



Queensland

# **Forensic Science Queensland Act 2024**

**Current as at 4 September 2025**

© State of Queensland 2025



This work is licensed under a Creative Commons Attribution 4.0 International License.



Queensland

# Forensic Science Queensland Act 2024

## Contents

---

|                    |                                                                                    | Page |
|--------------------|------------------------------------------------------------------------------------|------|
| <b>Part 1</b>      | <b>Preliminary</b>                                                                 |      |
| 1                  | Short title . . . . .                                                              | 5    |
| 2                  | Commencement . . . . .                                                             | 5    |
| 3                  | Main purpose of Act . . . . .                                                      | 5    |
| 4                  | Act binds all persons . . . . .                                                    | 5    |
| 5                  | Definitions . . . . .                                                              | 6    |
| 6                  | References to administration of criminal justice . . . . .                         | 6    |
| <b>Part 2</b>      | <b>Office of the Director of Forensic Science Queensland</b>                       |      |
| <b>Division 1</b>  | <b>Director of Forensic Science Queensland</b>                                     |      |
| 7                  | Appointment . . . . .                                                              | 6    |
| 8                  | Term of appointment . . . . .                                                      | 7    |
| 9                  | Conditions of appointment . . . . .                                                | 7    |
| 10                 | Vacancy in office . . . . .                                                        | 7    |
| 11                 | Director must disclose insolvency . . . . .                                        | 8    |
| 12                 | Acting director . . . . .                                                          | 8    |
| 13                 | Functions of director . . . . .                                                    | 9    |
| 14                 | Powers of director . . . . .                                                       | 10   |
| <b>Division 1A</b> | <b>Deputy directors of Forensic Science Queensland</b>                             |      |
| 14A                | Appointment . . . . .                                                              | 10   |
| 14B                | Term of appointment . . . . .                                                      | 11   |
| 14C                | Conditions of appointment . . . . .                                                | 11   |
| 14D                | Vacancy in office . . . . .                                                        | 11   |
| 14E                | Deputy director must disclose insolvency . . . . .                                 | 11   |
| <b>Division 2</b>  | <b>Criminal history checking</b>                                                   |      |
| 15                 | Criminal history report . . . . .                                                  | 12   |
| 16                 | Charges and convictions must be disclosed by director or deputy director . . . . . | 13   |

## Contents

|                   |                                                                       |    |
|-------------------|-----------------------------------------------------------------------|----|
| 17                | Confidentiality of criminal history information . . . . .             | 13 |
| <b>Division 3</b> | <b>Other provisions relating to director and deputy directors</b>     |    |
| 18                | Delegation . . . . .                                                  | 14 |
| 19                | Minister may give directions . . . . .                                | 15 |
| 19A               | Minister may request information . . . . .                            | 15 |
| 20                | Limitation on performing other work . . . . .                         | 15 |
| 21                | Conflicts of interest . . . . .                                       | 15 |
| 22                | Preservation of rights . . . . .                                      | 16 |
| <b>Division 4</b> | <b>Office and staff</b>                                               |    |
| 23                | Establishment . . . . .                                               | 16 |
| 24                | Function . . . . .                                                    | 16 |
| 25                | Staff . . . . .                                                       | 17 |
| <b>Part 4</b>     | <b>Forensic Science Queensland Advisory Council</b>                   |    |
| <b>Division 1</b> | <b>Establishment, functions and powers</b>                            |    |
| 26                | Establishment . . . . .                                               | 17 |
| 27                | Functions . . . . .                                                   | 17 |
| 28                | Powers . . . . .                                                      | 17 |
| <b>Division 2</b> | <b>Membership</b>                                                     |    |
| 29                | Council members . . . . .                                             | 18 |
| 30                | Chairperson . . . . .                                                 | 19 |
| 31                | Deputy chairperson . . . . .                                          | 19 |
| 32                | Term of appointment . . . . .                                         | 20 |
| 33                | Conditions of appointment . . . . .                                   | 20 |
| 34                | Vacancy in office . . . . .                                           | 20 |
| <b>Division 3</b> | <b>Meetings</b>                                                       |    |
| 35                | Conduct of business . . . . .                                         | 21 |
| 36                | Council meetings generally . . . . .                                  | 21 |
| 37                | Minutes and other records . . . . .                                   | 21 |
| 38                | Presiding at council meetings . . . . .                               | 21 |
| <b>Division 4</b> | <b>Miscellaneous</b>                                                  |    |
| 39                | Advice and recommendations of council . . . . .                       | 21 |
| <b>Part 5</b>     | <b>Confidentiality</b>                                                |    |
| 40                | Confidentiality of information . . . . .                              | 22 |
| <b>Part 6</b>     | <b>Miscellaneous</b>                                                  |    |
| 41                | Director and council not statutory bodies for particular Acts . . . . | 23 |
| 42                | Proceedings for offences . . . . .                                    | 24 |

| Contents          |                                                                                                                                                     |           |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 43                | Protection from civil liability . . . . .                                                                                                           | 24        |
| 43A               | Particular reports about operation of Forensic Science Queensland                                                                                   | 24        |
| 44                | Regulation-making power . . . . .                                                                                                                   | 25        |
| <b>Part 7</b>     | <b>Transitional provisions for Act No. 8 of 2024</b>                                                                                                |           |
| <b>Division 1</b> | <b>Preliminary</b>                                                                                                                                  |           |
| 45                | Definitions for part . . . . .                                                                                                                      | 26        |
| 46                | Application of part . . . . .                                                                                                                       | 27        |
| <b>Division 2</b> | <b>Employment terms and conditions of initial FSQ employees</b>                                                                                     |           |
| 47                | Application of existing instruments . . . . .                                                                                                       | 28        |
| 48                | Change to existing instrument other than health employment directive<br>29                                                                          |           |
| 49                | Revocation of existing public sector directive . . . . .                                                                                            | 30        |
| 50                | Application of public sector directive made after commencement                                                                                      | 30        |
| 51                | Fixed term contracts not affected . . . . .                                                                                                         | 30        |
| <b>Division 3</b> | <b>Miscellaneous</b>                                                                                                                                |           |
| 52                | Transfer of health service employee or public service employee                                                                                      | 30        |
| <b>Part 8</b>     | <b>Transitional and validation provision for Crime and Corruption<br/>(Restoring Reporting Powers) and Other Legislation Amendment<br/>Act 2025</b> |           |
| 53                | Application of amended part 7 from 1 July 2024 . . . . .                                                                                            | 31        |
| <b>Schedule 1</b> | <b>Dictionary . . . . .</b>                                                                                                                         | <b>33</b> |



---

# Forensic Science Queensland Act 2024

## An Act to establish the Director of Forensic Science Queensland and for related purposes

### Part 1 Preliminary

#### 1 Short title

This Act may be cited as the *Forensic Science Queensland Act 2024*.

#### 2 Commencement

This Act commences on a day to be fixed by proclamation.

#### 3 Main purpose of Act

- (1) The main purpose of this Act is to ensure high quality, reliable and impartial forensic services for the administration of criminal justice in Queensland.
- (2) The purpose is primarily achieved by—
  - (a) establishing the Director of Forensic Science Queensland to lead the provision of forensic services; and
  - (b) establishing the Forensic Science Queensland Advisory Council to give advice and make recommendations about particular matters.

#### 4 Act binds all persons

This Act binds all persons, including the State.

## **5 Definitions**

The dictionary in schedule 1 defines particular words used in this Act.

## **6 References to administration of criminal justice**

A reference in this Act to the administration of criminal justice includes a reference to the investigation by a coroner, under the *Coroners Act 2003*, of the death of a person.

# **Part 2 Office of the Director of Forensic Science Queensland**

## **Division 1 Director of Forensic Science Queensland**

## **7 Appointment**

- (1) There must be a Director of Forensic Science Queensland.
- (2) The director is appointed by the Governor in Council on the recommendation of the Minister.
- (3) The Minister may recommend a person for appointment only if satisfied the person is appropriately qualified to perform the functions of the director.
- (4) However, a person must not be appointed as the director if the person—
  - (a) has a conviction, other than a spent conviction, for an indictable offence; or
  - (b) is an insolvent under administration.
- (5) The director is appointed under this Act and not under the *Public Sector Act 2022*.



## **8 Term of appointment**

- (1) The director is appointed for the term, of not more than 5 years, stated in the director's instrument of appointment.
- (2) The director may be reappointed.

## **9 Conditions of appointment**

- (1) The director is to be paid the remuneration and allowances decided by the Governor in Council on the recommendation of the Minister.
- (2) The director holds office on the terms and conditions decided by the Governor in Council to the extent the terms and conditions are not provided for by this Act.

## **10 Vacancy in office**

- (1) The office of the director becomes vacant if the director—
  - (a) completes a term of office and is not reappointed; or
  - (b) resigns from office by signed notice given to the Minister at least 1 month before the resignation is to have effect; or
  - (c) is convicted of an indictable offence; or
  - (d) is an insolvent under administration; or
  - (e) is removed from office by the Governor in Council under subsection (3).
- (2) Also, if the director is suspended by the Minister under subsection (5), the office is vacant during the period of suspension.
- (3) The Governor in Council may, at any time, remove the director from office on the recommendation of the Minister.
- (4) The Minister may recommend the removal of the director for any reason or none.

[s 11]

---

- (5) The Minister may, for any reason or none, suspend the director for not more than 6 months by signed notice given to the director.
- (6) This section does not limit the Governor in Council's power under the *Acts Interpretation Act 1954*, section 25.

## **11 Director must disclose insolvency**

- (1) This section applies to a person who—
  - (a) is appointed as the director; and
  - (b) during the term of the person's appointment, becomes an insolvent under administration.
- (2) The person must, unless the person has a reasonable excuse, immediately give written notice of the insolvency to the Minister.

Maximum penalty—100 penalty units.

## **12 Acting director**

- (1) This section applies if—
  - (a) there is a vacancy in the office of the director; or
  - (b) the director is absent from duty or otherwise unable to perform the director's functions.
- (2) The Minister may appoint a person to act as the director for a period of not more than 6 months.
- (3) A person can not be appointed to act as the director unless the Minister could recommend the person for appointment as director under section 7.
- (4) A person appointed to act as the director may be appointed to act as the director for a further period—
  - (a) if the appointment is continuous on 1 or more of the person's previous appointments as acting director and the total period of continuous appointments is not more than 6 months—by the Minister; or

- (b) otherwise—by the Governor in Council.
- (5) This section does not limit the Governor in Council’s power under the *Acts Interpretation Act 1954*, section 25(1)(b)(iv) or (v).

### 13 Functions of director

- (1) The director’s functions are to support the administration of criminal justice in Queensland by—
  - (a) leading the provision of forensic services and advice about forensic services to the Queensland Police Service, the Director of Public Prosecutions, coroners and other entities who perform functions related to the administration of criminal justice; and
  - (b) ensuring forensic services and advice provided to the entities mentioned in paragraph (a) are—
    - (i) reliable and impartial; and
    - (ii) based on high quality processes and techniques that comply with relevant standards and accreditation requirements; and
  - (c) ensuring research, development and innovation are undertaken to inform the provision of forensic services; and
  - (d) developing partnerships and collaborating with other entities to inform and support the provision of forensic services.
- (2) Also, the director has any other function—
  - (a) given to the director under this Act or another Act; or
  - (b) prescribed by regulation.
- (3) In this section—  
**coroner** see the *Coroners Act 2003*, schedule 2.

## **14 Powers of director**

- (1) The director has the power to do all things necessary or convenient to be done in performing the director's functions, including the power to—
  - (a) enter into an arrangement with a person or other entity to assist the director in the performance of the director's functions; and
  - (b) establish an advisory committee or subcommittee for the purpose of obtaining expert advice on the performance of the director's functions.
- (2) The director may direct Forensic Science Queensland to—
  - (a) provide scientific analysis in non-criminal matters in Queensland or other jurisdictions; and
  - (b) support the administration of criminal justice in other jurisdictions.
- (3) For subsection (2)(b), the reference to the *Coroners Act 2003* in section 6 includes a reference to a corresponding law of another jurisdiction.

## **Division 1A Deputy directors of Forensic Science Queensland**

### **14A Appointment**

- (1) The Minister may appoint an appropriately qualified person to be a deputy director of Forensic Science Queensland.
- (2) However, a person must not be appointed as a deputy director if the person—
  - (a) has a conviction, other than a spent conviction, for an indictable offence; or
  - (b) is an insolvent under administration.
- (3) A deputy director is appointed under this Act and not under the *Public Sector Act 2022*.

### **14B Term of appointment**

- (1) A deputy director is appointed for the term, of not more than 5 years, stated in the deputy director's instrument of appointment.
- (2) A deputy director may be reappointed.

### **14C Conditions of appointment**

- (1) A deputy director is to be paid the remuneration and allowances decided by the Minister.
- (2) The deputy director holds office on the terms and conditions decided by the Minister to the extent the terms and conditions are not provided for by this Act.

### **14D Vacancy in office**

- (1) The office of a deputy director becomes vacant if the deputy director—
  - (a) completes a term of office and is not reappointed; or
  - (b) resigns from office by signed notice given to the Minister; or
  - (c) is removed from office by the Minister under subsection (2).
- (2) The Minister may, for any reason or none, terminate the deputy director's appointment.
- (3) Also, the Minister may, for any reason or none, suspend the deputy director for not more than 6 months by signed notice given to the deputy director.
- (4) This section does not limit the Minister's power under the *Acts Interpretation Act 1954*, section 25.

### **14E Deputy director must disclose insolvency**

- (1) This section applies to a person who—
  - (a) is appointed as a deputy director; and

[s 15]

---

- (b) during the term of the person's appointment, becomes an insolvent under administration.
- (2) The person must, unless the person has a reasonable excuse, immediately give written notice of the insolvency to the Minister.

Maximum penalty—100 penalty units.

## Division 2 Criminal history checking

### 15 Criminal history report

- (1) This section applies to enable the Minister to decide whether a person is qualified to become, or continue as, the director or a deputy director.
- (2) The Minister may ask the police commissioner for—
  - (a) a written report about the criminal history of the person; and
  - (b) a brief description of the circumstances of a conviction mentioned in the criminal history.
- (3) However, the Minister may make the request only if the person has given the Minister written consent for the request.
- (4) The police commissioner must comply with the request.
- (5) However, the duty to comply with the request applies only to information in the possession of the police commissioner or to which the police commissioner has access.
- (6) In this section—

***criminal history***, of a person, means the person's criminal history within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than spent convictions.

## **16 Charges and convictions must be disclosed by director or deputy director**

- (1) This section applies if a person who is appointed as the director or a deputy director is charged with, or convicted of, an indictable offence during the term of the person's appointment.
- (2) The person must, unless the person has a reasonable excuse, immediately give written notice to the Minister about the charge or conviction.

Maximum penalty—100 penalty units.

- (3) The notice must state—
  - (a) the existence of the charge or conviction; and
  - (b) when the offence was committed or allegedly committed; and
  - (c) details adequate to identify the offence or alleged offence; and
  - (d) for a conviction—the sentence imposed on the person.

## **17 Confidentiality of criminal history information**

- (1) This section applies to a person who—
  - (a) is or has been—
    - (i) the Minister; or
    - (ii) a public sector employee performing functions under, or relating to the administration of, this Act; and
  - (b) in that capacity, has acquired or has access to criminal history information.
- (2) The person must not disclose the criminal history information to anyone else, or use the information, other than under this section.

Maximum penalty—200 penalty units.

[s 18]

---

- (3) The person may disclose or use the criminal history information—
  - (a) to the extent the disclosure or use is—
    - (i) necessary to perform the person’s functions under or relating to this part; or
    - (ii) otherwise required or permitted under this Act or another law; or
  - (b) with the consent of the person to whom the criminal history information relates.
- (4) A person who possesses a report given to the Minister under section 15 or a notice given to the Minister under section 16 must ensure the report or notice is destroyed as soon as practicable after it is no longer needed for the purpose for which it was given.
- (5) In this section—

***criminal history information*** means information contained in—

  - (a) a report given to the Minister under section 15; or
  - (b) a notice given to the Minister under section 16.

***disclose*** includes give access to.

## **Division 3                      Other provisions relating to director and deputy directors**

### **18            Delegation**

- (1) The director may delegate the director’s functions and powers under this Act or another Act to—
  - (a) a deputy director; or
  - (b) an appropriately qualified staff member of Forensic Science Queensland.



- (2) A deputy director may subdelegate a function or power delegated to the deputy director under subsection (1) to an appropriately qualified staff member of Forensic Science Queensland.

## **19 Minister may give directions**

- (1) The Minister may give the director a direction about a matter relevant to the performance or exercise of the director's functions or powers.
- (2) However, a direction may not be about a particular person or matter.
- (3) The director must comply with a direction given by the Minister under this section.

## **19A Minister may request information**

- (1) The Minister may ask the director for information about a stated matter relevant to the performance or exercise of the director's functions or powers.
- (2) The director must comply with the request.

## **20 Limitation on performing other work**

The director or a deputy director must not, without the Minister's consent, perform paid work other than under this Act.

## **21 Conflicts of interest**

If a person appointed as the director or a deputy director has an interest that conflicts, or may conflict, with the discharge of the person's functions under this Act, the person—

- (a) must disclose the nature of the interest and conflict to the Minister as soon as practicable after the relevant facts come to the person's knowledge; and

- (b) must not take action or further action concerning a matter that is, or may be, affected by the conflict unless authorised by the Minister.

## **22 Preservation of rights**

- (1) This section applies if a public sector employee is appointed as the director or a deputy director.
- (2) The person keeps all rights accrued or accruing to the person as a public sector employee as if service as the director or a deputy director were a continuation of service as a public sector employee.
- (3) At the end of the person's term of office or on resignation as the director or a deputy director, the person's service as the director or a deputy director is taken to be service of a like nature for deciding the person's rights as a public sector employee.

## **Division 4 Office and staff**

### **23 Establishment**

- (1) The Office of the Director of Forensic Science Queensland (*Forensic Science Queensland*) is established.
- (2) Forensic Science Queensland consists of—
  - (a) the director; and
  - (b) each deputy director; and
  - (c) the staff of Forensic Science Queensland.

### **24 Function**

The function of Forensic Science Queensland is to help the director perform the director's functions.

## **25 Staff**

The staff of Forensic Science Queensland are employed under the *Public Sector Act 2022*.

# **Part 4 Forensic Science Queensland Advisory Council**

## **Division 1 Establishment, functions and powers**

### **26 Establishment**

The Forensic Science Queensland Advisory Council is established.

### **27 Functions**

- (1) The council has the following functions—
  - (a) to monitor and review policies and procedures of Forensic Science Queensland relating to the administration of criminal justice;
  - (b) to give advice or make recommendations about the policies and procedures mentioned in paragraph (a);
  - (c) another function as directed by the Minister.
- (2) The council may give the advice or make the recommendations mentioned in subsection (1)(b) to the Minister or the director, on its own initiative or on request by the Minister.

### **28 Powers**

The council has the power to do anything necessary or convenient to be done in performing the council's functions.

## Division 2                      Membership

### 29        Council members

- (1) The council consists of up to 11 members appointed by the Minister.
- (2) However, the Minister must appoint the following persons as council members—
  - (a) 1 person who is a representative of the Queensland Police Service;
  - (b) 1 person who is a representative of the Office of the Director of Public Prosecutions;
  - (c) 1 person who is a representative of Legal Aid Queensland;
  - (d) 1 person who holds qualifications, or has experience, relating to supporting victims of crime;
  - (e) 1 person who holds qualifications, or has experience, relating to forensic services and is not employed by the State;
  - (f) 1 person who is a practising lawyer and is not employed by the State.
- (3) Also, any other person appointed by the Minister as a council member must hold qualifications, or have experience, in at least 1 of the following fields—
  - (a) forensic services;
  - (b) policing;
  - (c) law;
  - (d) support for victims of crime;
  - (e) another field the Minister is satisfied is necessary or relevant to support the council's functions.
- (4) A person appointed as a council member under this section is appointed under this Act and not the *Public Sector Act 2022*.

- (5) In this section—

***Legal Aid Queensland*** means Legal Aid Queensland established under the *Legal Aid Queensland Act 1997*.

### **30 Chairperson**

- (1) The Minister must appoint a council member to be the chairperson of the council.
- (2) A council member may be appointed as the chairperson at the same time the person is appointed as a council member.
- (3) The chairperson holds office for the term, ending not later than the end of the person's term of appointment as a council member, stated in the person's appointment as chairperson.
- (4) However, a person's appointment as chairperson ends if—
  - (a) during the term of the appointment the person stops being a council member; or
  - (b) the person resigns as chairperson by signed notice given to the Minister.

### **31 Deputy chairperson**

- (1) The council members must appoint 1 of the members, other than the chairperson, to be the deputy chairperson.
- (2) The deputy chairperson holds office for the term, ending not later than the end of the person's term of appointment as a council member, decided by the council.
- (3) However, a person's appointment as deputy chairperson ends if—
  - (a) during the term of the appointment the person stops being a council member; or
  - (b) the person resigns as deputy chairperson by signed notice given to the council.

## **32 Term of appointment**

- (1) A council member holds office for the term, not longer than 3 years, stated in the member's instrument of appointment.
- (2) The council member may be reappointed.

## **33 Conditions of appointment**

- (1) A council member is to be paid the remuneration and allowances decided by the Minister.
- (2) The council member holds office on the terms and conditions decided by the Minister to the extent the terms and conditions are not provided for by this Act.

## **34 Vacancy in office**

- (1) The office of a council member becomes vacant if the member—
  - (a) completes the member's term of office and is not reappointed; or
  - (b) resigns from office by signed notice given to the Minister; or
  - (c) is removed from office by the Minister under subsection (2).
- (2) The Minister may, by written notice given to the council member, terminate the member's appointment for any reason or none.
- (3) This section does not limit the Minister's power under the *Acts Interpretation Act 1954*, section 25.

---

## **Division 3                      Meetings**

### **35            Conduct of business**

Subject to this division, the council may conduct its business, including council meetings, in the way the council considers appropriate.

### **36            Council meetings generally**

The chairperson may convene a meeting of council members (a ***council meeting***) as often as is necessary for the performance of the council's functions.

### **37            Minutes and other records**

The council must keep—

- (a) minutes of council meetings; and
- (b) a record of its decisions and resolutions.

### **38            Presiding at council meetings**

- (1) The chairperson is to preside at all council meetings at which the chairperson is present.
- (2) If the chairperson is not present at a council meeting, the deputy chairperson is to preside if present.
- (3) If the chairperson and deputy chairperson are not present at a council meeting, the member chosen by the members present is to preside.

## **Division 4                      Miscellaneous**

### **39            Advice and recommendations of council**

- (1) This section applies if—

- (a) the council gives advice or makes a recommendation about a matter to the Minister or the director; and
  - (b) the council's decision on the matter is not unanimous.
- (2) The council's advice or recommendation must include a fair summary of the views of each council member who did not agree with the decision.

## **Part 5                      Confidentiality**

### **40           Confidentiality of information**

- (1) This section applies if a person gains confidential information through involvement in the administration of this Act because of being, or an opportunity given by being—
  - (a) the director; or
  - (b) a deputy director; or
  - (c) a council member; or
  - (d) a staff member of Forensic Science Queensland; or
  - (e) a person assisting the council in the performance of its functions; or
  - (f) a person assisting the director under an arrangement; or
  - (g) a public sector employee or other person assisting the director.

- (2) The person must not disclose the information to anyone else, or use the information, other than under this section.

Maximum penalty—200 penalty units.

- (3) The person may disclose or use the information—
  - (a) to the extent the disclosure or use is—
    - (i) necessary to perform the person's functions under or relating to this Act; or
    - (ii) required or permitted by this Act or another law; or



- (b) if the disclosure is—
  - (i) under an arrangement for the provision of forensic services; and
  - (ii) to the person or other entity that requested the forensic services under the arrangement; or
- (c) for a proceeding in a court or tribunal; or
- (d) if authorised by a court or tribunal in the interests of justice; or
- (e) with the consent of the person to whom the information relates.

- (4) In this section—

***arrangement*** means an arrangement mentioned in section 14(1)(a).

***confidential information***—

- (a) includes information about a person's affairs; but
- (b) does not include statistical or other information that could not reasonably be expected to result in the identification of the person to whom the information relates.

***disclose*** includes give access to.

## Part 6 Miscellaneous

### 41 Director and council not statutory bodies for particular Acts

The director and the council are not statutory bodies for the *Statutory Bodies Financial Arrangements Act 1982* or the *Financial Accountability Act 2009*.

## **42 Proceedings for offences**

- (1) A proceeding for an offence against this Act is to be heard and decided summarily.
- (2) A proceeding for the offence must start—
  - (a) within 1 year after the commission of the offence; or
  - (b) within 6 months after the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence.

## **43 Protection from civil liability**

- (1) The Minister, the director or a council member is not civilly liable for an act done, or omission made, honestly and without negligence under this Act.
- (2) If subsection (1) prevents civil liability attaching to a person, the liability attaches instead to the State.
- (3) This section does not apply to a person who is a prescribed person under the *Public Sector Act 2022*, section 267.

*Note—*

For protection from civil liability in relation to prescribed persons under the *Public Sector Act 2022*, section 267, see section 269 of that Act.

## **43A Particular reports about operation of Forensic Science Queensland**

- (1) This section applies in relation to a report about the operation of Forensic Science Queensland if the report was obtained by the State and tabled in Parliament before the commencement of this section.
- (2) The principles of natural justice, including the principle of natural justice relating to bias, do not apply, and are taken never to have applied, in relation to—
  - (a) the drafting or preparation of the report; or

- (b) the disclosure of the report, or a draft of the report, to any person for the purpose of preparing or finalising the report; or
  - (c) the publication of the report.
- (3) It is declared that any person involved in the preparation of the report, including the State, does not incur, and never has incurred, any liability in relation to—
- (a) the drafting or preparation of the report; or
  - (b) the disclosure of the report, or a draft of the report, to any person for the purpose of preparing or finalising the report; or
  - (c) the publication of the report.
- (4) To remove any doubt, it is declared that—
- (a) the report, and any person involved in the preparation or publication of the report, including the State, is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on the ground that the principles of natural justice, including the principle of natural justice relating to bias, were not complied with in preparing the report; and
  - (b) no damages or compensation are payable by any person involved in the preparation of the report, including the State, because of or in relation to—
    - (i) the drafting or preparation of the report; or
    - (ii) the disclosure of the report, or a draft of the report, to any person for the purpose of preparing or finalising the report; or
    - (iii) the publication of the report.

#### **44 Regulation-making power**

The Governor in Council may make regulations under this Act.

## Part 7 Transitional provisions for Act No. 8 of 2024

### Division 1 Preliminary

#### 45 Definitions for part

In this part—

***certified agreement*** see the *Industrial Relations Act 2016*, schedule 5.

***existing instruments*** means the following instruments as they were in effect immediately before the commencement—

- (a) a Queensland Health certified agreement;
- (b) a Queensland Health award;
- (c) a public sector directive;
- (d) a health employment directive.

***health employment directive*** means a health employment directive issued by the chief executive under the *Hospital and Health Boards Act 2011*, section 51A.

***health service employee*** means a person appointed as a health service employee under the *Hospital and Health Boards Act 2011*, section 67.

***initial FSQ employee*** see section 46.

***new certified agreement*** means a certified agreement made after the commencement.

***public sector directive***—

- (a) means a directive under the *Public Sector Act 2022*, schedule 2; and
- (b) includes—
  - (i) a joint directive made under section 226 of that Act; and

- (ii) a directive continued under section 307 or 308 of that Act.

***Queensland Health*** means the department administering the *Hospital and Health Boards Act 2011*.

***Queensland Health award*** means the following awards under the *Industrial Relations Act 2016*—

- (a) the Hospital and Health Service General Employees (Queensland Health) Award – State 2015;
- (b) the Health Practitioners and Dental Officers (Queensland Health) Award – State 2015;
- (c) another award that, immediately before the commencement, covered Queensland Health in relation to the employment of public service employees.

***Queensland Health certified agreement*** means the following certified agreements—

- (a) the Queensland Public Health Sector Certified Agreement (No. 11) 2022;
- (b) the Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 4) 2022.

## 46 Application of part

- (1) This part applies to a person who is employed by the department after the commencement as a staff member of Forensic Science Queensland, including a person who was a health service employee or public service employee immediately before being transferred to the department.
- (2) However, this part does not apply or stops applying to a person mentioned in subsection (1) if—
  - (a) the person is employed as an executive employee, including for any period the person is acting in, or seconded to, the position of an executive employee; or
  - (b) a new certified agreement, applying to the person as an employee of the department, takes effect.

[s 47]

---

- (3) A person to whom this part applies is an *initial FSQ employee*.
- (4) In this section—  
*executive employee* means—
  - (a) a senior executive; or
  - (b) a senior officer under the *Public Sector Act 2022*; or
  - (c) a person employed in a position that is equivalent to a position mentioned in paragraph (a) or (b).

*Note—*

See also section 53 in relation to the amendment of this part and the validation of particular things done, or omitted to be done, before the amendment.

## **Division 2                      Employment terms and conditions                                          of initial FSQ employees**

### **47            Application of existing instruments**

- (1) Subsection (2) applies to an initial FSQ employee who—
  - (a) was a health service employee immediately before being transferred to the department; or
  - (b) was a public service employee immediately before being transferred to the department.
- (2) The terms and conditions of employment of the initial FSQ employee are—
  - (a) for an initial FSQ employee mentioned in subsection (1)(a)—the terms and conditions that applied, immediately before the commencement, to health service employees under the existing instruments; or
  - (b) for an initial FSQ employee mentioned in subsection (1)(b)—the terms and conditions that applied, immediately before the commencement, to

public service employees employed by Queensland Health under the existing instruments other than a health employment directive.

- (3) The terms and conditions of employment of an initial FSQ employee to whom subsection (2) does not apply are the terms and conditions that applied, immediately before the commencement, to health service employees under the existing instruments.
- (4) For subsections (2) and (3)—
  - (a) the *Hospital and Health Boards Act 2011*, sections 51B and 51C apply in relation to an existing instrument that is a health employment directive; and
  - (b) the *Public Sector Act 2022*, sections 228 and 229 apply in relation to an existing instrument that is a public sector directive; and
  - (c) to the extent an existing instrument applied to health service employees, or public service employees employed by Queensland Health, immediately before the commencement, the instrument is taken to apply to an initial FSQ employee; and
  - (d) to the extent an existing instrument applied to Queensland Health in relation to the employment of health service employees or public service employees immediately before the commencement, the instrument is taken to apply to the department in place of Queensland Health.
- (5) This section applies despite any other Act but subject to sections 48 to 51.

#### **48 Change to existing instrument other than health employment directive**

- (1) This section applies to an existing instrument other than a health employment directive.

[s 49]

---

- (2) To the extent a change to the existing instrument takes effect after the commencement, the change applies for the purposes of the instrument's application under section 47.

#### **49 Revocation of existing public sector directive**

- (1) This section applies if an existing instrument that is a public sector directive is revoked or otherwise stops having effect after the commencement.
- (2) The public sector directive stops applying under section 47.

#### **50 Application of public sector directive made after commencement**

This part does not limit a public sector directive made after the commencement from applying to initial FSQ employees or in relation to the terms and conditions of employment of those employees.

#### **51 Fixed term contracts not affected**

- (1) This section applies if a fixed term contract was in effect for an initial FSQ employee to whom section 47(2) applies immediately before the employee was transferred to the department.
- (2) Nothing in this part affects the operation of the fixed term contract.

### **Division 3                      Miscellaneous**

#### **52 Transfer of health service employee or public service employee**

- (1) For initial FSQ employees to whom section 47(2) applies, the transfer to the department does not—
  - (a) affect the employees' benefits, entitlements or remuneration; or



- (b) prejudice the employees' existing or accruing rights to superannuation or recreation, sick, long service or other leave; or
  - (c) interrupt continuity of service, except that the employees are not entitled to claim the benefit of a right or entitlement more than once in relation to the same period of service; or
  - (d) entitle the employees to a payment or other benefit from the State because the employees are no longer employed by Queensland Health.
- (2) This section does not limit the operation of the *Public Sector Act 2022*, chapter 4, part 4 in relation to the transfer of employees to the department as staff members of Forensic Science Queensland.

## **Part 8                      Transitional and validation provision for Crime and Corruption (Restoring Reporting Powers) and Other Legislation Amendment Act 2025**

### **53            Application of amended part 7 from 1 July 2024**

- (1) Amended part 7 is taken to have applied from 1 July 2024.
- (2) Anything done, or omitted to be done, in relation to the employment of a relevant employee that would have been valid and lawful if amended part 7 had been in force from 1 July 2024 is taken to be, and always to have been, valid and lawful.

*Examples of things done for subsection (2)—*

- the payment of a particular benefit or entitlement to a relevant employee

- the approval or cancellation of particular leave for a relevant employee

(3) In this section—

amended part 7 means part 7 as amended by the *Crime and Corruption (Restoring Reporting Powers) and Other Legislation Amendment Act 2025*.

*Note—*

Part 7 commenced on 1 July 2024.

***relevant employee*** means a person employed by the department as a staff member of Forensic Science Queensland from 1 July 2024.

---

# Schedule 1      Dictionary

## section 5

***council*** means the Forensic Science Queensland Advisory Council established under section 26.

***council meeting*** see section 36.

***council member*** means a member of the council.

***deputy director*** means a deputy director appointed under section 14A.

***director*** means the Director of Forensic Science Queensland appointed under section 7.

***Forensic Science Queensland*** see section 23(1).

***forensic services***—

(a) means the application of scientific methods of testing and analysis, and scientific interpretation, for either of the following purposes—

- (i) the investigation or prevention of crime;
- (ii) the provision of expert evidence to inform decisions and findings relevant to the administration of criminal justice; and

*Examples of decisions and findings for subparagraph (ii)—*

- 1 a decision whether to prosecute a person for an offence
- 2 a finding of guilt by a court
- 3 a finding in a coroner's investigation under the *Coroners Act 2003*

*Examples of scientific methods of testing and analysis—*

DNA analysis, chemical analysis

(b) includes a type of testing and analysis, or scientific interpretation, prescribed by regulation; and

- (c) does not include a type of testing and analysis, or scientific interpretation, prescribed by regulation.

***public sector employee*** see the *Public Sector Act 2022*, section 12.

***scientific interpretation*** means the interpretation of the results of a scientific method of testing and analysis.