

Crime and Misconduct and Other Legislation Amendment Bill 2014

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

1 **Clause 6 (Amendment of s 4 (Act's purposes))**

Page 13, lines 6 to 13—

omit, insert—

Section 4(1)(b)—

omit, insert—

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

2 **Clause 16 (Amendment of s 36 (Complaining about misconduct))**

Page 20, line 21—

omit, insert—

(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—

3 **Clause 16 (Amendment of s 36 (Complaining about misconduct))**

Page 21, after line 3—

insert—

- 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 Clause 16 (Amendment of s 36 (Complaining about misconduct))

Page 21, lines 4 to 7—

omit, insert—

- (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 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.

5 Clause 21 (Replacement of s 52 (Research functions))

Page 25, after line 28—

insert—

- (5) The Minister must first consult with the parliamentary committee before approving a research plan or amendment of an approved research plan.

6 After clause 24

Page 27, after line 16—

insert—

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.

7 Clause 38 (Replacement of ss 228-230)

Page 33, line 15, before 'Before nominating'—

insert—

(1)

8 Clause 38 (Replacement of ss 228-230)

Page 33, after line 19—

insert—

(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.

9 Clause 74 (Insertion of new ss 314A and 314B)

Page 62, lines 35 to 37 and page 63, lines 1 and 2—

omit, insert—

(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—

10 Clause 74 (Insertion of new ss 314A and 314B)

Page 63, line 15—

omit, insert—

- (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—

11 Clause 87 (Insertion of new ch 3, pt 6)

Page 99, lines 19 to 27—

omit, insert—

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.

12 Clause 88 (Insertion of new s 219A)

Page 101, lines 19 and 20, '(other than a public service employee of the department)'—

omit.

13 Schedule 2 (Minor and consequential amendments of other legislation)

Page 131, line 6, 'and Rescue Service'—

omit, insert—

and Emergency Services

14 Schedule 2 (Minor and consequential amendments of other legislation)

Page 156, lines 2 to 7—

omit, insert—

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)—

© State of Queensland 2014

Authorised by the Parliamentary Counsel