



Queensland

Crime and Misconduct and Other Legislation Amendment Bill 2006



Queensland

Crime and Misconduct and Other Legislation Amendment Bill 2006

Contents

		Page
Part 1	Preliminary	
1	Short title	6
2	Commencement	6
Part 2	Amendment of Crime and Misconduct Act 2001	
3	Act amended in pt 2 and schedule	6
4	Amendment of s 56 (Commission's other functions)	6
5	Amendment of s 74 (Notice to produce for crime investigation) . .	6
6	Insertion of new ch 3, pt 1, div 2A	8
	Division 2A Further power to require production of documents or things at hearing	
	75A Application of div 2A	8
	75B Power to require immediate production	8
7	Amendment of s 82 (Notice to attend hearing—general)	9
8	Amendment of s 85 (Notices requiring immediate attendance may be issued only by or with the approval of a Supreme Court judge)	10
9	Amendment of s 177 (Whether hearings are to be open or closed)	11
10	Amendment of s 178 (Who must conduct hearings)	12
11	Replacement of s 184 (Application of subdiv 1)	12
	184 Application of sdiv 1	12
12	Amendment of s 185 (Refusal to produce—claim of reasonable excuse)	13
13	Amendment of s 188 (Refusal to produce—self-incrimination) . .	13
14	Replacement of s 189 (Application of subdiv 1)	13
	189 Application of sdiv 1	13
15	Replacement of s 193 (Application of subdiv 1)	14

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

	193	Application of sdiv 1	14
16		Amendment of s 194 (Presiding officer to decide whether refusal to answer questions or produce documents or things is justified)	14
17		Amendment of s 195B (Supreme Court to decide claim of privilege)	14
18		Amendment of s 197 (Restriction on use of privileged answers, documents, things or statements disclosed or produced under compulsion)	14
19		Amendment of s 213 (Secrecy)	15
20		Amendment of s 247 (Duration of appointment)	16
21		Insertion of new s 247A	17
	247A	Notice to parliamentary committee	17
22		Amendment of s 255 (Secondment of officers)	17
23		Amendment of s 260 (Performance)	18
24		Amendment of s 269 (Delegation—commission)	18
25		Amendment of s 295 (Referral of concerns by parliamentary committee)	19
26		Amendment of s 305 (Disqualifications as parliamentary commissioner)	19
27		Amendment of s 312 (Termination of appointment)	19
28		Amendment of s 318 (Parliamentary commissioner may conduct hearings in limited circumstances)	19
29		Amendment of s 321 (Confidentiality obligations not to apply)	20
30		Amendment of s 326 (Monitor's functions)	20
31		Amendment of s 329 (Duty of chairperson to notify improper conduct to the parliamentary committee)	20
32		Amendment of s 341 (Personnel changes do not affect commission's power to make findings or report)	20
33		Amendment of s 343 (Information disclosure and privilege)	20
34		Amendment of sch 2 (Dictionary)	21
35		Insertion of new ch 8, pt 4	24
	Part 4	Transitional provision for Crime and Misconduct and Other Legislation Amendment Act 2006	
	383	Declaration about repeal of Cross-Border Law Enforcement Legislation Amendment Act 2005, s 73(3)	24
Part 3		Amendment of Misconduct Tribunals Act 1997	
36		Act amended in pt 3	24
37		Amendment of s 4 (Dictionary)	25

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

38	Replacement of s 5 (Appointment of misconduct tribunal panel members)	25
	5 Appointment of misconduct tribunal panel members	25
39	Amendment of s 6 (Qualifications of tribunal members)	25
40	Amendment of s 7 (Nomination for appointment as tribunal member)	25
41	Insertion of new s 7A	26
	7A Report about person's criminal history	26
42	Insertion of new s 9A	27
	9A Appointment of acting senior member	27
43	Insertion of new s 19A	27
	19A Disclosure of interests	27
44	Amendment of s 39 (Annual report)	28
45	Replacement of pt 7 hdg (Transitional provisions and amendments)	29
46	Insertion of new pt 7, div 2	29
	Division 2 Provisions for Crime and Misconduct and Other Legislation Amendment Act 2006	
	48 Existing members of tribunal	29
47	Amendment of sch 2 (Dictionary)	29
Part 4	Amendment of Police Powers and Responsibilities Act 2000	
48	Act amended in pt 4	31
49	Amendment of s 159 (Monitor's functions)	32
50	Expiry of pt 4	32
Part 5	Amendment of Whistleblowers Protection Act 1994	
51	Act amended in pt 5	32
52	Amendment of s 47 (Right to apply for Industrial Commission injunction)	32
Part 6	Amendment of Witness Protection Act 2000	
53	Act amended in pt 6	33
54	Amendment of s 8 (Content of protection agreement)	33
55	Amendment of s 12 (Suspension of protection agreement)	33
56	Amendment of s 14 (When chairperson may end protection under program)	34
57	Insertion of new pt 2A	34
	Part 2A Arrangements for short-term protection	
	14A Application of pt 2A	35
	14B Arrangements for short term protection	36
	14C Variation of short-term protection arrangement	36

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

	14D	Suspension of short-term protection arrangement . . .	37
	14E	Voluntary ending of short-term protection arrangement	37
	14F	When chairperson may end short-term protection arrangement	38
58		Replacement of s 36 (Offence of disclosures about protected witnesses or officers)	39
	36	Offence of disclosure about particular persons or the program	39
59		Replacement of s 37 (Offence of disclosure by prescribed persons)	40
	37	Offence of disclosure by prescribed persons	40
60		Amendment of s 48 (Delegation)	42
61		Amendment of sch 2 (Dictionary)	42
Schedule		Minor amendments of Crime and Misconduct Act 2001	44

2006

A Bill

for an Act to amend the *Crime and Misconduct Act 2001* and other legislation affecting the operations of the Crime and Misconduct Commission, and for other purposes

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Crime and Misconduct and
Other Legislation Amendment Act 2006*. 4
5

Clause 2 Commencement 6

This Act commences on a day to be fixed by proclamation. 7

**Part 2 Amendment of Crime and
Misconduct Act 2001** 8
9

Clause 3 Act amended in pt 2 and schedule 10

This part and the schedule amend the *Crime and Misconduct
Act 2001*. 11
12

Clause 4 Amendment of s 56 (Commission's other functions) 13

Section 56(a)— 14

omit, insert— 15

‘(a) the witness protection function; 16

Note— 17

See also the *Witness Protection Act 2000*’. 18

**Clause 5 Amendment of s 74 (Notice to produce for crime
investigation)** 19
20

(1) Section 74, heading, after ‘investigation’— 21

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

<i>insert—</i>	1
‘or witness protection function’.	2
(2) Section 74(1)—	3
<i>omit, insert—</i>	4
‘(1) This section applies only for the following—	5
(a) a crime investigation;	6
(b) the witness protection function.’.	7
(3) Section 74(2), after ‘investigation’—	8
<i>insert—</i>	9
‘or the witness protection function’.	10
(4) Section 74—	11
<i>insert—</i>	12
‘(2A) The notice to produce must state that it relates to—	13
(a) a crime investigation; or	14
(b) without specifying which, a crime investigation or the witness protection function.’.	15 16
(5) Section 74(3), ‘A notice to produce’—	17
<i>omit, insert—</i>	18
‘If the notice to produce is given in the context of a crime investigation, the notice’.	19 20
(6) Section 74—	21
<i>insert—</i>	22
‘(3A) If the notice to produce is given in the context of the witness protection function, the notice may be given only if the chairperson considers it is necessary to protect—	23 24 25
(a) the security of a protected person; or	26
(b) the integrity of the witness protection program or other witness protection activities of the commission.’.	27 28
(7) Section 74(4), from ‘that’—	29
<i>omit, insert—</i>	30

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

- ‘that— 1
- (a) for a notice given in the context of a crime investigation, 2
delay in the production of the document may result in— 3
- (i) its destruction, removal or concealment; or 4
- (ii) serious prejudice to the conduct of the 5
investigation; or 6
- (b) for a notice given in the context of the witness 7
protection function, delay in the production of the 8
document may threaten— 9
- (i) the security of a protected person; or 10
- (ii) the integrity of the witness protection program or 11
other witness protection activities of the 12
commission.’. 13

Clause 6 Insertion of new ch 3, pt 1, div 2A 14

After section 75— 15

insert— 16

**‘Division 2A Further power to require production 17
of documents or things at hearing 18**

‘75A Application of div 2A 19

‘This division applies only for a crime investigation or a 20
misconduct investigation. 21

‘75B Power to require immediate production 22

- ‘(1) The presiding officer at a commission hearing may require a 23
witness at the hearing to immediately produce a stated 24
document or thing that the presiding officer believes is 25
relevant to the investigation. 26

Note— 27

For a reasonable excuse for not producing the document or thing, see 28
section 185 for a crime investigation and section 188 for a misconduct 29
investigation. 30

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

- ‘(2) The presiding officer may adjourn the hearing to allow the person to comply with the requirement. 1
2
- ‘(3) The person does not, by complying with the requirement— 3
- (a) contravene a provision of an Act or a law imposing a statutory or commercial obligation or restriction to maintain secrecy in relation to the document or thing; or 4
5
6
- (b) incur any civil liability in relation to the document or thing.’. 7
8

- Clause 7 Amendment of s 82 (Notice to attend hearing—general) 9**
- (1) Section 82(1)(a) to (c)— 10
omit, insert— 11
- ‘(a) for a hearing in relation to a crime investigation or misconduct investigation— 12
13
- (i) to give evidence; or 14
- (ii) to produce a stated document or thing; or 15
- (iii) to establish a reasonable excuse or claim of privilege under section 72 or 74; 16
17
- (b) for a witness protection function hearing—to establish the reasonable excuse or claim of privilege the subject of the hearing.’. 18
19
20
- (2) Section 82(2)(a)— 21
omit, insert— 22
- ‘(a) whether it is issued in the context of— 23
- (i) a crime investigation; or 24
- (ii) without specifying which, a crime investigation or the witness protection function; or 25
26
- (iii) a misconduct investigation; and’ . 27
- (3) Section 82(4), from ‘about’— 28
omit, insert— 29
- ‘about— 30

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

- | | | |
|--|---|------------------|
| | (a) for an attendance notice issued in the context of a crime investigation or misconduct investigation—any matter that relates to an investigation; or | 1
2
3 |
| | (b) for an attendance notice issued in the context of a witness protection function hearing—any matter that relates to the matter for which the attendance notice was issued.’. | 4
5
6
7 |

- | | | |
|-----------------|---|----------------------|
| Clause 8 | Amendment of s 85 (Notices requiring immediate attendance may be issued only by or with the approval of a Supreme Court judge) | 8
9
10 |
| | (1) Section 85—
<i>insert—</i> | 11
12 |
| | ‘(1A) If the attendance notice is to be issued in the context of a witness protection function hearing, the chairperson must give the judge a certificate stating that the notice relates to a witness protection function hearing.’. | 13
14
15
16 |
| | (2) Section 85(2), from ‘that delay’—
<i>omit, insert—</i>
‘that— | 17
18
19 |
| | (a) for a notice issued in the context of a crime investigation or misconduct investigation, delay in attendance might result in— | 20
21
22 |
| | (i) the commission of an offence; or | 23 |
| | (ii) an offender or suspected offender absconding; or | 24 |
| | (iii) the loss or destruction of evidence; or | 25 |
| | (iv) serious prejudice to the conduct of an investigation being conducted by the commission; or | 26
27 |
| | (b) for a notice issued in the context of a witness protection function hearing, delay in attendance and resolution of the reasonable excuse or claim of privilege the subject of the hearing might threaten— | 28
29
30
31 |
| | (i) the security of a protected person; or | 32 |

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
- (ii) the integrity of the witness protection program or other witness protection activities of the commission.’.
 - (3) Section 85(3), ‘The attendance notice—
omit, insert—
‘An attendance notice issued in the context of a crime investigation or misconduct investigation’.
 - (4) Section 85—
insert—
 - ‘(4) For an attendance notice to be issued in the context of a witness protection function hearing, nothing in this section requires the chairperson to give the judge—
 - (a) information about the identity or former identity of a protected person; or
 - (b) details about the protection given to a protected person or the reasons for the protection; or
 - (c) information about the identity of any person if the information would threaten—
 - (i) the security of a protected person; or
 - (ii) the integrity of the witness protection program or other witness protection activities of the commission.
 - ‘(5) A certificate mentioned in subsection (1A) is evidence of the matters stated in it.’.

- 25
26
27
28
29
30
31
32
- Clause 9 Amendment of s 177 (Whether hearings are to be open or closed)**
- Section 177(2)(b)—
omit, insert—
 - ‘(b) for a witness protection function hearing, the commission may open the hearing to the public if it—
 - (i) considers opening the hearing will make the hearing more effective and—

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

- (A) would not be unfair to a person or contrary to the public interest; and 1
2
- (B) would not threaten the security of a protected person or the integrity of the witness protection program or other witness protection activities of the commission; and 3
4
5
6
- (ii) approves that the hearing be a public hearing; or 7
- (c) for a hearing other than a hearing mentioned in paragraph (a) or (b), the commission may open the hearing to the public if it— 8
9
10
 - (i) considers closing the hearing to the public would be unfair to a person or contrary to the public interest; and 11
12
13
 - (ii) approves that the hearing be a public hearing.’. 14

Clause 10 Amendment of s 178 (Who must conduct hearings) 15

- (1) Section 178(2)— 16
omit, insert— 17
- ‘(2) However, if the chairperson considers it necessary for the efficient operation of the commission, the public hearing may be conducted by an assistant commissioner as decided by the chairperson.’. 18
19
20
21
- (2) Section 178(4) to (7)— 22
omit. 23

Clause 11 Replacement of s 184 (Application of subdiv 1) 24

- Section 184— 25
omit, insert— 26
- ‘184 Application of sdiv 1** 27
- ‘This subdivision applies only in the context of— 28
 - (a) a crime investigation; or 29
 - (b) a witness protection function hearing.’. 30

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

Clause 12	Amendment of s 185 (Refusal to produce—claim of reasonable excuse)	1 2
	Section 185(1), after ‘notice’—	3
	<i>insert—</i>	4
	‘or a requirement made under section 75B’.	5
 Clause 13	 Amendment of s 188 (Refusal to produce—self-incrimination)	 6 7
	(1) Section 188, heading, ‘self-incrimination’—	8
	<i>omit, insert—</i>	9
	‘claim of reasonable excuse’.	10
	(2) Section 188(1)—	11
	<i>omit, insert—</i>	12
	‘(1) This section applies if a person is required to produce a stated document or thing—	13 14
	(a) to an identified commission officer under a notice to discover under section 75; or	15 16
	(b) at a commission hearing under an attendance notice; or	17
	(c) under a requirement under section 75B.’.	18
	(3) Section 188(2), from ‘A’ to ‘attendance notice’—	19
	<i>omit, insert—</i>	20
	‘The person’.	21
 Clause 14	 Replacement of s 189 (Application of subdiv 1)	 22
	Section 189—	23
	<i>omit, insert—</i>	24
	‘189 Application of sdiv 1	25
	‘This subdivision applies only in the context of the following—	26 27
	(a) a crime investigation;	28
	(b) a witness protection function hearing.’.	29

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

Clause 15	Replacement of s 193 (Application of subdiv 1)	1
	Section 193—	2
	<i>omit, insert—</i>	3
‘193	Application of sdiv 1	4
	‘This subdivision applies only in the context of the following—	5
	(a) a crime investigation;	7
	(b) a witness protection function hearing.’.	8
 Clause 16	 Amendment of s 194 (Presiding officer to decide whether refusal to answer questions or produce documents or things is justified)	 9 10 11
	Section 194(2), ‘a claim of privilege against self-incrimination’—	12 13
	<i>omit, insert—</i>	14
	‘self-incrimination privilege’.	15
 Clause 17	 Amendment of s 195B (Supreme Court to decide claim of privilege)	 16 17
	Section 195B(7), ‘is established on a ground of self-incrimination’—	18 19
	<i>omit, insert—</i>	20
	‘of self-incrimination privilege is established’.	21
 Clause 18	 Amendment of s 197 (Restriction on use of privileged answers, documents, things or statements disclosed or produced under compulsion)	 22 23 24
	(1) Section 197(1)—	25
	<i>omit, insert—</i>	26
	‘(1) This section applies if—	27
	(a) before an individual answers a question put to the individual by the commission or a commission officer or produces a document or thing or a written statement of	28 29 30

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

information to the commission or a commission officer,	1
the individual claims self-incrimination privilege in	2
relation to the answer or production; and	3
(b) apart from this Act, the individual would not be required	4
to answer the question or produce the document, thing	5
or statement in a proceeding if the individual claimed	6
self-incrimination privilege in relation to the answer or	7
production; and	8
(c) the individual is required to answer the question or	9
produce the document, thing or statement.’.	10
(2) Section 197(2) and (6), ‘person’—	11
<i>omit, insert</i> —	12
‘individual’.	13
(3) Section 197(3)(a), ‘person’s’—	14
<i>omit, insert</i> —	15
‘individual’s’.	16
(4) Section 197(3)(b)(i)—	17
<i>omit, insert</i> —	18
‘(i) the falsity or misleading nature of an answer,	19
document, thing or statement mentioned in	20
subsection (1) and given or produced by the	21
individual; or’.	22
(5) Section 197(5), ‘a person’—	23
<i>omit, insert</i> —	24
‘an individual’.	25
(6) Section 197(5), ‘the person’—	26
<i>omit, insert</i> —	27
‘the individual’.	28
Clause 19	
Amendment of s 213 (Secrecy)	29
Section 213(4)(b)(ii), after ‘investigation’—	30

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

insert—

‘conducted by the commission’.

Clause 20 Amendment of s 247 (Duration of appointment)

(1) Section 247(3)—

omit, insert—

‘(3) However, subject to subsection (3A), an assistant commissioner or senior officer must not hold office in the commission as an assistant commissioner or senior officer for more than 10 years in total.

Example—

A person held office as a senior officer for 7 years, comprising an appointment for an initial term of 5 years and a reappointment for a further term of 2 years. The person is appointed as an assistant commissioner for 3 years. The person must not continue in, or be reappointed to, the office at the end of the 3 year period, unless the reappointment is made under subsection (3A).

‘(3A) An assistant commissioner or senior officer who has held office in the commission as an assistant commissioner or senior officer for 10 years in total may be reappointed for a further term if the reappointment—

(a) is necessary for the efficient operation of the commission; and

(b) does not result in the person holding office in the commission as an assistant commissioner or senior officer for more than 15 years in total.

Example—

A person has held office in the commission for 10 years, comprising an appointment as a senior officer for a term of 5 years and an appointment as an assistant commissioner for a term of 5 years. At the end of the 5 year period, the person may be reappointed as an assistant commissioner for a further term of not more than 5 years.

‘(3B) Any time a person held office in the commission as either an assistant commissioner or senior officer before the commencement of this subsection must be included in working out the number of years under subsection (3) or (3A).’.

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

- (2) Section 247(4), ‘Subsection (3) has’— 1
omit, insert— 2
‘Subsections (3) to (3B) have’. 3
(3) Section 247(5), examples— 4
omit, insert— 5
‘*Examples of senior officers whose duties support the commission’s functions—*’ 6
7
 - an officer whose principal duties relate to information technology matters 8
9
 - an officer whose principal duties relate to financial matters 10
 - an officer whose principal duties relate to human resource management matters’. 11
12

Clause 21 Insertion of new s 247A 13

After section 247— 14
insert— 15

‘247A Notice to parliamentary committee 16

- ‘(1) If a person is reappointed for a further term under section 17
247(3A), the chairperson must give the parliamentary 18
committee written notice of the appointment. 19
(2) The notice must state the following— 20
(a) the name of the person appointed for the further term; 21
(b) the position the person holds in the commission; 22
(c) why the person’s appointment for the further term is 23
necessary for the efficient operation of the commission; 24
(d) the period of the further term.’. 25

Clause 22 Amendment of s 255 (Secondment of officers) 26

Section 255(2)— 27
omit, insert— 28

- ‘(2) The arrangement is not effective unless it has been approved 29
by— 30

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

- | | | |
|--|--|-------------------------------|
| | (a) for a secondment of an officer or employee of the parliamentary service—the Speaker; or | 1
2 |
| | (b) for a secondment of a member of the police service—the Minister and the Minister administering the <i>Police Service Administration Act 1990</i> ; or | 3
4
5 |
| | (c) for a secondment of another officer or employee— | 6 |
| | (i) if the secondment is to a position at a level equivalent to or above the level of a senior officer under the <i>Public Service Act 1996</i> —the Minister and the Minister responsible for the unit of public administration from which the person is to be seconded; or | 7
8
9
10
11
12 |
| | (ii) if the secondment is to a position at another level—the chief executive of the unit of public administration from which the person is to be seconded.’. | 13
14
15
16 |

- | | | |
|------------------|--|----------------|
| Clause 23 | Amendment of s 260 (Performance) | 17 |
| | Section 260(5), from ‘that would’— | 18 |
| | <i>omit, insert</i> — | 19 |
| | ‘that, if given— | 20 |
| | (a) would prejudice a current sensitive operation of, or investigation by, the commission; or | 21
22 |
| | (b) may threaten— | 23 |
| | (i) the security of a protected person; or | 24 |
| | (ii) the integrity of the witness protection program or other witness protection activities of the commission.’. | 25
26
27 |

- | | | |
|------------------|---|----|
| Clause 24 | Amendment of s 269 (Delegation—commission) | 28 |
| | (1) Section 269(2), table, entry for section 254— | 29 |
| | <i>omit.</i> | 30 |
| | (2) Section 269— | 31 |

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

insert—

- ‘(3) Also, 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 may only be delegated to the chairperson.’.

		1
		2
		3
		4
		5
Clause 25	Amendment of s 295 (Referral of concerns by parliamentary committee)	6
		7
	(1) Section 295(1)(a), from ‘activities’—	8
	<i>omit, insert—</i>	9
	‘activities of the commission or a commission officer; or’.	10
	(2) Section 295(1)(b), ‘or former commission officer’—	11
	<i>omit.</i>	12
Clause 26	Amendment of s 305 (Disqualifications as parliamentary commissioner)	13
		14
	Section 305(3), definition <i>ineligible person</i> , ‘or former commission officer’—	15
		16
	<i>omit.</i>	17
Clause 27	Amendment of s 312 (Termination of appointment)	18
		19
	Section 312(4), definition <i>ineligible person</i> , ‘or former commission officer’—	20
		21
	<i>omit.</i>	21
Clause 28	Amendment of s 318 (Parliamentary commissioner may conduct hearings in limited circumstances)	22
		23
	Section 318(11)—	24
	<i>omit.</i>	25

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

Clause 29	Amendment of s 321 (Confidentiality obligations not to apply)	1 2
	(1) Section 321(2), definition <i>commission officer</i> — <i>omit.</i>	3 4
	(2) Section 321(2), definition <i>relevant person</i> — <i>omit, insert—</i>	5 6
	‘ <i>relevant person</i> means a person—	7
	(a) who is a commission officer; or	8
	(b) who is or was a person holding an appointment in a unit of public administration.’	9 10
Clause 30	Amendment of s 326 (Monitor’s functions)	11
	Section 326(1)(d), after ‘give to the commission’— <i>insert—</i>	12 13
	‘and the parliamentary committee’.	14
Clause 31	Amendment of s 329 (Duty of chairperson to notify improper conduct to the parliamentary committee)	15 16
	Section 329(2), definition <i>commission officer</i> — <i>omit.</i>	17 18
Clause 32	Amendment of s 341 (Personnel changes do not affect commission’s power to make findings or report)	19 20
	Section 341(2), after ‘investigation’— <i>insert—</i>	21 22
	‘or anything done under this Act for the witness protection function’.	23 24
Clause 33	Amendment of s 343 (Information disclosure and privilege)	25 26
	Section 343—	27

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

insert—

- ‘(3) To remove any doubt, it is declared that only a person who is an individual may claim self-incrimination privilege under this Act.’.

Clause 34 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definition *commission officer—*

omit.

- (2) Schedule 2—

insert—

‘commission officer—

- (a) means, generally—

(i) a commissioner; or

(ii) an assistant commissioner; or

(iii) a senior officer; or

(iv) a person employed under section 254 or seconded under section 255; or

(v) a person engaged under section 256; or

(vi) a police officer authorised by the chairperson under section 272(2); and

- (b) in sections 295, 305(3), 314(2)(b)(ii), 318(4), 321(2), 322(3), 329 and 331(4), includes—

(i) a former commission officer; and

(ii) a person who was a commissioner or an officer of the commission under the *Criminal Justice Act 1989*; and

(iii) a person who was engaged by the commission under the *Criminal Justice Act 1989*, section 66; and

(iv) a person who was a commission member, or an officer or employee of the Queensland crime

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

- 1
2
- 3
4
- 5
- 6
7
8
9
- 10
- 11
12
13
- 14
15
16
17
- 18
- 19
20
21
- 22
- 23
24
25
- 26
- 27
28
- 29
30
31
- 32
33
34
35
- commission, under the *Crime Commission Act 1997*; and
- (c) in chapter 3, part 6A—includes an officer or employee of a declared agency.
- Note—*
- The reference to a declared agency is a reference to a declared agency within the meaning of that term as inserted by the *Cross-Border Law Enforcement Legislation Amendment Act 2005*.
- conduct**, for chapter 1, part 4, division 2, see section 14.
- holder of an appointment** means the holder of an appointment in a unit of public administration as mentioned in section 21.
- other witness protection activities**, of the commission, means activities of the commission under the *Witness Protection Act 2000* relating to interim protection agreements or short-term protection arrangements within the meaning of that Act.
- protected person** means a person who is, or has been—
- (a) included in the witness protection program; or
- (b) given protection under the *Witness Protection Act 2000*, section 9 or part 2A.
- Note—*
- The *Witness Protection Act 2000*, section 9 deals with interim protection and part 2A deals with arrangements for short-term protection.
- public hearing** means a hearing that is open to the public.
- self-incrimination privilege** means the privilege an individual may claim at law on the ground of self-incrimination.
- witness protection function** means the function the commission has under the *Witness Protection Act 2000* in relation to witness protection.
- witness protection function hearing** means a hearing to establish a reasonable excuse or claim of privilege in relation to a notice to produce issued, under section 74, in the context of the witness protection function.

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

- witness protection program** has the same meaning as in the *Witness Protection Act 2000*.’. 1
2
- (3) Schedule 2, definition *ineligible person*, paragraph (a), after 3
‘convicted’— 4
insert— 5
‘, including by summary conviction,’. 6
- (4) Schedule 2, definition *ineligible person*, paragraph (f)— 7
omit, insert— 8
‘(f) a person appointed as the public interest monitor or a 9
deputy public interest monitor under this Act or the 10
Police Powers and Responsibilities Act 2000; 11
(fa) a person appointed to act as the public interest monitor 12
or a deputy public interest monitor under this Act or the 13
Police Powers and Responsibilities Act 2000.’. 14
- (5) Schedule 2, definition *member*, after ‘means’— 15
insert— 16
‘the’. 17
- (6) Schedule 2, definition *notice to produce*, paragraph (a)— 18
omit, insert— 19
‘(a) for a crime investigation or the witness protection 20
function—see section 74; or’. 21
- (7) Schedule 2, definition *privilege*, paragraph (a)— 22
omit, insert— 23
‘(a) in the context of a crime investigation or the witness 24
protection function— 25
(i) legal professional privilege; or 26
(ii) self-incrimination privilege; or’. 27
- (8) Schedule 2, definition *privilege*, paragraph (c)(iv)— 28
omit, insert— 29
‘(iv) self-incrimination privilege;’. 30

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

Clause 35	Insertion of new ch 8, pt 4	1
	Chapter 8—	2
	<i>insert—</i>	3
‘Part 4	Transitional provision for Crime and Misconduct and Other Legislation Amendment Act 2006	4 5 6 7
‘383	Declaration about repeal of Cross-Border Law Enforcement Legislation Amendment Act 2005, s 73(3)	8 9 10
	‘(1) This section applies if the Crime and Misconduct provision has effect before the Cross-Border provision has effect.	11 12
	‘(2) The Cross-Border provision is repealed when the Crime and Misconduct provision has effect.	13 14
	‘(3) In this section—	15
	<i>Crime and Misconduct provision</i> means the <i>Crime and Misconduct and Other Legislation Amendment Act 2006</i> , section 34(2), to the extent it inserts the definition <i>commission officer</i> .	16 17 18 19
	<i>Cross-Border provision</i> means the <i>Cross-Border Law Enforcement Legislation Amendment Act 2005</i> , section 73(3).’.	20 21 22
Part 3	Amendment of Misconduct Tribunals Act 1997	23 24
Clause 36	Act amended in pt 3	25
	This part amends the <i>Misconduct Tribunals Act 1997</i> .	26

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

Clause 37	Amendment of s 4 (Dictionary)	1
	Section 4, ‘schedule 2’—	2
	<i>omit, insert—</i>	3
	‘the schedule’.	4
Clause 38	Replacement of s 5 (Appointment of misconduct tribunal panel members)	5 6
	Section 5—	7
	<i>omit, insert—</i>	8
‘5	Appointment of misconduct tribunal panel members	9
	‘(1) The Governor in Council may, by gazette notice, appoint as many qualified persons as the Minister considers appropriate as members of a panel of misconduct tribunal members (the <i>tribunal panel</i>).	10 11 12 13
	‘(2) The Governor in Council is to appoint 1 tribunal member as the senior member of the tribunal panel (the <i>senior member</i>).	14 15
	‘(3) In this section—	16
	<i>qualified person</i> means a person who is qualified, under section 6, for appointment as a tribunal member.’.	17 18
Clause 39	Amendment of s 6 (Qualifications of tribunal members)	19
	Section 6(2) and (3)—	20
	<i>omit, insert—</i>	21
	‘(2) An ineligible person is not qualified for appointment as a tribunal member.	22 23
	‘(3) If a tribunal member becomes an ineligible person, the member can not continue as a tribunal member.’.	24 25
Clause 40	Amendment of s 7 (Nomination for appointment as tribunal member)	26 27
	(1) Section 7(1)(c), from ‘support’ to ‘members’—	28
	<i>omit, insert—</i>	29

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

‘bipartisan support’. 1

(2) Section 7(2)— 2

omit, insert— 3

‘(2) Subsection (1)(a) does not apply to the nomination of a person
for reappointment as a tribunal member. 4
5

‘(3) In this section— 6

bipartisan support, of the parliamentary committee, means— 7

(a) support of the members of the parliamentary committee
unanimously; or 8
9

(b) support of a majority of the members, other than a
majority consisting wholly of members of the political
party or parties in government in the Legislative
Assembly.’. 10
11
12
13

Clause 41 Insertion of new s 7A 14

After section 7— 15

insert— 16

‘7A Report about person’s criminal history 17

‘(1) To help decide whether a person is suitable for nomination for
appointment as a tribunal member, the Minister may ask the
commissioner of the police service for a written report about
the person’s criminal history. 18
19
20
21

‘(2) However, the Minister may make a request about a person
under subsection (1) only if the person has given the Minister
written consent for the request. 22
23
24

‘(3) If asked by the Minister, the commissioner of the police
service must give the Minister a written report about the
criminal history of the person. 25
26
27

‘(4) The duty imposed on the commissioner of the police service
applies only to information in the commissioner’s possession
or to which the commissioner has access. 28
29
30

‘(5) In having regard to the report, the Minister must consider the
nature of any offence mentioned in the report and the 31
32

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

relevance of the offence to the person's suitability for
nomination for appointment as a tribunal member. 1
2

'(6) The Minister must destroy the report as soon as practicable
after it is no longer needed for the purpose for which it was
requested. 3
4
5

'(7) In this section— 6

criminal history, of a person, means every conviction of the
person for an offence, in Queensland or elsewhere, whether
before or after the commencement of this section.' 7
8
9

Clause 42 Insertion of new s 9A 10

After section 9— 11

insert— 12

'9A Appointment of acting senior member 13

'The Governor in Council is to appoint a tribunal member to
act as the senior member— 14
15

(a) for any period, or all periods, when the senior member is
absent from duty or the State, or can not for another
reason perform the duties of the office; or 16
17
18

(b) for any period, or all periods, that the office is vacant
because of the operation of section 19A(2)(b); or 19
20

(c) for any period that the office is otherwise vacant.' 21

Clause 43 Insertion of new s 19A 22

After section 19— 23

insert— 24

'19A Disclosure of interests 25

'(1) If a tribunal member becomes aware that the member has a
conflict of interest in a proceeding before a tribunal
constituted by the member, the member must disclose the
issue giving rise to the conflict— 26
27
28
29

(a) if the member is the senior member— 30

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

- (i) to the person appointed under section 9A(b) to act as the senior member during a vacancy in the office of senior member; and
- (ii) to the parties to the proceeding; or
- (b) otherwise—to the senior member and the parties to the proceeding.
- ‘(2) After making the disclosure—
- (a) the member must disqualify himself or herself from the proceeding; and
- (b) if the member is the senior member, the member is taken to have vacated the member’s office as senior member for the remainder of the proceeding.
- ‘(3) If the disqualified member is not the senior member, the senior member must, under section 11, choose a member other than the disqualified member to reconstitute the tribunal.
- ‘(4) If the disqualified member is the senior member, the acting senior member must, under section 11, choose a member other than the disqualified member to reconstitute the tribunal.
- ‘(5) The tribunal as reconstituted must continue and finish the proceeding and, for that purpose, may have regard to any record relating to the proceeding made by the tribunal as previously constituted.’.

- Clause 44 Amendment of s 39 (Annual report)**
- (1) Section 39, ‘2 months’—
omit, insert—
‘4 months’.
 - (2) Section 39—
insert—
 - ‘(2) The Minister must table the report in the Legislative Assembly within 14 sitting days after receiving the report.’.

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

Clause 45	Replacement of pt 7 hdg (Transitional provisions and amendments)	1 2
	Part 7, heading—	3
	<i>omit, insert—</i>	4
	‘Part 7	Transitional provisions
		5
	‘Division 1	Provisions for Misconduct Tribunals Act 1997’.
		6 7
Clause 46	Insertion of new pt 7, div 2	8
	Part 7—	9
	<i>insert—</i>	10
	‘Division 2	Provisions for Crime and Misconduct and Other Legislation Amendment Act 2006
		11 12 13
‘48	Existing members of tribunal	14
	‘(1) This section applies to a person who was a member or the senior member of the tribunal panel immediately before the commencement of the <i>Crime and Misconduct and Other Legislation Amendment Act 2006</i> , section 38.	15 16 17 18
	‘(2) On the commencement, the person continues to hold office as a member or the senior member of the tribunal panel according to the terms of the member’s appointment.’.	19 20 21
Clause 47	Amendment of sch 2 (Dictionary)	22
	(1) Schedule 2—	23
	<i>insert—</i>	24
	‘conviction—	25
	(a) means a finding of guilt, or the acceptance of a plea of guilty, by a court, whether or not a conviction is recorded; and	26 27 28
	(b) includes a conviction—	29

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

- | | | |
|---|---|----------------------|
| (i) | for which the rehabilitation period under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> has expired under that Act; and | 1
2
3 |
| (ii) | that is not revived as prescribed by section 11 of that Act. | 4
5 |
| <i>ineligible person</i> means any of the following— | | 6 |
| (a) | a person with a conviction, including a summary conviction, for an indictable offence; | 7
8 |
| (b) | a person who is an insolvent under administration as defined under the Corporations Act, section 9; | 9
10 |
| (c) | a person holding judicial appointment; | 11 |
| (d) | a member of the Legislative Assembly or the Executive Council; | 12
13 |
| (e) | the parliamentary commissioner under the <i>Crime and Misconduct Act 2001</i> ; | 14
15 |
| (f) | the public interest monitor or a deputy public interest monitor appointed under the <i>Crime and Misconduct Act 2001</i> or the <i>Police Powers and Responsibilities Act 2000</i> ; | 16
17
18
19 |
| (g) | a person who, under the <i>Crime and Misconduct Act 2001</i> , is— | 20
21 |
| (i) | a commissioner; or | 22 |
| (ii) | an assistant commissioner; or | 23 |
| (iii) | a senior officer; or | 24 |
| (iv) | employed under section 254; or | 25 |
| (v) | seconded under section 255; | 26 |
| (h) | the director of public prosecutions; | 27 |
| (i) | a member of the police service under the <i>Police Service Administration Act 1990</i> ; | 28
29 |
| (j) | a person who, within the 5 years before the person's eligibility for appointment is being considered, has been a member of the police service under the <i>Police Service Administration Act 1990</i> ; | 30
31
32
33 |

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

- | | |
|--|-------------|
| (k) a public service employee; | 1 |
| (l) a person who holds an appointment on the staff of a Minister; | 2
3 |
| (m) a local government councillor; | 4 |
| (n) a local government employee. | 5 |
| <i>tribunal member</i> means an individual who is appointed as a member of a panel of misconduct tribunal members under section 5.’. | 6
7
8 |
| (2) Schedule 2, definition <i>senior member</i> , ‘section 5(3)’— | 9 |
| <i>omit, insert—</i> | 10 |
| ‘section 5(2)’. | 11 |
| (3) Schedule 2— | 12 |
| <i>renumber</i> as schedule. | 13 |

Part 4	Amendment of Police Powers and Responsibilities Act 2000	14 15
---------------	---	----------

- | | | |
|------------------|--|----------------------------|
| Clause 48 | Act amended in pt 4 | 16 |
| (1) | This part amends the <i>Police Powers and Responsibilities Act 2000</i> . | 17
18 |
| (2) | A reference in this part to a provision of the <i>Police Powers and Responsibilities Act 2000</i> is a reference to the provision as numbered before relocation and renumbering under the <i>Cross-Border Law Enforcement Legislation Amendment Act 2005</i> and any subsequent renumbering under another Act. | 19
20
21
22
23 |
| (3) | If the provision is relocated and renumbered, or subsequently renumbered, as mentioned in subsection (2), the reference in this part to the provision is taken to be a reference to the provision as relocated and renumbered, or subsequently renumbered. | 24
25
26
27
28 |

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

Clause 49	Amendment of s 159 (Monitor’s functions)	1
	Section 159—	2
	<i>insert—</i>	3
	‘(2A) If a report under subsection (2) includes a report on noncompliance involving police officers who are also commission officers under the <i>Crime and Misconduct Act 2001</i> , the monitor must also give a copy of the report to—	4
	(a) the CMC; and	5
	(b) the Parliamentary Crime and Misconduct Committee of the Legislative Assembly.’.	6
		7
		8
		9
		10
Clause 50	Expiry of pt 4	11
	This part expires immediately after section 49 has effect.	12
 Part 5		
Amendment of Whistleblowers Protection Act 1994		13
		14
Clause 51	Act amended in pt 5	15
	This part amends the <i>Whistleblowers Protection Act 1994</i> .	16
Clause 52	Amendment of s 47 (Right to apply for Industrial Commission injunction)	17
	(1) Section 47(1)(a), from ‘1999’—	18
	<i>omit, insert—</i>	19
	‘1999; and’.	20
	(2) Section 47(1)(b), from ‘1999’ to ‘flexibility agreement’—	21
	<i>omit, insert—</i>	22
	‘1999 or an industrial instrument’.	23
	(3) Section 47(3), ‘section 5’—	24
		25

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

<i>omit, insert—</i>	1
‘section 277 ¹ ’.	2
(4) Section 47(5), ‘, section 5’—	3
<i>omit.</i>	4

Part 6	Amendment of Witness Protection Act 2000	5 6
---------------	---	--------

Clause 53	Act amended in pt 6	7
	<i>This part amends the <i>Witness Protection Act 2000</i>.</i>	8
Clause 54	Amendment of s 8 (Content of protection agreement)	9
	Section 8(2)(a)(iii) and (iv), ‘compromise’—	10
	<i>omit, insert—</i>	11
	‘threaten’.	12
Clause 55	Amendment of s 12 (Suspension of protection agreement)	13 14
	Section 12(1)—	15
	<i>omit, insert—</i>	16
	‘(1) This section applies if the chairperson is satisfied that, because of something a protected witness has done or intends to do—	17 18 19
	(a) the integrity of the program or other witness protection activities of the commission are threatened; or	20 21

1 *Industrial Relations Act 1999*, section 277 (Power to grant injunctions)

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

	<i>Example—</i>	1
	The protected witness discloses information about the methodology of the program or the identity of witness protection officers.	2 3 4
	(b) the protected witness can not be properly protected under the program.	5 6
	<i>Examples—</i>	7
	1 The protected witness may be temporarily in custody in a watch-house.	8 9
	2 The protected witness may be imprisoned for an offence.	10
	3 The protected witness may intend to travel to a place despite the chairperson having advised the person not to go there because of the risk of harm to the person.’.	11 12 13
Clause 56	Amendment of s 14 (When chairperson may end protection under program)	14 15
	(1) Section 14(1)(a)(iii), ‘under’—	16
	<i>omit, insert—</i>	17
	‘mentioned in’.	18
	(2) Section 14(1)(b), from ‘because’—	19
	<i>omit, insert—</i>	20
	‘because—	21
	(i) the integrity of the program or other witness protection activities of the commission are threatened because of something the protected witness has done or intends to do; or	22 23 24 25
	(ii) the protected witness can not be properly protected under the program because of something the protected witness has done or intends to do.’.	26 27 28
Clause 57	Insertion of new pt 2A	29
	After section 14—	30
	<i>insert—</i>	31

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

'Part 2A	Arrangements for short-term protection	1 2
'14A Application of pt 2A		3
'(1) This part applies to a person if—		4
(a) the person is not included, or being considered for inclusion, in the program; but		5 6
(b) the chairperson considers—		7
(i) the person needs the type of protection available under the program for a specific purpose and for a specific period because of a danger arising from a circumstance mentioned in subsection (2); and		8 9 10 11
<i>Example—</i>		12
The chairperson may consider that a person needs protection to safely attend court to give evidence.		13 14
(ii) it is appropriate to provide the protection.		15
'(2) For subsection (1)(b)(i), the circumstances are that the person—		16 17
(a) has helped, or is helping, a law enforcement agency in the performance of its functions; or		18 19
(b) has a relationship or association with a person who has helped, or is helping, a law enforcement agency in the performance of its functions.		20 21 22
<i>Example for paragraph (b)—</i>		23
a family member or an associate of a person who has helped a law enforcement agency in a criminal investigation		24 25
'(3) In deciding under subsection (1)(b)(ii) whether it is appropriate to provide the protection, the chairperson—		26 27
(a) may have regard to any of the matters mentioned in section 6(3); and		28 29
(b) must consider whether it would be more appropriate to include the person in the program and, if necessary, make an interim protection agreement with the person.		30 31 32

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

‘14B Arrangements for short term protection	1
‘(1) The chairperson may enter into an arrangement for a specific purpose and for a specific period (a <i>short-term protection arrangement</i>) with a person to whom this part applies.	2 3 4
‘(2) The arrangement must state the purpose and period for which it is made.	5 6
‘(3) The arrangement may include conditions of a kind mentioned in section 8 that the chairperson considers appropriate.	7 8
‘(4) Unless it is sooner ended under section 14E or 14F, the arrangement ends on the day the earlier of the following happens—	9 10 11
(a) the purpose is completed;	12
(b) the period ends.	13
‘14C Variation of short-term protection arrangement	14
‘(1) A short-term protection arrangement may be varied—	15
(a) by agreement between the chairperson and the person protected under the arrangement (the <i>short-term protected person</i>); or	16 17 18
(b) by the chairperson.	19
‘(2) If the arrangement is varied by agreement, the variation takes effect on the day stated in the agreement or, if no day is stated, the day after the agreement is made.	20 21 22
‘(3) However, if the chairperson proposes to vary the arrangement without agreement, the chairperson must, before varying the arrangement—	23 24 25
(a) notify the short-term protected person of the proposed variation and the reason for the variation; and	26 27
(b) give the person a reasonable opportunity to comment on the proposed variation.	28 29
‘(4) If, after considering any comments, the chairperson still proposes to vary the arrangement, the chairperson may vary the arrangement by notice given to the short-term protected person.	30 31 32 33

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

‘(5) The variation takes effect on the day after the notice is received by the short-term protected person.	1 2
‘14D Suspension of short-term protection arrangement	3
‘(1) This section applies if the chairperson is satisfied that, because of something a short-term protected person has done or intends to do—	4 5 6
(a) the integrity of the program or other witness protection activities of the commission are threatened; or	7 8
(b) the short-term protected person can not be properly protected under the short-term protection arrangement.	9 10
‘(2) The chairperson may suspend the short-term protection arrangement for a stated reasonable time by notice given to the short-term protected person.	11 12 13
‘(3) This section does not limit section 14F.	14
‘14E Voluntary ending of short-term protection arrangement	15 16
‘(1) A short-term protected person may end the person’s short-term protection arrangement by written or oral notice given to the chairperson.	17 18 19
‘(2) If the notice is given orally, the chairperson must take reasonable steps to have the notice confirmed in writing.	20 21
‘(3) If the short-term protected person is unwilling or unable to confirm the notice in writing, the chairperson must satisfy himself or herself that the oral notice was in fact given by the person.	22 23 24 25
‘(4) If the chairperson is satisfied the short-term protected person did give notice of the ending of the arrangement, the chairperson may end the arrangement—	26 27 28
(a) if the notice was written—on the day stated in the notice or, if no day is stated, the day after the chairperson receives the notice; or	29 30 31
(b) if the notice was given orally—on the day after the chairperson is satisfied the oral notice was in fact given.	32 33

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

‘14F	When chairperson may end short-term protection arrangement	1 2
‘(1)	The chairperson may end a short-term protection arrangement if—	3 4
(a)	the chairperson is satisfied—	5
(i)	the short-term protected person has committed an offence against a law of the Commonwealth or a State that is punishable by at least 1 year’s imprisonment; or	6 7 8 9
(ii)	the short-term protected person has, without reasonable excuse, contravened a condition identified in the arrangement as a condition that, if contravened, may result in the ending of the arrangement; or	10 11 12 13 14
(b)	the chairperson considers it is no longer appropriate for the short-term protected person to be protected, including, for example—	15 16 17
(i)	because—	18
(A)	the integrity of the program or other witness protection activities of the commission are threatened because of something the person has done or intends to do; or	19 20 21 22
(B)	the person can not be properly protected under the arrangement because of something the person has done or intends to do; or	23 24 25
(ii)	because the circumstances, mentioned in section 14A(2), for which the arrangement was made have changed or no longer exist.	26 27 28
‘(2)	Before ending the arrangement, the chairperson must take the steps the chairperson considers are reasonably necessary—	29 30
(a)	to inform the short-term protected person—	31
(i)	why it is proposed to end the arrangement; and	32
(ii)	when the arrangement will end; and	33

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

(b) to give the short-term protected person a reasonable opportunity to state why the arrangement should not end. 1
2
3

‘(3) After considering any response, the chairperson may end the arrangement on the date stated under subsection (2)(a)(ii) or decide not to end the arrangement. 4
5
6

‘(4) If— 7

(a) the chairperson ends the arrangement; and 8

(b) the short-term protected person acknowledges that the arrangement has ended; and 9
10

(c) immediately before the arrangement ended, the short-term protected person was receiving financial help under the arrangement; 11
12
13

the chairperson may continue to provide financial help to the person for the period the chairperson considers appropriate.’. 14
15

Clause 58 Replacement of s 36 (Offence of disclosures about protected witnesses or officers) 16
17

Section 36— 18

omit, insert— 19

‘36 Offence of disclosure about particular persons or the program 20
21

‘(1) A person must not knowingly, directly or indirectly, disclose or record information about a relevant person or the witness protection program that may threaten— 22
23
24

(a) the security of a relevant person; or 25

(b) the integrity of the program or other witness protection activities of the commission. 26
27

Maximum penalty—10 years imprisonment. 28

‘(2) Subsection (1) does not apply to a disclosure or record that— 29

(a) is necessary to provide witness protection; or 30

(b) is made with the chairperson’s consent; or 31

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

- (c) is otherwise required for the administration of this Act or the *Crime and Misconduct Act 2001*; or 1
2
- (d) is either— 3
- (i) permitted by leave given under section 27 before the commencement of section 27A (as inserted by the *Cross-Border Law Enforcement Legislation Amendment Act 2005*); or 4
5
6
7
- (ii) permitted by leave, or required by an order, given under section 27A. 8
9
- ‘(3) In this section— 10
- disclose* information, includes allow access to the information. 11
12
- relevant person* means a person who is, or has been— 13
- (a) included in the witness protection program; or 14
- (b) protected under an interim protection agreement; or 15
- (c) protected under a short-term protection arrangement; or 16
- (d) a witness protection officer for whom an authorisation has been given under section 20A(1).’ 17
18

- Clause 59 Replacement of s 37 (Offence of disclosure by prescribed persons)** 19
20
- Section 37— 21
- omit, insert—* 22
- ‘37 Offence of disclosure by prescribed persons** 23
- ‘(1) A prescribed person must not, directly or indirectly, disclose or communicate to another person— 24
25
- (a) that the prescribed person or someone else known to the prescribed person has— 26
27
- (i) undergone assessment for inclusion in the program; or 28
29
- (ii) signed a protection agreement; or 30

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

(iii) undergone assessment for an interim protection agreement or short-term protection arrangement; or	1 2 3
(iv) signed an interim protection agreement or entered into a short-term protection arrangement; or	4 5
(b) details of a protection agreement signed by the prescribed person or someone else known to the prescribed person; or	6 7 8
(c) details of an interim protection agreement signed by the protected person or someone else known to the protected person; or	9 10 11
(d) details of a short-term protection arrangement entered into by the protected person or someone else known to the protected person; or	12 13 14
(e) information about anything done under this Act by—	15
(i) a person who was the chairperson of the Criminal Justice Commission under the <i>Criminal Justice Act 1989</i> or an officer of the witness protection division of that commission; or	16 17 18 19
(ii) the chairperson or a witness protection officer; or	20
(f) information gained by the person because of something done under this Act and about—	21 22
(i) a person who was an officer of the witness protection division of the Criminal Justice Commission under the <i>Criminal Justice Act 1989</i> ; or	23 24 25 26
(ii) a witness protection officer.	27
Maximum penalty—1 year’s imprisonment.	28
‘(2) Subsection (1) does not apply to a disclosure or communication—	29 30
(a) authorised by the chairperson; or	31
(b) necessary to give effect to a new identity authority; or	32
(c) that is either—	33

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

	<ul style="list-style-type: none"> <li style="margin-left: 40px;">(i) permitted by leave given under section 27 before the commencement of section 27A (as inserted by the <i>Cross-Border Law Enforcement Legislation Amendment Act 2005</i>); or <li style="margin-left: 40px;">(ii) permitted by leave, or required by an order, given under section 27A; or <li style="margin-left: 20px;">(d) to the parliamentary committee. 	<p>1 2 3 4 5 6 7</p>
	‘(3) In this section—	8
	<i>prescribed person</i> means—	9
	<ul style="list-style-type: none"> <li style="margin-left: 20px;">(a) a protected witness; or <li style="margin-left: 20px;">(b) a former protected witness; or <li style="margin-left: 20px;">(c) a person who has undergone assessment for inclusion in the program; or <li style="margin-left: 20px;">(d) a person who is, or has been, given protection under section 9 or part 2A; or 	<p>10 11 12 13 14 15</p>
	<i>Note—</i>	16
	Section 9 deals with interim protection and part 2A deals with arrangements for short-term protection.	<p>17 18</p>
	<ul style="list-style-type: none"> <li style="margin-left: 20px;">(e) a person who has undergone assessment for protection under section 9 or part 2A.’. 	19 20
Clause 60	Amendment of s 48 (Delegation)	21
	Section 48(2)(a), after ‘interim protection’—	22
	<i>insert—</i>	23
	‘or protection under a short-term protection arrangement’.	24
Clause 61	Amendment of sch 2 (Dictionary)	25
	Schedule 2—	26
	<i>insert—</i>	27
	‘ <i>other witness protection activities</i> , of the commission, means activities of the commission under this Act relating to interim protection agreements or short-term protection arrangements.	<p>28 29 30</p>

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

- short-term protected person* see section 14C(1). 1
- short-term protection arrangement* see section 14B(1). 2

*Crime and Misconduct and Other Legislation
Amendment Bill 2006*

Schedule	Minor amendments of Crime and Misconduct Act 2001	1
		2
	section 3	3
1	Chapter 3, part 1, division 2, subdivision 1, heading, after ‘investigations’—	4
	<i>insert—</i>	5
	<i>insert—</i>	6
	‘and witness protection function’.	7
2	Section 166(6), definition <i>prescribed information</i>, paragraph (a)—	8
	<i>insert—</i>	9
	<i>insert—</i>	10
	‘(ix) monitoring orders; or	11
	(x) suspension orders; or’.	12
3	Section 169(2)(b) and (c)—	13
	<i>renumber</i> as section 169(2)(a) and (b).	14
4	Chapter 4, part 2, division 2, subdivision 1, heading, after ‘investigations’—	15
	<i>insert—</i>	16
	<i>insert—</i>	17
	‘and witness protection function’.	18
5	Chapter 4, part 2, division 3, subdivision 1, heading, after ‘investigations’—	19
	<i>insert—</i>	20
	<i>insert—</i>	21
	‘and witness protection function’.	22

Schedule (continued)

6	Chapter 4, part 2, division 4, subdivision 1, heading, after 'investigations'— <i>insert—</i> 'and witness protection function'.	1 2 3 4
7	Section 221A, '1997— <i>omit, insert—</i> '1977'.	5 6 7
8	Section 322(1)(b), after 'evidence'— <i>insert—</i> 'under this part'.	8 9 10
9	Section 323, 'parliamentary committee under the <i>Parliamentary Papers Act 1992</i>— <i>omit, insert—</i> 'statutory committee under the <i>Parliament of Queensland Act 2001</i>'.	11 12 13 14 15