

Queensland



**CRIMINAL JUSTICE
LEGISLATION
AMENDMENT ACT 1996**

Act No. 34 of 1996

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Criminal Justice Legislation Amendment Act 1996

Act No. 34 of 1996

An Act to amend the *Criminal Justice Act 1989* and the *Commissions of Inquiry Act 1950*

[Assented to 15 October 1996]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Criminal Justice Legislation Amendment Act 1996*.

PART 2—AMENDMENT OF CRIMINAL JUSTICE ACT 1989

Act amended in pt 2

2. This part amends the *Criminal Justice Act 1989*.

Insertion of new s 132A

3. After section 132—

insert—

‘Commissions of Inquiry Act 1950 prevails over this Act

‘132A.(1) The *Commissions of Inquiry Act 1950* prevails over this Act.

‘(2) Without limiting subsection (1), the commission or a person who is, or was, a commissioner, a commission officer or member of the commission’s staff or other person engaged under section 66 must comply with any summons or requirement of an inquiry chairperson under the *Commissions of Inquiry Act 1950*, section 5.

‘(3) For the *Commissions of Inquiry Act 1950*, section 5, 10(4) or 14(1)(b), it is not a reasonable excuse for the commission or anyone else to fail to comply with the summons or requirement—

- (a) that compliance would disclose anything that is required not to be disclosed under this Act or would otherwise contravene this Act; or
- (b) that compliance would disclose anything that should not be disclosed because of its particular nature, content or subject matter.

‘(4) This section—

- (a) applies only for the purpose of a commission within the meaning of the *Commissions of Inquiry Act 1950*, section 3; and
- (b) applies despite another provision of this or another Act.

‘(5) In this section—

“**inquiry chairperson**” means the chairperson of a commission within the meaning of the *Commissions of Inquiry Act 1950*, section 3.’.

‘Provisions for CJC inquiry

‘**132B.(1)** This section applies to the inquiry established under the *Commissions of Inquiry Act 1950* under the order in council published in the gazette on 7 October 1996 at pages 475 and 476 (the “**CJC inquiry**”).

‘(2) A person is not liable, civilly, criminally or under an administrative process for helping the CJC inquiry.

‘(3) Without limiting subsection (2)—

- (a) in a proceeding for defamation the person has the defence of absolute privilege for disclosing anything in good faith to the CJC inquiry; and
- (b) if the person would otherwise be required under an Act, oath, rule of law or practice to maintain confidentiality about anything disclosed by the person to the CJC inquiry—the person—
 - (i) does not contravene the Act, oath, rule of law or practice for making the disclosure; and
 - (ii) is not liable to disciplinary action for making the disclosure.

‘(4) A person must not, other than for the CJC inquiry or as required by law, disclose information that comes to the person’s knowledge because the

person is, or was—

- (a) a commissioner of the CJC inquiry; or
- (b) a person appointed, engaged or seconded to help the inquiry or who otherwise helped the inquiry.

‘(5) Nothing in this section derogates from the Parliamentary privileges attaching to Parliamentary Committees and their deliberations.’.

PART 3—AMENDMENT OF COMMISSIONS OF INQUIRY ACT 1950

Act amended in pt 3

4. This part amends the *Commissions of Inquiry Act 1950*.

Amendment of s 5 (Power to summon witness and require production of books etc.)

5.(1) Section 5(1)(b), ‘such person to produce to the commission’—
omit, insert—

‘any person to produce to the commission at a specified time and place’.

(2) Section 5(1)—

insert—

- ‘(c) require any person to attend at a specified time and place to give information to, and answer questions asked by, a person authorised in writing by the chairperson; and
- (d) require any person to give to the commission within a specified time and in a specified way written information verified as specified.’.