



Queensland

Police Service Administration Amendment Act 2006

Act No. 58 of 2006



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Police Service Administration Amendment Act 2006

Act No. 58 of 2006

An Act to amend the *Police Service Administration Act 1990*

[Assented to 7 December 2006]

The Parliament of Queensland enacts—**1 Short title**

This Act may be cited as the *Police Service Administration Amendment Act 2006*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

3 Act amended

This Act amends the *Police Service Administration Act 1990*.

4 Amendment of s 1.4 (Definitions)

Section 1.4, definition *criminal history*—
omit, insert—

‘criminal history, of a person—

(a) for part 5AA and the schedule—

(i) means the person’s convictions in relation to offences committed in Queensland or elsewhere; and

(ii) includes information about offences of any kind alleged to have been committed, in Queensland or elsewhere, by the person; or

(b) for part 10, division 1—has the meaning given by the *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 3.’.

5 Amendment of s 5A.20 (Test result evidence generally inadmissible)

Section 5A.20(5), from ‘witness anonymity’ to ‘of that Act’—
omit, insert—

‘witness identity protection certificate under the *Evidence Act 1977*, section 21F that includes matters mentioned in section 21G(1)(h) of that Act’.

6 Insertion of new pt 10, div 1 hdg and pt 10, div 1, sdiv 1 hdg

Part 10, before section 10.1—

insert—

‘Division 1 Provisions about information disclosure

‘Subdivision 1 Information disclosure generally’.

7 Amendment of s 10.2 (Authorisation of disclosure)

Section 10.2(2), from ‘or 5AA.14(3)’—

omit, insert—

‘, 5AA.14(3), 10.2A, 10.2B, 10.2C or 10.2D applies to the information.’.

8 Insertion of new pt 10, div 1, sdivs 2–4 and pt 10, div 2 hdg

After section 10.2—

insert—

‘Subdivision 2 Criminal history disclosure provisions

‘10.2A Disclosure of criminal history for employment screening under commercial or other arrangement

‘(1) This section applies in relation to the disclosure of the criminal history of a person (*relevant person*) if—

- (a) the disclosure is to be made to the CrimTrac Agency or the police force or service of another jurisdiction (each of which is a *relevant agency*); and

- (b) the purpose of the disclosure is to facilitate the release of the relevant person's criminal history by the relevant agency to someone else under an arrangement; and
 - (c) the arrangement provides for the use of the relevant person's criminal history only for employment screening purposes.
- '(2) The commissioner may disclose the relevant person's criminal history to the relevant agency as a function of the service.
- '(3) However, the commissioner may disclose the relevant person's criminal history to the relevant agency only with the person's written consent and only if the commissioner is satisfied the disclosure—
- (a) is for a national criminal history check for employment screening purposes under a service provided by the relevant agency; and
 - (b) is, or is likely to be, of benefit to the community or a section of the community.
- '(4) In this section—
- arrangement* includes an intergovernmental arrangement and a commercial arrangement.
- employment* includes engagement on a voluntary basis.

'10.2B Disclosure of criminal history for assessing suitability for diversion program

- '(1) This section applies for helping a person (the *decision maker*) decide whether another person is suitable to take part in a diversion program.
- '(2) The commissioner may, for the purpose of assessing the person's suitability for the program and with the person's written consent, disclose the person's criminal history to the chief executive officer of the entity responsible for assessing the person's suitability.
- '(3) The commissioner may disclose the person's criminal history as a function of the service and the relevant chief executive officer may use the information for the purpose of the

assessment and, if required, in any report given to a decision maker on the person's suitability.

'(4) In this section—

diversion program means a government sponsored program for diverting alleged offenders from court proceedings that is prescribed under a regulation under this Act or a regulation under the *Bail Act 1980*, section 11(4).

government sponsored program means a program that is funded, or partly funded, by the State or Commonwealth government or is otherwise endorsed by the State government.

'10.2C Misuse of information obtained under ss 10.2A–10.2B

'(1) This section applies in relation to a disclosure of information made to a person under section 10.2A or 10.2B (a ***relevant disclosure***).

'(2) A person to whom a relevant disclosure is made must not—

- (a) use the information for a purpose other than the purpose for which the information is disclosed; or
- (b) disclose the information to someone other than the person to whom the information relates without that person's written consent.

Maximum penalty—100 penalty units.

'Subdivision 3 Information disclosure by direct data feed

'10.2D Disclosure of information to the media by direct data feed

'(1) This section applies in relation to information about particular incidents involving a response by an officer or officers as part of operational activities of the service.

'(2) However, this section applies to the information only if—

- (a) the commissioner is satisfied disclosing the information while officers are responding to the incident or soon after the response will not adversely affect operational activities undertaken as part of the response; and
 - (b) the commissioner considers it is appropriate to disclose the information to electronic or print media organisations (the *media*) or a section of the media by direct data feed.
- ‘(3) The commissioner may, as a function of the service, disclose the information to the media by direct data feed, on the conditions and subject to the restrictions the commissioner considers appropriate.
- ‘(4) Without limiting subsection (3), the restrictions the commissioner may impose on the disclosure of the information include restrictions about the nature of the information that is to be disclosed and when it is to be disclosed.
- ‘(5) The commissioner discloses the information by *direct data feed* by giving the media organisation electronic access to operational information about the police service.

‘Subdivision 4 Other provisions about information disclosure

‘10.2E Relationship to other laws

‘To remove any doubt, it is declared that this division is subject to any other Act that—

- (a) requires or permits the commissioner to disclose information in the possession of the service about a person; or
- (b) prevents or restricts the commissioner from disclosing information in the possession of the service about a person.

‘10.2F Declarations about particular information disclosures

- ‘(1) This section applies to a disclosure, made by the commissioner before the commencement of this section, of information of a kind mentioned in section 10.2, 10.2A or 10.2D in the circumstances mentioned in the section.
- ‘(2) The disclosure is and always was, lawfully made.

‘Division 2 Other miscellaneous provisions’.

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