



Crime and Corruption (Reporting) Amendment Bill 2024



Queensland

Crime and Corruption (Reporting) Amendment Bill 2024

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| | | |
|----|---|----|
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2024

A Bill

for

**An Act to amend the *Crime and Corruption Act 2001* for
particular purposes**

| | | |
|-----------------|---|----------------|
| | The Parliament of Queensland enacts— | 1 |
| Clause 1 | Short title | 2 |
| | This Act may be cited as the <i>Crime and Corruption (Reporting) Amendment Act 2024</i> . | 3 4 |
| Clause 2 | Commencement | 5 |
| | This Act commences on a day to be fixed by proclamation. | 6 |
| Clause 3 | Act amended | 7 |
| | This Act amends the <i>Crime and Corruption Act 2001</i> . | 8 |
| Clause 4 | Amendment of s 35 (How commission performs its corruption functions) | 9 10 |
| | Section 35(1)— | 11 |
| | <i>insert—</i> | 12 |
| | (k) reporting in certain circumstances on completed corruption investigations; | 13 14 |
| | (l) making public statements about corruption in the public interest under part 6. | 15 16 |
| Clause 5 | Amendment of s 50 (Commission may apply to QCAT about corrupt conduct) | 17 18 |
| | (1) Section 50(3), definition <i>prescribed person</i> , paragraph (b)— | 19 |
| | <i>omit, insert—</i> | 20 |
| | (b) a person— | 21 |
| | (i) who holds an appointment as a public sector employee in a unit of public administration; or | 22 23 24 |

- (ii) who held an appointment as a public sector employee in a unit of public administration that ended after the corrupt conduct happened, regardless of whether the appointment ended before or after the start of a disciplinary proceeding for the conduct; or
- (2) Section 50(3), definition *prescribed person*—
 - insert*—
 - (c) a person (other than an elected office holder, a judge, magistrate or other holder of judicial office, a member of the police service, or a public sector employee)—
 - (i) who holds an appointment in a unit of public administration; or
 - (ii) who held an appointment in a unit of public administration that ended after the corrupt conduct happened, regardless of whether the appointment ended before or after the start of a disciplinary proceeding for the conduct.
- (3) Section 50(3)—
 - insert*—
 - public sector employee* see the *Public Sector Act 2022*, section 12.

Clause 6 Replacement of ch 2, pt 6, hdg (Reporting)

Chapter 2, part 6, heading—

omit, insert—

Part 6 Commission reports and public statements

| | | |
|-----------------|---|----|
| Clause 7 | Replacement of ch 2, pt 6, div 1, hdg (Application) | 1 |
| | Chapter 2, part 6, division 1, heading— | 2 |
| | <i>omit, insert—</i> | 3 |
| | Division 1 Preliminary | 4 |
| Clause 8 | Amendment of s 63 (Application of pt 6) | 5 |
| | Section 63, heading, ‘pt’— | 6 |
| | <i>omit, insert—</i> | 7 |
| | part | 8 |
| Clause 9 | Insertion of new ss 63A and 63B | 9 |
| | After section 63— | 10 |
| | <i>insert—</i> | 11 |
| | 63A Definitions for part | 12 |
| | In this part— | 13 |
| | <i>corrupt conduct finding</i> , in relation to an investigated person, means— | 14 |
| | (a) a conviction of a corruption offence; or | 16 |
| | (b) a finding by QCAT under chapter 5, part 2 that corrupt conduct is proved against a person. | 17 |
| | <i>corruption complaint</i> means a complaint about, or information or matter involving, corruption. | 20 |
| | <i>corruption investigation report</i> see section 63D. | 22 |
| | <i>corruption prevention report</i> see section 63I(2). | 23 |
| | <i>disciplinary proceeding</i> means a proceeding under section 219F for corrupt conduct alleged to have been committed by a prescribed person. | 24 |
| | <i>draft report</i> means a draft of a report, or part of a report, prepared by the commission under division 2 that when finalised the commission— | 25 |
| | | 26 |
| | | 27 |
| | | 28 |
| | | 29 |

-
- (a) must give to a person under section 69A(2); 1
or 2
 - (b) proposes to give to a person under section 3
69B(2); or 4
 - (c) proposes to publish under section 69D. 5
- identifying information* means information that 6
identifies an individual or from which an 7
individual can reasonably be identified. 8
- investigated person*, for a corruption 9
investigation— 10
- (a) means a person whose conduct is 11
investigated by the commission; and 12
 - (b) includes an elected office holder. 13
- public hearing report* see section 63C(2). 14
- serious disciplinary action*, in relation to an 15
investigated person, means— 16
- (a) if an investigated person is not an elected 17
office holder—termination of a person’s 18
employment or appointment in a unit of 19
public administration; or 20
 - (b) a disciplinary declaration made against a 21
person under— 22
 - (i) the *Public Sector Act 2022*, section 95; 23
or 24
 - (ii) the *Police Service Administration Act 25*
1990, section 7A.2(2); or 26
 - (iii) any repealed Act regulating the public 27
service or police. 28

63B Public interest test 29

- (1) The commission may exercise any of the 30
following powers under this part only if satisfied 31
that it is in the public interest to do so— 32

[s 9]

- (a) to prepare a relevant report; 1
- (b) to make a public statement under division 2
3A; 3
- (c) to give a commission report to a person 4
under section 69B(2); 5
- (d) to publish a commission report, or part of a 6
commission report, under section 69D. 7
- (2) Without limiting the matters to which the 8
commission may have regard in deciding whether 9
it is in the public interest to exercise a power 10
mentioned in subsection (1), the commission 11
must have regard to the following— 12
 - (a) the need for accountability and transparency 13
in government and the public sector; 14
 - (b) in relation to an individual who is, or may 15
be, identified by the exercise of the power— 16
 - (i) the individual’s human rights stated in 17
the *Human Rights Act 2019*, sections 18
25, 31 and 32(1); and 19
 - (ii) any other relevant human rights; 20
 - (c) the need to ensure a proceeding in or before 21
a court, tribunal, warden, coroner, 22
magistrate, justice or other person is not, or 23
would not be, prejudiced by the exercise of 24
the power; 25
 - (d) the seriousness of the matter to which the 26
exercise of the power relates; 27
 - (e) whether the exercise of the power relates to 28
a matter that has been the subject of 29
prolonged and significant public debate. 30
- (3) In this section— 31
 - human rights* see the *Human Rights Act 2019*, 32
section 7. 33
 - relevant report* means a corruption investigation 34

report, corruption prevention report or public hearing report. 1
2

**Clause 10 Insertion of new ch 2, pt 6, div 2, sdivs 1 to 3 and new ch 2, pt 6, div 2, sdiv 4, hdg 3
4**

Before section 64— 5

insert— 6

Subdivision 1 Public hearing reports 7

63C Commission reports—public hearings 8

- (1) This section applies in relation to a public hearing held in the performance of the commission’s functions other than its crime function. 9
10
11
- (2) The commission may prepare a report on the public hearing (a *public hearing report*). 12
13
- (3) Subsection (2) does not apply to any part of the public hearing the presiding officer for the hearing has decided to close for a particular purpose under section 177(4). 14
15
16
17
- (4) Without limiting what may be included in a public hearing report, a public hearing report may include— 18
19
20
 - (a) an answer given, or information about a document or thing produced, at the public hearing; and 21
22
23
 - (b) a submission made by a person at the public hearing. 24
25
- (5) To remove any doubt, it is declared that a public hearing report must not include evidence or information obtained by the commission outside the public hearing, or anything about the evidence or information, unless the evidence or information is considered in the public hearing. 26
27
28
29
30
31

Subdivision 2 Corruption investigation reports 1
2

63D Commission reports—corruption investigations 3
4

The commission may prepare a report on a completed corruption investigation (a *corruption investigation report*) in performing its corruption functions. 5
6
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63E Contents of report—general 9

- (1) A corruption investigation report may include the commission’s advice and recommendations provided to a unit of public administration under section 35(1)(j) in relation to a completed corruption investigation. 10
11
12
13
14
- (2) If a corruption investigation report includes the commission’s advice or a recommendation provided to a unit of public administration, the report must include an objective summary of all matters of which the commission is aware that support, oppose or are otherwise relevant to the advice or recommendation. 15
16
17
18
19
20
21
- (3) A corruption investigation report may also include— 22
23
 - (a) a comment or opinion the commission may have on the matters mentioned in subsection (2); and 24
25
26
 - (b) an answer given, or information about a document or thing produced, at a public hearing relating to a completed corruption investigation; and 27
28
29
30
 - (c) a submission made by a person at a public hearing relating to a completed corruption investigation. 31
32
33

- (4) This section applies subject to sections 63F to 63H. 1
2

63F Contents of report—identifying information about investigated person 3
4

A corruption investigation report may include identifying information about an investigated person for a completed corruption investigation only if— 5
6
7
8

(a) the investigated person has asked the commission to include the identifying information in the report; or 9
10
11

(b) the identifying information has been disclosed in a public hearing other than any part of the hearing the presiding officer for the hearing has decided to close for a particular purpose under section 177(4); or 12
13
14
15
16

(c) the identifying information relates to an elected office holder; or 17
18

(d) both of the following apply— 19

(i) either a corrupt conduct finding has been made against the investigated person arising from the completed corruption investigation, or serious disciplinary action has been taken against the investigated person based on the conduct investigated in the completed corruption investigation; 20
21
22
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(ii) the commission is satisfied the investigated person’s conduct is a case of serious corrupt conduct; or 28
29
30

(e) the commission is satisfied it is reasonably necessary to include the identifying information in the report. 31
32
33

| | |
|--|----------------------------------|
| 63G Contents of report—recommendations etc. about investigated person | 1 2 |
| (1) This section applies if the commission identifies an investigated person for a completed corruption investigation, other than an excluded investigated person, in a corruption investigation report. | 3 4 5 6 |
| (2) The corruption investigation report must not include any of the following— | 7 8 |
| (a) a comment or opinion that the investigated person’s conduct is or may be corrupt conduct; | 9 10 11 |
| (b) another comment or opinion adverse to the investigated person; | 12 13 |
| (c) advice or a recommendation about the investigated person, or based on the conduct of the investigated person. | 14 15 16 |
| <i>Example of recommendation for paragraph (c)—</i> | 17 |
| a recommendation that prosecution proceedings or disciplinary action be taken against the investigated person | 18 19 20 |
| (3) To remove any doubt, it is declared that subsection (2) does not prevent the commission including the following statements in a corruption investigation report— | 21 22 23 24 |
| (a) a statement that the commission considers there is no evidence, or there is insufficient evidence, of corrupt conduct by an investigated person for a completed corruption investigation; | 25 26 27 28 29 |
| (b) a statement that the commission considers a completed corruption investigation generally reveals evidence of a case of systemic corrupt conduct without commenting on the conduct of a particular person. | 30 31 32 33 34 35 |
| (4) In this section— | 36 |

- excluded investigated person* means an investigated person—
- (a) against whom either a corrupt conduct finding has been made arising from a completed corruption investigation, or serious disciplinary action has been taken based on conduct investigated in a completed corruption investigation; and
 - (b) whose conduct the commission is satisfied is a case of serious corrupt conduct.

63H Contents of report—other persons

- (1) This section does not apply in relation to an investigated person for a completed corruption investigation.
- (2) A corruption investigation report may include identifying information about an individual only if the commission is satisfied it is reasonably necessary to include the information in the report.
- (3) A corruption investigation report must not, in relation to a person identified in the report, include—
 - (a) comment or opinion adverse to the person; or
 - (b) advice or a recommendation about the person, or based on the conduct of the person.

Subdivision 3 Corruption prevention reports

63I Commission reports—corruption prevention

- (1) This section applies if the commission is performing its prevention function under section

[s 10]

- 24(i) to the extent it relates to corruption. 1
- (2) The commission may prepare a report that 2
includes details of a completed corruption 3
investigation (a *corruption prevention report*). 4
- (3) A corruption prevention report may include the 5
commission’s recommendations to units of public 6
administration under section 24(e) in relation to a 7
completed corruption investigation. 8
- (4) If a corruption prevention report includes a 9
recommendation, the report must include an 10
objective summary of all matters of which the 11
commission is aware that support, oppose or are 12
otherwise relevant to the recommendation. 13
- (5) A corruption prevention report may also include a 14
comment or opinion the commission may have on 15
the matters mentioned in subsection (4). 16
- (6) This section applies subject to section 63J. 17
- 63J Contents of report 18**
- (1) A corruption prevention report may include 19
identifying information only if— 20
- (a) the identifying information has been 21
disclosed in a public hearing other than any 22
part of the hearing the presiding officer for 23
the hearing has decided to close for a 24
particular purpose under section 177(4); or 25
- (b) all of the following apply— 26
- (i) the identifying information relates to 27
an investigated person for a completed 28
corruption investigation; 29
- (ii) either a corrupt conduct finding has 30
been made against the investigated 31
person arising from the completed 32
corruption investigation, or serious 33
disciplinary action has been taken 34

| | | |
|------------------|---|----|
| | against the investigated person based | 1 |
| | on the conduct investigated in the | 2 |
| | completed corruption investigation; | 3 |
| | (iii) the commission is satisfied the | 4 |
| | investigated person’s conduct is a case | 5 |
| | of serious corrupt conduct; or | 6 |
| | (c) the commission is satisfied inclusion of the | 7 |
| | identifying information in the report is | 8 |
| | reasonably necessary. | 9 |
| (2) | A corruption prevention report must not, in | 10 |
| | relation to any person identified in the report, | 11 |
| | include— | 12 |
| | (a) a comment or opinion that the person’s | 13 |
| | conduct is or may be corrupt conduct; or | 14 |
| | (b) another comment or opinion adverse to the | 15 |
| | person; or | 16 |
| | (c) advice or a recommendation about the | 17 |
| | person, or based on the conduct of the | 18 |
| | person. | 19 |
| (3) | To remove any doubt, it is declared that | 20 |
| | subsection (2) does not prevent the commission | 21 |
| | including a recommendation in a corruption | 22 |
| | prevention report in general terms that has regard | 23 |
| | to the conduct of an investigated person for a | 24 |
| | completed corruption investigation but is not | 25 |
| | directed to the particular person. | 26 |
| | Subdivision 4 Other reports | 27 |
| Clause 11 | Amendment of s 64 (Commission’s reports—general) | 28 |
| | (1) Section 64, heading, ‘Commission’s’— | 29 |
| | <i>omit, insert—</i> | 30 |
| | Commission | 31 |
| | (2) Before section 64(1)— | 32 |

[s 12]

insert—

(1AA) This section does not apply in relation to a report prepared by the commission under subdivisions 1 to 3.

(3) Section 64(1AA) to (5)—

renumber as section 64(1) to (6).

Clause 12 Amendment of s 68 (Giving of reasons)

Section 68(b)—

omit, insert—

(b) are not a commission report, or part of a commission report, for division 4.

Clause 13 Insertion of new ch 2, pt 6, divs 3A and 3B

Chapter 2, part 6—

insert—

Division 3A Public statements about corruption

68A Application of division

This division applies in relation to the commission's performance of its corruption functions.

68B Public statement—general

The commission may make a public statement in connection with a corruption complaint or corruption investigation (each a ***corruption matter***) for any of the following purposes—

(a) to indicate it would be inappropriate for the commission to comment on the corruption matter;

-
- (b) to refuse to confirm or deny anything in relation to the corruption matter; 1
2
 - (c) if information about the corruption matter is in the public domain and the commission has the approval of the person to whom the matter relates—to inform the public, based on the available evidence and information, that the commission has decided either— 3
4
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6
7
8
 - (i) if the corruption matter is a corruption complaint—not to investigate the matter; or 9
10
11
 - (ii) if the corruption matter is a corruption investigation—not to take action under section 49 to report on the matter; 12
13
14
 - (d) to provide a factual and objective summary of— 15
16
 - (i) a commission report tabled under division 4; or 17
18
 - (ii) a commission report, or part of a commission report, published under division 4; 19
20
21
 - (e) to provide information about— 22
 - (i) a charge of a corruption offence arising from the corruption matter; or 23
24
 - (ii) a disciplinary proceeding or another proceeding arising from the corruption matter, and the outcome of the proceeding. 25
26
27
28
 - Example of another proceeding for subparagraph (ii)—* 29
30
 - disciplinary action taken under the *Public Sector Act 2022* 31
32

68C Public statement—exceptional circumstances 33

- (1) This section applies if the commission is satisfied 34

[s 13]

- exceptional circumstances exist for making a public statement in connection with a corruption complaint or corruption investigation (each a *corruption matter*).
- (2) The commission may make a public statement about the corruption matter for any of the following purposes—
- (a) to seek further evidence from the public in relation to the corruption matter;
 - (b) to address public misconceptions about a person or an issue the commission has particular knowledge of as a result of the corruption matter;
 - (c) to prevent or minimise the risk of prejudicing the reputation of a person involved in the corruption matter;
 - (d) to redress any prejudice caused to the reputation of a person as a result of the corruption matter being made public;
 - (e) if a person has not been charged with an offence arising from the corruption matter, or a disciplinary proceeding or another proceeding has not been started in relation to the corruption matter—to provide information about action the commission has taken in relation to the corruption matter, including action taken by the commission under section 49 to report on the matter.
- (3) In deciding whether to make a public statement for a purpose mentioned in subsection (2)(c) or (d), the commission must seek and have regard to the views of the person whose reputation is or may be affected.

| | |
|---|-----------------------|
| 68D Identifying information in public statements | 1 |
| (1) A public statement made under section 68B or 68C must not contain identifying information unless the commission is satisfied inclusion of the information in the statement is reasonably necessary. | 2 3 4 5 6 |
| (2) If the commission proposes to include identifying information in a public statement, the commission must comply with section 68H before making the statement. | 7 8 9 10 |

Division 3B Procedural requirements 11

| | |
|---|----------------------------|
| 68E Draft report containing identifying information about investigated person | 12 13 |
| (1) This section applies if the commission prepares a draft report that contains identifying information about an investigated person for a corruption investigation. | 14 15 16 17 |
| (2) The commission must give the investigated person— | 18 19 |
| (a) a copy of the draft report; and | 20 |
| (b) notice in writing inviting the person to make a submission to the commission about the draft report within a stated period, being not less than 30 days after the date of the notice (the <i>submission period</i>). | 21 22 23 24 25 |
| (3) A submission mentioned in subsection (2)(b) may be made about, but is not limited to, the following matters— | 26 27 28 |
| (a) whether the commission should have prepared the draft report; | 29 30 |
| (b) whether the commission should table or publish the draft report when it is finalised under division 4; | 31 32 33 |

[s 13]

- (c) the contents of the draft report, including whether the report should be amended to remove the identifying information. 1
2
3
 - (4) If an investigated person makes a submission within the submission period, the commission must— 4
5
6
 - (a) amend the draft report to ensure the person’s submission is fairly stated in the report; and 7
8
 - (b) give the person a copy of the amended report, or relevant part of the amended report; and 9
10
11
 - (c) give the person notice in writing that they may make another submission to the commission in relation to the amended report within 14 days after the date of the notice (the *further period*). 12
13
14
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16
 - (5) If the investigated person makes another submission within the further period, the commission must amend the draft report to ensure the person’s submission is also fairly stated in the report. 17
18
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 - (6) A draft report must not be amended under this section to include information that could not otherwise be included in the report under division 2. 22
23
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- 68F Draft report containing identifying information about other individuals** 26
27
- (1) This section applies if the commission prepares a draft report that contains identifying information about an individual who is not an investigated person for a completed corruption investigation. 28
29
30
31
 - (2) The commission may give the individual— 32
 - (a) a copy of the draft report; and 33

-
- (b) notice in writing inviting the individual to make a submission to the commission about the draft report within a stated period, being not less than 30 days after the date of the notice (the *submission period*). 1
2
3
4
5
 - (3) If an individual makes a submission within the submission period, the commission must— 6
7
 - (a) amend the draft report to ensure the individual’s submission is fairly stated in the report; and 8
9
10
 - (b) give the individual a copy of the amended report, or relevant part of the amended report; and 11
12
13
 - (c) give the individual notice in writing that they may make another submission to the commission in relation to the amended report within 14 days after the date of the notice (the *further period*). 14
15
16
17
18
 - (4) If the individual makes another submission within the further period, the commission must amend the draft report to ensure the individual’s submission is also fairly stated in the report. 19
20
21
22
 - (5) A draft report must not be amended under this section to include information that could not otherwise be included in the report under division 2. 23
24
25
26

68G Draft report containing adverse comment 27

- (1) This section applies if the commission prepares a draft report that contains comment or opinion adverse to an entity (an *adverse comment*). 28
29
30
- (2) The commission must give the entity— 31
 - (a) a copy of the draft report; and 32
 - (b) if the draft report does not contain a summary of the substance, or the significant 33
34

[s 13]

- part, of the evidence on which the adverse comment is based—a copy of the evidence on which the adverse comment is based, or a written summary of the substance, or the significant part, of the evidence on which the adverse comment is based; and
- (c) notice in writing inviting the entity to make a submission to the commission about the draft report within a stated period, being not less than 30 days after the date of the notice (the *submission period*).
- (3) A submission mentioned in subsection (2)(c) may be made about, but is not limited to, the following matters—
- (a) whether the commission should have prepared the draft report;
- (b) whether the commission should table or publish the draft report when it is finalised under division 4;
- (c) the contents of the draft report, including the adverse comment;
- (d) the evidence on which the adverse comment is based.
- (4) If an entity makes a submission within the submission period, the commission must—
- (a) amend the draft report to ensure the entity’s submission is fairly stated in the report; and
- (b) give the entity a copy of the amended draft report, or relevant part of the amended report; and
- (c) give the entity notice in writing that they may make another submission to the commission in relation to the amended report within 14 days after the date of the notice (the *further period*).
- (5) If the entity makes another submission within the

further period, the commission must amend the draft report to ensure the entity’s submission is also fairly stated in the report.

- (6) A draft report must not be amended under this section to include information that could not otherwise be included in the report under division 2.

68H Proposed public statement

- (1) This section applies if the commission proposes to make a public statement under section 68B or 68C (a *proposed public statement*) that contains identifying information.
- (2) The commission must give the individual to whom the identifying information relates a reasonable opportunity to make submissions about the proposed public statement.
- (3) Subsection (2) does not apply if—
 - (a) the proposed public statement is made for a purpose mentioned in section 68B(d); and
 - (b) in relation to the report mentioned in section 68B(d), the commission has complied with any applicable requirements for the individual under sections 68E, 68F and 68G.

Clause 14 Replacement of ch 2, pt 6, div 4 (Tabling requirements)

Chapter 2, part 6, division 4—

omit, insert—

Division 4 Tabling and publishing commission reports

69 Application of division

This division—

[s 14]

- (a) does not apply to a commission report mentioned in section 49, 49B(2)(a), 49C(2)(a) or 65; and 1
2
3
- (b) applies in relation to a commission report only— 4
5
 - (i) to the extent that it does not disclose or refer to confidential information mentioned in section 66; and 6
7
8
 - (ii) if the commission has complied with the relevant procedural requirements in division 3B in preparing the report. 9
10
11

69A Commission reports that must be tabled 12

- (1) This section applies to the following commission reports— 13
14
 - (a) a public hearing report; 15
 - (b) a report prepared in performance of the commission’s research functions or another report the parliamentary committee directs be given to the Speaker. 16
17
18
19
- (2) The commission report must be signed by the chairperson and must be given to— 20
21
 - (a) the chairperson of the parliamentary committee; and 22
23
 - (b) the Minister; and 24
 - (c) the Speaker. 25

69B Commission reports that may be tabled 26

- (1) This section applies to the following commission reports— 27
28
 - (a) a corruption investigation report; 29
 - (b) a corruption prevention report. 30
- (2) The commission report must be signed by the 31

-
- chairperson and may be given to— 1
 - (a) the chairperson of the parliamentary 2
committee; and 3
 - (b) the Minister; and 4
 - (c) the Speaker. 5

69C Tabling procedures 6

- (1) This section applies in relation to a commission 7
report given to the Speaker under section 8
69A(2)(c) or 69B(2)(c). 9
- (2) The Speaker must table the commission report in 10
the Legislative Assembly on the next sitting day 11
after the Speaker receives the report. 12
- (3) If the Speaker receives the commission report 13
when the Legislative Assembly is not sitting, the 14
Speaker must give the report and any 15
accompanying document to the clerk of the 16
Parliament. 17
- (4) The clerk of the Parliament must authorise the 18
commission report and any accompanying 19
document to be published. 20
- (5) A report published under subsection (4) is taken, 21
for all purposes, to have been tabled in and 22
published by order of the Legislative Assembly 23
and is to be granted all the immunities and 24
privileges of a report so tabled and published. 25

69D Publishing certain commission reports 26

- (1) This section applies in relation to the following 27
commission reports— 28
- (a) a corruption investigation report; 29
- (b) a corruption prevention report; 30
- (c) a public hearing report. 31

[s 15]

| | | |
|------------------|--|----------------|
| | (2) The commission may publish the commission report, or part of the commission report. | 1 2 |
| | (3) In this section— <i>publish</i> includes— | 3 4 |
| | (a) print; and | 5 |
| | (b) cause to be printed; and | 6 |
| | (c) distribute, deliver or send, electronically or otherwise; and | 7 8 |
| | (d) cause to be distributed, delivered or sent, electronically or otherwise; and | 9 10 |
| | (e) publish to a section of the public. | 11 |
| Clause 15 | Amendment of s 71 (Giving other information to parliamentary committee) | 12 13 |
| | Section 71, ‘report under section 69’— <i>omit, insert</i> — | 14 15 |
| | commission report given to the chairperson of the parliamentary committee under section 69A(2)(a) or 69B(2)(a) | 16 17 18 |
| Clause 16 | Omission of s 71A (Report containing adverse comment) | 19 |
| | Section 71A— <i>omit.</i> | 20 21 |
| Clause 17 | Amendment of s 214 (Unauthorised publication of commission reports) | 22 23 |
| | Section 214, ‘section 69’— <i>omit, insert</i> — | 24 25 |
| | section 69A, 69B or 69D | 26 |

| | | |
|------------------|---|----------------------------|
| Clause 18 | Insertion of new ss 214A and 214B | 1 |
| | After section 214— | 2 |
| | <i>insert—</i> | 3 |
| | 214A Draft reports to remain confidential | 4 |
| | (1) A person who is given a draft report under section 68E, 68F or 68G must not copy, publish or give the draft report to anyone unless— | 5 6 7 |
| | (a) the draft report is given to the other person for the purpose of seeking legal advice or commencing a legal proceeding against the commission in relation to the report; or | 8 9 10 11 |
| | (b) the person has a reasonable excuse. | 12 |
| | <i>Example for paragraph (b)—</i> | 13 |
| | • the draft report is given to another person for the purpose of making a submission to the commission about the draft report | 14 15 16 |
| | Maximum penalty—85 penalty units or 1 year’s imprisonment. | 17 18 |
| | (2) In this section— | 19 |
| | <i>draft report</i> includes part of a draft report, a copy of a draft report and information contained in a draft report. | 20 21 22 |
| | 214B Proposed public statements to remain confidential | 23 24 |
| | A person who is given information about a proposed public statement under section 68H must not publish or give the information to anyone unless— | 25 26 27 28 |
| | (a) the information is given to the other person for the purpose of seeking legal advice or commencing a legal proceeding against the commission in relation to the proposed public statement; or | 29 30 31 32 33 |
| | (b) the person has a reasonable excuse. | 34 |

[s 19]

| | | |
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| | <i>Examples for paragraph (b)—</i> | 1 |
| | • the information is given to another person for the purpose of making a submission to the commission under section 68H | 2 3 4 |
| | • the information has subsequently been made public by the commission in a public statement | 5 6 7 |
| | Maximum penalty—85 penalty units or 1 year’s imprisonment. | 8 9 |
| Clause 19 | Insertion of new s 219CA | 10 |
| | After section 219C— | 11 |
| | <i>insert—</i> | 12 |
| | 219CA Constitution of QCAT when exercising original jurisdiction | 13 14 |
| | (1) This section applies in relation to a proceeding under section 219F for corrupt conduct alleged to have been committed by a prescribed person. | 15 16 17 |
| | (2) QCAT must, for the proceeding, be constituted by a judicial member who is— | 18 19 |
| | (a) a Supreme Court judge; or | 20 |
| | (b) a former Supreme Court judge who is nominated by the president of QCAT. | 21 22 |
| | (3) In this section— | 23 |
| | <i>judicial member</i> see the QCAT Act, schedule 3. | 24 |
| Clause 20 | Amendment of s 219I (Powers for corrupt conduct) | 25 |
| | Section 219I, heading— | 26 |
| | <i>omit, insert—</i> | 27 |

**219I Disciplinary orders—member of police service
or public sector employee**

| | | |
|------------------|--|----|
| | | 1 |
| | | 2 |
| Clause 21 | Amendment of s 219IA (QCAT powers for prescribed persons whose employment or appointment ends) | 3 |
| | | 4 |
| | (1) Section 219IA, heading— | 5 |
| | <i>omit, insert—</i> | 6 |
| | 219IA Disciplinary declarations—member of police service or public sector employee whose employment or appointment ends | 7 |
| | | 8 |
| | | 9 |
| | (2) Section 219IA(3), ‘section 219I(4)’— | 10 |
| | <i>omit, insert—</i> | 11 |
| | section 219I(3) or (4) | 12 |
| | (3) Section 219IA(5), definition <i>disciplinary declaration</i> , paragraph (b), ‘section 219I(1)’— | 13 |
| | | 14 |
| | <i>omit, insert—</i> | 15 |
| | section 219I(3) or (4) | 16 |
| Clause 22 | Insertion of new section 219IB | 17 |
| | After section 219IA— | 18 |
| | <i>insert—</i> | 19 |
| | 219IB Corrupt conduct declarations—holder or former holder of particular appointment | 20 |
| | | 21 |
| | (1) This section applies in relation to a prescribed person mentioned in section 50(3), definition <i>prescribed person</i> , paragraph (c). | 22 |
| | | 23 |
| | | 24 |
| | (2) QCAT may, on a finding of corrupt conduct being proved against the prescribed person, make an order declaring that the prescribed person’s conduct is corrupt conduct. | 25 |
| | | 26 |
| | | 27 |
| | | 28 |
| | (3) Subsection (2) applies despite any other law relating to the terms and conditions on which the prescribed person holds, or ceases to hold, an | 29 |
| | | 30 |
| | | 31 |

[s 23]

| | | |
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| | appointment in a unit of public administration, | 1 |
| | including a law providing for removal of the | 2 |
| | person from the person’s office, place or position. | 3 |
| | (4) An order made under this section against a | 4 |
| | prescribed person mentioned in section 50(3), | 5 |
| | definition <i>prescribed person</i> , paragraph (c)(ii), | 6 |
| | does not affect the way in which the prescribed | 7 |
| | person’s appointment ended or the benefits, rights | 8 |
| | and liabilities arising because the appointment | 9 |
| | ended. | 10 |
| Clause 23 | Amendment of s 219M (Appeal from QCAT exercising original jurisdiction) | 11 |
| | | 12 |
| | (1) Section 219M(4) and (5), after ‘disciplinary declaration’— | 13 |
| | <i>insert—</i> | 14 |
| | or corrupt conduct declaration | 15 |
| | (2) Section 219M(6), ‘the appeal tribunal or’— | 16 |
| | <i>omit.</i> | 17 |
| | (3) Section 219M(7), after ‘disciplinary declaration’— | 18 |
| | <i>insert—</i> | 19 |
| | or corrupt conduct declaration | 20 |
| | (4) Section 219M— | 21 |
| | <i>insert—</i> | 22 |
| | (8) A corrupt conduct declaration made under this | 23 |
| | section applies despite any other law relating to | 24 |
| | the terms and conditions on which the prescribed | 25 |
| | person holds, or ceases to hold, an appointment in | 26 |
| | a unit of public administration, including a law | 27 |
| | providing for removal of the person from the | 28 |
| | person’s office, place or position. | 29 |
| | (9) In this section— | 30 |
| | <i>corrupt conduct declaration</i> means a corrupt | 31 |
| | conduct declaration made under section 219IB. | 32 |

| | | |
|------------------|--|----------------|
| | <i>disciplinary declaration</i> means a disciplinary declaration made under section 219IA. | 1 2 |
| Clause 24 | Amendment of s 293 (Powers) | 3 |
| | Section 293(4), definition <i>non-operational record or thing</i> , ‘finalised’— | 4 5 |
| | <i>omit, insert—</i> | 6 |
| | completed | 7 |
| Clause 25 | Amendment of s 337 (Protection from liability) | 8 |
| | Section 337, heading, after ‘Protection’— | 9 |
| | <i>insert—</i> | 10 |
| | of monitor | 11 |
| Clause 26 | Insertion of new s 337A | 12 |
| | After section 337— | 13 |
| | <i>insert—</i> | 14 |
| | 337A Protection from civil liability for unauthorised corruption reports and public statements | 15 16 |
| | (1) A person is not civilly liable for an act done before 13 September 2023 in good faith and without gross negligence to— | 17 18 19 |
| | (a) prepare a corruption report in purported performance of a function of the commission under this Act; or | 20 21 22 |
| | (b) publish a corruption report to the public in purported performance of a function of the commission under this Act; or | 23 24 25 |
| | (c) make a corruption statement to the public in purported performance of a function of the commission under this Act. | 26 27 28 |
| | (2) Subsection (1) does not apply for the purposes of | 29 |

[s 27]

| | | |
|------------------|--|----------------------|
| | a proceeding started before the introduction day. | 1 |
| (3) | To remove any doubt, it is declared that this section does not affect the rights or liabilities arising between parties to a proceeding heard and decided on or before the commencement. | 2 3 4 5 |
| (4) | In this section— | 6 |
| | <i>corruption report</i> means a report in relation to a complaint about, or information or matter involving, corruption or a corruption investigation. | 7 8 9 10 |
| | <i>corruption statement</i> means a statement in relation to a complaint about, or information or matter involving, corruption or a corruption investigation. | 11 12 13 14 |
| | <i>function</i> includes a power. | 15 |
| | <i>introduction day</i> means the day the Bill for the <i>Crime and Corruption (Reporting) Amendment Act 2024</i> was introduced into the Legislative Assembly. | 16 17 18 19 |
| Clause 27 | Insertion of new ch 8, pt 21 | 20 |
| | Chapter 8— | 21 |
| | <i>insert</i> — | 22 |
| | Part 21 | 23 |
| | Crime and Corruption | 24 |
| | (Reporting) | 25 |
| | Amendment Act 2024 | 25 |
| | 470 Definitions for part | 26 |
| | In this part— | 27 |
| | <i>amendment Act</i> means the <i>Crime and Corruption (Reporting) Amendment Act 2024</i> . | 28 29 |
| | <i>amended chapter 2, part 6</i> means chapter 2, part 6 as in force from the commencement. | 30 31 |

corruption complaint means a complaint about, 1
or information or matter involving, corruption. 2

former, for a provision of this Act, means the 3
provision as in force from time to time before the 4
commencement. 5

**471 Existing corruption complaints and 6
investigations 7**

(1) Amended chapter 2, part 6 applies to an existing 8
corruption complaint and an existing corruption 9
investigation. 10

(2) In this section— 11

existing corruption complaint means a 12
corruption complaint made, but not finally 13
assessed or dealt with, immediately before the 14
commencement. 15

existing corruption investigation means a 16
corruption investigation started, but not 17
completed, immediately before the 18
commencement. 19

472 Existing public hearings 20

(1) This section applies in relation to a public hearing 21
if, before the commencement, the commission 22
had authorised the holding of the hearing under 23
section 176(1) in the performance of its functions 24
other than its crime functions and, immediately 25
before the commencement— 26

(a) the public hearing had started but not 27
finished; or 28

(b) the public hearing had finished but a report 29
on the public hearing had not been prepared; 30
or 31

[s 27]

- (c) the public hearing had finished and a report on the public hearing had been prepared but not tabled under former section 69. 1
2
3
- (2) Amended chapter 2, part 6 applies in relation to the public hearing. 4
5

473 Completed corruption investigations 6

- (1) This section applies if before the commencement the commission had completed a corruption investigation in the performance of its corruption functions and, immediately before the commencement, the commission had— 7
8
9
10
11
 - (a) not made a statement to the public about the investigation; or 12
13
 - (b) not started preparation of a report in relation to the investigation; or 14
15
 - (c) given a person an opportunity under former section 71A to make submissions about an adverse comment the commission proposed to make about the person in a report in relation to the investigation; or 16
17
18
19
20
 - (d) started but not finished the preparation of a report in relation to the investigation; or 21
22
 - (e) finished preparing a report in relation to the investigation but not published the report to the public or given the report to a person under former section 69(3); or 23
24
25
26
 - (f) finished preparing a report in relation to the investigation and given the report to a person under former section 69(3) but the report had not been tabled or published. 27
28
29
30
- (2) Amended chapter 2, part 6 applies to the corruption investigation. 31
32

| | |
|---|----|
| 474 Statements about certain corruption complaints | 1 |
| | 2 |
| (1) This section applies if, immediately before the commencement, the commission had— | 3 |
| | 4 |
| (a) finally assessed a corruption complaint but decided not to investigate the complaint; | 5 |
| and | 6 |
| | 7 |
| (b) not made a statement to the public about the corruption complaint. | 8 |
| | 9 |
| (2) Amended chapter 2, part 6 applies to the corruption complaint. | 10 |
| | 11 |
| | |
| 475 Existing disciplinary proceedings | 12 |
| (1) This section applies if before the commencement the commission or the chief executive of a unit of public administration (including the commissioner of the police service) had made an application under section 219F in relation to a prescribed person but, immediately before the commencement, the application had not been decided by QCAT. | 13 |
| | 14 |
| | 15 |
| | 16 |
| | 17 |
| | 18 |
| | 19 |
| | 20 |
| (2) Former chapter 5, part 2 continues to apply in relation to the application, and to a decision made by QCAT in relation to the application, as if the amendment Act had not been enacted. | 21 |
| | 22 |
| | 23 |
| | 24 |
| | |
| 476 Existing appeal rights | 25 |
| (1) This section applies if, immediately before the commencement— | 26 |
| | 27 |
| (a) a person could have, but had not, appealed a decision of QCAT exercising original jurisdiction under former chapter 5, part 2; | 28 |
| and | 29 |
| | 30 |
| | 31 |
| (b) the period within which the person could appeal had not ended. | 32 |
| | 33 |

[s 28]

(2) The person may, within the period mentioned in subsection (1)(b), appeal the decision of QCAT, and the appeal tribunal or the Court of Appeal may hear and decide the appeal under former section 219M, as if the amendment Act had not been enacted.

Clause 28 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions *commission report* and *disciplinary proceeding*—

omit.

(2) Schedule 2—

insert—

commission report—

(a) means a report prepared by the commission under chapter 2, part 6; but

(b) does not include the commission’s annual report or a draft report.

corrupt conduct finding, in relation to an investigated person, for chapter 2, part 6, see section 63A.

corruption complaint, for chapter 2, part 6, see section 63A.

corruption investigation report, for chapter 2, part 6, see section 63D.

corruption prevention report, for chapter 2, part 6, see section 63I(2).

disciplinary proceeding—

(a) for chapter 2, part 6, see section 63A; or

(b) for chapter 5, part 2, see section 219B.

draft report, for chapter 2, part 6, see section 63A.

elected office holder means a person who holds or held an appointment in a unit of public

| | |
|--|---------------|
| administration as— | 1 |
| (a) a member of the Legislative Assembly; or | 2 |
| (b) a member of the Executive Council if the person is or was appointed to the Executive Council in their capacity as a Minister; or | 3 4 5 |
| (c) a local government councillor. | 6 |
| <i>identifying information</i> , for chapter 2, part 6, see section 63A. | 7 8 |
| <i>investigated person</i> , for a corruption investigation, for chapter 2, part 6, see section 63A. | 9 10 11 |
| <i>public hearing report</i> , for chapter 2, part 6, see section 63C(2). | 12 13 |
| <i>serious disciplinary action</i> , for chapter 2, part 6, see section 63A. | 14 15 |