

Queensland



ANNO TRICESIMO QUINTO  
ELIZABETHAE SECUNDAE REGINAE

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**No. 45 of 1986**

An Act to amend the Criminal Law (Rehabilitation of  
Offenders) Act 1986 in a certain particular

[ASSENTED TO 25TH SEPTEMBER, 1986]

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BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

**1. Short title.** This Act may be cited as the *Criminal Law (Rehabilitation of Offenders) Act Amendment Act 1986*.

**2. Commencement.** (1) Section 1 and this section shall commence on the day this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1) the provisions of this Act shall commence on a date to be appointed by Proclamation.

**3. Citation.** (1) In this Act the *Criminal Law (Rehabilitation of Offenders) Act 1986* is referred to as the Principal Act.

(2) The Principal Act as amended by this Act may be cited as the *Criminal Law (Rehabilitation of Offenders) Act 1986*.

**4. Amendment of s. 4. Construction of Act.** Section 4 of the Principal Act is amended by adding at the end thereof the following subsection:—

“(3) This Act shall not be construed to prohibit or hinder the provision by any person of particulars of the criminal history of any person to a Crown prosecutor, a police prosecutor or other person prosecuting upon a charge of an offence with a view to those particulars being disclosed to the court in the event of the defendant being convicted.”.

**5. New s. 9A.** The Principal Act is amended by inserting after section 9 the following section:—

“**9A. Disclosure of particulars in special cases.** (1) Notwithstanding any other provision of this Act, a person who is an applicant for a position, office or status specified in the first column of the following Table and who is requested or required in furtherance of his application to furnish the information hereinafter in this subsection referred to shall disclose—

(a) his criminal history concerning offences specified in the second column of the Table and set opposite the position, office or status applied for;

and

(b) convictions recorded against him in respect of offences specified in the second column of the Table and set opposite the position, office or status applied for, being convictions that pursuant to any law are to be deemed not to be convictions:—

TABLE

Position Office or Status	Offences
Member of the Police Force of Queensland	Contraventions of or failures to comply with any provision of law, whether committed in Queensland or elsewhere
Member of the Prison Service within the meaning of the <i>Prisons Act 1958-1974</i> or of any Act passed in substitution therefor	Contraventions of or failures to comply with any provision of law, whether committed in Queensland or elsewhere
Justice of the Peace	Contraventions of or failures to comply with any provision of law, whether committed in Queensland or elsewhere
Licensee under Part IV of the <i>Casino Control Act 1982</i>	Contraventions of or failures to comply with any provision of law, whether committed in Queensland or elsewhere
Registered Teacher within the meaning of the <i>Education Act 1964-1984</i> ; or	Offences defined in chapter XXII, XXXII, XXXIII, XXXIV of <i>The Criminal Code</i> or in Part II of the <i>Drugs Misuse Act 1986</i> and
Employee in the Department of Education as— (a) a teacher (b) a teacher's aide or (c) a member of staff (administrative or ground) at a State school	contraventions, committed in Queensland or elsewhere, of any provision of law constituting an offence of a similar nature or involving an assault of a sexual nature
Person registered, licensed, approved or provided for under the <i>Children's Services Act 1965-1982</i> ;	Offences defined in chapter XXII, XXXII, XXXIII, XXXIV of <i>The Criminal Code</i> or in Part II of the <i>Drugs Misuse Act 1986</i> or in section 69 (1) or (2) or 133 of the <i>Children's Services Act 1965-1982</i> and
Employee in the Department of Children's Services under a contract of service; or	contraventions, committed in Queensland or elsewhere, of any provision of law constituting an offence of a similar nature or involving an assault of a sexual nature
Agent of the Department of Children's Services, whether under a contract of service or a contract for service	

(2) Notwithstanding any other provision of this Act, the Commissioner of Police or a person delegated by him for the purpose, upon request made by a person having in the opinion of the Commissioner or such delegated person a legitimate and sufficient interest in obtaining the information, shall disclose to the person making the request the criminal history and convictions (such as is or are referred to in subsection (1) and is or are contained in the Commissioner's records) of a person referred to in subsection (1) where that person would be required by that subsection to disclose such criminal history and convictions.

(3) No provision of this Act shall be construed to render any person liable to punishment or the Crown or any person liable to action at the suit of another—

(a) on account of a disclosure referred to in subsection (2);

or

(b) on account of any person having required or sought to be made a disclosure required by subsection (1) or (2) to be made;

or

(c) on account of any person having had regard to any particular furnished in a disclosure required by subsection (1) or (2) to be made.

(4) Subsections (1) and (2) shall operate without prejudice to any other provision of this Act that authorizes or excuses the disclosure of any particular or that preserves any disclosure of particulars from the operation of any provision of this Act."

**6. Amendment of ss. 3 (1) and 4 (2).** The Principal Act is amended in the provisions specified in the first column of the following Table in the manner specified in the second column of the Table:—

TABLE

Provision	Amendment
s. 3 (1)	Omit from paragraph (b) of the definition "simple offence" the word "that" where it first occurs and substitute the word "than"
s. 4 (2)	Omit the word "contrued" and substitute the word "construed"