

Queensland



**CRIMINAL JUSTICE
AMENDMENT BILL 1993**

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Criminal Justice Amendment

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1993

A BILL

FOR

An Act to amend the Criminal Justice Act 1989

The Parliament of Queensland enacts—	1
Short title	2
<i>Clause1.</i> This Act may be cited as the <i>Criminal Justice Amendment Bill 1993</i> .	3 4
Amended Act	5
<i>Clause2.</i> The <i>Criminal Justice Act 1989</i> is amended as set out in this Act.	6
Amendment of s.1.4 (Interpretation)	7
<i>Clause3.</i> Section 1.4(1)—	8
<i>insert—</i>	9
‘ “ chief officer ” of the Complaints Section means the person who is appointed under section 2.27(2);’.	10 11
Amendment of Part 2, Division 1 heading (Establishment of Commission)	12 13
<i>Clause4.</i> Part 2, Division 1 heading (after ‘ <i>Establishment</i> ’)—	14
<i>insert ‘and membership’.</i>	15
Amendment of s.2.1 (Constitution of Commission)	16
<i>Clause5.</i> Section 2.1(2)—	17
<i>omit.</i>	18
Insertion of new s.2.1A	19
<i>Clause6.</i> After section 2.1—	20
<i>insert—</i>	21

‘Commission’s official seal	1
‘2.1A. Judicial notice must be taken of the imprint of the Commission’s seal appearing on a document, and the document must be presumed to have been properly sealed unless the contrary is proved.’.	2 3 4
Amendment of s.2.10 (Proceedings of Commission)	5
<i>Clause7.</i> Section 2.10 (heading)—	6
<i>omit</i> ‘Proceedings’ , <i>insert</i> ‘Meetings and other proceedings’ .	7
Insertion of new s.2.10A	8
<i>Clause8.</i> After section 2.10—	9
<i>insert</i> —	10
‘Judicial notice of Chairperson’s signature	11
‘2.10A. Judicial notice must be taken of—	12
(a) the official signature of a person who is, or has been, Chairperson; and	13 14
(b) the fact that the person is, or has been, Chairperson.’.	15
Insertion of new s.2.14A	16
<i>Clause9.</i> After section 2.14—	17
<i>insert</i> —	18
‘Commission to act independently etc.	19
‘2.14A. The Commission must at all times act independently, impartially, fairly and in the public interest.’.	20 21
Amendment of s.2.17 (Commission hearings)	22
<i>Clause10.(1)</i> After section 2.17(2)(b)—	23
<i>insert</i> —	24
‘(ba) a Commissioner who is a legal practitioner; or’.	25

(2) Section 2.17(2)(c)—	1
omit ‘an officer of the Commission who is’.	2
(3) Section 2.17(3) to (5)—	3
omit.	4
Amendment of s.2.18 (Commission’s reports)	5
Clause 11. Section 2.18(5)—	6
omit ‘subsection (2)’, insert ‘subsection (3)’.	7
Amendment of s.2.20 (Role and functions)	8
Clause 12. Section 2.20(2)(f)—	9
omit, insert—	10
‘(f) to give effect to the recommendations of the Report of the Commission of Inquiry—	11 12
(a) to the extent to which they—	13
(i) relate to the operation of the Official Misconduct Division; and	14 15
(ii) are not inconsistent with this Act; and	16
(b) so far as it is practicable; and’.	17
Amendment of s.2.24 (Reports of division)	18
Clause 13. Section 2.24(4)—	19
omit, insert—	20
‘(4) If a person makes a complaint of misconduct or official misconduct to the Complaints Section, the Director must give to the person a response stating—	21 22 23
(a) if no action is taken on the complaint—the reason for the inaction; or	24 25
(b) if action is taken on the complaint—	26

(i) the action taken; and	1
(ii) the reason the Director considers the action to be appropriate in the circumstances; and	2 3
(iii) any results of the action that are known at the time of the response.	4 5
‘(5) However, the Director is not required to give a response to the person if—	6 7
(a) the person has not given his or her name and address to the Commission; or	8 9
(b) the Complaints Section, acting under section 2.29(2), does not investigate the complaint.	10 11
‘(6) The Director must not disclose, in a response under subsection (4), information the Director considers should remain confidential.’.	12 13
Amendment of s.2.32 (Panel of Tribunal members)	14
<i>Clause 14.</i> Section 2.32(2) (after ‘Persons’)—	15
<i>insert</i> ‘eligible’.	16
Amendment of s.3.4 (Provisions re execution of warrant)	17
<i>Clause 15.</i> Section 3.4(1)—	18
<i>insert</i> —	19
‘(d) may use the assistance the person reasonably considers necessary for the exercise of the authority conferred by the warrant.’.	20 21
Amendment of s.3.6 (Summons to procure evidence)	22
<i>Clause 16.</i> Section 3.6—	23
<i>insert</i> —	24
‘(3) Without limiting subsection (1), a notice under the subsection requires the person concerned to continue to attend before the Commission as required by the Commission until excused by the Commission from further attendance.’.	25 26 27 28

Replacement of s.3.20 (Prohibition of publication of evidence)	1
<i>Clause 17.</i> Section 3.20—	2
<i>omit, insert—</i>	3
‘Prohibition of publication of evidence etc.	4
‘3.20. The Commission may, by order, prohibit the publication of any of	5
the following matters if it considers that publication of the matter would be	6
unfair to a person or contrary to the public interest—	7
(a) the fact that a person has given, or may give, evidence before the	8
Commission;	9
(b) information that may help to identify a person who has given, or	10
may give, evidence before the Commission;	11
(c) evidence given before the Commission;	12
(d) the contents of, or a summary of, a record—	13
(i) produced to the Commission; or	14
(ii) seized under a warrant issued under this Act; or	15
(iii) produced to a person during a Commission hearing;	16
(e) a description of a thing—	17
(i) produced to the Commission; or	18
(ii) seized under a warrant issued under this Act; or	19
(iii) produced to a person during a Commission hearing.’.	20
Insertion of new ss.3.20A–3.20C	21
<i>Clause 18.</i> After section 3.20—	22
<i>insert—</i>	23
‘Administering oath or affirmation	24
‘3.20A. An oath or affirmation that is required for a hearing by the	25
Commission may be administered or taken by—	26
(a) a person constituting the Commission for the purposes of the	27

hearing; or	1
(b) a person nominated by that person.	2
‘Hearings open to public unless Commission otherwise orders	3
‘3.20B.(1) A hearing of the Commission is open to the public unless the Commission orders, whether before or during the hearing, that it be closed to the public.	4 5 6
‘(2) The Commission may order that the hearing be closed to the public only if the Commission considers an open hearing would be unfair to a person or contrary to the public interest, having regard to—	7 8 9
(a) the subject matter of the hearing; or	10
(b) the nature of the evidence expected to be given.	11
‘(3) The Commission may order that the hearing be closed to the public while it considers whether to make an order under subsection (2).	12 13
‘(4) If the Commission orders that a hearing be closed to the public, it may give a direction about who may be present at the hearing.	14 15
‘(5) A person must not knowingly contravene a direction under subsection (4).	16 17
Maximum penalty—85 penalty units or imprisonment for 1 year.	18
‘(6) In this section—	19
“hearing” includes part of a hearing.	20
‘Legal practitioner may be appointed or engaged to assist Commission	21 22
‘3.20C. The Commission may—	23
(a) appoint an officer of the Commission who is a legal practitioner; or	24 25
(b) engage the services of a legal practitioner;	26
to assist the Commission in the conduct of a hearing.’.	27

Amendment of s.3.21 (Commission not bound by rules or practice)	1
<i>Clause19.</i> Section 3.21(1) and (2)—	2
<i>omit, insert—</i>	3
‘ 3.21(1) In discharging its functions and responsibilities, or exercising its powers—	4
(a) the Commission is not bound by the rules or practice of any court or tribunal about matters of procedure and may conduct its proceedings as it considers proper; and	5
(b) the Commission is not bound by rules or practice about evidence, and may inform itself on any matter in the way it considers appropriate.’	6
	7
	8
	9
	10
	11
Insertion of new s.3.21A	12
<i>Clause20.</i> After section 3.21—	13
<i>insert—</i>	14
‘ Commission’s reports	15
‘ 3.21A.(1) The Commission must include in each of its reports—	16
(a) its recommendations; and	17
(b) an objective summary of all matters of which it is aware that support, oppose or are otherwise relevant to its recommendations.	18
‘(2) The Commission may also include in a report any comments it may have on the matters mentioned in subsection (1)(b).’	19
	20
	21
Amendment of s.3.24 (Use of incriminating evidence against witness)	22
<i>Clause21.</i> Section 3.24(3) (after ‘criminal proceedings’)—	23
<i>insert</i> ‘in a court or in disciplinary proceedings’.	24
Omission of s.3.25 (Recoupment of witnesses)	25
<i>Clause22.</i> Section 3.25—	26
<i>omit.</i>	27

Amendment of s.3.29 (Immunities in conduct of proceedings)	1
<i>Clause23.</i> Section 3.29(1)—	2
<i>omit, insert—</i>	3
‘ 3.29(1) A person has the same protection and immunity as a Judge of the Supreme Court while the person is—	4
(a) discharging the person’s duties as a Commissioner; or	6
(b) constituting a Misconduct Tribunal and exercising the tribunal’s jurisdiction; or	7
(c) constituting the Commission to conduct a hearing under section 2.17 (Commission hearings).’.	8
	9
	10
Replacement of s.3.33 (Reimbursement for assistance)	11
<i>Clause24.</i> Section 3.33—	12
<i>omit, insert—</i>	13
‘ Reimbursement	14
‘ 3.33.(1) The Commission must pay an amount to a person for expenses incurred by the person for the purpose of attending before the Commission as required by the Commission.	15
	16
	17
‘ (2) The Commission may pay an amount to a person for expenses incurred by the person for the purpose of assisting the Commission, in relation to an investigation or proposed investigation—	18
(a) by giving information; or	19
(b) by producing a record or other thing; or	20
(c) in any other way.	21
‘ (3) The amount paid to a person under subsection (1) or (2) must be the amount prescribed by regulation or, if there is no relevant amount prescribed by regulation, a reasonable amount decided by the Commission.’.	22
	23
	24
	25
	26
	27

Amendment of s.3.34 (Conduct constituting contempt)	1
<i>Clause 25.</i> Section 3.34(d)—	2
<i>omit, insert—</i>	3
‘(d) having attended at proceedings of the Commission in response to a notice of summons, fails to continue to attend before the Commission as required by the Commission until excused by the Commission from further attendance; or’.	4 5 6 7
Amendment of s.5.1 (Applications under Parts 2 and 3 generally)	8
<i>Clause 26.</i> Section 5.1(4)—	9
<i>omit.</i>	10
Replacement of s.6.7 (Confidentiality to be maintained)	11
<i>Clause 27.</i> Section 6.7—	12
<i>omit, insert—</i>	13
‘Confidentiality to be maintained	14
‘6.7(1) Subsection (2) applies to—	15
(a) a Commissioner; or	16
(b) an officer of the Commission; or	17
(c) a person engaged by the Commission under section 2.55 (Engagement of services).	18 19
‘(2) A person must not wilfully disclose information that has come to the person’s knowledge because the person is or was a person to whom this subsection applies unless the information is disclosed for the purposes of the Commission or of this Act.	20 21 22 23
Maximum penalty—85 penalty units or imprisonment for 1 year.	24
‘(3) 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 member of the Parliamentary Committee unless—	25 26 27
(a) the disclosure is in the discharge of a function of the committee under this Act; or	28 29

(b) the information is contained in a report of the Commission that has been ordered by the Legislative Assembly to be printed.	1 2
Maximum penalty—85 penalty units or imprisonment for 1 year.’.	3
Insertion of new s.6.11A	4
<i>Clause 28.</i> After section 6.11—	5
<i>insert—</i>	6
‘False complaints or information	7
‘6.11A(1) A person must not wilfully—	8
(a) make a false complaint to the Commission; or	9
(b) otherwise give false information to the Commission.	10
Maximum penalty—85 penalty units or imprisonment for 1 year.	11
‘(2) A court may order that a person who contravenes subsection (1) must pay an amount of compensation to the Commission, whether or not the court also imposes a penalty for the contravention.	12 13 14
‘(3) The amount of the compensation must be a reasonable amount for the cost of any investigation made or other action taken by the Commission because of the false complaint or information.’.	15 16 17
Insertion of new s.7.2A	18
<i>Clause 29.</i> After section 7.2—	19
<i>insert—</i>	20
‘Appointment to act as Director	21
‘7.2A.(1) The Commission may appoint a person to act as a Director of the Commission—	22 23
(a) during a vacancy in the office; or	24
(b) during any period, or all periods, when the Director is absent from duty or is, for another reason, unable to perform the functions of the office.	25 26 27
‘(2) A person may be appointed to act as the Director of the Official	28

Misconduct Division only if the person is a legal practitioner.’.

SCHEDULE	1
MINOR AMENDMENTS	2
section 2	3
1. Section 1.3(a)(vii)—	4
<i>omit</i> ‘functions and responsibilities referred to in the foregoing provisions of this section’,	5 6
<i>insert</i> ‘activities mentioned in subparagraphs (i) to (vi)’.	7
2. Section 1.3(b)—	8
<i>omit</i> ‘pertinent thereto’, <i>insert</i> ‘related to the activities’.	9
3. Section 1.4(1) (definitions “Chairman”, “delegate”, “Minister” and “statutory declaration”)—	10 11
<i>omit</i> .	12
4. Section 1.4(1)—	13
<i>insert—</i>	14
‘ “Chairperson” means the Chairperson of the Commission;’.	15
5. Section 1.4(1) (definition “premises”)—	16
<i>omit</i> ‘any’, <i>insert</i> ‘the whole or any part of any’.	17
6. Section 1.4(1) (definition “premises”)—	18
<i>omit</i> ‘, and all parts thereof’.	19

SCHEDULE (continued)

7. Section 1.4(1) (definition “record”)—	1
<i>omit</i> ‘therefrom’, <i>insert</i> ‘from it’.	2
8. Section 1.4(1) (definition “unit of the public administration”, paragraphs (c), (d) and (e))—	3
<i>omit, insert—</i>	4
‘(c) a department; or	5
(d) the Police Service; or	6
(e) Queensland Railways; or’.	7
9. Section 1.4 (definition “unit of public administration”, paragraph (h))—	8
<i>omit</i> ‘thereof’, <i>insert</i> ‘of them’.	9
10. Section 1.4(2)—	10
<i>omit</i> ‘therein’, <i>insert</i> ‘in the unit’.	11
11. Section 1.4(2)—	12
<i>omit</i> ‘his appointment thereto’, <i>insert</i> ‘the appointment’.	13
12. Section 2.2(1)—	14
<i>omit, insert—</i>	15
‘ 2.2(1) The Commission consists of—	16
(a) the Chairperson; and	17
(b) 4 other members.	18
‘ (1A) The members of the Commission are to be appointed by the Governor in Council by Gazette notice.’.	19
	20
	21
	22

SCHEDULE (continued)

13. Section 2.2(4)—	1
<i>omit.</i>	2
14. Section 2.4(1)(d)—	3
<i>omit</i> ‘Police Force’, <i>insert</i> ‘Police Service’.	4
15. Section 2.5(1) and (2)—	5
<i>omit</i> ‘for recommendation’.	6
16. Section 2.5(3)—	7
<i>omit</i> ‘recommended for appointment’, <i>insert</i> ‘appointed’.	8
17. Section 2.5(3)—	9
<i>omit</i> ‘thereof’, <i>insert</i> ‘of the members’.	10
18. Section 2.5(4)—	11
<i>omit.</i>	12
19. Section 2.6(4) and (5)—	13
<i>omit</i> ‘recommended for appointment’, <i>insert</i> ‘appointed’.	14
20. Section 2.6(6)—	15
<i>omit</i> ‘recommended for such appointment’, <i>insert</i> ‘appointed’.	16
21. Section 2.7(3)—	17
<i>omit</i> ‘and (4)’.	18

SCHEDULE (continued)

22. Section 2.8(1)—	1
<i>omit.</i>	2
23. Section 2.8(2)—	3
<i>omit</i> ‘Subject to subsection (1), a’, <i>insert</i> ‘A’.	4
24. Section 2.8(2A)(b)—	5
<i>omit, insert—</i>	6
‘(b) the Commissioner is, subject to subsections (2B) and (3), taken	7
to have been appointed for a term of 5 years.’.	8
25. Section 2.8(2B)—	9
<i>omit</i> ‘(1),’.	10
26. Section 2.8(3) (1st sentence)—	11
<i>omit.</i>	12
27. Section 2.8(3) (2nd sentence)—	13
<i>omit</i> ‘subsequent’.	14
28. Section 2.9(1)—	15
<i>omit</i> ‘by notification published in the Gazette’, <i>insert</i> ‘by Gazette notice’.	16
29. Section 2.10(4) (1st sentence)—	17
<i>omit</i> ‘thereon’.	18

SCHEDULE (continued)

- | | |
|---|----|
| 30. Section 2.14(1)(b) (1st sentence)— | 1 |
| <i>omit</i> ‘Police Force’, <i>insert</i> ‘Police Service’. | 2 |
| 31. Section 2.14(1)(b) (2nd sentence)— | 3 |
| <i>omit</i> ‘report thereon, shall’, <i>insert</i> ‘report,’. | 4 |
| 32. Section 2.15(c)— | 5 |
| <i>omit</i> ‘the offices of the Director of Prosecutions and of the Public Defender’, | 6 |
| | 7 |
| <i>insert</i> ‘the office of the Director of Prosecutions and the Legal Aid Commission (so far as its functions relate to prescribed criminal proceedings within the meaning of the <i>Legal Aid Act 1978</i>)’. | 8 |
| | 9 |
| | 10 |
| 33. Section 2.15(f), (g), (i), (j) and (k)— | 11 |
| <i>omit</i> ‘Police Force’, <i>insert</i> ‘Police Service’. | 12 |
| 34. Section 2.15(h)— | 13 |
| <i>omit</i> ‘Commissioner of Police’, | 14 |
| <i>insert</i> ‘Commissioner of the Police Service’. | 15 |
| 35. Section 2.18(1)— | 16 |
| <i>omit</i> ‘Except as is prescribed or permitted by’, <i>insert</i> ‘Subject to’. | 17 |
| 36. Section 2.19(1)(b)— | 18 |
| <i>omit</i> ‘Chairman’, <i>insert</i> ‘Chief Judge’. | 19 |

 SCHEDULE (continued)

37. Section 2.19(1)—	1
<i>insert—</i>	2
‘(ba)to the President of the Childrens Court, if the report deals with	3
matters pertinent to the Childrens Court; or’.	4
38. Section 2.20(2)(d)—	5
<i>omit</i> ‘Police Force’, <i>insert</i> ‘Police Service’.	6
39. Section 2.23(1)(a)—	7
<i>omit</i> ‘therein’, <i>insert</i> ‘in a unit of public administration’.	8
40. Section 2.24(2)(d)—	9
<i>omit</i> ‘Chairman’, <i>insert</i> ‘Chief Judge’.	10
41. Section 2.24(2)—	11
<i>insert—</i>	12
‘(da)the President of the Childrens Court, if the report relates to a	13
person holding judicial office in the Childrens Court; and’.	14
42. Section 2.24(2)(e)—	15
<i>omit</i> ‘or Children’s Courts’.	16
43. Section 2.28(2)(b) and (3)—	17
<i>omit</i> ‘Commissioner of Police’,	18
<i>insert</i> ‘Commissioner of the Police Service’.	19

SCHEDULE (continued)

44. Section 2.28(3)—	1
<i>omit</i> ‘Police Force’, <i>insert</i> ‘Police Service’.	2
45. Section 2.28(5)—	3
<i>omit</i> all words after ‘(3)’.	4
46. Section 2.28(6)—	5
<i>omit</i> ‘, or his delegate.’	6
47. Section 2.28(6)—	7
<i>omit</i> ‘therefrom’, <i>insert</i> ‘from any such complaint or matter’.	8
48. Section 2.30(2)—	9
<i>omit</i> ‘Police Force’, <i>insert</i> ‘Police Service’.	10
49. Section 2.30(2)(b)—	11
<i>omit</i> ‘for the time being declared by Order-in-Council’,	12
<i>insert</i> ‘declared by regulation’.	13
50. Section 2.30(3)—	14
<i>omit</i> ‘It is not competent to the Governor-in-Council to’,	15
<i>insert</i> ‘A regulation may not’.	16
51. Before section 2.31 (in Part 2, Division 5)—	17
<i>insert</i> —	18

SCHEDULE (continued)

‘Meaning of “prescribed person”	1
‘2.30A In this Division—	2
“prescribed person” has the same meaning as in section 2.30.’.	3
52. Section 2.32(1)(a)(ii) —	4
<i>omit</i> ‘of the Commonwealth’.	5
53. Section 2.32(2) —	6
<i>omit</i> ‘notification published in the Gazette’, <i>insert</i> ‘Gazette notice’.	7
54. Section 2.36(3) and (4) —	8
<i>omit</i> .	9
55. Section 2.38(1B) —	10
<i>omit, insert</i> —	11
‘(1B) The appeal must be instituted within 28 days after the decision of the Misconduct Tribunal is announced.’.	12
	13
56. Section 2.38(1C) —	14
<i>omit</i> .	15
57. Before section 2.40 (in Part 2, Division 5A) —	16
<i>insert</i> —	17
‘Meaning of “prescribed person”	18
‘2.40A. In this Division—	19
“prescribed person” has the same meaning as in section 2.30.’.	20

SCHEDULE (continued)

58. Section 2.42—	1
<i>omit</i> ‘thereof’, <i>insert</i> ‘of them’.	2
59. Section 2.45(2)(f)(iv)—	3
<i>omit</i> ‘Police Force’, <i>insert</i> ‘Police Service’.	4
60. Section 2.45(2)(g)—	5
<i>omit</i> ‘Police Department’, <i>insert</i> ‘Police Service’.	6
61. Section 2.45(2)(h)—	7
<i>omit</i> ‘Commissioner of Police’,	8
<i>insert</i> ‘Commissioner of the Police Service’.	9
62. Section 2.46(1)—	10
<i>omit</i> ‘of government of the State’.	11
63. Section 2.46(2)—	12
<i>omit</i> ‘thereof’, <i>insert</i> ‘of the administration of criminal justice’.	13
64. Section 2.47(2)(a)—	14
<i>omit</i> ‘therein’, <i>insert</i> ‘in criminal activities’.	15
65. Section 2.47(2)(a)(iii)—	16
<i>omit, insert—</i>	17
‘(iii) the Police Service; and’.	18

SCHEDULE (continued)

- | | |
|---|----|
| 66. Section 2.47(2)(a)(iv)— | 1 |
| <i>omit</i> ‘of the Commonwealth’ (2nd mention). | 2 |
| 67. Section 2.47(2)(c)— | 3 |
| <i>omit</i> ‘thereto’, <i>insert</i> ‘to them’. | 4 |
| 68. Section 2.47(2)(d)(i)— | 5 |
| <i>omit</i> ‘of the State, being part of the Police Department’, | 6 |
| <i>insert</i> ‘of the Police Service’. | 7 |
| 69. Section 2.47(2)(d)(ii)— | 8 |
| <i>omit</i> ‘Police Department’s’, <i>insert</i> ‘Police Service’s’. | 9 |
| 70. Section 2.47(2)(d)(ii)— | 10 |
| <i>omit</i> ‘of the Commonwealth’ (2nd mention). | 11 |
| 71. Section 2.47(2)(e)— | 12 |
| <i>omit</i> ‘Police Force’, <i>insert</i> ‘Police Service’. | 13 |
| 72. Section 2.48(1)— | 14 |
| <i>omit</i> ‘or his delegate to do so’. | 15 |
| 73. Section 2.48(2)— | 16 |
| <i>omit</i> ‘therein referred to’, <i>insert</i> ‘referred to in that Act’. | 17 |

SCHEDULE (continued)

74. Section 2.49(b)—	1
<i>omit, insert—</i>	2
‘(b) the Commissioner of the Police Service;’.	3
75. Section 2.49—	4
<i>omit ‘Police Force’, insert ‘Police Service’.</i>	5
76. Section 2.49—	6
<i>omit ‘forthwith’, insert ‘immediately’.</i>	7
77. Section 2.51(2)(b) and (c)	8
<i>omit ‘whereby’, insert ‘by which’.</i>	9
78. Section 2.51(2)(f)—	10
<i>omit ‘of the Commonwealth’ (2nd mention).</i>	11
79. Section 2.53(3)—	12
<i>omit ‘thereby’, insert ‘by the appointment’.</i>	13
80. Section 2.53(3)—	14
<i>omit ‘of the State’.</i>	15
81. Section 2.54 (2nd sentence)—	16
<i>omit, insert—</i>	17
‘(2) In subsection (1)—	18
“ staff ” includes members of the Police Service.’.	19

 SCHEDULE (continued)

82. Section 2.56(3) and (4)—	1
<i>omit</i> ‘Police Force’, <i>insert</i> ‘Police Service’.	2
83. Section 2.57(2)—	3
<i>omit</i> ‘therein’, <i>insert</i> ‘in the scheme or arrangement’.	4
84. Section 2.57(3)—	5
<i>omit, insert—</i>	6
‘(3) The Auditor-General must audit the accounts and records of each scheme and arrangement established and maintained by the Commission under subsection (1).’	7
	8
	9
‘(4) An audit is to be conducted whenever the Auditor-General considers appropriate.’.	10
	11
85. Section 3.1(1)—	12
<i>omit</i> ‘, or his delegate,’ and ‘or delegate’.	13
86. Section 3.2(1)—	14
<i>omit</i> ‘, or his delegate,’.	15
87. Section 3.3(1)—	16
<i>omit</i> ‘, or his delegate,’.	17
88. Section 3.3(1)(a) and (c)—	18
<i>omit</i> ‘therein’, <i>insert</i> ‘in the warrant’.	19

SCHEDULE (continued)

- 89. Section 3.5(1)(a)—** 1
omit ‘of the Commonwealth’ (2nd mention). 2
- 90. Section 3.6(1)—** 3
omit ‘, or his delegate.’ 4
- 91. Section 3.6(1)(a)—** 5
omit ‘therein’, *insert* ‘in the notice’. 6
- 92. Section 3.7(1)—** 7
omit ‘or his delegate’. 8
- 93. Section 3.7(2)—** 9
omit ‘by or under the foregoing provisions of this Division’, 10
insert ‘under sections 3.1 to 3.7’. 11
- 94. Section 3.8(1)(b) and (2) (definition “the prescribed period”)—** 12
omit ‘or his delegate’. 13
- 95. Section 3.8(2) (definition “subject person”)—** 14
omit ‘thereafter’, *insert* ‘afterwards’. 15
- 96. Section 3.9—** 16
omit ‘thereof’, *insert* ‘of it’. 17
- 97. Section 3.10(1)(b)—** 18
omit ‘therein’, *insert* ‘in the container’. 19

 SCHEDULE (continued)

98. Section 3.11—	1
<i>omit</i> ‘, or his delegate,’.	2
99. Section 3.11—	3
<i>omit</i> ‘members of the Police Force’, <i>insert</i> ‘police officers’.	4
100. Section 3.11(2)(b)—	5
<i>omit</i> ‘whereby the Commission may be deprived of his evidence’,	6
<i>insert</i> ‘and the Commission may be deprived of the person’s evidence if	7
the person leaves the State’.	8
101. Section 3.11(2) (2nd sentence)—	9
<i>omit</i> ‘his delegate, a person nominated by either of them,’,	10
<i>insert</i> ‘a person nominated by the Chairperson’.	11
102. Section 3.12(2)—	12
<i>omit</i> ‘forthwith’, <i>insert</i> ‘immediately’.	13
103. Section 3.13(1) and (2)—	14
<i>omit</i> ‘, or his delegate,’.	15
104. Section 3.13(1) and (2)—	16
<i>omit</i> ‘therein’, <i>insert</i> ‘in the direction’.	17
105. Section 3.14(1)—	18
<i>omit</i> ‘(or any provision to a similar effect passed in substitution	19
therefor)’.	20

SCHEDULE (continued)

106. Section 3.14(2)—	1
<i>omit</i> ‘or his delegate’.	2
107. Section 3.15(3)—	3
<i>omit</i> ‘thereof’, <i>insert</i> ‘of the information’.	4
108. Section 3.16(1)—	5
<i>omit</i> ‘, or his delegate, to do so’.	6
109. Section 3.16(2) (2nd appearing)—	7
<i>omit</i> .	8
110. Section 3.22(1)—	9
<i>omit</i> ‘Except as prescribed by’, <i>insert</i> ‘Subject to’.	10
111. Section 3.22(2) and (3)—	11
<i>omit</i> ‘refuse or’.	12
112. Section 3.23(1)—	13
<i>omit</i> ‘therein’, <i>insert</i> ‘in the proceedings’.	14
113. Section 3.24(3)—	15
<i>omit</i> ‘Except as prescribed by’, <i>insert</i> ‘Subject to’.	16
114. Section 3.26(1)—	17
<i>omit</i> ‘forthwith’, <i>insert</i> ‘immediately’.	18

SCHEDULE (continued)

115. Section 3.26(1)—	1
<i>omit</i> ‘or his delegate’.	2
116. Section 3.26(2) (1st sentence)—	3
<i>omit</i> ‘, or his delegate,’.	4
117. Section 3.26(3)(a)—	5
<i>omit</i> ‘therein’, <i>insert</i> ‘in the investigation’.	6
118. Section 3.26(3)(a)—	7
<i>omit</i> ‘thereafter’, <i>insert</i> ‘afterwards’.	8
119. Section 3.27—	9
<i>omit</i> ‘thereof’ and ‘therefrom’.	10
120. Section 3.28—	11
<i>omit</i> ‘Except as permitted by’, <i>insert</i> ‘Subject to’.	12
121. Section 3.31(d)—	13
<i>omit</i> ‘relevant thereto’,	14
<i>insert</i> ‘relating to the oath, affirmation, declaration, rule or practice’.	15
122. Section 3.32.1(6)(a)—	16
<i>omit</i> ‘refuse or’.	17
123. Section 3.32.1(6)(b)—	18
<i>omit</i> ‘refused or’.	19

SCHEDULE (continued)

124. Section 3.32.1(6)(c)—	1
<i>omit</i> ‘refuses or’.	2
125. Section 3.34(c)(ii) and (iii)—	3
<i>omit</i> ‘refuses or’.	4
126. Section 3.34(c)(ii) and (iii)—	5
<i>omit</i> ‘his refusal or’, <i>insert</i> ‘the’.	6
127. Section 3.35(3)(a)—	7
<i>omit</i> ‘thereupon’.	8
128. Section 3.35(4)—	9
<i>omit</i> ‘therein’, <i>insert</i> ‘in the certificate’.	10
129. Section 3.36(4)—	11
<i>omit</i> ‘forthwith’, <i>insert</i> ‘immediately’.	12
130. Section 4.1(1)—	13
<i>omit</i> ‘soon as is practicable after the commencement of this Act and as’.	14
131. Section 4.2(2) (2nd sentence)—	15
<i>omit</i> ‘thereof’, <i>insert</i> ‘of those political parties’.	16
132. Section 5.2(2)—	17
<i>omit</i> ‘thereof’, <i>insert</i> ‘of the information or complaint’.	18

SCHEDULE (continued)

133. Section 5.3(1)—	1
<i>omit</i> ‘or his delegate’.	2
134. Section 5.3(1)—	3
<i>omit</i> ‘therein’, <i>insert</i> ‘in the matter’.	4
135. Section 5.4(1)—	5
<i>omit</i> ‘or his delegate’.	6
136. Section 5.5(1) (2nd sentence)—	7
<i>omit</i> ‘therein’, <i>insert</i> ‘in the proceeding’.	8
137. Section 5.6(1) (1st sentence)—	9
<i>omit</i> ‘or his delegate’.	10
138. Section 5.6(1) (1st sentence)—	11
<i>omit</i> ‘therein’, <i>insert</i> ‘in the matter’.	12
139. Section 5.6(1) (2nd sentence)—	13
<i>omit</i> ‘therein’, <i>insert</i> ‘in the proceeding’.	14
140. Section 6.2(2)—	15
<i>omit</i> ‘whereby’, <i>insert</i> ‘by which’.	16
141. Section 6.3(3)—	17
<i>omit</i> ‘at the discretion of the court’.	18

SCHEDULE (continued)

142. Section 6.4—	1
<i>omit</i> ‘at the discretion of the court’.	2
143. Sections 6.8, 6.9, 6.10 and 6.11(1)(at the end of each provision)—	3
<i>insert—</i>	4
‘Maximum penalty—85 penalty units or imprisonment for 1 year.’.	5
144. Section 6.10—	6
<i>omit</i> ‘thereto’, <i>insert</i> ‘to the notice’.	7
145. Section 6.11(2)—	8
<i>omit, insert—</i>	9
‘(2) It is a defence to an offence mentioned in subsection (1)(a) to prove that the information or complaint did not concern frivolous matter.	10
	11
‘(3) It is a defence to an offence mentioned in subsection (1)(b) to prove that the information or complaint was not given or made vexatiously.’.	12
	13
146. Section 6.12(4)—	14
<i>omit</i> ‘, or both’.	15
147. Section 7.2—	16
<i>omit, insert—</i>	17
‘Delegation by Chairperson	18
‘7.2.(1) The Chairperson may delegate the Chairperson’s powers under this Act to a Director of the Commission.	19
	20
‘(2) The Chairperson may delegate the Chairperson’s powers under section 3.26(5) to an officer of the Commission.’.	21
	22

SCHEDULE (continued)

148. Section 7.4 (words after ‘proof’)—	1
<i>omit</i> ‘therein’, <i>insert</i> ‘in the certificate’.	2
149. Sections 7.9 and 7.10—	3
<i>omit</i> .	4
150. Section 7.11—	5
<i>omit, insert—</i>	6
‘Regulations	7
‘7.11.(1) The Governor in Council may make regulations for the purposes of this Act.	8 9
‘(2) A regulation may make provision for—	10
(a) procedures to be followed in proceedings before the Commission; or	11 12
(b) procedures to be observed by Commissioners, officers of the Commission and other persons in discharging the Commission’s functions and responsibilities or exercising the Commission’s powers.	13 14 15 16
‘Numbering and renumbering of Act	17
‘7.12. In the first reprint of the Act produced under the <i>Reprints Act 1992</i> , the provisions of the Act must be numbered and renumbered as permitted by section 43 of the <i>Reprints Act 1992</i> .’.	18 19 20 21