



Queensland

# **Police Legislation Amendment Bill 2010**





## Queensland

# Police Legislation Amendment Bill 2010

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**2010**

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**A Bill**

for

***An Act to amend the *Police Powers and Responsibilities Act 2000*, *Police Service Administration Act 1990*, *Prostitution Act 1999* and *Prostitution Regulation 2000* for particular purposes***

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[s 1]

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Police Legislation Amendment Act 2010*. 4  
5

**Part 2 Amendment of Police Powers and Responsibilities Act 2000** 6  
7

**Clause 2 Act amended** 8

This part amends the *Police Powers and Responsibilities Act 2000*. 9  
10

**Clause 3 Amendment of s 394 (Duty of police officer receiving custody of person arrested for offence)** 11  
12

(1) Section 394(2)(ca), ‘committed, or reasonably suspected by the arresting police officer of having been committed, in the prescribed area’— 13  
14  
15

*omit.* 16

(2) Section 394(5)— 17

*omit.* 18

(3) Section 394(6), definition *associated offence*, ‘(whether committed within or outside the prescribed area)’— 19  
20

*omit.* 21

(4) Section 394(6), definition *prescribed area*— 22



[s 7]

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- (3) Section 10.2A(3), before ‘only with’— 1  
*insert*— 2  
‘for disclosure to the third party’. 3

**Clause 7 Insertion of new s 10.2BA** 4

Before section 10.2B— 5

*insert*— 6

**‘10.2BA Disclosure of criminal history to assess suitability of records for s 10.2A purposes** 7  
8

- ‘(1) For the purpose of enabling disclosure under section 10.2A, 9  
the commissioner may disclose a person’s criminal history to 10  
a relevant agency if— 11
- (a) the criminal history has been given to CrimTrac under 12  
section 10.2I; and 13
- (b) the disclosure is for the purpose of assessing the 14  
suitability of records for release under section 10.2A. 15
- ‘(2) To remove any doubt, it is declared that there is no 16  
requirement to comply with section 10.2A(3) before the 17  
commissioner can disclose a person’s criminal history under 18  
subsection (1). 19
- ‘(3) In this section— 20  
*criminal history* has the meaning given by section 10.2G.’. 21

**Clause 8 Amendment of s 10.2C (Misuse of information obtained under ss 10.2A–10.2B)** 22  
23

- (1) Section 10.2C(1), ‘This section’— 24  
*omit, insert*— 25  
‘Subsection (2)’. 26
- (2) Section 10.2C— 27  
*insert*— 28

- 
- ‘(3) Subsection (4) applies in relation to a disclosure of information made to a relevant agency under section 10.2BA. 1  
2
- ‘(4) The relevant agency must not use the information for a purpose other than the purpose for which the information is disclosed. 3  
4  
5
- Maximum penalty—100 penalty units.’. 6

- Clause 9      Amendment of s 10.2E (Relationship to other laws) 7**
- Section 10.2E— 8
- insert—* 9
- ‘(2) However, subsection (1)(b) does not apply to a disclosure made to a relevant agency under 10.2BA.’. 10  
11

- Clause 10      Amendment of s 10.2I (Giving information to an IPSP to enable use of approved information by police services and law enforcement agencies for particular purposes) 12  
13  
14**
- Section 10.2I— 15
- insert—* 16
- ‘(1A) The commissioner may use information given under this section to the head of an IPSP for a purpose for which the information may be used under an Act whether or not the purpose is the same purpose for which the information was given under this section to the head of the IPSP. 17  
18  
19  
20  
21
- ‘(1B) The head of an IPSP may transfer information from the database mentioned in subsection (1) administered by the head of the IPSP to another database administered by the head of the IPSP for a purpose permitted under an Act.’. 22  
23  
24  
25

[s 11]

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<b>Part 4</b>	<b>Amendment of Prostitution Act 1999</b>	1 2
<b>Clause 11</b>	<b>Act amended</b>	3
	This part amends the <i>Prostitution Act 1999</i> .	4
<b>Clause 12</b>	<b>Amendment of s 19 (The licence)</b>	5
	Section 19(4), ‘granted for a’—	6
	<i>omit, insert—</i>	7
	‘for the’.	8
<b>Clause 13</b>	<b>Insertion of new ss 24A and 24B</b>	9
	After section 24—	10
	<i>insert—</i>	11
<b>‘24A</b>	<b>Payment of fee by payment plan</b>	12
	‘(1) This section applies if, due to financial hardship caused by exceptional circumstances, a licensee is unable to pay the annual licence fee or the annual licence return fee for the licensee’s licence by the prescribed day.	13 14 15 16
	‘(2) Despite section 19(5)(d)(i), a licensee may apply to the Authority to pay the annual licence fee or the annual licence return fee under a payment plan decided by the Authority.	17 18 19
	‘(3) An application under subsection (2) must be in the approved form.	20 21
	‘(4) The Authority may enter into a payment plan with the licensee if the Authority is satisfied that, having regard to financial hardship caused by exceptional circumstances, the licensee is unable to pay the annual licence fee or the annual licence return fee for the licensee’s licence by the prescribed day.	22 23 24 25 26
	‘(5) If the licensee pays the annual licence fee or the annual licence return fee under the payment plan, the licensee is	27 28

taken to have paid the annual licence fee or the annual licence  
return fee by the prescribed day. 1  
2

‘(6) In this section— 3

*exceptional circumstances* means unforeseen circumstances 4  
that adversely affect the premises stated in the licensee’s 5  
licence as the premises where the licensee is authorised to 6  
operate a brothel. 7

*Example of unforeseen circumstances—* 8

natural disaster or fire 9

**‘24B Automatic suspension of licence 10**

‘(1) This section applies if a licensee— 11

(a) has failed to pay the annual licence fee or the annual 12  
licence return fee for the licence by the prescribed day; 13  
and 14

(b) has not entered into a payment plan decided by the 15  
Authority under section 24A. 16

‘(2) The licensee’s licence is automatically suspended for 28 days 17  
(the *suspension period*) starting the day after the prescribed 18  
day. 19

‘(3) The suspension of the licence ends if— 20

(a) the annual licence fee or the annual licence return fee 21  
for the licence is paid during the suspension period; or 22

(b) the licensee enters into a payment plan decided by the 23  
Authority under section 24A.’. 24

**Clause 14 Amendment of s 25 (Automatic cancellation of licence) 25**

Section 25— 26

*insert—* 27

‘(c) fails to pay the annual licence fee or the annual licence 28  
return fee for the licensee’s licence during the 29  
suspension period for the licence; or 30

[s 15]

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- (d) if the licensee has entered into a payment plan decided by the Authority under section 24A—fails to pay the annual licence fee or the annual licence return fee for the licence under the payment plan.’. 1  
2  
3  
4

**Clause 15 Insertion of new ss 27A and 27B** 5

After section 27— 6

*insert—* 7

**‘27A Authority may conduct disciplinary inquiry by hearing or on correspondence** 8  
9

‘The Authority may conduct a disciplinary inquiry by hearing or on correspondence. 10  
11

**‘27B Disciplinary inquiry notice** 12

‘(1) If the Authority decides to conduct a disciplinary inquiry, it must give notice of its intention to conduct the inquiry (a *disciplinary inquiry notice*) to— 13  
14  
15

(a) the licensee; and 16

(b) any person who makes an application under section 26(2). 17  
18

‘(2) A disciplinary inquiry notice must— 19

(a) be in the approved form; and 20

(b) state all of the following— 21

(i) the ground for the disciplinary action against the licensee; 22  
23

(ii) the facts and circumstances forming the basis for the ground; 24  
25

(iii) whether the Authority will be conducting the inquiry by hearing or on correspondence; 26  
27

(iv) if the Authority will be conducting the inquiry by hearing—the date of the hearing; 28  
29

- 
- (v) if the Authority will be conducting the inquiry on  
correspondence that—
- (A) the licensee may give the Authority a written  
submission about the ground; and
- (B) the submission must be made within the  
stated period for making a submission;
- (vi) that if the licensee fails to attend on the date of the  
hearing stated in the notice, or does not make a  
submission in accordance with subparagraph (v),  
the Authority may—
- (A) continue the inquiry; and
- (B) make a decision about whether the ground  
for disciplinary action is established.
- ‘(3) For subsection (2)(b)(v)(B), the stated period for making a  
submission must be at least 30 days from the day the notice is  
given to the licensee unless—
- (a) the Authority is satisfied—
- (i) urgent circumstances exist for the submission to be  
made within that time; and
- (ii) it is reasonable in the circumstances; or
- (b) any person who made an application under section 26(2)  
applies to the Authority for the submission to be made  
within that time and the Authority is satisfied it is  
reasonable in the circumstances.’.

- Clause 16 Replacement of s 28 (Starting disciplinary action)** 25
- Section 28— 26
- omit, insert—* 27
- ‘28 Starting disciplinary inquiry** 28
- ‘(1) If the Authority decides to conduct a disciplinary inquiry in  
relation to a licensee by hearing, the Authority must not start  
the inquiry before the date of the hearing stated in the 31

[s 16]

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- disciplinary inquiry notice given under section 27B for the  
inquiry. 1  
2
- ‘(2) The date of the hearing must be at least 30 days from the day  
the notice is given to the licensee unless— 3  
4
- (a) the Authority is satisfied— 5
- (i) urgent circumstances exist for the inquiry to be  
started within that time; and 6  
7
- (ii) it is reasonable in the circumstances; or 8
- (b) any person who made an application under section 26(2)  
applies to the Authority for the inquiry to be started  
within that time and the Authority is satisfied it is  
reasonable in the circumstances. 9  
10  
11  
12
- ‘(3) Subsection (4) applies if— 13
- (a) a licensee is given a disciplinary inquiry notice under  
section 27B for a disciplinary inquiry in relation to the  
licensee; and 14  
15  
16
- (b) the licensee applies in the approved form to the  
Authority for the inquiry to be started before the date  
stated in the notice as the date of the hearing of the  
inquiry. 17  
18  
19  
20
- ‘(4) The Authority may start the inquiry before the date stated in  
the notice as the date of the hearing of the inquiry if the  
Authority— 21  
22  
23
- (a) is satisfied that it is reasonable in the circumstances; and 24
- (a) gives notice of the date of the hearing decided by the  
Authority under this subsection to— 25  
26
- (i) the licensee; and 27
- (ii) any person who made an application under section  
26(2). 28  
29
- ‘28A Procedure for disciplinary inquiry by hearing 30**
- ‘(1) If the Authority decides to conduct a disciplinary inquiry by  
hearing, the hearing must be closed to the public. 31  
32

- 
- ‘(2) The Authority must decide the matter in the way it considers appropriate, but must—
- (a) observe natural justice; and
  - (b) act as quickly, and with as little formality and technicality, as is consistent with a fair and proper consideration of the issues.
- ‘(3) The Authority—
- (a) is not bound by the rules of evidence; and
  - (b) may inform itself in the way, and to the extent, the Authority considers appropriate; and
  - (c) may decide the procedures to be followed for the proceedings; and
  - (d) may receive evidence on oath or by statutory declaration.
- ‘(4) The chairperson of the Authority, or a member of the Authority permitted by the chairperson, may administer an oath to a person appearing before the Authority.
- ‘28B Power of Authority to continue disciplinary inquiry in particular circumstances**
- ‘(1) This section applies if a licensee does not—
- (a) if the licensee is given a notice under section 27B stating the Authority will be conducting a disciplinary inquiry in relation to the licensee by hearing—attend the hearing on the date of the hearing stated in the notice; or
  - (b) if the licensee is given a notice under section 27B stating the Authority will be conducting a disciplinary inquiry in relation to the licensee on correspondence—make a submission in accordance with the requirements stated in the notice under section 27B(2)(b)(v); or
  - (c) if the licensee is given a notice under section 28D—give the information required by the notice.
- ‘(2) The Authority may—
-

[s 16]

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(a)	continue the disciplinary inquiry; and	1
(b)	make a decision about whether the ground for disciplinary action is established.	2 3
<b>'28C</b>	<b>Failure to take oath or answer question</b>	4
'(1)	At a hearing of a disciplinary inquiry in relation to a licensee, the licensee must not—	5 6
(a)	fail to take an oath or make an affirmation when required by the Authority; or	7 8
(b)	fail, without reasonable excuse, to answer a question the the Authority requires the licensee to answer.	9 10
	Maximum penalty—60 penalty units.	11
'(2)	For subsection (1)(b), it is a reasonable excuse for a licensee to fail to answer a question, if answering the question might tend to incriminate the licensee.	12 13 14
<b>'28D</b>	<b>Authority may require information relevant to disciplinary inquiry</b>	15 16
'(1)	For conducting a disciplinary inquiry, the Authority may, by notice given to the licensee or another person, require the licensee or person to give the Authority information, including a document, relevant to the inquiry.	17 18 19 20
'(2)	If a document is given to the Authority under subsection (1), the Authority may make a copy of, or take an extract from, it.	21 22
'(3)	A person given a notice under subsection (1) must not fail, without a reasonable excuse, to give the Authority the information the person is required to give by the notice.	23 24 25
	Maximum penalty—60 penalty units.	26
'(4)	For subsection (3), it is a reasonable excuse for an individual to fail to give information, if giving the information might tend to incriminate the individual.	27 28 29

---

<b>‘28E Attendance notice</b>	1
‘(1) The Authority may, by notice given to a relevant person (an <i>attendance notice</i> ), require the person—	2 3
(a) to attend a hearing at a stated time and place to give evidence; or	4 5
(b) to produce stated documents or other things at a hearing.	6
‘(2) For subsection (1), the Authority may act on its own initiative or on the application, in the approved form, of a licensee.	7 8
‘(3) If a document is given to the Authority under subsection (1), the Authority may make a copy of, or take an extract from, it.	9 10
‘(4) A person given an attendance notice must not fail, without reasonable excuse—	11 12
(a) to attend as required by the notice; or	13
(b) to continue to attend as required by the Authority until excused from further attendance.	14 15
Maximum penalty—60 penalty units.	16
‘(5) Also, at a hearing, a person appearing as a witness must not—	17
(a) fail to take an oath or make an affirmation when required by the Authority; or	18 19
(b) fail, without reasonable excuse, to answer a question the the Authority requires the person to answer; or	20 21
(c) fail, without reasonable excuse, to produce a document or other thing the person is required to produce by an attendance notice.	22 23 24
Maximum penalty—60 penalty units.	25
‘(6) It is a reasonable excuse for an individual to fail to answer a question or to produce a document or other thing, if answering the question or producing the document or thing might tend to incriminate the individual.	26 27 28 29
‘(7) In this section—	30

[s 17]

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*relevant person* means a person the Authority considers has information relevant to the disciplinary inquiry conducted about a licensee.

- ‘28F Substituted service on licensee or relevant person**
- ‘(1) If the Authority is satisfied service of a notice given to a licensee under section 27B or relevant person under section 28E can not be effected on the licensee or relevant person under the provision, the Authority may order substituted service of the notice.
- ‘(2) Substituted service may be effected in any way ordered, including, for example, by facsimile or telephone.
- ‘(3) If the licensee or relevant person is served with a notice as ordered by the Authority under subsection (1), the notice is taken to have been given to the licensee under section 27B or relevant person under section 28E.’.

**Clause 17 Insertion of new ss 50A and 50B**

After section 50—

*insert—*

- ‘50A Payment of fee by payment plan**
- ‘(1) This section applies if, due to financial hardship caused by exceptional circumstances, an approved manager is unable to pay the annual certificate fee or the annual return fee for the approved manager’s certificate by the prescribed day.
- ‘(2) Despite section 44(4)(d)(i), the approved manager may apply to the Authority to pay the annual certificate fee or the annual return fee under a payment plan decided by the Authority.
- ‘(3) An application under subsection (2) must be in the approved form.
- ‘(4) The Authority may enter into a payment plan with the approved manager if the Authority is satisfied that, having regard to financial hardship caused by exceptional circumstances, the approved manager is unable to pay the

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annual certificate fee or the annual return fee for the approved manager's certificate by the prescribed day. 1  
2

'(5) If the approved manager pays the annual certificate fee or the annual return fee under the payment plan, the approved manager is taken to have paid the annual certificate fee or the annual return fee by the prescribed day. 3  
4  
5  
6

'(6) In this section— 7

*exceptional circumstances* means unforeseen circumstances that adversely affect premises stated in the approved manager's certificate as premises of a licensed brothel for the approved manager. 8  
9  
10  
11

*Example of unforeseen circumstances—* 12  
natural disaster or fire 13

**'50B Automatic suspension of certificate** 14

'(1) This section applies if an approved manager— 15

(a) has failed to pay the annual certificate fee or the annual return fee for the certificate by the prescribed day; and 16  
17

(b) has not entered into a payment plan decided by the Authority under section 50A. 18  
19

'(2) The approved manager's certificate is automatically suspended for 28 days (the *suspension period*) starting the day after the prescribed day. 20  
21  
22

'(3) The suspension of the certificate ends if— 23

(a) the annual certificate fee or the annual return fee for the certificate is paid during the suspension period; or 24  
25

(b) the approved manager enters into a payment plan decided by the Authority under section 50A.'. 26  
27

**Clause 18 Amendment of s 51 (Automatic cancellation of certificate)** 28

Section 51— 29

*insert—* 30

[s 19]

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- '(c) fails to pay the annual certificate fee or the annual return fee for the certificate during the suspension period for the certificate; or 1  
2  
3
- (d) if the approved manager has entered into a payment plan decided by the Authority under section 50A—fails to pay the annual certificate fee or the annual return fee for the certificate under the payment plan.' 4  
5  
6  
7

**Clause 19 Insertion of new ss 53A and 53B** 8

After section 53— 9

*insert—* 10

**'53A Authority may conduct disciplinary inquiry by hearing or on correspondence** 11  
12

'The Authority may conduct a disciplinary inquiry by hearing or on correspondence. 13  
14

**'53B Disciplinary inquiry notice** 15

'(1) If the Authority decides to conduct a disciplinary inquiry, it must give notice of its intention to conduct the inquiry (a *disciplinary inquiry notice*)— 16  
17  
18

(a) to the approved manager; and 19

(b) any person who makes an application under section 52(2). 20  
21

'(2) A disciplinary inquiry must— 22

(a) be in the approved form; and 23

(b) state all of the following— 24

(i) the ground for the disciplinary action against the approved manager; 25  
26

(ii) the facts and circumstances forming the basis for the ground; 27  
28

(iii) whether the Authority will be conducting the inquiry by hearing or on correspondence; 29  
30

- 
- (iv) if the Authority will be conducting the inquiry by hearing—the date of the hearing; 1  
2
- (v) if the Authority will be conducting the inquiry on correspondence, that— 3  
4
- (A) the approved manager may give the Authority a written submission about the ground; and 5  
6  
7
- (B) the submission must be made within the stated period for making a submission; 8  
9
- (vi) that if the approved manager fails to attend on the date of the hearing stated in the notice, or does not make a submission in accordance with subparagraph (v), the Authority may— 10  
11  
12  
13
- (A) continue the inquiry; and 14
- (B) make a decision about whether the ground for disciplinary action is established. 15  
16
- ‘(3) For subsection (2)(b)(v)(B), the stated period for making a submission must be at least 30 days from the day the notice is given to the approved manager unless— 17  
18  
19
- (a) the Authority is satisfied— 20
- (i) urgent circumstances exist for the submission to be made within that time; and 21  
22
- (ii) it is reasonable in the circumstances; or 23
- (b) any person who made an application under section 52(2) applies to the Authority for the submission to be made within that time and the Authority is satisfied it is reasonable in the circumstances.’. 24  
25  
26  
27

<b>Clause 20</b>	<b>Replacement of s 54 (Starting disciplinary action)</b>	28
	Section 54—	29
	<i>omit, insert—</i>	30

[s 20]

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- ‘54 Starting disciplinary inquiry** 1
- ‘(1) If the Authority decides to conduct a disciplinary inquiry in 2  
relation to an approved manager by hearing, the Authority 3  
must not start the inquiry before the date of the hearing stated 4  
in the disciplinary inquiry notice given under section 53B for 5  
the inquiry. 6
- ‘(2) The date of the hearing must be at least 30 days from the day 7  
the notice is given to the approved manager unless— 8
- (a) the Authority is satisfied— 9
- (i) urgent circumstances exist for the inquiry to be 10  
started within that time; and 11
- (ii) it is reasonable in the circumstances; or 12
- (b) any person who made an application under section 52(2) 13  
applies to the Authority for the inquiry to be started 14  
within that time and the Authority is satisfied it is 15  
reasonable in the circumstances. 16
- ‘(3) Subsection (4) applies if— 17
- (a) an approved manager is given a disciplinary inquiry 18  
notice under section 53B for a disciplinary inquiry in 19  
relation to the approved manager; and 20
- (b) the approved manager applies in the approved form to 21  
the Authority for the inquiry to be started before the date 22  
stated in the notice as the date of the hearing of the 23  
inquiry. 24
- ‘(4) The Authority may start the inquiry before the date stated in 25  
the notice as the date of the hearing of the inquiry if the 26  
Authority— 27
- (a) is satisfied that it is reasonable in the circumstances; and 28
- (b) gives notice of the date of the hearing decided by the 29  
Authority under this subsection to— 30
- (i) the approved manager; and 31
- (ii) any person who made an application under section 32  
52(2). 33

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<b>‘54A Procedure for disciplinary inquiry by hearing</b>	1
‘(1) If the Authority decides to conduct a disciplinary inquiry by hearing, the hearing must be closed to the public.	2 3
‘(2) The Authority must decide the matter in the way it considers appropriate, but must—	4 5
(a) observe natural justice; and	6
(b) act as quickly, and with as little formality and technicality, as is consistent with a fair and proper consideration of the issues.	7 8 9
‘(3) The Authority—	10
(a) is not bound by the rules of evidence; and	11
(b) may inform itself in the way, and to the extent, the Authority considers appropriate; and	12 13
(c) may decide the procedures to be followed for the proceedings; and	14 15
(d) may receive evidence on oath or by statutory declaration.	16 17
‘(4) The chairperson of the Authority, or a member of the Authority permitted by the chairperson, may administer an oath to a person appearing before the Authority.	18 19 20
<b>‘54B Power of Authority to continue disciplinary inquiry in particular circumstances</b>	21 22
‘(1) This section applies if an approved manager does not—	23
(a) if the approved manager is given a notice under section 53B stating the Authority will be conducting a disciplinary inquiry in relation to the approved manager by hearing—attend the hearing on the date of the hearing stated in the notice; or	24 25 26 27 28
(b) if the approved manager is given a notice under section 53B stating the Authority will be conducting a disciplinary inquiry in relation to the approved manager on correspondence—make a submission in accordance	29 30 31 32

[s 20]

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with the requirements stated in the notice under section 53B(2)(b)(v); or	1 2
(c) if the approved manager is given a notice under section 54D—give the information required by the notice.	3 4
‘(2) The Authority may—	5
(a) continue the disciplinary inquiry; and	6
(b) make a decision about whether the ground for disciplinary action is established.	7 8
<b>‘54C Failure to take oath or answer question</b>	9
‘(1) At a hearing of a disciplinary inquiry in relation to an approved manager, the approved manager must not—	10 11
(a) fail to take an oath or make an affirmation when required by the Authority; or	12 13
(b) fail, without reasonable excuse, to answer a question the Authority requires the approved manager to answer.	14 15
Maximum penalty—60 penalty units.	16
‘(2) For subsection (1)(b), it is a reasonable excuse for an approved manager to fail to answer a question, if answering the question might tend to incriminate the approved manager.	17 18 19
<b>‘54D Authority may require information relevant to disciplinary inquiry</b>	20 21
‘(1) For conducting a disciplinary inquiry, the Authority may, by notice given to the approved manager or another person, require the approved manager or other person to give the Authority information, including a document, relevant to the inquiry.	22 23 24 25 26
‘(2) If a document is given to the Authority under subsection (1), the Authority may make a copy of, or take an extract from, it.	27 28
‘(3) A person given a notice under subsection (1) must not fail, without a reasonable excuse, to give the Authority the information the person is required to give by the notice.	29 30 31

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Maximum penalty—60 penalty units.	1
‘(4) For subsection (3), it is a reasonable excuse for an individual to fail to give information, if giving the information might tend to incriminate the individual.	2 3 4
<b>‘54E Attendance notice</b>	5
‘(1) The Authority may, by notice given to a relevant person (an <i>attendance notice</i> ), require the person—	6 7
(a) to attend a hearing at a stated time and place to give evidence; or	8 9
(b) to produce stated documents or other things at a hearing.	10
‘(2) For subsection (1), the Authority may act on its own initiative or on the application, in the approved form, of an approved manager.	11 12 13
‘(3) If a document is given to the Authority under subsection (1), the Authority may make a copy of, or take an extract from, it.	14 15
‘(4) A person given an attendance notice must not fail, without reasonable excuse—	16 17
(a) to attend as required by the notice; or	18
(b) to continue to attend as required by the Authority until excused from further attendance.	19 20
Maximum penalty—60 penalty units.	21
‘(5) Also, at a hearing, a person appearing as a witness must not—	22
(a) fail to take an oath or make an affirmation when required by the Authority; or	23 24
(b) fail, without reasonable excuse, to answer a question the the Authority requires the person to answer; or	25 26
(c) fail, without reasonable excuse, to produce a document or other thing the person is required to produce by an attendance notice.	27 28 29
Maximum penalty—60 penalty units.	30

[s 21]

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- ‘(6) It is a reasonable excuse for an individual to fail to answer a question or to produce a document or other thing, if answering the question or producing the document or thing might tend to incriminate the individual. 1  
2  
3  
4
- ‘(7) In this section— 5  
*relevant person* means a person the Authority considers has information relevant to the disciplinary inquiry conducted about an approved manager. 6  
7  
8

**‘54F Substituted service on approved manager or relevant person 9  
10**

- ‘(1) If the Authority is satisfied service of a notice given to an approved manager under section 53B or relevant person under section 54E can not be effected on the approved manager or relevant person under the provision, the Authority may order substituted service of the notice. 11  
12  
13  
14  
15
- ‘(2) Substituted service may be effected in any way ordered, including, for example, by facsimile or telephone. 16  
17
- ‘(3) If the approved manager or relevant person is served with a notice as ordered by the Authority under subsection (1), the notice is taken to have been given to the approved manager under section 53B or relevant person under section 54E.’. 18  
19  
20  
21

**Clause 21 Insertion of new pt 7, div 1, hdg 22**  
Before section 100— 23  
*insert—* 24

**‘Division 1 Establishment’. 25**

**Clause 22 Insertion of new pt 7, div 2 and sdiv 1, hdgs 26**  
After section 101— 27  
*insert—* 28

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<b>‘Division 2</b>	<b>Membership</b>	1
<b>‘Subdivision 1</b>	<b>Appointment’.</b>	2
<b>Clause 23</b>	<b>Amendment of s 102 (Membership)</b>	3
	Section 102(2), after ‘Governor in Council’—	4
	<i>insert</i> —	5
	‘on the recommendation of the Minister’.	6
<b>Clause 24</b>	<b>Replacement of s 105 (Disqualifications for appointment)</b>	7
	Section 105—	8
	<i>omit, insert</i> —	9
<b>‘105</b>	<b>Disqualifications for appointment</b>	10
	‘A person is not qualified to be recommended for appointment	11
	or continue as a member of the Authority if—	12
	(a) the person—	13
	(i) is an insolvent under administration; or	14
	(ii) is convicted of—	15
	(A) an offence against this Act or a	16
	corresponding law; or	17
	(B) an indictable offence; or	18
	(iii) becomes incapable of discharging the duties of a	19
	member because of physical or mental incapacity;	20
	or	21
	(iv) has an interest in a brothel; or	22
	(b) the Minister, having regard to information about the	23
	person under subdivision 2, decides the person should	24
	not continue or be recommended for appointment as a	25
	member of the Authority.’.	26

[s 25]

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<b>Clause 25</b>	<b>Insertion of new pt 7, div 2, sdiv 2, and div 3, hdg</b>	1
	After section 108—	2
	<i>insert—</i>	3
<b>‘Subdivision 2</b>	<b>Assessing suitability for appointment</b>	4
		5
<b>‘108AA Subdivision does not apply to exempt member</b>		6
	‘This subdivision does not apply to an exempt member.	7
<b>‘108AB Extended criminal history checks</b>		8
	‘(1) This section applies in relation to the following persons—	9
	(a) a member of the Authority;	10
	(b) a person who is being considered for appointment as a member of the Authority (a <i>prospective member</i> ).	11
		12
	‘(2) The Minister may ask the commissioner for a written report about the person’s extended criminal history.	13
		14
	‘(3) However, if the request relates to a prospective member, the Minister may make the request only if the person has given the Minister written consent for the request.	15
		16
		17
	‘(4) The commissioner must comply with the request.	18
	‘(5) However, subsection (4) applies only to information in the commissioner’s possession or to which the commissioner has access.	19
		20
		21
	‘(6) Before using information obtained under subsection (2) to decide whether a person should continue or be recommended for appointment as member of the Authority, the Minister must—	22
		23
		24
		25
	(a) disclose the information to the person; and	26
	(b) allow the person a reasonable opportunity to make representations to the Minister about the information.	27
		28

- 
- ‘(7) The Minister must ensure a report given under this section is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested.
- ‘(8) The *Criminal Law (Rehabilitation of Offenders) Act 1986* does not apply to the asking for, or giving of, the information mentioned in subsection (2).
- ‘(9) To remove any doubt, it is declared that, despite the *Youth Justice Act 1992*, part 9, the commissioner may disclose information to which that part applies to the Minister for complying with a request under subsection (2).

**‘108AC Disclosure of changes in extended criminal history**

- ‘(1) If there is a change in the extended criminal history of a member of the Authority, the member must, unless the member has a reasonable excuse, immediately disclose the change to the Minister.
- Maximum penalty—100 penalty units or 2 years imprisonment.
- ‘(2) For a member of the Authority who does not have an extended criminal history, there is taken to be a change in the member’s extended criminal history if the member acquires an extended criminal history.
- ‘(3) To comply with subsection (1), the information disclosed by the member of the Authority about a conviction for an offence or charge in the member’s extended criminal history must include the following—
- (a) the existence of the conviction or charge;
  - (b) when the offence was committed or alleged to have been committed;
  - (c) details adequate to identify the offence or alleged offence;
  - (d) for a conviction—
    - (i) whether or not a conviction was recorded; and

[s 25]

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- (ii) the sentence imposed on the member. 1
- ‘(4) The *Criminal Law (Rehabilitation of Offenders) Act 1986* 2  
does not apply to the disclosure of information under this 3  
section. 4
- ‘108AD Disclosure must not be false, misleading or 5  
incomplete 6**
- ‘(1) The disclosure under section 108C(1) must be in the approved 7  
form. 8
- ‘(2) A member of the Authority must not give the Minister an 9  
approved form under subsection (1) that is false, misleading 10  
or incomplete in a material particular. 11
- Maximum penalty—100 penalty units or 2 years 12  
imprisonment. 13
- ‘(3) Subsection (2) does not apply to a member of the Authority in 14  
relation to particular information that the member is unable to 15  
provide if the member— 16
- (a) indicates in the approved form the information that the 17  
member is unable to provide; and 18
- (b) otherwise gives the information in the approved form to 19  
the best of the member’s ability. 20
- ‘108AE Use of information obtained under this subdivision 21**
- ‘(1) The information about a person received under this 22  
subdivision must not be used for any purpose other than for 23  
making a decision about whether the person should continue 24  
or be recommended for appointment as a member of the 25  
Authority. 26
- ‘(2) When making the decision mentioned in subsection (1), the 27  
Minister must have regard to the following matters relating to 28  
information about the commission, or alleged or possible 29  
commission, of an offence by the person— 30
- (a) when the offence was committed, is alleged to have 31  
been committed or may possibly have been committed; 32

- 
- (b) the nature of the offence and its relevance to the person's appointment as a member of the Authority; 1  
2
- (c) anything else the Minister considers relevant to whether the person should continue or be recommended for appointment as a member of the Authority. 3  
4  
5

**'Division 3                      Status'.** 6

- Clause 26                      Renumbering of ss 108AA–108D** 7
- Sections 108AA to 108D— 8
- renumber* as sections 108A to 108I. 9

- Clause 27                      Insertion of new pt 7A, div 2, sdiv 1, hdg** 10
- Before section 110B— 11
- insert*— 12

**'Subdivision 1                      Appointment'.** 13

- Clause 28                      Amendment of s 110B (Appointment of executive director)** 14  
15
- Section 110B(2), after 'Governor in Council'— 16
- insert*— 17
- 'on the recommendation of the Minister'. 18

- Clause 29                      Insertion of new pt 7A, div 2, sdiv 2** 19
- After section 110K— 20
- insert*— 21

[s 29]

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<b>‘Subdivision 2</b>	<b>Assessing suitability for appointment</b>	1 2
<b>‘110KA Extended criminal history checks</b>		3
‘(1)	This section applies in relation to the following persons—	4
(a)	the executive director;	5
(b)	a person who is being considered for appointment as the executive director (a <i>prospective executive director</i> ).	6 7
‘(2)	The Minister may ask the commissioner for a written report about the person’s extended criminal history.	8 9
‘(3)	However, if the request relates to a prospective executive director, the Minister may make the request only if the prospective executive director has given the Minister written consent for the request.	10 11 12 13
‘(4)	The commissioner must comply with the request.	14
‘(5)	However, subsection (4) applies only to information in the commissioner’s possession or to which the commissioner has access.	15 16 17
‘(6)	Before using information obtained under subsection (2) to decide whether a person should continue or be recommended for appointment as the executive director, the Minister must—	18 19 20
(a)	disclose the information to the person; and	21
(b)	allow the person a reasonable opportunity to make representations to the Minister about the information.	22 23
‘(7)	The Minister must ensure a report given under this section is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested.	24 25 26
‘(8)	The <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> does not apply to the asking for, or giving of, the information mentioned in subsection (2).	27 28 29
‘(9)	To remove any doubt, it is declared that, despite the <i>Youth Justice Act 1992</i> , part 9, the commissioner may disclose	30 31

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information to which that part applies to the Minister for 1  
complying with a request under subsection (2). 2

**‘110KB Disclosure of changes in extended criminal history 3**

‘(1) If there is a change in the extended criminal history of the 4  
executive director, the executive director must, unless the 5  
executive director has a reasonable excuse, immediately 6  
disclose the change to the Minister. 7

Maximum penalty—100 penalty units or 2 years 8  
imprisonment. 9

‘(2) For the executive director who does not have an extended 10  
criminal history, there is taken to be a change in the executive 11  
director’s extended criminal history if the executive director 12  
acquires an extended criminal history. 13

‘(3) To comply with subsection (1), the information disclosed by 14  
the executive director about a conviction for an offence or 15  
charge in the executive director’s extended criminal history 16  
must include the following— 17

(a) the existence of the conviction or charge; 18

(b) when the offence was committed or alleged to have been 19  
committed; 20

(c) details adequate to identify the offence or alleged 21  
offence; 22

(d) for a conviction— 23

(i) whether or not a conviction was recorded; and 24

(ii) the sentence imposed on the executive director. 25

‘(4) The *Criminal Law (Rehabilitation of Offenders) Act 1986* 26  
does not apply to the disclosure of information under this 27  
section. 28

[s 29]

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<b>‘110KC Disclosure must not be false, misleading or incomplete</b>	1 2
‘(1) The disclosure under section 110KB(1) must be in the approved form.	3 4
‘(2) The executive director must not give the Minister an approved form under subsection (1) that is false, misleading or incomplete in a material particular.	5 6 7
Maximum penalty—100 penalty units or 2 years imprisonment.	8 9
‘(3) Subsection (2) does not apply to the executive director in relation to particular information that the executive director is unable to provide if the executive director—	10 11 12
(a) indicates in the approved form the information that the executive director is unable to provide; and	13 14
(b) otherwise gives the information in the approved form to the best of the executive director’s ability.	15 16
<b>‘110KD Use of information obtained under this subdivision</b>	17
‘(1) The information about a person received under this subdivision must not be used for any purpose other than for deciding whether the person should continue or be recommended for appointment as the executive director.	18 19 20 21
‘(2) When making the decision mentioned in subsection (1), the Minister must have regard to the following matters relating to information about the commission, or alleged or possible commission, of an offence by the person—	22 23 24 25
(a) when the offence was committed, is alleged to have been committed or may possibly have been committed;	26 27
(b) the nature of the offence and its relevance to the person’s appointment as the executive director;	28 29
(c) anything else the Minister considers relevant to whether the person should continue or be recommended for appointment as the executive director.’	30 31 32

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<b>Clause 30</b>	<b>Insertion of new pt 7A, div 3, sdiv 1, hdg</b>	1
	After part 7A, division 3, heading—	2
	<i>insert—</i>	3
	<b>‘Subdivision 1 Employment’.</b>	4
<b>Clause 31</b>	<b>Insertion of new pt 7A, div 3, sdiv 2</b>	5
	After section 110L—	6
	<i>insert—</i>	7
	<b>‘Subdivision 2 Assessing suitability to be engaged as staff member</b>	8
		9
	<b>‘110M Application of sdiv 2</b>	10
	‘(1) This subdivision applies to duties to be performed in the office if, under a part 6 directive, the executive director decides that, because of the nature of the particular duties ( <i>relevant duties</i> ), it may be necessary to have regard to the extended criminal history of anyone engaged to perform the relevant duties to ensure the person so engaged is suitable to perform them.	11 12 13 14 15 16
	‘(2) To remove any doubt, the <i>Public Service Act 2008</i> , chapter 5, part 6 applies only to the extent a part 6 directive may be made for that part under that Act.	17 18 19
	<i>Note—</i>	20
	Under the <i>Public Service Act 2008</i> , section 194, an appeal may be made to the chief executive of the Public Service Commission against a decision to take, or not take, action under a directive.	21 22 23
	<b>‘110N Executive director may obtain extended criminal history</b>	24 25
	‘(1) If the executive director proposes to engage a person as a staff member (a <i>prospective staff member</i> ), the executive director may, under a part 6 directive, ask the prospective staff member for written consent for the executive director to obtain the prospective staff member’s extended criminal history.	26 27 28 29 30

[s 31]

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- ‘(2) Subsection (1) applies even if the prospective staff member is a public service employee at the time the executive director proposes to engage the prospective staff member as a staff member. 1  
2  
3  
4
- ‘1100 Failure to consent to obtaining extended criminal history 5  
6**
- ‘If a prospective staff member does not consent, or withdraws his or her consent, to the executive director obtaining the prospective staff member’s extended criminal history, the executive director is not required to consider the prospective staff member for engagement with the office. 7  
8  
9  
10  
11
- ‘110P Obtaining extended criminal history with consent 12**
- ‘(1) If a prospective staff member gives written consent to the executive director obtaining the prospective staff member’s extended criminal history, the executive director may ask the commissioner for a written report about the prospective staff member’s extended criminal history. 13  
14  
15  
16  
17
- ‘(2) The request may include the following— 18
- (a) the prospective staff member’s name and any other name the executive director believes the prospective staff member may use or may have used; 19  
20  
21
- (b) the prospective staff member’s date and place of birth, gender and address. 22  
23
- ‘(3) Subject to subsection (4), the commissioner must comply with the request. 24  
25
- ‘(4) The duty imposed on the commissioner to comply with the request applies only to information in the commissioner’s possession or to which the commissioner has access. 26  
27  
28
- ‘(5) The executive director must destroy a report given to the executive director under this section as soon as practicable after it is no longer needed for the purpose for which it was requested. 29  
30  
31  
32

- 
- ‘(6) The *Criminal Law (Rehabilitation of Offenders) Act 1986* does not apply to the asking for, or giving of, the information mentioned in subsection (1). 1  
2  
3
- ‘(7) To remove any doubt, it is declared that, despite the *Youth Justice Act 1992*, part 9, the commissioner may disclose information to which that part applies to the executive director for complying with a request under subsection (1). 4  
5  
6  
7
- ‘110Q Assessment of suitability using extended criminal history** 8  
9
- ‘After the prospective staff member’s extended criminal history is given to the executive director, the executive director must consider the prospective staff member’s extended criminal history in making an assessment about the prospective staff member’s suitability for engagement as a staff member. 10  
11  
12  
13  
14  
15
- ‘110R Staff member to disclose change in extended criminal history** 16  
17
- ‘(1) This section applies if there is a change in the extended criminal history of a staff member. 18  
19
- ‘(2) The staff member must immediately disclose the details of the change to the executive director. 20  
21
- ‘(3) The disclosure under subsection (2) must be in the approved form. 22  
23
- ‘(4) Information disclosed in the approved form by the staff member about a conviction or charge for an offence in the staff member’s extended criminal history must include— 24  
25  
26
- (a) the existence of the conviction or charge; and 27
- (b) when the offence was committed or alleged to have been committed; and 28  
29
- (c) the details of the offence or alleged offence; and 30
- (d) for a conviction—whether or not a conviction was recorded and the sentence imposed on the staff member. 31  
32

[s 31]

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- ‘(5) For a staff member who does not have an extended criminal history, there is taken to be a change in the staff member’s extended criminal history if the staff member acquires an extended criminal history. 1  
2  
3  
4
- ‘(6) The *Criminal Law (Rehabilitation of Offenders) Act 1986* does not apply to the disclosure of information under this section. 5  
6  
7

**‘110S Failing to make disclosure or making false, misleading or incomplete disclosure 8  
9**

- ‘(1) A staff member must not— 10
- (a) fail to give the executive director a disclosure as required under section 110R, unless the staff member has a reasonable excuse; or 11  
12  
13
- (b) give the executive director an approved form under section 110R that is false, misleading or incomplete in a material particular. 14  
15  
16
- Maximum penalty—100 penalty units or 2 years imprisonment. 17  
18
- ‘(2) Subsection (1)(b) does not apply to a staff member in relation to particular information that the staff member is unable to provide if the staff member— 19  
20  
21
- (a) indicates in the approved form the information that the staff member is unable to provide; and 22  
23
- (b) otherwise gives the information in the approved form to the best of the staff member’s ability. 24  
25

**‘110T Executive director may obtain report from commissioner 26  
27**

- ‘(1) This section applies to a staff member. 28
- ‘(2) The executive director may ask the commissioner for a written report about the staff member’s extended criminal history. 29  
30  
31

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‘(3) Subject to subsection (4), the commissioner must comply with the request.	1 2
‘(4) The duty imposed on the commissioner to comply with the request applies only to information in the commissioner’s possession or to which the commissioner has access.	3 4 5
‘(5) The executive director must destroy a report given to the executive director under this section as soon as practicable after it is no longer needed for the purpose for which it was requested.	6 7 8 9
‘(6) The <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> does not apply to the asking for, or giving of, the information mentioned in subsection (2).	10 11 12
‘(7) To remove any doubt, it is declared that, despite the <i>Youth Justice Act 1992</i> , part 9, the commissioner may disclose information to which that part applies to the executive director for complying with a request under subsection (2).	13 14 15 16
<b>‘110U Use of information obtained under this subdivision</b>	17
‘(1) This section applies to the executive director in considering information about a person received under this subdivision.	18 19
‘(2) The information must not be used for any purpose other than assessing the person’s suitability to be or continue to be engaged as a staff member.	20 21 22
‘(3) When making the assessment, the executive director must have regard to the following matters relating to information about the commission, or alleged or possible commission, of an offence by the person—	23 24 25 26
(a) when the offence was committed, is alleged to have been committed or may possibly have been committed;	27 28
(b) the nature of the offence and its relevance to the person’s proposed duties or duties under the engagement;	29 30
(c) anything else the executive director considers relevant to the assessment of the person’s suitability.	31 32

[s 32]

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<b>‘110V Person to be advised of information obtained from commissioner</b>	1 2
‘(1) This section applies if, after having regard to the matters mentioned in section 110U(3) about a person, the executive director considers the person may not be suitable to be or continue to be engaged by the office to perform relevant duties.	3 4 5 6 7
‘(2) The executive director must—	8
(a) disclose the information to the person; and	9
(b) allow the person a reasonable opportunity to make representations to the executive director about the information.’.	10 11 12
<b>Clause 32 Amendment of s 111 (Licence and certificate register)</b>	13
Section 111(1)(b) and (d), after ‘the granting,’—	14
<i>insert—</i>	15
‘giving,’.	16
<b>Clause 33 Amendment of s 131 (Offences about false or misleading information or documents)</b>	17 18
Section 131, ‘or 98’—	19
<i>omit, insert—</i>	20
‘, 98, 108D(2), 110KC(2) or 110S’.	21
<b>Clause 34 Amendment of s 132 (Evidentiary provision)</b>	22
Section 132(5)—	23
<i>insert—</i>	24
‘(e) that an annual licence fee or an annual licence return fee was not paid by the prescribed day;	25 26
(f) that an annual certificate fee or an annual return fee was not paid by the prescribed day.’.	27 28

<b>Clause 35</b>	<b>Insertion of new s 133A</b>	1
	After section 133—	2
	<i>insert—</i>	3
	<b>‘133A Confidentiality</b>	4
	‘(1) This section applies to a relevant person who, in the capacity as relevant person, acquired information, or gained access to a document, under this Act about someone else’s extended criminal history for assessing the person’s suitability for—	5 6 7 8
	(a) appointment as a member of the Authority; or	9
	(b) appointment as the executive director; or	10
	(c) engagement as a staff member.	11
	‘(2) The person must not disclose the acquired information, or give access to the document, to anyone else.	12 13
	Maximum penalty—100 penalty units.	14
	‘(3) Subsection (2) does not apply to the disclosure of acquired information, or giving of access to a document, about a person—	15 16 17
	(a) to the Minister for the purpose of assessing the person’s suitability for the appointment in relation to which the information or document was acquired; or	18 19 20
	(b) to a member of the Authority for the purpose of assessing the person’s suitability for appointment as the executive director or engagement as a staff member; or	21 22 23
	(c) to the executive director or a selection panel member for the purpose of assessing the person’s suitability for engagement as a staff member; or	24 25 26
	(d) with the person’s consent; or	27
	(e) if the disclosure or giving of access is otherwise required under an Act.	28 29
	‘(4) In this section—	30
	<i>relevant person</i> means a person who is or has been—	31
	(a) the Minister; or	32

[s 36]

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- (b) a member of the Authority; or 1
  - (c) the executive director; or 2
  - (d) a staff member or a selection panel member. 3
- selection panel member* means a member of a panel formed 4  
to make a recommendation to the executive director about 5  
engaging a person as a staff member.’. 6

<b>Clause 36</b>	<b>Insertion of new pt 9, div 7</b>	7
	Part 9—	8
	<i>insert</i> —	9
<b>‘Division 7</b>	<b>Provisions for Police Legislation Amendment Act 2010</b>	10 11
<b>‘156</b>	<b>Definition for pt 9, div 7</b>	12
	‘In this division—	13
	<i>commencement</i> means the commencement of this division.	14
<b>‘157</b>	<b>Conduct of disciplinary inquiry started but not dealt with as at commencement</b>	15 16
	‘(1) This section applies to a disciplinary inquiry that has started but is not complete as at the commencement.	17 18
	‘(2) The Authority must continue to conduct the inquiry under the Act as in force immediately before the commencement.	19 20
<b>‘158</b>	<b>Disciplinary inquiry notice not given to licensee as at commencement</b>	21 22
	‘(1) This section applies if the Authority—	23
	(a) decides, before the commencement, to conduct a disciplinary inquiry in relation to a licensee; and	24 25
	(b) has not, as at the commencement, started the inquiry.	26

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‘(2)	The Authority must conduct the inquiry under the Act as in force from the commencement.	1 2
<b>‘159</b>	<b>Disciplinary inquiry notice not given to approved manager as at commencement</b>	3 4
‘(1)	This section applies if the Authority—	5
(a)	decides, before the commencement, to conduct a disciplinary inquiry in relation to an approved manager; and	6 7 8
(b)	has not, as at the commencement, started the inquiry.	9
‘(2)	The Authority must conduct the inquiry under the Act as in force from the commencement.	10 11
<b>‘160</b>	<b>Disqualifications for appointment—particular members of Authority</b>	12 13
‘(1)	This section applies to a member of the Authority, other than an exempt member, as at the commencement.	14 15
‘(2)	Section 105(b) as at the commencement applies to the member.	16 17
<b>‘161</b>	<b>Extended criminal history checks—particular members of Authority</b>	18 19
‘(1)	This section applies to a member of the Authority, other than an exempt member, as at the commencement.	20 21
‘(2)	Sections 108B and 108E apply in relation to the member.	22
‘(3)	Sections 108C and 108D apply to the member.	23
<b>‘162</b>	<b>Extended criminal history checks—executive director</b>	24 25
‘(1)	This section applies to the executive director as at the commencement of this section.	26 27

[s 37]

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- ‘(2) Sections 110KA and 110KD apply in relation to the executive director. 1  
2
- ‘(3) Sections 110KB and 110KC apply to the executive director. 3

**‘163 Executive director may obtain extended criminal history 4  
5**

- ‘(1) This section applies to a staff member as at the commencement of this section. 6  
7
- ‘(2) Sections 110R and 110S apply to the staff member. 8
- ‘(3) Sections 110T, 110U and 110V apply in relation to the staff member. 9  
10

**‘164 Transitional provision for Police Legislation Amendment Act 2010 11  
12**

‘The amendment of the *Prostitution Regulation 2000* by the *Police Legislation Amendment Act 2010* does not affect the power of the Governor in Council to further amend the regulation or to repeal it.’. 13  
14  
15  
16

**Clause 37 Amendment of sch 4 (Dictionary) 17**

Schedule 4— 18

*insert*— 19

*‘commencement*, for part 9, division 7, see section 156. 20

*disciplinary inquiry notice*, for a disciplinary inquiry— 21

(a) in relation to a licensee—see section 27B; or 22

(b) in relation to an approved manager—see section 53B. 23

*engage*, a person, includes appoint, employ, promote, redeploy or second the person within or to the office. 24  
25

*exempt member* means a member of the Authority mentioned in section 102(1)(b) or (c). 26  
27

- extended criminal history*, of a person, means all of the following—
- (a) every conviction of the person for an offence, in Queensland or elsewhere, whether before or after the commencement of this Act;
  - (b) every charge of an offence made against the person, in Queensland or elsewhere, whether before or after the commencement of this Act.
- part 6 directive* means a ruling that is a directive made for the *Public Service Act 2008*, chapter 5, part 6.
- prescribed day* means—
- (a) for an annual licence fee, or an annual licence return fee, for a licence—the day mentioned in section 19(5)(d)(i) as the day by which the licensee must pay the fee; or
  - (b) for an annual certificate fee, or an annual return fee, for a certificate—the day mentioned in section 44(4)(d)(i) as the day by which the approved manager must pay the fee.
- prospective staff member* see section 110N.
- relevant duties* see section 110M.
- staff member* means a member of the staff of the office.
- suspension period*—
- (a) for a licence—see section 24B; or
  - (b) for a certificate—see section 50B.’.

**Part 5** **Amendment of Prostitution Regulation 2000**

- Clause 38** **Regulation amended**
- This part amends the *Prostitution Regulation 2000*.

[s 39]

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<b>Clause 39</b>	<b>Amendment of s 3 (Definitions)</b>	1
(1)	Section 3, definition <i>certificate anniversary day</i> , ‘grant’—	2
	<i>omit, insert—</i>	3
	‘giving under section 43 of the Act’.	4
(2)	Section 3, definition <i>licence anniversary day</i> , ‘grant’—	5
	<i>omit, insert—</i>	6
	‘giving under section 18 of the Act’.	7
<b>Clause 40</b>	<b>Amendment of s 5A (Conditions of licence—annual licence fee and annual licence return fee—Act, s 19(5)(d)(i))</b>	8
	Section 5A, ‘at least 3 months’—	9
	<i>omit, insert—</i>	10
	‘on or’.	11
<b>Clause 41</b>	<b>Amendment of s 5B (Conditions of licence—annual return—Act, s 19(5)(d)(ii))</b>	14
	Section 5B, ‘at least 3 months’—	15
	<i>omit, insert—</i>	16
	‘on or’.	17
<b>Clause 42</b>	<b>Amendment of s 6A (Conditions of certificate—approved manager’s annual certificate fee and annual return fee—Act, s 44(4)(d)(i))</b>	19
	Section 6A, ‘at least 3 months’—	20
	<i>omit, insert—</i>	21
	‘on or’.	22
		23
		24

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<b>Clause 43</b>	<b>Amendment of s 6B (Conditions of certificate—annual return—Act, s 44(4)(d)(ii))</b>	1
		2
	Section 6B, ‘at least 3 months’—	3
	<i>omit, insert—</i>	4
	‘on or’.	5