



Queensland

# **Crime and Misconduct Commission (Administrative Negligence Rectification) Amendment Bill 2013**





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# Crime and Misconduct Commission (Administrative Negligence Rectification) Amendment Bill 2013

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**2013**

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**A Bill**

for

**An Act to amend the *Crime and Misconduct Act 2001* for a particular purpose**

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<b>The Parliament of Queensland enacts—</b>	1	
<b>Clause 1</b>	<b>Short title</b>	2
	This Act may be cited as the <i>Crime and Misconduct Commission (Administrative Negligence Rectification) Amendment Act 2013</i> .	3 4 5
<b>Clause 2</b>	<b>Commencement</b>	6
	This Act is taken to have commenced on 8 March 2013.	7
<b>Clause 3</b>	<b>Act amended</b>	8
	This Act amends the <i>Crime and Misconduct Act 2001</i> .	9
<b>Clause 4</b>	<b>Insertion of new s 346A</b>	10
	After section 346—	11
	<i>insert—</i>	12
	<b>346A Protection of particular documents</b>	13
	(1) This section applies to a person who, from any source, has gained, gains, or has access to, a disclosed document.	14 15 16
	(2) The person must not, on or before 8 May 2013—	17
	(a) copy the document; or	18
	(b) use the document for any purpose; or	19
	(c) disclose the document to anyone; or	20
	(d) give access to the document to anyone.	21
	Maximum penalty—500 penalty units or 1 year’s imprisonment.	22 23
	(3) Subsection (2) does not apply if the copying, use, disclosure or giving access is—	24 25

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- (a) in compliance with lawful process requiring production of documents or giving of evidence before a court or tribunal; or
- (b) as permitted or required by this Act, the *Commissions of Inquiry Act 1950* or the *Parliament of Queensland Act 2001*; or
- (c) to perform official duties under the *Public Records Act 2002*.
- (4) In this section—
- archivist** means the archivist, and the staff of the archives, under the *Public Records Act 2002*.
- disclosed document** means—
- (a) a document relating to the inquiry accessed from the archivist between 1 February 2012 and 5 March 2013; or
- (b) a document, to the extent it relates to the inquiry—
- (i) created by the archivist or the commission for the purpose of helping a person access a document mentioned in paragraph (a); and
- (ii) accessed between 1 February 2012 and 5 March 2013.
- document** includes information.
- inquiry** means the commission issued to Gerald Edward Fitzgerald by the Governor by orders in council dated 26 May 1987, 24 June 1987, 25 August 1988 and 29 June 1989.