

Queensland



**CRIMINAL JUSTICE
LEGISLATION
AMENDMENT BILL 1997**



CRIMINAL JUSTICE LEGISLATION AMENDMENT BILL 1997

TABLE OF PROVISIONS

Section		Page
	PART 1—PRELIMINARY	
1	Short title	6
2	Commencement	6
	PART 2—AMENDMENT OF CRIMINAL JUSTICE ACT 1989	
3	Act amended in pt 2	6
4	Amendment of s 2 (Objects of Act)	6
5	Amendment of s 3 (Definitions)	7
6	Amendment of s 10 (Disqualifications for appointment to commission) ..	8
7	Amendment of s 12 (Appointment of members)	8
8	Amendment of s 14 (Tenure of office)	9
9	Amendment of s 15 (Casual vacancy in membership)	9
10	Insertion of new ss 16A and 16B	10
	16A Participation in meetings by telephone etc.	10
	16B Resolutions without meetings	10
11	Amendment of s 19 (Divisions of commission)	11
12	Omission of s 20 (Functions, jurisdiction etc.)	11
13	Amendment of s 21 (Functions)	11
14	Omission of s 24 (Role of commission members)	12
15	Amendment of s 25 (Commission hearings)	12
16	Amendment of s 26 (Commission's reports)	12
17	Amendment of s 27 (Commission's report on court procedures and confidential matter)	13

Criminal Justice Legislation Amendment

18	Insertion of new s 28A	14
	28A Giving other information to parliamentary committee	15
19	Amendment of s 29 (Role and functions)	15
20	Amendment of s 33 (Reports of division)	15
21	Amendment of s 34 (Judicial review of division's activities)	16
22	Amendment of s 36 (Establishment of section)	17
23	Amendment of s 38 (Handling of complaints etc. by complaints section)	18
24	Amendment of div heading	18
25	Amendment of s 56 (Role and functions)	18
26	Amendment of s 63 (Access to register)	19
27	Amendment of s 64 (Employment by commission)	19
28	Amendment of s 66 (Engagement of services)	20
29	Amendment of s 67 (Officers of commission)	20
30	Insertion of new s 68A	20
	68A Delegation of powers by chairperson of commission under pt 3 ...	20
31	Amendment of s 69 (Notice to discover information)	21
32	Amendment of s 84 (Further powers of officers of commission)	21
33	Amendment of s 88 (Prohibition of publication of evidence etc.)	21
34	Replacement of s 90 (Hearings open to public unless commission otherwise orders)	22
	90 Hearings closed to the public unless commission otherwise orders	22
35	Amendment of s 94 (Obligation to adduce evidence)	23
36	Amendment of s 98 (Inspection of material in commission's custody) ...	23
37	Amendment of s 102 (Disclosure to commission not breach of confidence)	24
38	Amendment of s 103 (Personal protection for witnesses etc.)	24
39	Insertion of new s 116A	24
	116A Membership of parliamentary committee continues despite dissolution	24
40	Amendment of s 118 (Functions and powers)	25
41	Insertion of new ss 118A to 118F and new pt 4A	25
	118A Guidelines on operation of commission	25

118B	Guidelines to be tabled	25
118C	Disallowance of guideline	26
118D	Limited saving of operation of guideline that ceases to have effect	26
118E	Directions by parliamentary committee to undertake investigation	26
118F	Referral of concerns by parliamentary committee	26
PART 4A—PARLIAMENTARY CRIMINAL JUSTICE COMMISSIONER		
<i>Division 1—Parliamentary criminal justice commissioner</i>		
118G	Office of Parliamentary criminal justice commissioner	27
118H	Qualification for appointment as parliamentary commissioner	28
118I	Disqualifications as parliamentary commissioner	28
118J	Selection for appointment of parliamentary commissioner	29
118K	Appointment of parliamentary commissioner	29
118L	Acting parliamentary commissioner	30
118M	Duration of appointment	30
118N	Vacation of office	31
118O	Remuneration of parliamentary commissioner	31
118P	Oath of parliamentary commissioner	31
118Q	Administrative and support services for parliamentary commissioner	32
<i>Division 2—Functions and powers of parliamentary commissioner</i>		
118R	Functions of parliamentary commissioner	32
118S	Parliamentary commissioner can not be required to disclose particular information	34
118T	Powers of the parliamentary commissioner	34
118U	Parliamentary commissioner to have custody of and deal with records of the CJC inquiry	35
118V	Relinquishment of records of CJC inquiry	36
118W	Parliamentary commissioner has powers under Commissions of Inquiry Act 1950	36
118X	Confidentiality obligations not to apply	36
118Y	Commission not entitled to privilege	37

118Z	Investigations closed to the public unless authorised by parliamentary committee	37
118ZA	Protection of parliamentary commissioner and officers etc.	37
42	Amendment of s 120 (Application pursuant to s 34)	38
43	Amendment of s 123 (Application pursuant to s 82)	39
44	Amendment of s 132 (Confidentiality to be maintained)	39
45	Amendment of s 137 (False complaints or information)	40
46	Amendment of s 143 (Proof of commission actions)	40
47	Insertion of new s 147B	40
	147B Commission to give financial information to the Minister	40
48	Insertion of new pt 8	41
PART 8—TRANSITIONAL PROVISIONS		
149	Transitional provision for Criminal Justice Legislation Amendment Act 1997	41
PART 3—AMENDMENT OF PARLIAMENTARY COMMITTEES ACT 1995		
49	Act amended in pt 3	41
50	Amendment of s 6 (Application of Act to committees established by Assembly etc.)	41

1997

A BILL

FOR

An Act to amend the *Criminal Justice Act 1989* and another Act

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

Clause **1.** This Act may be cited as the *Criminal Justice Legislation Amendment Act 1997*.

4

5

Commencement

6

Clause **2.** This Act commences on a day to be fixed by proclamation.

7

PART 2—AMENDMENT OF CRIMINAL JUSTICE ACT 1989

8

9

Act amended in pt 2

10

Clause **3.** This part amends the *Criminal Justice Act 1989*.

11

Amendment of s 2 (Objects of Act)

12

Clause **4.** Section 2(b)—

13

omit, insert—

14

‘(b) to provide for the establishment of—

15

- (i) a parliamentary committee to oversight the conduct and activities of the commission and monitor and review compliance by the commission with its requirements of accountability to the Legislative Assembly for its conduct and activities; and

16

17

18

19

20

- (ii) a mechanism for dealing with complaints about conduct or

21

Criminal Justice Legislation Amendment

activities of the commission; and

- (iii) a parliamentary commissioner to exercise certain powers at the request of the parliamentary committee.’

Amendment of s 3 (Definitions)

Clause 5.(1) Section 3, definition “**commission**”—

omit.

(2) Section 3—

insert—

‘ “**commission**” means the Criminal Justice Commission constituted by this Act.

“**parliamentary commissioner**” means the Parliamentary Criminal Justice Commissioner.’

(3) Section 3, definition “**principal officer**”, paragraphs (a) to (c)—

renumber as paragraphs (d) to (f).

(4) Section 3, definition “**principal officer**”, after ‘ “**principal officer**” ’—

insert—

‘, for a particular unit of public administration, means—

(a) for a department—its chief executive; or

(b) for another unit of public administration—its chief executive officer (however described) or the person who performs the functions of the chief executive officer; or

(c) if, for this definition, a regulation prescribes an office or position—the person holding or performing the duties of the office or position prescribed;

but’.

(5) Section 3, definition “**unit of public administration**”—

insert—

‘(da) the Queensland Corrective Services Commission established

Criminal Justice Legislation Amendment

under the *Corrective Services (Administration) Act 1988*,
section 9; or’.

(6) Section 3, definition “**unit of public administration**”, after
paragraph (h)—

insert—

‘(2) However, neither the parliamentary commissioner, nor the entity
consisting of the commissioner, officers and employees of the
parliamentary service assigned to assist the commissioner and persons
engaged to provide the parliamentary commissioner with services,
information or advice, is a unit of public administration.’.

(7) Section 3, definition “**unit of public administration**”, ‘ “**unit of
public administration**” means—’

omit, insert—

‘**Meaning of “unit of public administration”**

‘3A.(1) “**Unit of public administration**” means—’.

(8) Section 3—

insert—

‘ “**unit of public administration**” see section 3A.’.

**Amendment of s 10 (Disqualifications for appointment to
commission)**

Clause 6. Section 10(1)—

insert—

‘(g) is the parliamentary commissioner.’.

Amendment of s 12 (Appointment of members)

Clause 7. Section 12(2), ‘shall consult with the chairperson.’—

omit, insert—

‘must—

(a) for selection of a member under section 9(2)(b)—cause

Criminal Justice Legislation Amendment

notification of the Minister's intention to make a selection to be
advertised statewide, calling for applications from suitably
qualified persons to be considered for selection; and

(b) in all cases—consult with the chairperson.’.

Amendment of s 14 (Tenure of office)

Clause **8.(1)** Section 14—

insert—

‘**(1A)** The term of appointment of a commissioner must be specified
with a view to ensuring that, at any time, the offices of all commissioners
will not be vacant.’.

(2) Section 14(7)(g), ‘same political party in the Assembly’—

omit, insert—

‘party or parties in government in the Legislative Assembly’.

Amendment of s 15 (Casual vacancy in membership)

Clause **9.(1)** Section 15(3), after ‘appointment’—

insert—

‘for a term of 12 months or less’.

(2) Section 15—

insert—

‘**(4)** For an appointment to a vacancy under subsection (1) for a term of
12 months or less—

(a) of a person mentioned in section 9(2)(a)—section 12(5) does not
apply to the appointment; and

(b) of a person mentioned in section 9(2)(b)—section 12(2)(a) does
not apply to the appointment.’.

Insertion of new ss 16A and 16B

Clause **10.** After section 16—

insert—

‘Participation in meetings by telephone etc.

‘16A.(1) The commission may permit commissioners to participate in a particular meeting, or all meetings, by telephone, closed circuit television or another way permitting contemporaneous communication with other commissioners.

‘(2) Within 7 days of participating in a meeting of the commission under a permission under subsection (1), a commissioner must confirm in writing to the chairperson the way the commissioner voted on business conducted at the meeting.

‘(3) A commissioner who participates in a meeting of the commission under a permission under subsection (1) and complies with subsection (2) for the meeting is taken to have been present at the meeting for section 16(5).

‘Resolutions without meetings

‘16B.(1) If at least a majority of commissioners sign a document containing a statement that they are in favour of a resolution stated in the document, a resolution in those terms is taken to have been passed at a meeting of the commission held on—

(a) the day the document is signed; or

(b) if the commissioners do not sign the document on the same day—the day the last of the commissioners constituting the majority signs the document.

‘(2) If a resolution is, under subsection (1), taken to have been passed at a meeting of the commission, each commissioner must immediately be advised of the matter and given a copy of the terms of the resolution.

‘(3) For subsection (1), 2 or more separate documents containing a statement in identical terms, each of which is signed by 1 or more commissioners, are taken to be a single document.’.

	Amendment of s 19 (Divisions of commission)	1
Clause	11.(1) Section 19(1) to (3)—	2
	<i>omit, insert—</i>	3
	‘ 19.(1) Within the commission, there is established the official misconduct division and there may be established any other organisational units the commission considers necessary.	4
		5
		6
	<i>Example—</i>	7
	The commission may establish units for the following if the commission considers it necessary—	8
		9
	(a) witness protection;	10
	(b) intelligence;	11
	(c) research.’.	12
	(2) Section 19(4), ‘chairperson’—	13
	<i>omit, insert—</i>	14
	‘commission’.	15
	Omission of s 20 (Functions, jurisdiction etc.)	16
Clause	12. Section 20—	17
	<i>omit.</i>	18
	Amendment of s 21 (Functions)	19
Clause	13.(1) Section 21(1)(a), ‘, coordinate’—	20
	<i>omit.</i>	21
	(2) Section 21(1)(b)—	22
	<i>omit, insert—</i>	23
	‘(b) discharge other functions appropriate to the objects of this Act.’.	24
	(3) Section 21(3)(b)—	25
	<i>omit, insert—</i>	26
	‘(b) in relation to a matter specified by the parliamentary committee	27

Criminal Justice Legislation Amendment

concerning a function of the commission or the administration of criminal justice;’.

Omission of s 24 (Role of commission members)

Clause **14.** Section 24—
 omit.

Amendment of s 25 (Commission hearings)

Clause **15.** Section 25(2)—
 omit, insert—

‘**(2)** A hearing by the commission may, as authorised by the commission, be conducted by any of the following persons—

- (a) the chairperson;
- (b) the chairperson and another commissioner;
- (c) the director of the official misconduct division;
- (d) a commissioner who is a legal practitioner;
- (e) an employee of the commission who is a legal practitioner;
- (f) a legal practitioner, other than a person mentioned in paragraphs (a) to (e).

‘**(3)** A legal practitioner can not conduct a hearing under subsection (2)(f) unless the authorisation of the legal practitioner is supported by the members of the parliamentary committee unanimously or by 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.

‘**(4)** A person authorised to conduct a hearing under subsection (2) is taken, for the purposes of the hearing, to be the commission.’.

Amendment of s 26 (Commission’s reports)

Clause **16.** Section 26—
 insert—

Criminal Justice Legislation Amendment

‘(9) In this section—

“report of the commission” means—

- (a) a report on a hearing conducted by the commission under section 25, other than a report under section 33; or
- (b) a research or other report prepared by the commission that the parliamentary committee directs the commission to give to the Speaker of the Legislative Assembly.’.

Amendment of s 27 (Commission’s report on court procedures and confidential matter)

Clause 17.(1) Section 27(2), after ‘in relation to it’—

insert—

‘(“confidential information”).’.

(2) Section 27—

insert—

‘(3) If the commission decides under subsection (2)(a) not to make a report to which confidential information is relevant or, in a report, the commission, under subsection (2)(b), does not disclose or refer to confidential information, the commission—

- (a) may disclose the confidential information in a separate document to—
 - (i) the Speaker of the Legislative Assembly; and
 - (ii) the Minister; and
- (b) must disclose the confidential information in a separate document to the parliamentary committee.

‘(4) A member of the parliamentary committee or a person appointed, engaged or assigned to help the committee, must not disclose confidential information disclosed to the parliamentary committee or person under subsection (3)(b) until the commission advises the committee there is no longer a need to strictly maintain confidentiality in relation to the information.

‘(5) Despite subsection (3)(b), the commission may refuse to disclose

Criminal Justice Legislation Amendment

information to the parliamentary committee if—	1
(a) a majority of the commissioners considers confidentiality should	2
continue to be strictly maintained in relation to the information;	3
and	4
(b) the commission gives the committee as detailed reasons as	5
possible for the decision.	6
‘(6) The commission must maintain a register of information withheld	7
under subsection (5) and advise the parliamentary committee immediately	8
after the need for strict maintenance of confidentiality ceases in relation to	9
the information.	10
‘(7) The parliamentary committee or a person appointed, engaged or	11
assigned to help the committee and who is authorised for the purpose by the	12
committee may, at any time, inspect in the register information the	13
commission has advised the committee is no longer required to be strictly	14
maintained as confidential.	15
‘(8) Information, reasons or advice mentioned in subsections (3), (5) and	16
(6)—	17
(a) may be given in writing or orally; and	18
(b) is not a report or part of a report for section 26.	19
‘(9) The parliamentary commissioner may at any time inspect	20
information on the register, whether or not the commission has advised the	21
parliamentary committee the information is no longer required to be strictly	22
maintained as confidential.	23
‘(10) The parliamentary committee may not require the parliamentary	24
commissioner to disclose to the committee information inspected by the	25
commissioner on the register, if the commission has not advised the	26
committee the information is no longer required to be strictly maintained as	27
confidential.’	28

Insertion of new s 28A	29
-------------------------------	----

Clause	18. Part 2, division 3, after section 28—	30
	<i>insert—</i>	31

‘Giving other information to parliamentary committee

‘28A.(1) The commission may, with the parliamentary committee’s consent, give the parliamentary committee information, orally or in writing, whether or not at the request of the committee, that is not included in a report under section 26.

‘(2) Section 26 does not apply to the giving of the information.’.

Amendment of s 29 (Role and functions)

Clause **19.(1)** Section 29(3), ‘division—’—

omit, insert—

‘division, subject to directions or orders of, and guidelines issued by, the commission—’.

(2) Section 29(3)(h), ‘chairperson’—

omit, insert—

‘commission’.

Amendment of s 33 (Reports of division)

Clause **20.(1)** Section 33(2), from ‘the chairperson with’ to ‘appropriate—’—

omit, insert—

‘the commission and, with the authority of the commission, to 1 or more of the following—’.

(2) After section 33(2)—

insert—

‘(2A) Before a report is made under subsection (2), the director of the official misconduct division must give any person whose conduct is adversely reported on a reasonable opportunity to comment on the report or relevant part of the report.

‘(2B) Under subsection (2A) the director of the official misconduct division must not disclose a report or a part of a report, if disclosure would be contrary to the public interest.’.

(3) Section 33(3), ‘to the director of public prosecutions or the executive

Criminal Justice Legislation Amendment

director of the commission’—	1
<i>omit, insert—</i>	2
‘under subsection (2)’.	3
(4) Section 33(6), ‘the director considers should remain confidential’—	4
<i>omit, insert—</i>	5
‘if disclosure would be contrary to the public interest’.	6
(5) Section 33—	7
<i>insert—</i>	8
‘ (7) If the director of public prosecutions requires the commission to	9
make further investigation or supply further information relevant to a	10
prosecution, whether started or not, to which the content of a report made to	11
the director under subsection (2)(a) relates, the director of the official	12
misconduct division must take all reasonable steps to further investigate the	13
matter or provide the further information.	14
‘ (8) The commission may give directions to the director of the official	15
misconduct division about the exercise of the director’s powers under	16
subsections (4), (5) or (6), including a direction that certain types of matter	17
are to be responded to by the commission.’.	18

	Amendment of s 34 (Judicial review of division’s activities)	19
--	---	----

Clause	21.(1) Section 34, ‘director of the official misconduct division’—	20
	<i>omit, insert—</i>	21
	‘commission’.	22
	(2) Section 34—	23
	<i>insert—</i>	24
	‘ (2) If an application (the “ costs application ”) is made to the court by a	25
	person (the “ costs applicant ”) who has made an application under	26
	subsection (1), the court may make an order that—	27
	(a) the commission indemnify the costs applicant in relation to the	28
	costs properly incurred in the injunction proceeding, on a party	29
	and party basis, from the time the costs application was made; or	30

Criminal Justice Legislation Amendment

(b)	a party to the injunction proceeding is to bear only that party's own costs of that proceeding, regardless of the outcome.	1 2
‘(3)	In considering the costs application, the court must have regard to—	3
(a)	the financial resources of—	4
(i)	the costs applicant; or	5
(ii)	any person associated with the costs applicant who has an interest in the outcome of the injunction proceeding; and	6 7
(b)	whether the injunction proceeding involves an issue that affects, or may affect, the public interest, in addition to any personal right or interest of the costs applicant; and	8 9 10
(c)	whether the injunction proceeding discloses a reasonable basis for the application under subsection (1).	11 12
‘(4)	The court may, at any time, on its own initiative or on the application of the costs applicant or the commission, revoke or vary, or suspend the operation of, an order made by it under this section after having regard to—	13 14 15
(a)	any conduct of the costs applicant, including a failure to diligently prosecute the injunction proceeding; or	16 17
(b)	any significant change affecting the matters mentioned in subsection (3).	18 19
‘(5)	Subject to this section, the rules of court applying to the awarding of costs apply to the awarding of costs for the injunction proceeding.	20 21
‘(6)	An appeal may be brought from an order under subsection (2) or (4) only with the leave of the Court of Appeal.	22 23
‘(7)	In this section—	24
“injunction proceeding”	means an application under subsection (1) and a proceeding on the application.’.	25 26
Amendment of s 36 (Establishment of section)		27
Clause 22.	Section 36(2) and (3), ‘chairperson’—	28
	omit, insert—	29
	‘commission’.	30

Amendment of s 38 (Handling of complaints etc. by complaints section)

Clause **23.** Section 38—

insert—

‘**(9)** The official misconduct division and the complaints section must comply with any orders or directions given by the commission about matters to which this section applies or investigation of the matters.

‘**(10)** An order or direction mentioned in subsection (9) prevails over—

(a) an inconsistent direction given by the director of the official misconduct division to the extent of the inconsistency; and

(b) an inconsistent guideline issued by the commission to the extent of the inconsistency.’.

Amendment of div heading

Clause **24.** Division heading before section 56, ‘***and coordination***’—

omit.

Amendment of s 56 (Role and functions)

Clause **25.(1)** Section 56(1), ‘and coordination division is the unit within the commission that’—

omit, insert—

‘division is the unit within the commission that, in accordance with any directions of the commission,’.

(2) Section 56(1)(b)—

omit.

(3) Section 56(1)(c), ‘chairperson and, with the chairperson’s’—

omit, insert—

‘commission and, with the commission’s’.

(4) Section 56(2) and 56(3)(a)—

omit.

Criminal Justice Legislation Amendment

(5) Section 56(3), after ‘function of the division’—	1
<i>insert—</i>	2
‘, in accordance with any directions by the commission’.	3
(6) Section 56(3)(b), ‘define’—	4
<i>omit, insert—</i>	5
‘research’.	6
(7) Section 56(3)(c), ‘develop compatible systems for, and to foster’—	7
<i>omit, insert—</i>	8
‘research available resources with the objective of fostering’.	9
(8) Section 56(3)(g), ‘, in particular when required by the intelligence division to do so’—	10
<i>omit.</i>	11
(9) Section 56(3)(i), ‘chairperson, as the director of the division thinks appropriate, or as required by the chairperson,’—	12
<i>omit, insert—</i>	13
‘commission’.	14
	15
	16

Amendment of s 63 (Access to register)

Clause	26. Section 63(b)—	17
	<i>omit, insert—</i>	18
	‘(b) a commissioner; and’.	19
		20

Amendment of s 64 (Employment by commission)

Clause	27.(1) Section 64(1), ‘an executive director and’—	21
	<i>omit.</i>	22
	(2) Section 64(2), ‘settle’—	23
	<i>omit, insert—</i>	24
	‘decide’.	25
		26

Criminal Justice Legislation Amendment

(3) Section 64(2), after ‘staff’—	1
<i>insert—</i>	2
‘and changes to the salaries, wages, allowances and conditions’.	3
(4) Section 64(3), ‘chairperson’—	4
<i>omit, insert—</i>	5
‘commission’.	6
(5) Section 64(4), ‘executive director,’—	7
<i>omit.</i>	8

Amendment of s 66 (Engagement of services)	9
---	---

Clause 28. Section 66, ‘The’—	10
<i>omit, insert—</i>	11
‘Subject to section 25, the’.	12

Amendment of s 67 (Officers of commission)	13
---	----

Clause 29. Section 67(2)—	14
<i>omit, insert—</i>	15
‘(2) Subject to section 19(4), the commission may issue directions for the performance of duties by officers of the commission.’.	16
	17

Insertion of new s 68A	18
-------------------------------	----

Clause 30. Part 3, division 1—	19
<i>insert—</i>	20

‘Delegation of powers by chairperson of commission under pt 3	21
--	----

‘68A.(1) The chairperson of the commission may delegate the chairperson’s powers under this part only with the approval of the commission.	22
	23
	24

‘(2) As soon as practicable after delegation of a power under this part, the	25
--	----

chairperson of the commission must give written notice of the delegation to the parliamentary committee.’.

Amendment of s 69 (Notice to discover information)

Clause 31.(1) Section 69(1), after ‘chairperson’—

insert—

‘or member of the commission who is a lawyer’.

(2) Section 69(1), ‘custody’—

omit, insert—

‘possession, custody or control’.

(3) Section 69—

insert—

‘(5) A person is not compellable under a notice under this section to disclose a secret process of manufacture applied by the person solely for a lawful purpose.’.

Amendment of s 84 (Further powers of officers of commission)

Clause 32. Section 84(1) and (2)—

omit.

Amendment of s 88 (Prohibition of publication of evidence etc.)

Clause 33. Section 88—

insert—

‘(2) Unless specifically prohibited in the order, the order does not prohibit a person summoned to attend before the commission —

(a) informing the person’s immediate family, legal representative and employer the person has been summoned to attend before the commission; and

(b) making a submission to the parliamentary committee about the conduct of the commission’s investigation.

‘(3) Subsection (4) applies if a person (the “**accused person**”) is charged or is to be charged with an offence as a result of an investigation by the commission.

‘(4) Unless a court before which the charge is or may be brought, on application by the commission, otherwise orders, an order made under subsection (1) does not prohibit the giving of information relevant to the charge to—

- (a) the director of public prosecutions; and
- (b) if the information is not adduced at committal proceedings for the charge—the accused person.’.

Replacement of s 90 (Hearings open to public unless commission otherwise orders)

Clause 34. Section 90—

omit, insert—

‘Hearings closed to the public unless commission otherwise orders

‘90.(1) A hearing of the commission is to be closed to the public unless the commission orders, whether before or during the hearing, that it be open to the public.

‘(2) The commission may order that the hearing be open to the public only if the commission considers—

- (a) the hearing is of an administrative nature; or
- (b) a closed hearing would be unfair to a person or contrary to the public interest.

‘(3) In considering whether a closed hearing would be unfair to a person or contrary to the public interest, the commission must have regard to—

- (a) the subject matter of the hearing; and
- (b) the nature of the evidence expected to be given.

‘(4) For a hearing closed to the public, the commission may give a direction about who may be present at the hearing.

‘(5) A person must not knowingly contravene a direction under subsection (4).

Maximum penalty—85 penalty units or 1 year’s imprisonment. 1

‘(6) In this section— 2

“**hearing**” includes part of a hearing.’. 3

Amendment of s 94 (Obligation to adduce evidence) 4

Clause 35.(1) Section 94(2), after ‘incriminate the person’— 5

insert— 6

‘of an offence’. 7

(2) Section 94— 8

insert— 9

‘(2A) Subsection (2) does not apply if the person has been charged with 10
the offence and the charge has not been finally dealt with by a court or 11
otherwise disposed of.’. 12

Amendment of s 98 (Inspection of material in commission’s custody) 13

Clause 36. Section 98— 14

insert— 15

‘(2) Despite subsection (1), a member of the parliamentary committee 16
may inspect any non-operational record or thing in the commission’s 17
custody and may make copies or extracts for use in connection with the 18
parliamentary committee’s functions to which the record or thing is 19
relevant. 20

‘(3) Despite subsection (1), the parliamentary commissioner or another 21
parliamentary commissioner officer authorised by the parliamentary 22
commissioner may inspect any record or thing in the commission’s 23
custody and may make copies or extracts for use in connection with the 24
parliamentary commissioner’s functions to which the record or thing is 25
relevant. 26

‘(4) In this section— 27

“**non-operational record or thing**” does not include a record or thing that 28
relates to an investigation by the commission that is not finalised. 29

“parliamentary commissioner officer” means—

- (a) the parliamentary commissioner; or
- (b) an officer or employee of the parliamentary service assigned to the parliamentary commissioner; or
- (c) a person engaged to provide the parliamentary commissioner with services, information or advice.’.

Amendment of s 102 (Disclosure to commission not breach of confidence)

Clause 37. Section 102, after ‘to the commission’—

insert—

‘, or to an organisational unit within the structure of the commission,’.

Amendment of s 103 (Personal protection for witnesses etc.)

Clause 38. Section 103—

insert—

‘(2) In this section—

“commission” includes an organisational unit within the structure of the commission.’.

Insertion of new s 116A

Clause 39. After section 116—

insert—

‘Membership of parliamentary committee continues despite dissolution

‘116A.(1) Despite section 116, from the dissolution of the Legislative Assembly, the parliamentary committee consists of its members immediately before the dissolution.

‘(2) A member under subsection (1) continues to be a member of the parliamentary committee until the earlier of—

Criminal Justice Legislation Amendment

- | | | |
|--|---|---|
| | (a) the member's resignation by notice given to the clerk of the Parliament; or | 1 |
| | | 2 |
| | (b) the member's death; or | 3 |
| | (c) fresh members are appointed by the Legislative Assembly.' | 4 |

	Amendment of s 118 (Functions and powers)	5
--	--	---

- | | | |
|--------|--|---|
| Clause | 40. Section 118(1)— | 6 |
| | <i>insert—</i> | 7 |
| | ‘(g) to issue guidelines and give directions to the commission as provided under this Act.’. | 8 |
| | | 9 |

	Insertion of new ss 118A to 118F and new pt 4A	10
--	---	----

- | | | |
|--------|---------------------------------------|----|
| Clause | 41. After section 118, before part 5— | 11 |
| | <i>insert—</i> | 12 |

	‘Guidelines on operation of commission	13
--	---	----

	‘118A.(1) The parliamentary committee may issue guidelines to the commission in relation to the conduct and activities of the commission.	14
		15

	‘(2) Before issuing a guideline, the committee must consult with the commission on the proposed guideline.	16
		17

	‘(3) The committee must not issue a guideline unless it is supported by the members of the parliamentary committee unanimously or by 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.	18
		19
		20
		21

	‘(4) The commission must comply with the guidelines.	22
--	--	----

	‘Guidelines to be tabled	23
--	---------------------------------	----

	‘118B.(1) The chairperson of the parliamentary committee must table each guideline issued under section 118A in the Legislative Assembly within 14 sitting days after it is issued to the commission.	24
		25
		26

	‘(2) If a guideline is not tabled under subsection (1), it ceases to have effect.	27
		28

‘Disallowance of guideline

1

‘**118C.(1)** The Legislative Assembly may pass a resolution disallowing a guideline under section 118A if notice of a disallowance motion is given by a member within 14 sitting days after the guideline is tabled in the Legislative Assembly.

2

3

4

5

‘**(2)** On the day set down for its consideration under the standing rules and orders of the Legislative Assembly, the Speaker must put the question that the Legislative Assembly resolve to disallow the guideline.

6

7

8

‘**(3)** If the resolution is passed, the guideline ceases to have effect.

9

‘Limited saving of operation of guideline that ceases to have effect

10

‘**118D.** The cessation of the effect of a guideline under section 118B(2) or 118C(3) does not affect anything done or suffered under the guideline before the cessation.

11

12

13

‘Directions by parliamentary committee to undertake investigation

14

‘**118E.(1)** The parliamentary committee may in writing direct the commission to investigate the matters stated in the direction.

15

16

‘**(2)** The committee must not give a direction unless it is supported by the members of the parliamentary committee unanimously or by 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.

17

18

19

20

‘**(3)** The commission must—

21

(a) investigate the matters stated in the direction diligently and in a way reasonably expected of a law enforcement agency; and

22

23

(b) report the results of its investigation to the committee.

24

‘Referral of concerns by parliamentary committee

25

‘**118F.(1)** This section applies if the parliamentary committee receives a complaint, or has other concerns, about the conduct or activities of—

26

27

(a) the commission; or

28

(b) a commissioner; or

29

- (c) an officer of the commission; or 1
- (d) a person engaged by the commission under section 66.¹ 2
- ‘(2) If the committee decides to take action on the complaint or concern 3
(the “**matter**”), the committee may do 1 or more of the following— 4
- (a) ask the commission to give a report on the matter to the 5
committee; 6
- (b) ask the commission to investigate and give a report on the matter 7
to the committee; 8
- (c) ask the Queensland Police Service or another law enforcement 9
agency to investigate and give a report on the matter to the 10
committee; 11
- (d) ask the parliamentary commissioner to investigate and give a 12
report on the matter to the committee; 13
- (e) take other action the committee considers appropriate. 14
- ‘(3) The commission, Queensland Police Service, parliamentary 15
commissioner or another investigative agency must investigate and report 16
on matters as asked by the committee. 17

‘PART 4A—PARLIAMENTARY CRIMINAL JUSTICE 18 COMMISSIONER 19

‘*Division 1—Parliamentary criminal justice commissioner* 20

‘Office of Parliamentary criminal justice commissioner 21

‘118G.(1) There must be appointed, as an officer of Parliament, a 22
commissioner to be known as the Parliamentary Criminal Justice 23
Commissioner. 24

¹ Section 66 (Engagement of services)

‘(2) Appointment as the parliamentary commissioner may be on a part-time basis. 1
2

‘Qualification for appointment as parliamentary commissioner 3

‘118H. The parliamentary commissioner must be a person who has served as, or is qualified for appointment as, a judge of— 4
5

- (a) the Supreme Court of Queensland; or 6
- (b) the Supreme Court of another State. 7

‘Disqualifications as parliamentary commissioner 8

‘118I.(1) A person is disqualified for appointment as parliamentary commissioner if the person— 9
10

- (a) holds a judicial appointment; or 11
- (b) is a member of the Legislative Assembly or the Executive Council; or 12
13
- (c) is a commissioner or officer of the commission or has been a commissioner or officer of the commission within the 5 years before the time at which the person’s qualification for appointment arises; or 14
15
16
17
- (d) holds the appointment, director of public prosecutions; or 18
- (e) is a member of the police service, or has been a member within the 5 years before the time at which the person’s qualification for appointment arises; or 19
20
21
- (f) holds an appointment in a unit of public administration or on the staff of a Minister; or 22
23
- (g) is a member, appointed by the Governor in Council, of a statutory body (other than a person who is automatically a member because the person is the holder of another office), or an employee of a statutory body. 24
25
26
27

‘(2) An educational institution is not a unit of public administration for subsection (1)(f) or a statutory body for subsection (1)(g). 28
29

‘(3) The parliamentary commissioner is not eligible for appointment as a 30

member mentioned in subsection (1)(g) and a purported appointment is invalid.

‘Selection for appointment of parliamentary commissioner

‘118J.(1) With a view to the selection of a person for appointment as parliamentary commissioner, the Speaker of the Legislative Assembly must cause notification of the parliamentary committee’s intention to make a selection to be advertised nationally, calling for applications from suitably qualified persons to be considered for selection.

‘(2) Subsection (1) does not apply to the reappointment of a person as the parliamentary commissioner.

‘(3) A person must not be appointed as the parliamentary commissioner unless the person’s appointment is supported by the members of the parliamentary committee unanimously or by 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.

‘Appointment of parliamentary commissioner

‘118K.(1) The parliamentary commissioner must be appointed by the Speaker of the Legislative Assembly as an officer of the parliamentary service under the *Parliamentary Service Act 1988*.

‘(2) However—

(a) the parliamentary commissioner can not be dismissed or suspended without the approval of the parliamentary committee; and

(b) the *Parliamentary Service Act 1988*, sections 43 and 44 do not apply to the position of parliamentary commissioner.

‘(3) An approval under subsection (2)(a) must not be given unless the approval is supported by the members of the parliamentary committee unanimously or by 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.

‘(4) Within 7 sitting days of the appointment of the parliamentary

commissioner, the Speaker must table in the Legislative Assembly notice of the appointment.

‘Acting parliamentary commissioner

‘**118L.(1)** The Speaker of the Legislative Assembly may appoint a person qualified to be the parliamentary commissioner to act as the parliamentary commissioner.

‘**(2)** A person must not be appointed to act as the parliamentary commissioner unless the person’s appointment is supported by the members of the parliamentary committee unanimously or by 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.

‘**(3)** The Speaker must appoint a person to act as the acting parliamentary commissioner if—

- (a) the parliamentary commissioner is absent on leave or because of illness; or
- (b) the position of parliamentary commissioner is vacant.

‘Duration of appointment

‘**118M.(1)** The parliamentary commissioner may be appointed for a term not less than 2 years and no longer than 5 years.

‘**(2)** If a term of appointment is not stated in the appointment—

- (a) the appointment is valid; and
- (b) the appointment is, subject to subsections (3) and (4), taken to be for a term of 5 years.

‘**(3)** If the appointment does not state a term of appointment, the Speaker of the Legislative Assembly may at a later time decide the term of appointment.

‘**(4)** The parliamentary commissioner may be appointed for a further term if qualified for appointment and the requirements of this part are met but must not serve as the parliamentary commissioner for more than a total of 5 years.

‘Vacation of office

‘118N. The office of the parliamentary commissioner becomes vacant if the commissioner—

- (a) completes the parliamentary commissioner’s term of appointment without reappointment or dies; or
- (b) resigns by signed notice of resignation given to the chairperson of the parliamentary committee; or
- (c) becomes a patient within the meaning of the *Mental Health Act 1974*; or
- (d) becomes an undischarged bankrupt or takes advantage of the laws in force relating to bankrupt debtors; or
- (e) becomes disqualified for appointment as parliamentary commissioner as prescribed in section 118I; or
- (f) is convicted of an indictable offence (whether on indictment or summarily) or of an offence defined in section 132; or
- (g) is removed from office by the Speaker on a recommendation of the parliamentary committee supported by all or a majority of the committee, being a majority other than one consisting wholly of members of the political party or parties in government in the Legislative Assembly.

‘Remuneration of parliamentary commissioner

‘118O. The parliamentary commissioner—

- (a) is to be paid a salary at the rate approved by the Speaker of the Legislative Assembly; and
- (b) is entitled to the allowances for reasonable travelling and other expenses approved by the Speaker.

‘Oath of parliamentary commissioner

‘118P.(1) Before entering on the performance of duties as parliamentary commissioner, the commissioner must take an oath or affirmation that he or she—

(a) will faithfully and impartially perform the duties of the office; and 1

(b) will not, except as provided under this Act, disclose any 2
information received under this Act. 3

‘(2) The oath or affirmation is to be administered by the Speaker of the 4
Legislative Assembly. 5

‘Administrative and support services for parliamentary commissioner 6

‘118Q.(1) To help the parliamentary commissioner in performing the 7
parliamentary commissioner’s functions, by arrangement with the Speaker 8
of the Legislative Assembly, officers or employees of the parliamentary 9
service may be assigned and other administrative and support services may 10
be provided to the parliamentary commissioner. 11

‘(2) If asked by the parliamentary committee, the Speaker may engage 12
legal practitioners and other suitably qualified persons to provide the 13
parliamentary commissioner with services, information or advice. 14

‘(3) Before a person first acts under subsection (1) or (2), the person 15
must take an oath or affirmation, to be administered by the parliamentary 16
commissioner, that the person will not, except as provided under this Act, 17
disclose any information received under this part while helping the 18
parliamentary commissioner. 19

‘Division 2—Functions and powers of parliamentary commissioner 20

‘Functions of parliamentary commissioner 21

‘118R.(1) The parliamentary commissioner has the functions given to 22
him or her under this or another Act. 23

‘(2) The parliamentary commissioner has the functions, as required by 24
the parliamentary committee, to do the following— 25

(a) conduct audits of records kept by the commission and operational 26
files and accompanying documentary material held by the 27
commission, including current sensitive operations, including for 28
the purpose of deciding the following— 29

(i) whether the way the commission has exercised power is 30

Criminal Justice Legislation Amendment

-
- | | |
|--|----|
| appropriate; | 1 |
| (ii) whether matters under investigation are appropriate for | 2 |
| investigation by the commission or are more appropriately | 3 |
| the responsibility of another law enforcement agency; | 4 |
| (iii) whether registers are up to date and complete and all | 5 |
| required documentation is on the file and correctly noted on | 6 |
| the registers; | 7 |
| (iv) whether required authorisations for the exercise of power | 8 |
| has been obtained; | 9 |
| (v) whether the policy and procedures guidelines set by the | 10 |
| commission have been strictly complied with; | 11 |
| (b) investigate, including by access to operational files of the | 12 |
| commission to which the parliamentary committee is denied | 13 |
| access, complaints made against, or concerns expressed about, | 14 |
| the conduct or activities of— | 15 |
| (i) the commission; or | 16 |
| (ii) a commissioner; or | 17 |
| (iii) an officer of the commission; or | 18 |
| (iv) a person engaged by the commission under section 66; ² | 19 |
| (c) independently investigate allegations of possible unauthorised | 20 |
| disclosure of information or other material that, under this Act, is | 21 |
| to be treated as confidential; | 22 |
| (d) inspect the register of confidential information kept under | 23 |
| section 27(6) to verify the commission's reasons for withholding | 24 |
| information from the parliamentary committee; | 25 |
| (e) review reports given by the commission to the parliamentary | 26 |
| committee to verify their accuracy and completeness, particularly | 27 |
| in relation to any operational matter; | 28 |
| (f) report to the parliamentary committee on the results of carrying | 29 |
| out the functions mentioned in paragraphs (a) to (e); | 30 |

² Section 66 (Engagement of services)

- (g) help the parliamentary committee with the preparation of—
 - (i) the 3 yearly review of the activities of the commission under section 118(1)(f); and
 - (ii) other reports of the committee;
- (h) perform other functions the parliamentary committee considers necessary or desirable.

‘Parliamentary commissioner can not be required to disclose particular information

‘118S. The parliamentary commissioner can not be required by the parliamentary committee to disclose to the committee information lawfully withheld from the committee by the commission under section 27(2) or otherwise.

‘Powers of the parliamentary commissioner

‘118T.(1) The parliamentary commissioner has power to do all things necessary or convenient for the performance of his or her functions.

‘(2) For the performance of the parliamentary commissioner’s functions, the parliamentary commissioner may, by giving written notice to the chairperson, require the chairperson or another commissioner or officer of the commission to do 1 or more of the following—

- (a) produce to the parliamentary commissioner, or allow the parliamentary commissioner access to, all records, files and documents in the commission’s possession, custody or control;
- (b) give to the parliamentary commissioner all reasonable help in connection with the parliamentary commissioner discharging his or her functions;
- (c) appear before the parliamentary commissioner for examination on oath or affirmation.

‘(3) For subsection (2)(c), the parliamentary commissioner may administer an oath or affirmation.

‘(4) If documents are produced to the parliamentary commissioner under this part, the parliamentary commissioner may keep the documents for the

period the parliamentary commissioner considers necessary for the parliamentary commissioner's functions.

‘(5) While the parliamentary commissioner has possession of a document under subsection (4), the parliamentary commissioner must permit a person who would be entitled to inspect the document if it were in the possession of the commission, to inspect it at all reasonable times.

‘(6) A person required by a notice under subsection (2) to do something must comply with the requirement.

Maximum penalty—85 penalty units or 1 year's imprisonment.

‘(7) Subsections (2) to (6) do not limit the powers conferred on the parliamentary commissioner under section 118W or another provision of this or another Act.

‘Parliamentary commissioner to have custody of and deal with records of the CJC inquiry

‘118U.(1) Possession, custody and control of all records of the CJC inquiry vest in the parliamentary commissioner.

‘(2) The parliamentary commissioner must secure the records in the parliamentary commissioner's possession, custody or control so that only persons who satisfy the parliamentary commissioner that they have a legitimate need of access to the data and the records are able to have access to them.

‘(3) The parliamentary commissioner must review the records with a view to deciding if the records disclose any matter that should be investigated by an appropriate agency (an “**investigation matter**”).

‘(4) If the parliamentary commissioner considers the records disclose an investigation matter, the parliamentary commissioner must refer the matter, and give access to records about the matter, to the appropriate agency for investigation.

‘(5) In this section—

“**appropriate agency**” means the commission, the Queensland police service, another law enforcement agency, the parliamentary commissioner for administrative investigations, the Auditor-General or other agency the parliamentary commissioner considers appropriate.

“CJC inquiry” means the commission within the meaning of the *Commissions of Inquiry Act 1950* constituted by order in council of 7 October 1996 published in the gazette of that date at pages 475 and 476.

‘Relinquishment of records of CJC inquiry

‘118V.(1) A person in possession, custody or control of records of the CJC inquiry mentioned in section 118U must, on receiving the written request of the parliamentary commissioner, deliver possession, custody and control of the records to the parliamentary commissioner.

‘(2) The acknowledgment of receipt by the parliamentary commissioner of the records delivered under subsection (1) is a sufficient discharge to the person making delivery from all responsibility for the records.

‘Parliamentary commissioner has powers under Commissions of Inquiry Act 1950

‘118W. For an investigation under this part—

- (a) the parliamentary commissioner has and may exercise all the powers, rights and privileges under the *Commissions of Inquiry Act 1950*, of a commission and the chairperson of a commission within the meaning of the Act; and
- (b) the *Commissions of Inquiry Act 1950* applies to the parliamentary commissioner, the investigation and the subject matter of the investigation as if the matter were one into which a commission constituted by the parliamentary commissioner was appointed to make an inquiry under that Act.

‘Confidentiality obligations not to apply

‘118X. No obligation to maintain secrecy or other restriction on the disclosure of information in the possession, custody or control of—

- (a) the commission; or
- (b) a person because the person is or was a commissioner, officer of the commission or a person engaged by the commission under

section 66;	1
whether imposed under this or another Act or by a rule of law, applies to the disclosure of information under this part.	2 3
‘Commission not entitled to privilege	4
‘118Y. The commission is not entitled, in relation to an investigation under this part, to any privilege in relation to the production of documents or the giving of evidence allowed by law in legal proceedings.	5 6 7
‘Investigations closed to the public unless authorised by parliamentary committee	8 9
‘118Z.(1) An investigation by the parliamentary commissioner is to be closed to the public unless the parliamentary committee authorises the investigation to be open to the public.	10 11 12
‘(2) In considering whether the investigation should be open to the public, the committee must have regard to—	13 14
(a) the subject matter of the investigation; and	15
(b) the nature of the information expected to be disclosed.	16
‘(3) A decision of the parliamentary committee to authorise the investigation to be open to the public must be supported by all or a majority of the committee, being a majority other than one consisting wholly of members of the political party or parties in government in the Legislative Assembly.	17 18 19 20 21
‘Protection of parliamentary commissioner and officers etc.	22
‘118ZA.(1) A parliamentary commissioner officer is not liable, whether on the ground of want of jurisdiction or on another ground, to any civil or criminal proceedings to which the officer would be liable apart from this section for any act done, or purportedly done, under this part in good faith and without negligence.	23 24 25 26 27
‘(2) No civil or criminal proceedings may be brought against a parliamentary commissioner officer for an act mentioned in subsection (1) without the leave of the Supreme Court.	28 29 30

Criminal Justice Legislation Amendment

‘(3) The Supreme Court may give leave under subsection (2) only if satisfied there is substantial ground for claiming that the person to be proceeded against has not acted in good faith or has acted negligently.

‘(4) Despite subsections (1) to (3), no prerogative order or prerogative injunction may be made or issued restraining the parliamentary commissioner from carrying out, or compelling the parliamentary commissioner to carry out, an investigation, and no proceedings may be brought against the parliamentary commissioner by which the making or issue of a prerogative order or prerogative injunction is sought.

‘(5) A parliamentary commissioner officer may not be called to give evidence or produce any document in any court, or in any judicial proceedings, in relation to any matter coming to the officer’s knowledge while performing functions under this part.

‘(6) In this section—

“parliamentary commissioner officer” means—

- (a) the parliamentary commissioner; or
- (b) an officer or employee of the parliamentary service assigned to the parliamentary commissioner; or
- (c) a person engaged to provide the parliamentary commissioner with services, information or advice.’.

Amendment of s 120 (Application pursuant to s 34)

Clause 42. Section 120—

insert—

‘(3) A judge hearing an application under section 34,³ on the ground any information or complaint does not warrant an investigation, may take or receive, in closed court, evidence from the commission on the basis for the investigation.

‘(4) The applicant and any person representing the applicant must not be present while evidence is being taken or received under subsection (3).

³ Section 34 (Judicial review of division’s activities)

‘(5) Evidence taken or received by a court under subsection (3) must not be published or disclosed outside the court.’.

Amendment of s 123 (Application pursuant to s 82)

Clause 43.(1) Section 123(2), ‘No’—

omit, insert—

‘Subject to subsection (2A), no’.

(2) Section 123—

insert—

‘(2A) Subsection (2) does not prevent the parliamentary committee or persons authorised by the parliamentary committee searching notices, reports and orders in the commission’s possession, custody or control.’.

Amendment of s 132 (Confidentiality to be maintained)

Clause 44.(1) Section 132(2), ‘or of this Act’—

omit, insert—

‘, this Act or an investigation of an alleged contravention of this section’.

(2) Section 132(3)—

omit, insert—

‘(3) Unless subsection (4) applies, a person must not wilfully disclose information that has come to the person’s knowledge from the commission because the person is or was—

(a) a member of the parliamentary committee; or

(b) the parliamentary commissioner; or

(c) an officer of the parliamentary service; or

(d) a person appointed, engaged or assigned to help the parliamentary committee or the parliamentary commissioner.

Maximum penalty—85 penalty units or 1 year’s imprisonment.

‘(4) A person is not guilty of an offence under subsection (3) if—

Criminal Justice Legislation Amendment

- | | | |
|-----|---|-------------|
| (a) | the disclosure of the information is in the discharge of a function of the parliamentary committee or the parliamentary commissioner under this Act; or | 1
2
3 |
| (b) | the information is contained in a report of the commission that has been ordered by the Legislative Assembly to be printed; or | 4
5 |
| (c) | the disclosure is for an investigation of an alleged contravention of this section; or | 6
7 |
| (d) | the information is publicly available.’. | 8 |

	Amendment of s 137 (False complaints or information)	9
--	---	---

- | | | |
|--------|--|----------------------|
| Clause | 45. Section 137(1)—
<i>omit, insert—</i>
‘137.(1) A person must not wilfully— | 10
11
12 |
| | (a) make, or cause to be made, a false complaint to the commission; or
(b) otherwise give, or cause to be given, false information to the commission. | 13
14
15
16 |
| | Maximum penalty—85 penalty units or 1 year’s imprisonment.’. | 17 |

	Amendment of s 143 (Proof of commission actions)	18
--	---	----

- | | | |
|--------|---|----------------|
| Clause | 46. Section 143, ‘and, in the absence of evidence to the contrary, conclusive evidence’—
<i>omit.</i> | 19
20
21 |
|--------|---|----------------|

	Insertion of new s 147B	22
--	--------------------------------	----

- | | | |
|--------|--|----------------------------|
| Clause | 47. After section 147A—
<i>insert—</i>
‘Commission to give financial information to the Minister
‘147B. If asked by the Minister, the commission must give the Minister the details of the proposed and actual expenditure of the commission set out | 23
24
25
26
27 |
|--------|--|----------------------------|

in the request.’.

1

Insertion of new pt 8

2

Clause 48. After section 148—
insert—

3

4

‘PART 8—TRANSITIONAL PROVISIONS

5

‘Transitional provision for Criminal Justice Legislation Amendment Act 1997

6

7

‘149. Despite the commencement of the *Criminal Justice Legislation Amendment Act 1997*, section 11, any division of the commission in existence before the commencement continues to exist (and continues to have the functions and powers the division had immediately before the commencement) until the commission decides otherwise.’.

8

9

10

11

12

PART 3—AMENDMENT OF PARLIAMENTARY COMMITTEES ACT 1995

13

14

Act amended in pt 3

15

Clause 49. This part amends the *Parliamentary Committees Act 1995*.

16

Amendment of s 6 (Application of Act to committees established by Assembly etc.)

17

18

Clause 50. Section 6(3), ‘section 26’—
omit, insert—
‘sections 24 and 26’.

19

20

21