

Queensland



**CRIMINAL JUSTICE
AMENDMENT ACT 1992**

Act No. 16 of 1992

Queensland



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1992**

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Criminal Justice Amendment Act 1992

Act No. 16 of 1992

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

[Assented to 13 May 1992]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows.

Short title

1. This Act may be cited as the *Criminal Justice Amendment Act 1992*.

Amendment of s.2.15 (Responsibilities)

2. Section 2.15(f)(iii)—
omit 'corruption', *insert* 'misconduct'.

Amendment of s.2.20 (Role and functions)

- 3.(1) Section 2.20(2)(d)—
omit.
- (2) Section 2.20(2)(e)—
omit 'all'.
- (3) Section 2.20(2)(e) (before 'information')
insert 'complaint or'.
- (4) Section 2.20(2)(e), (f), (g), (h) and (i) (as amended by this section)—
renumber as section 2.20(2)(d), (e), (f), (g) and (h) respectively.

Amendment of s.2.24 (Reports of Division)

4. Section 2.24(1)(a) (after 'Division')—
insert '(other than by or on behalf of the Complaints Section)'.

Amendment of s.2.27 (Establishment of Section)

5. Section 2.27(2)—
omit, insert—
'(2) An officer of the Commission is to be appointed by the chairperson

as the chief officer of the Complaints Section.

‘(3) The chairperson may appoint a person to act as chief officer of the Complaints Section—

- (a) during a vacancy in the office; or
- (b) during any period, or all periods, when the chief officer is absent from duty or is, for another reason, unable to perform the functions of the office.

‘(4) The Complaints Section is to be under the control and direction of the chief officer, who is to be directly responsible to the director of the Official Misconduct Division.

‘(5) All complaints or information concerning misconduct to be brought to the notice of the Commission are to be communicated to the Complaints Section.’.

Replacement of s.2.29 (Functions)

6. Section 2.29—

omit, insert—

‘Handling of complaints etc. by Complaints Section

‘2.29.(1) The Complaints Section may decide not to investigate a complaint, information or matter communicated to it.

‘(2) The Complaints Section must not investigate a complaint or information if, in the opinion of the chief officer of the Section—

- (a) the complaint or information is frivolous or vexatious; or
- (b) in the case of a complaint or information from an anonymous source—the complaint or information lacks substance or credibility.

‘(3) The Complaints Section may discontinue the investigation of a complaint, information or matter.

‘(4) The Complaints Section may refer to the principal officer of a unit of public administration any complaint, information or matter that, in the opinion of the chief officer of the Section, involves, or may involve, cause for taking disciplinary action (other than for official misconduct) by the principal officer against a person holding an appointment in the unit of public administration.

‘(5) The Complaints Section must submit a complaint, information or matter to the director of the Official Misconduct Division if, in the opinion of the chief officer of the Section, the available evidence shows a prima facie case to support a charge of a disciplinary nature of official misconduct or a charge for a criminal offence.

‘(6) The director of the Official Misconduct Division may give directions with respect to the investigation by or on behalf of the Complaints Section of complaints, information and matters, including decisions to investigate or not to investigate.

‘(7) The Commission may issue guidelines with respect to the investigation by or on behalf of the Complaints Section of complaints, information and matters, including decisions to investigate or not to investigate.

‘(8) This section, and any directions given under subsection (6), have effect subject to any guidelines issued by the Commission under subsection (7).’