



Forensic Science Queensland Bill 2023



Queensland

Forensic Science Queensland Bill 2023

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2023

A Bill

for

An Act to establish the Director of Forensic Science Queensland and for related purposes, and to amend this Act, the *Evidence Act 1977*, the *Medicines and Poisons Act 2019* and the *Police Powers and Responsibilities Act 2000* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

1 Short title 3

This Act may be cited as the *Forensic Science Queensland Act 2023*. 4
5

2 Commencement 6

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

3 Main purpose of Act 8

(1) The main purpose of this Act is to ensure high quality, reliable, independent and impartial forensic services for the administration of criminal justice in Queensland. 9
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(2) The purpose is primarily achieved by— 12

(a) establishing the Director of Forensic Science Queensland to lead the provision of forensic services; and 13
14
15

(b) establishing the Forensic Science Queensland Advisory Council to give advice and make recommendations about particular matters. 16
17
18

4 Act binds all persons 19

This Act binds all persons, including the State. 20

5 Definitions 21

The dictionary in schedule 1 defines particular words used in this Act. 22
23

6	References to administration of criminal justice	1
	A reference in this Act to the administration of criminal justice includes a reference to the investigation by a coroner, under the <i>Coroners Act 2003</i> , of the death of a person.	2 3 4
Part 2	Director of Forensic Science Queensland	5 6
Division 1	Appointment, functions and powers	7
7	Appointment	8
	(1) There must be a Director of Forensic Science Queensland.	9
	(2) The director is appointed by the Governor in Council on the recommendation of the Minister.	10 11
	(3) The Minister may recommend a person for appointment only if satisfied the person has—	12 13
	(a) a tertiary qualification in a scientific discipline relevant to forensic services; and	14 15
	(b) at least 10 years practical experience in providing forensic services.	16 17
	(4) However, a person must not be appointed as the director if the person—	18 19
	(a) has a conviction, other than a spent conviction, for an indictable offence; or	20 21
	(b) is an insolvent under administration.	22
	(5) The director is appointed under this Act and not under the <i>Public Sector Act 2022</i> .	23 24
8	Term of appointment	25
	(1) The director is appointed for the term, of not more than 5 years, stated in the director’s instrument of appointment.	26 27

[s 9]

(2)	The director may be reappointed.	1
9	Conditions of appointment	2
(1)	The director is to be paid the remuneration and allowances decided by the Governor in Council on the recommendation of the Minister.	3 4 5
(2)	The director holds office on the terms and conditions decided by the Governor in Council to the extent the terms and conditions are not provided for by this Act.	6 7 8
10	Vacancy in office	9
(1)	The office of the director becomes vacant if the director—	10
(a)	completes a term of office and is not reappointed; or	11
(b)	resigns from office by signed notice given to the Minister at least 1 month before the resignation is to have effect; or	12 13 14
(c)	is convicted of an indictable offence; or	15
(d)	is an insolvent under administration; or	16
(e)	is removed from office by the Governor in Council under subsection (3).	17 18
(2)	Also, if the director is suspended by the Minister under subsection (5), the office is vacant during the period of suspension.	19 20 21
(3)	The Governor in Council may, at any time, remove the director from office on the recommendation of the Minister.	22 23
(4)	The Minister may recommend the director's removal if the Minister is satisfied the director—	24 25
(a)	has engaged in misconduct; or	26
(b)	is incapable of performing the director's duties; or	27
(c)	has neglected the director's duties or performed the duties incompetently; or	28 29

-
- (d) is absent from duty without leave granted by the Minister; or 1
2
- (e) has contravened section 20 or 21. 3
- (5) The Minister may suspend the director for not more than 6 months by signed notice given to the director if— 4
5
- (a) there is an allegation of misconduct against the director; or 6
7
- (b) the Minister is satisfied a matter has arisen in relation to the director that may be grounds for removal under subsection (4). 8
9
10
- 11 Director must disclose insolvency 11**
- (1) This section applies to a person who— 12
- (a) is appointed as the director; and 13
- (b) during the term of the person’s appointment, becomes an insolvent under administration. 14
15
- (2) The person must, unless the person has a reasonable excuse, immediately give written notice of the insolvency to the Minister. 16
17
18
- Maximum penalty—100 penalty units. 19
- 12 Acting director 20**
- (1) This section applies if— 21
- (a) there is a vacancy in the office of the director; or 22
- (b) the director is absent from duty or otherwise unable to perform the director’s functions. 23
24
- (2) The Minister may appoint a person to act as the director for a period of not more than 6 months. 25
26
- (3) A person can not be appointed to act as the director unless the Minister could recommend the person for appointment as director under section 7. 27
28
29

[s 13]

- (4) A person appointed to act as the director may be appointed to act as the director for a further period—
- (a) if the appointment is continuous on 1 or more of the person’s previous appointments as acting director and the total period of continuous appointments is not more than 6 months—by the Minister; or
 - (b) otherwise—by the Governor in Council.
- (5) This section does not limit the Governor in Council’s power under the *Acts Interpretation Act 1954*, section 25(1)(b)(iv) or (v).

13 Functions of director

- (1) The director’s functions are to support the administration of criminal justice in Queensland by—
- (a) leading the provision of forensic services and advice about forensic services to the Queensland Police Service, the Director of Public Prosecutions, coroners and other entities who perform functions related to the administration of criminal justice; and
 - (b) ensuring forensic services and advice provided to the entities mentioned in paragraph (a) are—
 - (i) reliable, independent and impartial; and
 - (ii) based on high quality processes and techniques that comply with relevant standards and accreditation requirements; and
 - (c) ensuring research, development and innovation are undertaken to inform the provision of forensic services; and
 - (d) developing partnerships and collaborating with other entities to inform and support the provision of forensic services.
- (2) Also, the director has any other function—
- (a) given to the director under this Act or another Act; or

-
- (b) prescribed by regulation. 1
- (3) In this section— 2
- coroner* see the *Coroners Act 2003*, schedule 2. 3
- 14 Powers of director** 4
- (1) The director has the power to do all things necessary or 5
convenient to be done in performing the director’s functions, 6
including the power to— 7
- (a) enter into an arrangement with a person or other entity 8
to assist the director in the performance of the director’s 9
functions; and 10
- (b) establish an advisory committee or subcommittee for 11
the purpose of obtaining expert advice on the 12
performance of the director’s functions. 13
- (2) The director may direct Forensic Science Queensland to— 14
- (a) provide scientific analysis in non-criminal matters in 15
Queensland or other jurisdictions; and 16
- (b) support the administration of criminal justice in other 17
jurisdictions. 18
- (3) For subsection (2)(b), the reference to the *Coroners Act 2003* 19
in section 6 includes a reference to a corresponding law of 20
another jurisdiction. 21

Division 2 Criminal history checking 22

- 15 Criminal history report** 23
- (1) This section applies to enable the Minister to decide whether a 24
person is qualified to become, or continue as, the director. 25
- (2) The Minister may ask the police commissioner for— 26
- (a) a written report about the criminal history of the person; 27
and 28

[s 16]

- (b) a brief description of the circumstances of a conviction mentioned in the criminal history. 1
2
- (3) However, the Minister may make the request only if the person has given the Minister written consent for the request. 3
4
- (4) The police commissioner must comply with the request. 5
- (5) However, the duty to comply with the request applies only to information in the possession of the police commissioner or to which the police commissioner has access. 6
7
8
- (6) In this section— 9
criminal history, of a person, means the person’s criminal history within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than spent convictions. 10
11
12
13
- 16 Charges and convictions must be disclosed by director** 14
- (1) This section applies if a person who is appointed as the director is charged with, or convicted of, an indictable offence during the term of the person’s appointment. 15
16
17
- (2) The person must, unless the person has a reasonable excuse, immediately give written notice to the Minister about the charge or conviction. 18
19
20
Maximum penalty—100 penalty units. 21
- (3) The notice must state— 22
- (a) the existence of the charge or conviction; and 23
- (b) when the offence was committed or allegedly committed; and 24
25
- (c) details adequate to identify the offence or alleged offence; and 26
27
- (d) for a conviction—the sentence imposed on the person. 28
- 17 Confidentiality of criminal history information** 29
- (1) This section applies to a person who— 30

-
- (a) is or has been— 1
- (i) the Minister; or 2
 - (ii) a public sector employee performing functions 3
under, or relating to the administration of, this Act; 4
and 5
- (b) in that capacity, has acquired or has access to criminal 6
history information. 7
- (2) The person must not disclose the criminal history information 8
to anyone else, or use the information, other than under this 9
section. 10
- Maximum penalty—200 penalty units. 11
- (3) The person may disclose or use the criminal history 12
information— 13
- (a) to the extent the disclosure or use is— 14
 - (i) necessary to perform the person’s functions under 15
or relating to this part; or 16
 - (ii) otherwise required or permitted under this Act or 17
another law; or 18
- (b) with the consent of the person to whom the criminal 19
history information relates. 20
- (4) A person who possesses a report given to the Minister under 21
section 15 or a notice given to the Minister under section 16 22
must ensure the report or notice is destroyed as soon as 23
practicable after it is no longer needed for the purpose for 24
which it was given. 25
- (5) In this section— 26
- criminal history information*** means information contained 27
in— 28
- (a) a report given to the Minister under section 15; or 29
 - (b) a notice given to the Minister under section 16. 30
- disclose*** includes give access to. 31

[s 18]

Division 3	Other provisions	1
18	Delegation	2
	The director may delegate the director’s functions and powers under this Act or another Act to an appropriately qualified staff member of Forensic Science Queensland.	3 4 5
19	Independence of director	6
	In performing the director’s functions and exercising the director’s powers, the director is not subject to direction by the Minister.	7 8 9
20	Limitation on performing other work	10
	The director must not, without the Minister’s consent, perform paid work other than under this Act.	11 12
21	Conflicts of interest	13
	If the director has an interest that conflicts, or may conflict, with the discharge of the director’s functions, the director—	14 15
	(a) must disclose the nature of the interest and conflict to the Minister as soon as practicable after the relevant facts come to the director’s knowledge; and	16 17 18
	(b) must not take action or further action concerning a matter that is, or may be, affected by the conflict unless authorised by the Minister.	19 20 21
22	Preservation of rights	22
	(1) This section applies if a public sector employee is appointed as the director.	23 24
	(2) The person keeps all rights accrued or accruing to the person as a public sector employee as if service as the director were a continuation of service as a public sector employee.	25 26 27

-
- (3) At the end of the person’s term of office or on resignation as the director, the person’s service as the director is taken to be service of a like nature for deciding the person’s rights as a public sector employee.

Part 3 Office and staff

- 23 Establishment**
- (1) The Office of the Director of Forensic Science Queensland (*Forensic Science Queensland*) is established.
- (2) Forensic Science Queensland consists of—
- (a) the director; and
 - (b) the staff of Forensic Science Queensland.
- 24 Function**
- The function of Forensic Science Queensland is to help the director perform the director’s functions.
- 25 Staff**
- The staff of Forensic Science Queensland are employed under the *Public Sector Act 2022*.

[s 26]

Part 4	Forensic Science Queensland Advisory Council	1 2
Division 1	Establishment, functions and powers	3 4
26	Establishment	5
	The Forensic Science Queensland Advisory Council is established.	6 7
27	Functions	8
	(1) The council has the following functions—	9
	(a) to monitor and review policies and procedures of Forensic Science Queensland relating to the administration of criminal justice;	10 11 12
	(b) to give advice or make recommendations about the policies and procedures mentioned in paragraph (a);	13 14
	(c) another function as directed by the Minister.	15
	(2) The council may give the advice or make the recommendations mentioned in subsection (1)(b) to the Minister or the director, on its own initiative or on request by the Minister.	16 17 18 19
28	Powers	20
	The council has the power to do anything necessary or convenient to be done in performing the council’s functions.	21 22

Division 2	Membership	1
29	Council members	2
(1)	The council consists of up to 11 members appointed by the Minister.	3 4
(2)	However, the Minister must appoint the following persons as council members—	5 6
(a)	1 person who is a representative of the Queensland Police Service;	7 8
(b)	1 person who is a representative of the Office of the Director of Public Prosecutions;	9 10
(c)	1 person who is a representative of Legal Aid Queensland;	11 12
(d)	1 person who holds qualifications, or has experience, relating to supporting victims of crime;	13 14
(e)	1 person who holds qualifications, or has experience, relating to forensic services and is not employed by the State;	15 16 17
(f)	1 person who is a practising lawyer and is not employed by the State.	18 19
(3)	Also, any other person appointed by the Minister as a council member must hold qualifications, or have experience, in at least 1 of the following fields—	20 21 22
(a)	forensic services;	23
(b)	policing;	24
(c)	law;	25
(d)	support for victims of crime;	26
(e)	another field the Minister is satisfied is necessary or relevant to support the council’s functions.	27 28
(4)	A person appointed as a council member under this section is appointed under this Act and not the <i>Public Sector Act 2022</i> .	29 30

[s 30]

(5)	In this section—	1
	<i>Legal Aid Queensland</i> means Legal Aid Queensland established under the <i>Legal Aid Queensland Act 1997</i> .	2 3
30	Chairperson	4
(1)	The Minister must appoint a council member to be the chairperson of the council.	5 6
(2)	A council member may be appointed as the chairperson at the same time the person is appointed as a council member.	7 8
(3)	The chairperson holds office for the term, ending not later than the end of the person’s term of appointment as a council member, stated in the person’s appointment as chairperson.	9 10 11
(4)	However, a person’s appointment as chairperson ends if—	12
	(a) during the term of the appointment the person stops being a council member; or	13 14
	(b) the person resigns as chairperson by signed notice given to the Minister.	15 16
31	Deputy chairperson	17
(1)	The council members must appoint 1 of the members, other than the chairperson, to be the deputy chairperson.	18 19
(2)	The deputy chairperson holds office for the term, ending not later than the end of the person’s term of appointment as a council member, decided by the council.	20 21 22
(3)	However, a person’s appointment as deputy chairperson ends if—	23 24
	(a) during the term of the appointment the person stops being a council member; or	25 26
	(b) the person resigns as deputy chairperson by signed notice given to the council.	27 28

32	Term of appointment	1
(1)	A council member holds office for the term, not longer than 3 years, stated in the member's instrument of appointment.	2 3
(2)	The council member may be reappointed.	4
33	Conditions of appointment	5
(1)	A council member is to be paid the remuneration and allowances decided by the Minister.	6 7
(2)	The council member holds office on the terms and conditions decided by the Minister to the extent the terms and conditions are not provided for by this Act.	8 9 10
34	Vacancy in office	11
(1)	The office of a council member becomes vacant if the member—	12 13
(a)	completes the member's term of office and is not reappointed; or	14 15
(b)	resigns from office by signed notice given to the Minister; or	16 17
(c)	is removed from office by the Minister under subsection (2).	18 19
(2)	The Minister may, by written notice given to the council member, terminate the member's appointment if—	20 21
(a)	the member is absent from 3 consecutive meetings of council members—	22 23
(i)	without the council's permission; and	24
(ii)	without reasonable excuse; or	25
(b)	the member is convicted of an indictable offence; or	26
(c)	the Minister is satisfied the member has engaged in misconduct; or	27 28
(d)	the member is an insolvent under administration; or	29

[s 35]

- (e) the Minister is satisfied the member is incapable of satisfactorily performing the member's duties. 1
2

Division 3 Meetings 3

35 Conduct of business 4

Subject to this division, the council may conduct its business, including council meetings, in the way the council considers appropriate. 5
6
7

36 Council meetings generally 8

The chairperson may convene a meeting of council members (a *council meeting*) as often as is necessary for the performance of the council's functions. 9
10
11

37 Minutes and other records 12

The council must keep— 13

- (a) minutes of council meetings; and 14
(b) a record of its decisions and resolutions. 15

38 Presiding at council meetings 16

- (1) The chairperson is to preside at all council meetings at which the chairperson is present. 17
18
(2) If the chairperson is not present at a council meeting, the deputy chairperson is to preside if present. 19
20
(3) If the chairperson and deputy chairperson are not present at a council meeting, the member chosen by the members present is to preside. 21
22
23

Division 4	Miscellaneous	1
39	Advice and recommendations of council	2
(1)	This section applies if—	3
(a)	the council gives advice or makes a recommendation about a matter to the Minister or the director; and	4 5
(b)	the council’s decision on the matter is not unanimous.	6
(2)	The council’s advice or recommendation must include a fair summary of the views of each council member who did not agree with the decision.	7 8 9
Part 5	Confidentiality	10
40	Confidentiality of information	11
(1)	This section applies if a person gains confidential information through involvement in the administration of this Act because of being, or an opportunity given by being—	12 13 14
(a)	the director; or	15
(b)	a council member; or	16
(c)	a staff member of Forensic Science Queensland; or	17
(d)	a person assisting the council in the performance of its functions; or	18 19
(e)	a person assisting the director under an arrangement; or	20
(f)	a public sector employee or other person assisting the director.	21 22
(2)	The person must not disclose the information to anyone else, or use the information, other than under this section.	23 24
	Maximum penalty—200 penalty units.	25
(3)	The person may disclose or use the information—	26
(a)	to the extent the disclosure or use is—	27

[s 41]

- (i) necessary to perform the person’s functions under or relating to this Act; or 1
2
 - (ii) required or permitted by this Act or another law; or 3
 - (b) if the disclosure is— 4
 - (i) under an arrangement for the provision of forensic services; and 5
6
 - (ii) to the person or other entity that requested the forensic services under the arrangement; or 7
8
 - (c) for a proceeding in a court or tribunal; or 9
 - (d) if authorised by a court or tribunal in the interests of justice; or 10
11
 - (e) with the consent of the person to whom the information relates. 12
13
- (4) In this section— 14
- arrangement*** means an arrangement mentioned in section 14(1)(a). 15
16
- confidential information***— 17
- (a) includes information about a person’s affairs; but 18
 - (b) does not include statistical or other information that could not reasonably be expected to result in the identification of the person to whom the information relates. 19
20
21
22
- disclose*** includes give access to. 23

Part 6 Miscellaneous 24

41 Director and council not statutory bodies for particular Acts 25 26

The director and the council are not statutory bodies for the *Statutory Bodies Financial Arrangements Act 1982* or the *Financial Accountability Act 2009*. 27
28
29

42	Proceedings for offences	1
(1)	A proceeding for an offence against this Act is to be heard and decided summarily.	2 3
(2)	A proceeding for the offence must start—	4
(a)	within 1 year after the commission of the offence; or	5
(b)	within 6 months after the offence comes to the complainant’s knowledge, but within 2 years after the commission of the offence.	6 7 8
43	Protection from civil liability	9
(1)	The Minister, the director or a council member is not civilly liable for an act done, or omission made, honestly and without negligence under this Act.	10 11 12
(2)	If subsection (1) prevents civil liability attaching to a person, the liability attaches instead to the State.	13 14
(3)	This section does not apply to a person who is a prescribed person under the <i>Public Sector Act 2022</i> , section 267.	15 16
	<i>Note—</i>	17
	For protection from civil liability in relation to prescribed persons under the <i>Public Sector Act 2022</i> , section 267, see section 269 of that Act.	18 19 20
44	Regulation-making power	21
	The Governor in Council may make regulations under this Act.	22 23

[s 45]

Part 7	Transitional provisions	1
Division 1	Preliminary	2
45	Definitions for part	3
	In this part—	4
	<i>certified agreement</i> see the <i>Industrial Relations Act 2016</i> , schedule 5.	5 6
	<i>existing instruments</i> means the following instruments as they were in effect immediately before the commencement—	7 8
	(a) a Queensland Health certified agreement;	9
	(b) a Queensland Health award;	10
	(c) a public sector directive;	11
	(d) a health employment directive.	12
	<i>health employment directive</i> means a health employment directive issued by the chief executive under the <i>Hospital and Health Boards Act 2011</i> , section 51A.	13 14 15
	<i>health service employee</i> means a person appointed as a health service employee under the <i>Hospital and Health Boards Act 2011</i> , section 67.	16 17 18
	<i>initial FSQ employee</i> see section 46.	19
	<i>new certified agreement</i> means a certified agreement made after the commencement.	20 21
	<i>public sector directive</i> —	22
	(a) means a directive under the <i>Public Sector Act 2022</i> , schedule 2; and	23 24
	(b) includes—	25
	(i) a joint directive made under section 226 of that Act; and	26 27

- (ii) a directive continued under section 307 or 308 of that Act. 1
2

Queensland Health means the department administering the *Hospital and Health Boards Act 2011*. 3
4

Queensland Health award means the following awards under the *Industrial Relations Act 2016*— 5
6

- (a) the Hospital and Health Service General Employees (Queensland Health) Award – State 2015; 7
8
- (b) the Health Practitioners and Dental Officers (Queensland Health) Award – State 2015; 9
10
- (c) another award that, immediately before the commencement, covered Queensland Health in relation to the employment of public service employees. 11
12
13

Queensland Health certified agreement means the following certified agreements— 14
15

- (a) the Queensland Public Health Sector Certified Agreement (No. 11) 2022; 16
17
- (b) the Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 4) 2022. 18
19

46 Application of part 20

- (1) This part applies to a person (an **initial FSQ employee**) who is employed by the department after the commencement as a staff member of Forensic Science Queensland, including a person who was a health service employee or public service employee immediately before being transferred to the department. 21
22
23
24
25
26
- (2) However, a person stops being an initial FSQ employee if a new certified agreement, covering the person as an employee of the department, takes effect. 27
28
29

[s 47]

Division 2	Employment terms and conditions of initial FSQ employees	1 2
47	Application of existing instruments	3
(1)	Subsection (2) applies to an initial FSQ employee who—	4
(a)	was a health service employee immediately before being transferred to the department; or	5 6
(b)	was a public service employee immediately before being transferred to the department.	7 8
(2)	The terms and conditions of employment of the initial FSQ employee are—	9 10
(a)	for an initial FSQ employee mentioned in subsection (1)(a)—the terms and conditions that applied, immediately before the commencement, to health service employees under the existing instruments; or	11 12 13 14
(b)	for an initial FSQ employee mentioned in subsection (1)(b)—the terms and conditions that applied, immediately before the commencement, to public service employees employed by Queensland Health under the existing instruments other than a health employment directive.	15 16 17 18 19 20
(3)	The terms and conditions of employment of an initial FSQ employee to whom subsection (2) does not apply are the terms and conditions that applied, immediately before the commencement, to health service employees under the existing instruments.	21 22 23 24 25
(4)	For subsections (2) and (3)—	26
(a)	the <i>Hospital and Health Boards Act 2011</i> , sections 51B and 51C apply in relation to an existing instrument that is a health employment directive; and	27 28 29
(b)	the <i>Public Sector Act 2022</i> , sections 228 and 229 apply in relation to an existing instrument that is a public sector directive; and	30 31 32

(c)	to the extent an existing instrument applied to health service employees, or public service employees employed by Queensland Health, immediately before the commencement, the instrument is taken to apply to an initial FSQ employee; and	1 2 3 4 5
(d)	to the extent an existing instrument applied to Queensland Health in relation to the employment of health service employees or public service employees immediately before the commencement, the instrument is taken to apply to the department in place of Queensland Health.	6 7 8 9 10 11
(5)	This section applies despite any other Act but subject to sections 48 to 51.	12 13
48	Change to existing instrument other than health employment directive	14 15
(1)	This section applies to an existing instrument other than a health employment directive.	16 17
(2)	To the extent a change to the existing instrument takes effect after the commencement, the change applies for the purposes of the instrument's application under section 47.	18 19 20
49	Revocation of existing public sector directive	21
(1)	This section applies if an existing instrument that is a public sector directive is revoked or otherwise stops having effect after the commencement.	22 23 24
(2)	The public sector directive stops applying under section 47.	25
50	Application of public sector directive made after commencement	26 27
(1)	The terms and conditions of employment of an initial FSQ employee are subject to a public sector directive made after the commencement if the directive states that it applies to initial FSQ employees.	28 29 30 31

[s 51]

- (2) The *Public Sector Act 2022*, sections 228 and 229 apply in relation to a public sector directive mentioned in subsection (1). 1
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51 Fixed term contracts not affected 4

- (1) This section applies if a fixed term contract was in effect for an initial FSQ employee to whom section 47(2) applies immediately before the employee was transferred to the department. 5
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- (2) Nothing in this part affects the operation of the fixed term contract. 9
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Division 3 Miscellaneous 11

52 Transfer of health service employee or public service employee 12
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- (1) For initial FSQ employees to whom section 47(2) applies, the transfer to the department does not— 14
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- (a) affect the employees' benefits, entitlements or remuneration; or 16
17
- (b) prejudice the employees' existing or accruing rights to superannuation or recreation, sick, long service or other leave; or 18
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20
- (c) interrupt continuity of service, except that the employees are not entitled to claim the benefit of a right or entitlement more than once in relation to the same period of service; or 21
22
23
24
- (d) entitle the employees to a payment or other benefit from the State because the employees are no longer employed by Queensland Health. 25
26
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- (2) This section does not limit the operation of the *Public Sector Act 2022*, chapter 4, part 4 in relation to the transfer of employees to the department as staff members of Forensic Science Queensland. 28
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31

Part 8	Legislation amended	1
Division 1	Amendment of this Act	2
53	Act amended	3
	This division amends this Act.	4
54	Amendment of long title	5
	Long title, from ‘, and to amend’—	6
	<i>omit.</i>	7
Division 2	Amendment of Evidence Act 1977	8
55	Act amended	9
	This division amends the <i>Evidence Act 1977</i> .	10
56	Amendment of s 133A (DNA analysts)	11
(1)	Section 133A(1)—	12
	<i>omit, insert—</i>	13
	(1) The Director of Forensic Science Queensland under the <i>Forensic Science Queensland Act 2023</i> may appoint a staff member of Forensic Science Queensland as a DNA analyst if satisfied the staff member has the necessary qualifications and experience to be a DNA analyst.	14 15 16 17 18 19
(2)	Section 133A—	20
	<i>insert—</i>	21
	(6) In this section—	22
	<i>Forensic Science Queensland</i> means the Office	23

[s 57]

	of the Director of Forensic Science Queensland established under the <i>Forensic Science Queensland Act 2023</i> , section 23.	1 2 3
57	Insertion of new pt 9, div 14	4
	Part 9—	5
	<i>insert</i> —	6
	Division 14 Transitional provision for Forensic Science Queensland Act 2023	7 8 9
	160 Continued appointments	10
	(1) This section applies if—	11
	(a) immediately before the commencement, a person held office as a DNA analyst under former section 133A(1); and	12 13 14
	(b) on the commencement, the person is a staff member of Forensic Science Queensland.	15 16
	(2) From the commencement, the person continues to hold office as a DNA analyst under section 133A(1) as in force on the commencement on the conditions, if any, stated in the person’s instrument of appointment.	17 18 19 20 21
	(3) In this section—	22
	<i>Forensic Science Queensland</i> means the Office of the Director of Forensic Science Queensland established under the <i>Forensic Science Queensland Act 2023</i> , section 23.	23 24 25 26
	<i>former section 133A(1)</i> means section 133A(1) as in force from time to time before the commencement.	27 28 29

Division 3	Amendment of Medicines and Poisons Act 2019	1 2
58	Act amended	3
	This division amends the <i>Medicines and Poisons Act 2019</i> .	4
59	Amendment of s 49 (State officers and helpers)	5
	Section 49(1)—	6
	<i>insert—</i>	7
	(e) the Director of Forensic Science Queensland;	8 9
	(f) a staff member of Forensic Science Queensland.	10 11
60	Amendment of s 189 (Appointment and qualifications of State analyst)	12 13
	Section 189—	14
	<i>insert—</i>	15
	(3) The Director of Forensic Science Queensland may appoint a staff member of Forensic Science Queensland as a State analyst if satisfied the staff member has the necessary qualifications and experience to be a State analyst.	16 17 18 19 20
61	Amendment of s 190 (Appointment conditions of State analyst)	21 22
	Section 190(2), definition <i>signed notice</i> , from ‘signed by’—	23
	<i>omit, insert—</i>	24
	signed by—	25
	(a) for a State analyst appointed under section 189(1)—the chief executive; or	26 27

[s 62]

	(b) for a State analyst appointed under section 189(3)—the Director of Forensic Science Queensland.	1 2 3
62	Amendment of s 192 (Resignation of State analyst)	4
	Section 192, from ‘given to’—	5
	<i>omit, insert</i> —	6
	given to—	7
	(a) for a State analyst appointed under section 189(1)—the chief executive; or	8 9
	(b) for a State analyst appointed under section 189(3)—the Director of Forensic Science Queensland.	10 11 12
63	Amendment of s 208 (Evidentiary aids generally)	13
	(1) Section 208(1)(f), ‘or State analyst’—	14
	<i>omit, insert</i> —	15
	, or State analyst under section 189(1),	16
	(2) Section 208—	17
	<i>insert</i> —	18
	(1A) A certificate purporting to be that of the Director of Forensic Science Queensland stating that, on a stated day, or for a stated period, an appointment as a State analyst under section 189(3) was or was not in force for a stated person is evidence of the matter.	19 20 21 22 23 24
64	Amendment of ch 8, pt 2, hdg (Savings and transitional provisions)	25 26
	Chapter 8, part 2, heading, after ‘provisions’—	27
	<i>insert</i> —	28

	for Act No. 26 of 2019	1
65	Omission of ch 8, pt 2, div 7, hdg (Miscellaneous)	2
	Chapter 8, part 2, division 7, heading—	3
	<i>omit.</i>	4
66	Insertion of new ch 8, pt 3	5
	Chapter 8—	6
	<i>insert—</i>	7
	Part 3	8
	Transitional provision	9
	for Forensic Science	10
	Queensland Act 2023	10
	282 Continued appointments	11
	(1) This section applies if—	12
	(a) immediately before the commencement, a	13
	person held office as a State analyst	14
	appointed under section 189(1); and	15
	(b) on the commencement, the person is a staff	16
	member of Forensic Science Queensland.	17
	(2) On the commencement, the person is taken to	18
	hold office as a State analyst appointed by the	19
	Director of Forensic Science Queensland under	20
	section 189(3) on the conditions, if any, stated in	21
	the person’s instrument of appointment.	22
67	Amendment of sch 1 (Dictionary)	23
	Schedule 1—	24
	<i>insert—</i>	25
	<i>Director of Forensic Science Queensland</i> means	26

[s 68]

	the director appointed under the <i>Forensic Science Queensland Act 2023</i> , section 7.	1 2
	<i>Forensic Science Queensland</i> means the Office of the Director of Forensic Science Queensland established under the <i>Forensic Science Queensland Act 2023</i> , section 23.	3 4 5 6
Division 4	Amendment of Police Powers and Responsibilities Act 2000	7 8
68 Act amended		9
	This division amends the <i>Police Powers and Responsibilities Act 2000</i> .	10 11
69 Amendment of s 488B (Commissioner may enter into DNA arrangement)		12 13
(1) Section 488B(1)(a)—		14
	<i>omit, insert—</i>	15
	(a) the Director of Forensic Science Queensland under the <i>Forensic Science Queensland Act 2023</i> ;	16 17 18
(2) Section 488B(2), definition <i>accredited laboratory</i> , ‘ISO/IEC 17025:2005’—		19 20
	<i>omit, insert—</i>	21
	ISO/IEC 17025	22
(3) Section 488B(2), definition <i>ISO/IEC 17025:2005</i> —		23
	<i>omit, insert—</i>	24
	<i>ISO/IEC 17025</i> means the standard titled ‘ISO/IEC 17025—General requirements for the competence of testing and calibration laboratories’, published jointly by the International Organisation for Standardisation	25 26 27 28 29

[s 69]

and the International Electrotechnical Commission. 1
2

Schedule 1	Dictionary	1
	section 5	2
		3
	<i>council</i> means the Forensic Science Queensland Advisory Council established under section 26.	4 5
	<i>council meeting</i> see section 36.	6
	<i>council member</i> means a member of the council.	7
	<i>director</i> means the Director of Forensic Science Queensland appointed under section 7.	8 9
	<i>Forensic Science Queensland</i> see section 23(1).	10
	<i>forensic services</i> —	11
	(a) means the application of scientific methods of testing and analysis, and scientific interpretation, for either of the following purposes—	12 13 14
	(i) the investigation or prevention of crime;	15
	(ii) the provision of expert evidence to inform decisions and findings relevant to the administration of criminal justice; and	16 17 18
	<i>Examples of decisions and findings for subparagraph (ii)—</i>	19
	1 a decision whether to prosecute a person for an offence	20 21
	2 a finding of guilt by a court	22
	3 a finding in a coroner’s investigation under the <i>Coroners Act 2003</i>	23 24
	<i>Examples of scientific methods of testing and analysis—</i>	25
	DNA analysis, chemical analysis	26
	(b) includes a type of testing and analysis, or scientific interpretation, prescribed by regulation; and	27 28
	(c) does not include a type of testing and analysis, or scientific interpretation, prescribed by regulation.	29 30

-
- misconduct*** means— 1
- (a) inappropriate or improper conduct in an official 2
capacity; or 3
- (b) inappropriate or improper conduct in a private capacity 4
that reflects seriously and adversely on Forensic Science 5
Queensland or the council. 6
- public sector employee*** see the *Public Sector Act 2022*, 7
section 12. 8
- scientific interpretation*** means the interpretation of the results 9
of a scientific method of testing and analysis. 10

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