), ‘CMC in relation to misconduct’—

omit, insert—

CCC in relation to corruption

4 Section 21C, definition *chief executive officer*, paragraph (a)—

omit, insert—

(a) for the CCC—the chairman of the CCC; or

5 Section 21C, definitions *CMC* and *misconduct*—

omit.

6 Section 21C—

insert—

CCC means the Crime and Corruption Commission.

corruption see the *Crime and Corruption Act 2001*, schedule 2.

7 Section 21C, definition *investigation*, paragraph (b), ‘misconduct’—

omit, insert—

corruption

8 Section 21C, definition *law enforcement agency*, paragraph (a)—

omit, insert—

(a) the CCC; or

9 Section 21G(5), definition *professional misconduct*, paragraph (a)—

omit, insert—

(a) corruption under the *Crime and Corruption Act 2001*; or

10 Section 21KE(3)(c), ‘chairperson’—

omit, insert—

chairman

11 Section 21KE(4), ‘chairperson of the CMC, must give the chairperson’—

omit, insert—

chairman of the CCC, must give the chairman

12 Section 21KF(1), ‘CMC, must give to the chairperson of the CMC’—

omit, insert—

CCC, must give to the chairman of the CCC

Schedule 2

13 Section 21KG(1) and (3), definition *annual report*, ‘CMC’—
omit, insert—

CCC

14 Section 21KI(3), definition *senior officer*, paragraph (b)—
omit, insert—

(b) for the CCC—a senior executive officer
under the *Crime and Corruption Act 2001*.

15 Schedule 1, item 2—

omit, insert—

2 Chairman of the CCC

16 Schedule 3, definitions *CMC* and *misconduct*—
omit.

17 Schedule 3—

insert—

CCC, for part 2, division 5, see section 21C.

corruption, for part 2, division 5, see section
21C.

Explosives Act 1999

1 Section 76(b)—

omit, insert—

(b) the Crime and Corruption Commission;

Financial and Performance Management Standard 2009

1 Section 21, heading, ‘misconduct’—

omit, insert—

corrupt conduct

2 Section 21(1)(b)(ii) and (iii), ‘official misconduct’—

omit, insert—

corrupt conduct

3 Section 21(3)(d), ‘Crime and Misconduct Commission’—

omit, insert—

Crime and Corruption Commission

4 Section 21(4), definition *official misconduct*—

omit.

5 Section 21(4)—

insert—

corrupt conduct see the *Crime and Corruption Act 2001*, section 15.

Financial Transaction Reports Act 1992

1 Section 4, definition *designated authority*, paragraph (b)—

omit, insert—

(b) the Crime and Corruption Commission; or

2 Section 4, definition *investigating officer*, paragraph (b), ‘*Crime and Misconduct Act 2001*’—

omit, insert—

Crime and Corruption Act 2001

Fire and Emergency Services Act 1990

1 Section 30H(4)(b)—

omit, insert—

(b) an investigation of a matter for the purpose of notifying the Crime and Corruption Commission of suspected corrupt conduct under the *Crime and Corruption Act 2001*.

Food Production (Safety) Act 2000

1 Section 23(1)(b), ‘*Crime and Misconduct Act 2001*’—

omit, insert—

Crime and Corruption Act 2001

Gaming Machine Regulation 2002

1 Schedule 1, entry for Crime and Misconduct Commission, Queensland—

omit, insert—

Crime and Corruption Commission, Queensland

Government Owned Corporations Act 1993

1 Particular references to Crime and Misconduct Act 2001

Each of the following provisions is amended by omitting ‘*Crime and Misconduct Act 2001*’ and inserting ‘*Crime and Corruption Act 2001*’—

- section 156(5)
- section 156(6)
- section 156(8), definition *unit of public administration*
- schedule 4, section 156(5)
- schedule 4, section 156(6)
- schedule 4, section 156(8), definition *unit of public administration*

2 References to official misconduct under the Crime and Misconduct Act 2001

Each of the following provisions is amended by omitting ‘official misconduct under the *Crime and Misconduct Act 2001*’ and inserting ‘corrupt conduct under the *Crime and Corruption Act 2001*’—

- section 156(1)
- section 156(3)(a)
- schedule 4, section 156(1)

- schedule 4, section 156(3)(a)

3 Section 156, heading and schedule 4, section 156, heading, 'Crime and Misconduct Act'—

omit, insert—

Crime and Corruption Act

4 Section 156(2) and (4) and schedule 4, section 156(2) and (4), 'CMC of the complaint under the *Crime and Misconduct Act 2001*'—

omit, insert—

CCC of the complaint under the *Crime and Corruption Act 2001*

5 Section 156(3)(b) and schedule 4, section 156(3)(b), 'CMC'—

omit, insert—

CCC

6 Section 156(8) and schedule 4, section 156(8), definition *CMC*—

omit.

7 Section 156(8) and schedule 4, section 156(8)—

insert—

CCC means the Crime and Corruption Commission.

Health Ombudsman Act 2013

1 Section 30(e)—

omit, insert—

(e) the Crime and Corruption Commission;

Health Quality and Complaints Commission Act 2006

1 Section 17(b)(iii), ‘Crime and Misconduct Commission’—

omit, insert—

Crime and Corruption Commission

2 Section 171(1)(a), ‘Crime and Misconduct Act 2001’—

omit, insert—

Crime and Corruption Act 2001

Hospital and Health Boards Act 2011

1 Sections 21(1)(c) and 53Y(1), ‘Crime and Misconduct Act 2001’—

omit, insert—

Crime and Corruption Act 2001

Information Privacy Act 2009

1 Section 29(1)(b), ‘Crime and Misconduct Commission’—

omit, insert—

Crime and Corruption Commission

2 Section 29(2), definition *intelligence functions* and schedule 1, section 1(a), ‘*Crime and Misconduct Act 2001*’—

omit, insert—

Crime and Corruption Act 2001

3 Schedule 1, section 3(b), ‘misconduct, under the *Crime and Misconduct Act 2001*’—

omit, insert—

corruption, under the *Crime and Corruption Act 2001*

4 Schedule 5, definition *law enforcement agency*, paragraph (b)(ii)—

omit, insert—

(ii) the Crime and Corruption Commission; or

Integrity Act 2009

1 Section 80(7)(c)—

omit, insert—

(c) the Crime and Corruption Commission; or

Interactive Gambling (Player Protection) Regulation 1998

1 Schedule 1, entry for Crime and Misconduct Commission, Queensland—

omit, insert—

Crime and Corruption Commission, Queensland

Judicial Review Act 1991

1 Schedule 2, section 3, heading—

omit, insert—

3 Corruption etc.

2 Schedule 2, section 3(1), ‘misconduct under the *Crime and Misconduct Act 2001*’—

omit, insert—

corruption under the *Crime and Corruption Act 2001*

3 Schedule 2, sections 3(2) and 5, ‘*Crime and Misconduct Act 2001*’—

omit, insert—

Crime and Corruption Act 2001

4 Schedule 2, section 4, heading, ‘Crime and Misconduct Commission’—

omit, insert—

Crime and Corruption Commission

Schedule 2

5 Schedule 2, section 4, ‘Crime and Misconduct Commission under the *Crime and Misconduct Act 2001*’—

omit, insert—

Crime and Corruption Commission under the *Crime and Corruption Act 2001*

6 Schedule 2, section 5, heading, ‘Crime and Misconduct Act 2001’—

omit, insert—

Crime and Corruption Act 2001

Justices Act 1886

1 Section 39(6), definition *public officer*, ‘Crime and Misconduct Commission’—

omit, insert—

Crime and Corruption Commission

Keno Regulation 2007

1 Schedule 1, entry for Crime and Misconduct Commission, Queensland—

omit, insert—

Crime and Corruption Commission, Queensland

Legal Aid Queensland Act 1997

- 1 Section 42(3)(a), ‘*Crime and Misconduct Act 2001*’—**
omit, insert—
Crime and Corruption Act 2001

Legal Profession Act 2007

- 1 Section 706(10), definition *appropriate authority*, paragraph (b)—**
omit, insert—
(b) the Crime and Corruption Commission;

Legal Profession Regulation 2007

- 1 Section 5(f)—**
omit, insert—
(f) the Crime and Corruption Commission;

Local Government Act 2009

- 1 Section 148H(3) and (4)—**
omit, insert—
(3) Subsection (2) does not limit any duty the chief executive officer may have under the Crime and Corruption Act to notify the CCC of any

complaint, information or matter that the chief executive officer reasonably suspects involves, or may involve, corrupt conduct under that Act.

2 Sections 176(8)(b), ‘Crime and Misconduct Act’—

omit, insert—

Crime and Corruption Act

3 Section 176B(4)(b), ‘official misconduct’—

omit, insert—

corrupt conduct under the Crime and Corruption Act

4 Section 176B(5)—

omit, insert—

- (5) This section does not apply to a complaint about corrupt conduct referred to the department’s chief executive by the CCC.

5 Section 176C(5), ‘official misconduct under the Crime and Misconduct Act’—

omit, insert—

corrupt conduct under the Crime and Corruption Act

6 Section 180(2)(f) and (5)(i), ‘Crime and Misconduct Commission’—

omit, insert—

CCC

7 Section 182, heading and subsection (1), ‘CMC Act’—

omit, insert—

Crime and Corruption Act

8 Section 182(2), from ‘misconduct’ to ‘Act’—

omit, insert—

corrupt conduct under the Crime and Corruption Act by a councillor, a reference to a public official in the Crime and Corruption Act

9 Schedule 4, definition *Crime and Misconduct Act*—

omit.

10 Schedule 4—

insert—

CCC means the Crime and Corruption Commission.

Crime and Corruption Act means the *Crime and Corruption Act 2001*.

Local Government Regulation 2012

1 Section 186(f)(v), ‘official misconduct’—

omit, insert—

corrupt conduct under the Crime and Corruption Act

Lotteries Regulation 2007

1 Schedule 1, entry for Crime and Misconduct Commission, Queensland—

omit, insert—

Crime and Corruption Commission, Queensland

Magistrates Act 1991

1 Section 53D(5), definition *prescribed authority*, paragraph (b)—

omit, insert—

(b) the Crime and Corruption Commission; or

Ministerial and Other Office Holder Staff Act 2010

1 Section 31—

omit, insert—

31 Application of Crime and Corruption Act 2001

For the *Crime and Corruption Act 2001*, a staff member is taken to hold an appointment in the department.

Ombudsman Act 2001

1 Section 7(2) and schedule 3, definition *operational action*, ‘Crime and Misconduct Commission’—

omit, insert—

Crime and Corruption Commission

2 Section 16(2)(c), ‘*Crime and Misconduct Act 2001*’—

omit, insert—

Crime and Corruption Act 2001

3 Section 50(2), note—

omit, insert—

Note—

The ombudsman must also, under section 38 of the *Crime and Corruption Act 2001*, notify the Crime and Corruption Commission of any matters involving, or possibly involving, corrupt conduct under that Act.

4 Section 63A(7)(c)—

omit, insert—

(c) the Crime and Corruption Commission; or

5 Schedule 3, definition *complaints entity*, example, second dot point—

omit, insert—

- the Crime and Corruption Commission

Parliament of Queensland Act 2001

1 Section 67(1)(c)—

omit, insert—

(c) commissioner of the Crime and Corruption Commission;

2 Section 67(1)(o), 'misconduct'—

omit, insert—

corruption

Penalties and Sentences Act 1992

- 1 Section 161M(3), ‘Crime and Misconduct Commission’—**
omit, insert—
Crime and Corruption Commission

Police Powers and Responsibilities Act 2000

1 Particular references to Crime and Misconduct Act 2001

Each of the following provisions is amended by omitting ‘*Crime and Misconduct Act 2001*’ and inserting ‘*Crime and Corruption Act 2001*’—

- section 230(2)
- section 266(3)
- section 313(3)
- section 328(3)(d)
- section 330(2)(e)
- schedule 1, entry for *Crime and Misconduct Act 2001*
- schedule 6, definition *authorised commission officer*
- schedule 6, definition *commission officer*
- schedule 6, definition *major crime*
- schedule 6, definition *parliamentary commissioner*

2 Particular references to chairperson

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

- section 241(2)
- section 241(3)

- section 250(1)(b)
- section 250(2)
- section 250(3)

3 Particular references to CMC

Each of the following provisions is amended by omitting ‘CMC’ and inserting ‘CCC’—

- section 49(1)
- section 49(4)
- section 49(5)
- section 229, definition *inspection entity*, paragraph (b)
- section 229, definition *law enforcement participant*, paragraph (b)
- section 229, definition *report entity*, paragraph (b)
- section 241, heading
- section 250, heading
- section 263(1)
- section 269(2)(b)
- section 283(4)(b)
- section 314(4), definition *report entity*, paragraph (b)
- section 316(2)
- section 316(3)
- section 322, definition *inspection entity*, paragraph (b)
- section 322, definition *senior officer*, paragraph (b)
- section 358(4)(b)
- section 361(1)
- section 607(1)
- section 607(3)
- section 607(4)

Schedule 2

- section 660(1)
- section 660(2)
- section 664(1)
- section 678(1)
- section 681(1)
- section 740(5)(c)
- section 789(1)
- section 789(4)
- section 789(5)
- section 808(1)
- section 808(3)
- section 808(4)
- schedule 6, definition *law enforcement agency*
- schedule 6, definition *law enforcement officer*

4 Particular references to CMC chairperson

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

- section 250(1)(a)
- section 275, heading
- section 275(2)
- section 319, heading
- section 673(1)(c)
- section 673(2)
- section 674(a)

5 Section 7(2), example 3, from ‘official’—

omit, insert—

corrupt conduct under the *Crime and Corruption Act 2001*.

6 Section 49(3), ‘CMC for the *Crime and Misconduct Act 2001*’—

omit, insert—

CCC for the *Crime and Corruption Act 2001*

7 Section 230(5)—

omit, insert—

- (5) A function conferred in relation to the activities of the CCC under this chapter is only conferred for the purpose of a function conferred on the CCC under the *Crime and Corruption Act 2001* relating to major crime as defined under that Act.

8 Section 232(2)(c)—

omit, insert—

- (c) the CCC chairman or the chairman’s nominee.

9 Section 241(1), from ‘CMC chairperson’ to ‘CMC’—

omit, insert—

CCC chairman for authority to conduct a controlled operation if a person to be investigated by the CCC

10 Section 272(4)—

omit, insert—

- (4) This section does not limit the parliamentary commissioner’s powers under *Crime and Corruption Act 2001*, chapter 6, part 4, division 4 in relation to the functions of the CCC.

11 Section 275(1), from ‘CMC chairperson’ to ‘chairperson’s’—

omit, insert—

CCC chairman may delegate any of the chairman’s

12 Section 275(1), ‘CMC assistant commissioner’—

omit, insert—

CCC senior executive officer

13 Section 281(1)—

omit, insert—

- (1) A function conferred in relation to the activities of the CCC under this chapter is only conferred for the purpose of a function conferred on the CCC under the *Crime and Corruption Act 2001* relating to major crime as defined under that Act.

14 Section 319(1), from ‘CMC chairperson’ to ‘commissioner’—

omit, insert—

CCC chairman may delegate any of the chairman’s powers under this chapter relating to the following to a CCC senior executive officer

15 Section 319(2), from ‘CMC chairperson’ to ‘chairperson’s’—

omit, insert—

CCC chairman may delegate to an authorised commission officer the chairman’s

16 Section 325(3)—

omit, insert—

- (3) A function conferred under this chapter in relation to the activities of the CCC is only conferred for the purpose of a function conferred on the CCC under the *Crime and Corruption Act 2001* relating to major crime as defined under that Act.

17 Section 362(4)—

omit, insert—

- (4) For applying this section to the parliamentary commissioner as inspection entity for the CCC, this section does not limit the parliamentary commissioner's powers under the *Crime and Corruption Act 2001*, chapter 6, part 4, division 4.

18 Section 607(2)—

omit, insert—

- (2) The conduct of the review and the preparation of the report is a function of the CCC for the *Crime and Corruption Act 2001*.

19 Sections 672(2)(a) and 680(2)(a), 'CMC—CMC's'—

omit, insert—

CCC—CCC's

20 Section 674, heading, 'CMC's'—

omit, insert—

CCC's

21 Section 674, 'CMC is'—

omit, insert—

CCC is

22 Section 675(2)(a), ‘official misconduct, misconduct’—

omit, insert—

corruption

23 Section 675—

insert—

(4) In this section—

corruption see the *Crime and Corruption Act 2001*, schedule 2.

24 Section 678(3), second example—

omit, insert—

Example for subsection (3)(c)(ii)—

The CCC chairman may keep the register in a way that prevents police officers, other than those seconded to the CCC, inspecting the register.

25 Section 742(2A)—

omit, insert—

(2A) If a report under subsection (2) includes a report on noncompliance involving police officers who are also commission officers under the *Crime and Corruption Act 2001*, the monitor must also give a copy of the report to—

(a) the CCC; and

(b) the Parliamentary Crime and Corruption Committee of the Legislative Assembly.

26 Section 743(2)(d), ‘crime and misconduct commission’—

omit, insert—

CCC

27 Section 789(3), from ‘CMC’—

omit, insert—

CCC for the *Crime and Corruption Act 2001*.

28 Section 803(4), definition *proceeding*, paragraphs (a) and (b)—

omit, insert—

- (a) a hearing under the *Crime and Corruption Act 2001*; or
- (b) another proceeding of the CCC in which a police officer is being examined; or

29 Section 808(2), from ‘CMC’—

omit, insert—

CCC for the *Crime and Corruption Act 2001*.

30 Schedule 4, ‘Crime and Misconduct Act 2001’—

omit, insert—

Crime and Corruption Act 2001

31 Schedule 6, definitions *CMC* and *CMC assistant commissioner*—

omit.

32 Schedule 6—

insert—

CCC means the Crime and Corruption Commission.

CCC senior executive officer means a senior executive officer under the *Crime and Corruption Act 2001*.

Schedule 2

33 Schedule 6, definition *chief executive officer*, paragraph (a)—

omit, insert—

(a) for the CCC—the CCC chairman; or

34 Schedule 6, definition *parliamentary committee*, ‘Misconduct’—

omit, insert—

Corruption

Police Powers and Responsibilities Regulation 2012

1 Schedule 6, item 4—

omit, insert—

4 The CCC

Police Service Administration Act 1990

1 Particular references to chairperson of the Crime and Misconduct Commission

Each of the following provisions is amended by omitting ‘chairperson of the Crime and Misconduct Commission’ and inserting ‘chairman of the Crime and Corruption Commission’—

- section 4.2(1)
- section 4.3(1)(a)
- section 4.3(2)
- section 4.5(4)(a)
- section 4.7(2)

- section 5AA.13(5)
- section 7.2(2)(c)
- section 9.2A(2)

2 Particular references to official misconduct

Each of the following provisions is amended by omitting ‘official misconduct’ and inserting ‘corrupt conduct’—

- section 1.4, definition *disciplinary action*
- section 4.5(3)(c)
- section 4.5(5)
- section 6.1(1)(a)(i)

3 Particular references to Crime and Misconduct Act 2001

Each of the following provisions is amended by omitting ‘*Crime and Misconduct Act 2001*’ and inserting ‘*Crime and Corruption Act 2001*’—

- section 4.7(1)(c)
- section 5A.2, definition *operative*, paragraph (b)
- section 9.1
- section 9.2A(3)(b)

4 Section 1.4, definition *official misconduct*—
omit.

5 Section 1.4—
insert—

corrupt conduct see the *Crime and Corruption Act 2001*, section 15.

- 6 Section 4.7(3), ‘chairperson’, first and second mention—**
omit, insert—
chairman
- 7 Section 4.7(3), ‘Misconduct’—**
omit, insert—
Corruption
- 8 Section 4.7(4), ‘Misconduct’—**
omit, insert—
Corruption
- 9 Section 5AA.13(6)(b) and (c), ‘chairperson’—**
omit, insert—
chairman
- 10 Section 5AA.13(6)(d), from ‘chairperson’—**
omit, insert—
chairman may hold under the *Crime and Corruption Act 2001*.
- 11 Section 5AA.13(7), ‘chairperson’s’—**
omit, insert—
chairman’s
- 12 Sections 7.4(2A), 7A.5 and 9.2A(2)(a) and schedule, ‘Crime and Misconduct Commission’—**
omit, insert—
Crime and Corruption Commission

13 Section 7A.1(6)(b), from ‘Crime and Misconduct Commission’—

omit, insert—

Crime and Corruption Commission of suspected corrupt conduct under the *Crime and Corruption Act 2001*.

Police Service Administration Regulation 1990

1 Section 1.2, definition *Crime and Misconduct Commission*—

omit.

2 Section 4.5(2) and (5)(a), ‘chairperson of the Crime and Misconduct Commission’—

omit, insert—

chairman of the Crime and Corruption Commission

3 Section 4.5(3) to (5), ‘chairperson’—

omit, insert—

chairman

4 Section 4.5(5)(b), ‘official misconduct’—

omit, insert—

corrupt conduct

5 Section 7C.2(d)—

omit, insert—

(d) Crime and Corruption Commission.

6 Section 7C.4(f)—

omit, insert—

(f) Crime and Corruption Commission;

Police Service Administration (Review of Decisions) Regulation 1990

1 Section 5(1), ‘chairperson of the Crime and Misconduct Commission’—

omit, insert—

chairman of the Crime and Corruption Commission

2 Sections 7 and 15, ‘Crime and Misconduct Commission’—

omit, insert—

Crime and Corruption Commission

Police Service (Discipline) Regulations 1990

1 Section 13(g), ‘Crime and Misconduct Commission’—

omit, insert—

Crime and Corruption Commission

Prostitution Act 1999

1 Section 102(1)(b)(iii)—

omit, insert—

(iii) the chairman, or the senior executive officer (*crime*), of the Crime and Corruption Commission;

2 Section 102(4)—

insert—

senior executive officer (crime), of the Crime and Corruption Commission, see the *Crime and Corruption Act 2001*, section 245(3)(a).

3 Section 141(1) and (4), ‘Crime and Misconduct Commission’—

omit, insert—

Crime and Corruption Commission

4 Section 141(1) and (2), ‘Crime and Misconduct Act 2001’—

omit, insert—

Crime and Corruption Act 2001

Prostitution Regulation 2000

1 Section 13B(4), definition *complaints agency*, paragraph (b)—

omit, insert—

(b) the Crime and Corruption Commission;

2 Schedule 1, entry for Crime and Misconduct Commission—

omit, insert—

Crime and Corruption Commission

Public Health Act 2005

1 Section 312(1)(b)—

omit, insert—

(b) the Crime and Corruption Commission;

Public Interest Disclosure Act 2010

1 Particular references to Crime and Misconduct Commission

Each of the following provisions is amended by omitting ‘Crime and Misconduct Commission’ and inserting ‘Crime and Corruption Commission’—

- section 16(2)(b)
- section 18(1)(c)
- section 18(3)
- section 19(1)(b)
- section 19(2)
- section 48(2)(c)
- section 49(2)(b)
- section 56
- section 63, heading

- section 63(2)
- schedule 4, definition *administrative action*, paragraph (b)

2 Sections 13(1)(a)(i), 16(2), 18(1)(b) and 19(1)(a), ‘official misconduct’—

omit, insert—

corrupt conduct

3 Sections 18(9)(b) and 19(8)(b)—

omit, insert—

- (b) the making of a complaint to the Crime and Corruption Commission under the *Crime and Corruption Act 2001*.

4 Section 32(5)—

omit, insert—

- (5) If a person makes a public interest disclosure to the Crime and Corruption Commission in a complaint of corruption, this section does not impose on the commission any duty that the commission does not already have under the *Crime and Corruption Act 2001*.
- (6) In this section—
corruption see the *Crime and Corruption Act 2001*, schedule 2.

5 Section 63(1)(a), from ‘Crime’—

omit, insert—

Crime and Corruption Commission exercises its functions under the *Crime and Corruption Act 2001*;
or

6 Section 63(1)(b)—

omit, insert—

(b) requires the Crime and Corruption Commission to report to the oversight agency about the way the commission exercises its powers under the *Crime and Corruption Act 2001*.

7 Section 67(2), ‘Crime and Misconduct Act 2001, the Crime and Misconduct Commission’—

omit, insert—

Crime and Corruption Act 2001, the Crime and Corruption Commission

8 Section 67(2)(b)—

omit, insert—

(b) the contravention is corrupt conduct by a person holding an appointment in a unit of public administration within the meaning of the *Crime and Corruption Act 2001*.

9 Schedule 1, entry for Crime and Misconduct Commission—

omit, insert—

Crime and Corruption
Commission

chairman of the commission

10 Schedule 4, definition *official misconduct*—

omit.

11 Schedule 4—

insert—

corrupt conduct see the *Crime and Corruption Act 2001*, section 15.

Public Safety Preservation Act 1986

1 Schedule, definition *monitor*, ‘*Crime and Misconduct Act 2001*’—

omit, insert—

Crime and Corruption Act 2001

Public Service Act 2008

1 Section 188A(6)(b)—

omit, insert—

- (b) an investigation of a matter for the purpose of notifying the Crime and Corruption Commission of suspected corrupt conduct under the *Crime and Corruption Act 2001*.

2 Schedule 4, definition *disqualified person*, paragraph (a)(iv), ‘*Crime and Misconduct Act 2001*’—

omit, insert—

Crime and Corruption Act 2001

Public Service Regulation 2008

1 Section 10(2)(d)—

omit, insert—

- (d) a document about the employee relating to suspected corrupt conduct under the *Crime and Corruption Act 2001* or its investigation;

Queensland Civil and Administrative Tribunal Regulation 2009

1 Schedule 1, part 1, entry for *Crime and Misconduct Act 2001*—

omit, insert—

Crime and Corruption Act 2001, section 219G(1) (for any application other than an application by the Crime and Corruption Commission)

Queensland Competition Authority Act 1997

1 Section 229(a), ‘*Crime and Misconduct Act 2001*’—

omit, insert—

Crime and Corruption Act 2001

2 Section 234(4)(c)—

omit, insert—

- (c) corrupt conduct under the *Crime and Corruption Act 2001*, section 15.

Queensland Independent Remuneration Tribunal Act 2013

1 Section 38, definition *committee*, paragraph (b)—

omit, insert—

- (b) the Parliamentary Crime and Corruption Committee established under the *Crime and Corruption Act 2001*.

Queensland Mental Health Commission Act 2013

1 Section 10(1)(a), '*Crime and Misconduct Act 2001*'—

omit, insert—

Crime and Corruption Act 2001

Queensland Rail Transit Authority Act 2013

1 Section 37—

omit, insert—

37 Application of Crime and Corruption Act 2001

The Authority is a unit of public administration under the *Crime and Corruption Act 2001*.

Queensland Reconstruction Authority Act 2011

1 Sections 9(1)(a) and 116(d), ‘Crime and Misconduct Act 2001’—

omit, insert—

Crime and Corruption Act 2001

Racing Act 2002

1 Sections 9AC(1)(c) and 32D, ‘Crime and Misconduct Act 2001’—

omit, insert—

Crime and Corruption Act 2001

Residential Tenancies and Rooming Accommodation Act 2008

1 Section 485(a), ‘Crime and Misconduct Act 2001’—

omit, insert—

Crime and Corruption Act 2001

2 Section 500—

omit, insert—

500 Application of Crime and Corruption Act 2001

The employing office is a unit of public administration under the *Crime and Corruption Act 2001*.

Right to Information Act 2009

1 Section 140A(7)(c)—

omit, insert—

(c) the Crime and Corruption Commission; or

2 Schedule 1, section 3, heading, ‘Crime and Misconduct Act 2001’—

omit, insert—

Crime and Corruption Act 2001

3 Schedule 1, section 3 and schedule 3, section 10(9), definitions *crime function* and *intelligence functions*, ‘Crime and Misconduct Act 2001’—

omit, insert—

Crime and Corruption Act 2001

4 Schedule 3, section 10(2)(d), from ‘misconduct’—

omit, insert—

corruption under the *Crime and Corruption Act 2001*;
or

5 Schedule 3, section 10(8), from ‘to misconduct’—

omit, insert—

to corruption or possible corruption under the *Crime and Corruption Act 2001*.

6 Schedule 3, section 10(9), definition *misconduct functions*—

omit.

7 Schedule 3, section 10(9)—

insert—

corruption function see the *Crime and Corruption Act 2001*, section 33.

8 Schedule 3, section 10(9), definition *prescribed crime body*, paragraph (a)—

omit, insert—

(a) the Crime and Corruption Commission; or

9 Schedule 3, section 10(9), definition *prescribed functions*, paragraph (a)—

omit, insert—

(a) in relation to the Crime and Corruption Commission—the crime function, the intelligence functions and the corruption function; and

Rural and Regional Adjustment Act 1994

1 Sections 26(a) and 40(d), ‘*Crime and Misconduct Act 2001*’—

omit, insert—

Crime and Corruption Act 2001

South-East Queensland Water (Distribution and Retail Restructuring) Act 2009

1 Section 16—

omit, insert—

16 Crime and Corruption Act 2001

A distributor-retailer is a unit of public administration under the *Crime and Corruption Act 2001*.

South-East Queensland Water (Restructuring) Act 2007

1 Section 35—

omit, insert—

35 Application of Crime and Corruption Act 2001

The Authority is a unit of public administration under the *Crime and Corruption Act 2001*.

Statutory Bodies Financial Arrangements Regulation 2007

1 Schedule 3, entry for *Crime and Misconduct Act 2001*—

omit, insert—

Crime and Corruption Act 2001

Crime and Corruption
Commission

Superannuation (State Public Sector) Act 1990

1 Section 2, definition *unit of the State public sector*, paragraph (c)—

omit, insert—

(c) the Crime and Corruption Commission; or

Superannuation (State Public Sector) Notice 2010

1 Schedule, entry for Crime and Misconduct Commission, column 1—

omit, insert—

Crime and Corruption Commission

Telecommunications Interception Act 2009

1 Long title, ‘Crime and Misconduct Commission’—

omit, insert—

Crime and Corruption Commission

2 Particular references to Crime and Misconduct Act 2001

Each of the following provisions is amended by omitting ‘*Crime and Misconduct Act 2001*’ and inserting ‘*Crime and Corruption Act 2001*’—

- section 13(1)
- section 32(1)
- schedule, definition *deputy PIM*, paragraph (b)

- schedule, definition *parliamentary commissioner*
- schedule, definition *public interest monitor*, paragraph (b)

3 Particular references to CMC

Each of the following provisions is amended by omitting ‘CMC’ and inserting ‘CCC’—

- section 5
- section 12(3)(a)
- section 24(4)(b)
- schedule, definition *eligible authority*, paragraph (a)
- schedule, definition *inspecting entity*, paragraph (a)

4 Schedule, definition *chief officer*, paragraph (a), ‘CMC—the chairperson’—

omit, insert—

CCC—the chairman

5 Schedule, definitions *CMC* and *parliamentary committee*—

omit.

6 Schedule—

insert—

CCC means the Crime and Corruption Commission.

parliamentary committee means the Parliamentary Crime and Corruption Committee of the Legislative Assembly under the *Crime and Corruption Act 2001*.

7 Schedule, definition *officer*, paragraph (a)(i)—

omit, insert—

- (i) for the CCC—a commission officer under the *Crime and Corruption Act 2001*; or

Terrorism (Preventative Detention) Act 2005

1 References to Crime and Misconduct Commission

Each of the following provisions is amended by omitting ‘Crime and Misconduct Commission’ and inserting ‘Crime and Corruption Commission’—

- section 47(2)(e)
- section 48(2)(d)
- section 57
- section 64(d)(iii)
- section 65(1)(e)(i)
- section 81

Transport Operations (Marine Safety) Act 1994

1 Section 151(b)—

omit, insert—

- (b) the Crime and Corruption Commission;

Transport Operations (Passenger Transport) Act 1994

- 1 Section 113H, heading, ‘Crime and Misconduct Act 2001’**
omit, insert—

Crime and Corruption Act 2001

- 2 Sections 113H(2) and (3) and 118(3)(d), ‘Crime and Misconduct Act 2001’—**

omit, insert—

Crime and Corruption Act 2001

Wagering Regulation 1999

- 1 Schedule 1, entry for Crime and Misconduct Commission, Queensland—**

omit, insert—

Crime and Corruption Commission, Queensland

Water Act 2000

- 1 Schedule 4, definition *unit of public administration*—**
omit.

Witness Protection Act 2000

1 Particular references to Crime and Misconduct Act 2001

Each of the following provisions is amended by omitting ‘*Crime and Misconduct Act 2001*’ and inserting ‘*Crime and Corruption Act 2001*’—

- section 6(3)(g)(ii)
- section 35(2)
- section 36(2)(c)
- section 38(1)(i)
- section 38(1)(j)
- section 45(b)
- schedule 2, definition *proceeding*, examples, third and fifth dot points

2 Particular references to chairperson

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

- sections 6 to 14
- sections 14A to 14F
- section 15(1)
- section 16
- sections 20 to 22
- section 25
- sections 28 to 31
- section 32(1)
- section 33(2)(b)
- section 35
- section 37(1)(e)(ii) and (2)(a)

- section 38(1)(a), (h) and (3)
- sections 40 and 41
- section 43(1)(b) and (2)
- section 45(a)
- section 46(1) and (2)
- section 48(1) and (2)
- section 49
- schedule 2, definition *witness protection officer*

3 Sections 6(1) and 36(2)(b), ‘chairperson’s’—

omit, insert—

chairman’s

4 Section 43(1)(b)(iii)—

omit, insert—

(iii) the senior executive officer (crime) under the *Crime and Corruption Act 2001*.

5 Section 45(c)—

omit, insert—

(c) a senior executive officer under the *Crime and Corruption Act 2001*;

6 Schedule 2, definitions *chairperson* and *commission*—

omit.

7 Schedule 2—

insert—

chairman means chairman of the commission.

commission means the Crime and Corruption Commission.

Workers' Compensation and Rehabilitation Act 2003

1 Section 475(a), 'Crime and Misconduct Act 2001'— *omit, insert—*

Crime and Corruption Act 2001

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