



Annual Report 2021-22

Report No. 37, 57th Parliament
Legal Affairs and Safety Committee
October 2022

Legal Affairs and Safety Committee

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1 Legal Affairs and Safety Committee

The Legal Affairs and Safety Committee (committee) is a portfolio committee of the Legislative Assembly which commenced on 26 November 2020 under section 88 of the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly (Standing Orders).¹

The committee's primary areas of responsibility include:

- Justice and Attorney-General
- Women and the Prevention of Domestic and Family Violence
- Police and Corrective Services
- Fire and Emergency Services.

Section 93(1) of the *Parliament of Queensland Act 2001* provides that a portfolio committee is responsible for examining each bill and item of subordinate legislation in its portfolio areas to consider:

- the policy to be given effect by the legislation
- the application of fundamental legislative principles
- for subordinate legislation – its lawfulness.

In addition, portfolio committees also have responsibility for scrutiny of public accounts and public works which relate to their portfolio.² Committees also consider reports of the Auditor-General and other referrals from the Legislative Assembly, and may initiate an inquiry into any other matter they consider appropriate.³

The committee also has a monitor and review function in relation to the performance of the functions of the Queensland Ombudsman, the Information Commissioner, and the Queensland Family and Child Commission.

The committee must also be consulted regarding senior appointments to the Electoral Commission of Queensland.

2 Annual report

In accordance with section 108 of the *Parliament of Queensland Act 2001*, the committee is required to table an annual report within 4 months and 14 days after the end of each financial year. The report must include:

- a list of meetings of the committee and the names of members attending or absent from each meeting
- a summary of issues considered by the committee, including a description of the more significant issues arising from the considerations
- a statement of the committee's revenue and spending for the year
- a brief description of responses by Ministers to recommendations of the committee.

This report provides a summary of the activities of the committee from 1 July 2021 to 30 June 2022.

¹ *Parliament of Queensland Act 2001*, s 88 and Standing Order 194.

² *Parliament of Queensland Act 2001*, s 94.

³ *Parliament of Queensland Act 2001*, s 92.

3 Inquiries and reports

The committee considered a number of issues and tabled 17 reports, including the annual report for 2020-21, during the 2021-22 financial year. The committee's reports and inquiries are discussed below.

Copies of the committee's publications are available from the committee's webpage: www.parliament.qld.gov.au/lasc.

3.1 Examination of bills

The committee examined a number of bills and pieces of subordinate legislation in accordance with its responsibility under section 93(1) of the *Parliament of Queensland Act 2001*.

3.1.1 Appropriation Bill 2021 (Report No. 11)

The Appropriation Bill 2021 was introduced on 15 June 2021 and referred to the committee on 18 June 2021 (in the previous financial year) for the committee's investigation and report on the 2021-22 portfolio budget estimates within the committee's area of responsibility, as set out in Schedule 6 of the Standing Orders.

The committee conducted a public hearing on 12 August 2021, at which it questioned the Attorney-General and Ministers regarding the proposed expenditure for their portfolio areas:

- Justice and Attorney-General
- Women and Prevention of Domestic and Family Violence
- Police and Corrective Services
- Fire and Emergency Services.

The committee also questioned the chief executives of portfolio statutory entities, as identified in Schedule 7 of the Standing Orders, regarding the budget estimates for their agencies.

The committee tabled its report on the Appropriation Bill 2021, together with a volume of additional information, on 20 August 2021. The committee's report recommended that the proposed expenditure be agreed to by the Legislative Assembly without amendment.

The Appropriation Bill 2021 was passed on 2 September 2021.

3.1.2 Police Powers and Responsibilities and Other Legislation Amendment Bill 2021 (Report No. 15)

On 15 September 2021, the Police Powers and Responsibilities and Other Legislation Amendment Bill 2021 was referred to the committee for examination and report.

The committee:

- received a public briefing about the Bill from the Queensland Police Service (QPS) and Queensland Corrective Services (QCS) on 29 September 2021
- received 10 submissions and written advice from QPS and QCS in response to matters raised in submissions
- held a public hearing on 15 October 2021.

The committee tabled its report on 1 November 2021, recommending that the Bill be passed. The Bill was passed, without amendment, on 30 November 2021.

3.1.3 Police Legislation (Efficiencies and Effectiveness) Amendment Bill 2021 (Report No. 16)

On 16 September 2021, the Police Legislation (Efficiencies and Effectiveness) Amendment Bill 2021 was referred to the committee for examination and report.

The committee:

- received a public briefing about the Bill from QPS on 29 September 2021
- received 7 submissions and subsequently received written advice from QPS in response to matters raised in submissions
- held a public hearing on 15 October 2021.

The committee tabled its report on 1 November 2021, recommending that the Bill be passed. The Bill was passed, without amendment, on 15 March 2022.

3.1.4 Inspector of Detention Services Bill 2021 (Report No. 21)

On 28 October 2021, the Inspector of Detention Services Bill 2021 was referred to the committee for examination and report.

The committee:

- received a public briefing about the Bill from the Department of Justice and Attorney-General (DJAG) on 15 November 2021
- received 20 submissions and subsequently received written advice from DJAG in response to matters raised in the submissions
- held a public hearing on 29 November 2021.

The committee tabled its report on 21 January 2022, recommending that the Bill be passed.⁴

3.1.5 Evidence and Other Legislation Amendment Bill 2021 (Report No. 23)

On 16 November 2021, the Evidence and Other Legislation Amendment Bill 2021 was referred to the committee for examination and report.

The committee:

- received a written briefing and a public briefing about the Bill from DJAG and QPS on 29 November 2021
- received 5 submissions and subsequently received written advice from DJAG in response to matters raised in submissions
- held a public hearing on 1 February 2022 and received 3 written responses to questions taken on notice at the public hearing.

The committee tabled its report on 11 February 2022, recommending that the Bill be passed and the Attorney-General clarify two matters. The government accepted all the recommendations. The Bill was passed, with amendment, on 26 May 2022.

3.1.6 Personal Injuries Proceedings and Other Legislation Amendment Bill 2022 (Report No. 27)

On 31 March 2022, the Personal Injuries Proceedings and Other Legislation Amendment Bill 2022 was introduced and referred to the committee for examination and report.

The committee:

- received a written briefing about the Bill from DJAG and the Office of Industrial Relations (OIR) on 22 April 2022
- received a public briefing about the Bill from DJAG and OIR on 27 April 2022

⁴ The Bill received assent on 7 September 2022.

- received 18 submissions and subsequently received written advice from DJAG in response to matters raised in submissions
- held a public hearing on 4 May 2022.

The committee tabled its report on 27 May 2022. The majority of the committee recommended the Bill be passed, but urged the government to amend the Bill in accordance with two further recommendations made by the majority of the committee. The government supported one of the recommendations in principle to amend the Bill. The Bill was passed, with amendment, on 22 June 2022.

3.1.7 Bills under consideration as at 30 June 2022

3.1.7.1 Casino Control and Other Legislation Amendment Bill 2022

On 26 May 2022, the Casino Control and Other Legislation Amendment Bill 2022 was introduced and referred to the committee for examination and report.

The committee received a public briefing about the Bill from the Office of Regulatory Policy – Liquor, Gaming and Fair Trading of DJAG on 8 June 2022.

The committee received 8 submissions and subsequently received written advice from DJAG in response to matters raised in submissions.

A public hearing was scheduled for 11 July 2022 with the committee due to report by 22 July 2022 (in the next financial year).

3.1.7.2 Appropriation Bill 2022

The Appropriation Bill 2022 was introduced on 21 June 2022 and referred to the committee on 24 June 2022. The committee was required to investigate and report on the 2022-23 budget estimates within the committee’s portfolio areas, as set out in the Bill, by 12 August 2022.⁵ The committee’s estimates hearing was scheduled for 3 August 2022 (in the next financial year).

3.2 Subordinate legislation

3.2.1 Subordinate legislation tabled between 12 May 2021 and 13 July 2021 (Report No. 12)

On 13 September 2021, the committee tabled Report No. 12: Subordinate legislation tabled between 12 May 2021 and 13 July 2021. The report advised of the committee’s findings with respect to the following subordinate legislation:

- SL No. 40 – Proclamation—*Criminal Code (Child Sexual Offences Reforms) and Other Legislation Amendment Act 2020* (commencing remaining provisions)
- SL No. 41 – Evidence (Intermediaries) Amendment Regulation 2021
- SL No. 45 – Proclamation No. 1—*Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Act 2021* (commencing certain provisions)
- SL No. 46 – Penalties and Sentences (Penalty Unit Value) Amendment Regulation 2021
- SL No. 55 – Justice Legislation (COVID-19 Emergency Response—Documents and Oaths) Amendment Regulation (No. 2) 2021
- SL No. 56 – Justice Legislation (COVID-19 Emergency Response—Documents and Oaths) (Transitional) Regulation (No. 2) 2021
- SL No. 91 – Professional Standards Act 2004: Professional Standards (The Australian Institute of Building Surveyors Professional Standards Scheme) Notice 2021

⁵ Queensland Parliament, Record of Proceedings, 22 June 2022, p 1629.

- SL No. 92 – Professional Standards Act 2004: Professional Standards (Australian Property Institute Valuers Limited Professional Standards Scheme) Notice 2021
- Takeaway Liquor Authority Notices Nos 18 and 19.

The committee did not identify any significant issues regarding policy, consistency with fundamental legislative principles (FLP), the lawfulness of the subordinate legislation or non-compliance with the *Human Rights Act 2019* (HRA).

The committee considered a number of potential FLP and/or human rights issues in respect of the Penalties and Sentences (Penalty Unit Value) Amendment Regulation 2021 (SL No. 46), but was satisfied that the provisions in question were appropriate, and reasonably and demonstrably justifiable in the circumstances.

The committee considered the explanatory notes tabled with the subordinate legislation mostly complied with the requirements of section 24 of the *Legislative Standards Act 1992* (LSA), but raised an issue with the explanatory notes for the Professional Standards (The Australian Institute of Building Surveyors Professional Standards Scheme) Notice 2021 (SL No. 91) and the Professional Standards (Australian Property Institute Valuers Limited Professional Standards Scheme) Notice 2021 (SL No. 92).

The committee also considered the human rights certificates tabled with the subordinate legislation mostly provided a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights. However, the committee identified issues with the certificates for the Justice Legislation (COVID-19 Emergency Response—Documents and Oaths) Amendment Regulation (No. 2) 2021 (SL No. 55) and the Justice Legislation (COVID-19 Emergency Response—Documents and Oaths) (Transitional) Regulation 2021 (SL No. 56).

The committee noted that the Takeaway Liquor Authority Notices Nos 18 and 19 were issued in accordance with section 235D of the *Liquor Act 1992*. The committee considered that these notices raised no concerns from a technical scrutiny perspective. Although these notices are not subordinate legislation (and do not form part of the usual numbered subordinate legislation series), they are subject to disallowance. It was noted that, as these notices are not subordinate legislation,⁶ there was no requirement to table explanatory notes or a human rights certificate with them.⁷

3.2.2 Subordinate legislation tabled between 14 July 2021 and 31 August (Report No. 14)

On 18 October 2021, the committee tabled Report No. 14: Subordinate legislation tabled between 14 July 2021 and 31 August 2021. The report advised of the committee's findings with respect to the following subordinate legislation:

- Takeaway Liquor Authority Notices Nos 20, 21, 22
- SL No. 66 – Weapons (Fees) Amendment Regulation 2021
- SL No. 67 – Disaster Management (Further Extension of Disaster Situation—COVID-19) Regulation (No. 2) 2021
- SL No. 68 – Disaster Management (Disaster Districts) Amendment Regulation 2021
- SL No. 80 – Fire and Emergency Services Legislation (Fees) Amendment Regulation 2021
- SL No. 84 – Justice Legislation (Fees, Allowances and Other Amounts) Amendment Regulation 2021
- SL No. 95 – Proclamation—*Corporations (Commonwealth) Powers Act 2001*
- SL No. 96 – State Penalties Enforcement (Electoral) Amendment Regulation 2021

⁶ *Liquor Act 1992*, s 235I(2).

⁷ *Liquor Act 1992*, s 235I(4).

- SL No. 97 – Corrective Services Amendment Regulation 2021
- SL No. 98 – Corrective Services and Other Legislation Amendment (Postponement) Regulation 2021
- SL No. 100 – Legal Profession (Society Rules) Amendment Notice (No. 2) 2021
- SL No. 115 – Attorney-General Regulation 2021
- SL No. 116 – Proclamation No. 2—*Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Act 2021* (commencing remaining provisions)
- SL No. 117 – Land Court Regulation 2021
- SL No. 118 – State Buildings Protective Security Amendment Regulation 2021
- SL No. 127 – Criminal Practice (Fees and Allowances) Regulation 2021
- SL No. 128 – Witness Protection Regulation 2021.

The committee did not identify any significant issues regarding policy, consistency with FLP, the lawfulness of the subordinate legislation or non-compliance with the HRA.

The committee considered a number of potential FLP and/or human rights issues in respect of the following items of subordinate legislation, but was ultimately satisfied that the provisions in question were appropriate, and reasonably and demonstrably justifiable in the circumstances:

- SL No. 67 – Disaster Management (Further Extension of Disaster Situation—COVID-19) Regulation (No. 2) 2021
- SL No. 80 – Fire and Emergency Services Legislation (Fees) Amendment Regulation 2021
- SL No. 84 – Justice Legislation (Fees, Allowances and Other Amounts) Amendment Regulation 2021
- SL No. 95 – Proclamation—*Corporations (Commonwealth) Powers Act 2001*
- SL No. 96 – State Penalties Enforcement (Electoral) Amendment Regulation 2021
- SL No. 98 – Corrective Services and Other Legislation Amendment (Postponement) Regulation 2021
- SL No. 115 – Attorney-General Regulation 2021
- SL No. 117 – Land Court Regulation 2021
- SL No. 118 – State Buildings Protective Security Amendment Regulation 2021
- SL No. 127 – Criminal Practice (Fees and Allowances) Regulation 2021
- SL No. 128 – Witness Protection Regulation 2021.

The committee considered the explanatory notes tabled with the subordinate legislation complied with the requirements of section 24 of the LSA. The committee also considered the human rights certificates tabled with the subordinate legislation provided a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

The committee noted that the Takeaway Liquor Authority Notices Nos 20, 21 and 22 are issued in accordance with section 235D of the *Liquor Act 1992*. These notices raised no concerns from a technical scrutiny perspective.

3.2.3 Subordinate legislation tabled between 1 September 2021 and 15 October 2021 (Report No. 20)

On 8 December 2021, the committee tabled Report No. 20: Subordinate legislation tabled between 1 September 2021 and 15 October 2021. The report advised of the committee's findings with respect to the following subordinate legislation:

- SL No. 144 – Disaster Management (Further Extension of Disaster Situation—COVID-19) Regulation (No. 3) 2021
- SL No. 151 – Casino Control Amendment Regulation 2021
- SL No. 156 – Queen's Wharf Brisbane (Relevant Entity) Declaration 2021.

The committee did not identify any significant issues regarding policy, consistency with FLP, the lawfulness of the subordinate legislation or non-compliance with the HRA. The committee considered a potential FLP issue and 5 human rights issues raised by the Disaster Management (Further Extension of Disaster Situation—COVID-19) Regulation (No. 3) 2021 (SL No. 144) but was satisfied that the provisions in question were appropriate, and reasonably and demonstrably justifiable in the circumstances.

The committee considered the explanatory notes tabled with the subordinate legislation complied with the requirements of section 24 of the LSA. The committee also considered the human rights certificates tabled with the subordinate legislation provided a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

Further, the committee examined exempt subordinate legislation, being the Public Trustee (Fees and Charges Notice) (No. 1) 2021.⁸ The committee did not identify any issues from a technical scrutiny or human rights perspective.

The committee also considered Takeaway Liquor Authority Notices Nos 23 to 26.⁹ The committee did not identify any issues from a technical scrutiny perspective.

3.2.4 Subordinate legislation tabled between 16 October 2021 and 6 December 2021 (Report No. 24)

On 8 March 2022, the committee tabled Report No. 24: Subordinate legislation tabled between 16 October 2021 and 6 December 2021. The report advised of the committee's findings with respect to the following subordinate legislation:

- SL No. 155 – Liquor and Other Legislation (Fee Relief) Amendment Regulation 2021
- Takeaway Liquor Authority Notice No 27
- SL No. 168 – Professional Standards (The Institute of Public Accountants Professional Standards Scheme) Notice 2021.

The committee did not identify any significant issues regarding policy, consistency with FLP, the lawfulness of the subordinate legislation or non-compliance with the HRA. The committee considered a potential FLP issue and human rights issue raised by the Liquor and Other Legislation (Fee Relief) Amendment Regulation 2021 (SL No. 155) but was satisfied that the provisions in question were appropriate, and reasonably and demonstrably justifiable in the circumstances.

The committee considered the explanatory notes tabled with the subordinate legislation complied with the requirements of section 24 of the LSA. The committee also considered the human rights

⁸ Tabled 30 September 2021, with a disallowance date of 23 February 2022.

⁹ Tabled 11 October 2021, with a disallowance date of 23 February 2022.

certificates tabled with the subordinate legislation provided a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

The committee also examined Takeaway Liquor Authority Notice No 27. The committee did not identify any issues from a technical scrutiny perspective.

3.2.5 Subordinate legislation tabled between 7 December 2021 and 22 February (Report No. 25)

On 5 April 2022, the committee tabled Report No. 25: Subordinate legislation tabled between 7 December 2021 and 22 February 2022. The report advised of the committee's findings with respect to the following subordinate legislation:

- Takeaway Liquor Authority Notices Nos 28, 29, 30 and 31
- SL No. 170 – Agents Financial Administration Amendment Regulation 2021
- SL No. 171 – COVID-19 Emergency Response and Other Legislation Amendment (Postponement) Regulation 2021
- SL No. 172 – Gaming Machine Amendment Regulation 2021
- SL No. 184 – Uniform Civil Procedure (Preliminary Disclosure) Amendment Rule 2021
- SL No. 185 – Disaster Management (Further Extension of Disaster Situation—COVID-19) Regulation (No. 4) 2021
- SL No. 190 – Proclamation—*Police Powers and Responsibilities and Other Legislation Amendment Act 2021*
- SL No. 192 – Professional Standards (The Queensland Law Society Professional Standards Scheme) Notice 2021
- SL No. 1 of 2022 – Professional Standards (Law Society of South Australia Professional Standards Scheme) Notice 2022
- SL No. 4 of 2022 – Proclamation No. 1—*Justice and Other Legislation Amendment Act 2021* (commencing certain provisions)
- SL No. 5 of 2022 – Fair Trading (Funeral Pricing) Regulation 2022.

The committee did not identify any significant issues regarding policy, consistency with FLP, the lawfulness of the subordinate legislation or non-compliance with the HRA.

The committee considered a number of potential FLP and/or human rights issues in respect of the following items of subordinate legislation but was ultimately satisfied that the provisions in question were appropriate, and reasonably and demonstrably justifiable in the circumstances:

- SL No. 172 – Gaming Machine Amendment Regulation 2021
- SL No. 184 – Uniform Civil Procedure (Preliminary Disclosure) Amendment Rule 2021
- SL No. 185 – Disaster Management (Further Extension of Disaster Situation—COVID-19) Regulation (No. 4) 2021.

The committee considered the explanatory notes tabled with the subordinate legislation complied with the requirements of section 24 of the LSA. The committee also considered the human rights certificates tabled with the subordinate legislation provided a sufficient level of information to facilitate understanding of the subordinate legislation in relation to their compatibility with human rights.

In addition, the committee considered Takeaway Liquor Authority Notices Nos 28, 29, 30 and 31. The committee did not identify any issues from a technical scrutiny perspective.

3.2.6 Subordinate legislation tabled between 23 February 2022 and 29 March 2022 (Report No. 26)

On 27 May 2022, the committee tabled Report No. 26: Subordinate legislation tabled between 23 February 2022 and 29 March 2022. The report advised of the committee's findings with respect to the following subordinate legislation:

- SL No. 14 – Weapons Amendment Regulation 2022
- SL No. 21 – Proclamation No. 2—*Justice and Other Legislation Amendment Act 2021* (commencing remaining provisions)
- SL No. 22 – Land Court Rules 2022
- SL No. 23 – Uniform Civil Procedure (Expert Evidence) Amendment Rule 2022
- SL No. 24 – Uniform Civil Procedure (Access to Exhibits) Amendment Rule 2022
- SL No. 25 – Disaster Management (Further Extension of Disaster Situation—COVID-19) Regulation 2022.

The committee did not identify significant issues regarding the policy, consistency FLP, the lawfulness of the subordinate legislation or non-compliance with the HRA.

The committee considered a potential FLP issue and 5 human rights issues raised by the Disaster Management (Further Extension of Disaster Situation—COVID-19) Regulation 2022 (SL No. 25) but was satisfied that the provisions in question were appropriate, and reasonably and demonstrably justifiable in the circumstances.

The committee considered the explanatory notes tabled with the subordinate legislation complied with the requirements of section 24 of the LSA. The committee also considered the human rights certificates tabled with the subordinate legislation provided a sufficient level of information to facilitate understanding of the subordinate legislation in relation to their compatibility with the HRA.

3.3 Statutory oversight

3.3.1 Office of the Queensland Ombudsman (Report No. 17)

Section 89 of the *Ombudsman Act 2001* sets out the oversight functions of the committee in relation to the Office of the Queensland Ombudsman.

The committee held a public hearing on 14 June 2021 with the Ombudsman, Deputy Ombudsman and two officers from the Office of the Queensland Ombudsman. The committee tabled its report on 9 November 2021.

3.3.2 Information Commissioner (Report No. 18)

Section 189 of the *Right to Information Act 2009* and section 195 of the *Information Privacy Act 2009* set out the committee's oversight functions in relation to the Office of the Information Commissioner.

The committee held a public hearing on 30 August 2021 with the Information Commissioner, along with the Acting Right to Information Commissioner and Privacy Commissioner from the Office of the Information Commissioner. The committee tabled its report on 9 November 2021.

3.3.3 Queensland Family and Child Commission (Report No. 19)

Standing Order 194A sets out the committee's oversight functions in relation to the Queensland Family and Child Commission.

As part of its oversight functions, the committee held a public hearing with officers from the Queensland Family and Child Commission on 14 June 2021, including the Principal Commissioner and Commissioner. The committee tabled its report on 24 November 2021.

3.4 Public accounts and public works

The committee did not undertake any public accounts or public works inquiries this financial year.

3.5 Other inquiries – referred by the Legislative Assembly

3.5.1 Inquiry into serious vilification and hate crimes (Report No. 22)

On 21 April 2021 (in the previous financial year), the Legislative Assembly agreed:

1. That the Legal Affairs and Safety Committee inquire into and report to the Legislative Assembly on:
 - a) the nature and extent of hate crimes and serious vilification in Queensland and whether there is evidence of increasing instances of serious vilification in Queensland
 - b) the effectiveness of section 131A of the *Anti-Discrimination Act 1991* (ADA) and other existing Queensland laws responding to hate crimes.
2. That the committee consider:
 - a) the Options Paper: *Serious vilification and hate crime: The need for legislative reform*
 - b) the interaction of Queensland and Commonwealth legislation in relation to online vilification
 - c) the effectiveness of activities and programs of the Queensland Government (including the Queensland Police Service and Office of the Director of Public Prosecutions) and the Commonwealth Government responding to hate crime, including record keeping practices
 - d) the *Human Rights Act 2019* (HRA) and any rights which are engaged by the current law and any proposals for reform, including a human rights analysis under section 13 of the HRA for any recommended legislative amendments, as well as constitutional limitations
 - e) the current legal framework and relevant reports, reviews and inquires in other Australian and international jurisdictions
 - f) the appropriateness of the conciliation-based anti-discrimination framework (section 124A of the ADA).

That the committee report to the Legislative Assembly by 31 January 2022.

The committee commenced a communication campaign to facilitate broad consultation and engagement across Queensland. Distribution channels for the communication campaign throughout the inquiry included social media, newspapers, radio, the Queensland Parliament website and subscriber updates, electorate offices and promotional material.

The committee invited stakeholders, subscribers and the general public to make written, video or audio submissions on the inquiry. The committee received 82 written submissions and 40 video and audio submissions.

The committee received written briefings from the Department of Children, Youth Justice and Multicultural Affairs (DCYJMA), DJAG, the Queensland Human Rights Commission (QHRC), QPS, and the eSafety Commissioner.

The committee received a public briefing about the inquiry from DCYJMA, QPS, Multicultural Australia, Cohesive Communities Coalition and QHRC on 24 May 2021 (in the previous financial year).

The committee held a private meeting with the Commonwealth Director of Public Prosecutions on 24 May 2021 and with the Australian Federal Police on 18 June 2021 (in the previous financial year).

The committee also held public hearings in Brisbane on 3 September 2021, 9 September 2021, 10 September 2021 and 15 October 2021.

The committee tabled its report on 31 January 2022 and made 17 recommendations, with 16 directed at the Queensland Government and one directed at QPS. The government supported 9 recommendations and supported in principle the remaining 8 recommendations.

3.5.2 Inquiry into matters relating to donor conception information

On 24 February 2022 the Legislative Assembly agreed:

That the Legal Affairs and Safety Committee (the committee) inquire into and report to the Legislative Assembly by 31 August 2022 on:

1. Issues relating to access to donor conception information, including:
 - a) Rights of donor-conceived persons, including to know their genetic origins
 - b) Extent to which identifying information about donors should be given to donor-conceived persons, taking into consideration the right to privacy of donors
 - c) Access to historical clinical records and implications of retrospectivity
 - d) Access to support and counselling for donor-conceived persons and donors
 - e) Whether a register should be established
 - f) Benefits, risks and implications on donor conception practices arising from any recommendations.
2. That the committee consider:
 - a) Views and experiences of donor-conceived people, donors and industry stakeholders of the current framework
 - b) Current governance/regulatory frameworks, including registers established interstate
 - c) Options to manage collection, storage, and disclosure of identifying and non-identifying information about donors, donor-conceived persons and relatives
 - d) Whether and how to collect and disclose identifying information about donors where a donation was made on the condition of anonymity, including matters relating to consent
 - e) Whether any model should include information from private donor arrangements
 - f) Costs of any proposal including to establish and maintain any register and options for efficiencies, including a user-pays model
 - g) Whether regulating donor conception practices and assisted reproductive technology should also be considered as part of establishing a donor conception register
 - h) human rights engaged under the *Human Rights Act 2019*.

On 3 March 2022, the committee invited stakeholders and subscribers to make written submissions on the inquiry. Seventy-one submissions were received.

The committee held a public hearing on 13 May 2022.

The committee was due to report on 31 August 2022 (in the next financial year).

3.6 Consideration of Queensland Audit Office Reports to Parliament

3.6.1 Auditor-General's Report to Parliament 14: 2020-21 *Responding to complaints from people with impaired capacity - Part 2: The Public Guardian*

The Auditor-General's report *Responding to complaints from people with impaired capacity - Part 2: The Public Guardian* was tabled on 16 February 2021 and referred to the committee on 24 February 2021 (in the previous financial year). The report examined how well Queensland's guardianship and administration system manages complaints to improve the protection of adults with impaired

decision-making capacity. Part 2 of the report examines whether the Office of the Public Guardian (OPG) has effective systems and processes to receive, manage and review complaints; how timely its responses were; and the effectiveness of the complaint management system (CMS). Part 2 also contains recommendations for improvements to the current system.

Among the QAO findings in respect of OPG's complaints handling processes were that:

- OPG reports on the number of complaints resolved within and outside of target time frames; however, data errors mean there is a risk that OPG's complaints reports are inaccurate.
- OPG does not sufficiently measure or report actual response times for complaints, or trends over time.
- QAO analysis of 2019-20 complaints data found that 36% of complaints were not resolved within target time frames. (However, almost a third of complaints were excluded from the analysis due to poor data.)
- OPG's CMS is not properly designed for people with impaired capacity.
- The CMS is not easy to navigate or understand which limits the ability to make a complaint.
- CMS information is written but is not in easy English or supported by pictures to explain concepts, nor are there options such as video or audio for people with impaired capacity or disability.
- OPG has proper complaints management policies and procedures and the internal complaints handling process follows good practice.
- CMS policies and procedures could be written more clearly.
- The CMS information technology system is fit for purpose, but OPG staff are not following the process properly or using the system consistently, which leads to poor record keeping and poor data which in turn makes it difficult to assess if OPG is managing complaints effectively.
- OPG staff need clearer guidance on how to receive, record, respond to, and report on, complaints.
- Staff need more support and specific guidance on the complaints management (CM) process.
- OPG has not formally evaluated the effectiveness of the CMS, nor does it seek feedback from customers about its complaint handling, missing possible opportunities for improvement.
- OPG's complaints data is not good enough to analyse how well its systems and processes work.
- OPG has recently developed a CM focus report that includes observations and learnings and suggested some improvements, but the QAO found that there was no formal action plan or evidence that the changes have occurred.

The QAO recommended that the OPG:

- measures and monitors complaint response times and reports on how many complaints are finalised within target time frames. (Recommendation 1)
- improves the ease of use of the CMS by making information clearer and easier to understand (using alternative language or video/audio/graphics) and offering an online complaint form. (Recommendation 2)
- makes the CM policy and procedure easier to understand. (Recommendation 3)

- ensures all complaints received are recorded accurately, and on time, including those received and resolved at a local level. (Recommendation 4)
- improves CM training and support for staff including targeted training in handling complaints from customers with impaired decision-making capacity, finalising and implementing its internal CM procedure to provide staff with better guidance and support, and review training effectiveness. (Recommendation 5)
- improves system and process effectiveness by seeking client feedback on complaints handling, developing better data to identify issues and inform improvement, and measure and report on performance. (Recommendation 6)

As part of its consideration of the report, the committee requested an update on the progress of the recommendations from the Public Guardian on 29 November 2021. The OPG responded on 24 December 2021, advising:

- actions have been completed to address recommendations 1, 5 and 6
- recommendation 2 was on track with OPG re-designing website content and resources so stakeholders can more easily use and understand the complaints process
- an extension to implement recommendations 3 and 4 had been granted until the end of March 2022 to manage interdependencies between the implementation of the suite of recommendations.

4 Committee expenditure

The committee had no revenue during 2021-2022. The committee is funded from the appropriation made to the Legislative Assembly. The expenditure of the committee from 1 July 2021 to 30 June 2022 is shown in the table below.

Item	\$
Staff salaries and related expenses ¹⁰	356,642
Business travel	82
Printing, stationery and equipment maintenance	2,103
Legal advice	23,231
Technology costs	10,973
Advertising	600
Meeting expenses	17,266
Miscellaneous expenses	241
Expenditure Total	411,138

¹⁰ These figures reflect a four-person secretariat supporting the committee (including full-time and part-time positions). The committee's staffing might have been supplemented with additional resources from general Committee Office staff throughout the year.

5 Meeting attendance record

The table below shows the attendance of committee members at committee meetings and other activities during the reporting period.

Standing Order 202(1) provides that in the case of a committee member's illness or inability to attend, another member may be appointed to attend that meeting or stand in for a particular inquiry.

Meeting date	Activity type: PM private meeting PrH private hearing PH public hearing PrB private briefing PB public briefing	Peter Russo MP	Laura Gerber MP	Sandy Bolton MP	Jonty Bush MP	Jason Hunt MP	Andrew Powell MP	Jon Krause MP ¹¹
15/07/21	PM	✓	✓	✓	✓	✓	✘	
21/07/21	PM ¹²	✓	✓	✘	✓	✘	✘	
22/07/21	PM	✓	✓	✓	✓	✓	✓	
12/08/21	PM	✓	✓	✓	✓	✓	✓	
12/08/22	PH	✓	✓	✓	✓	✓	✓	
18/08/21	PM	✓	✓	✓	✓	✓	✓	
30/08/21	PM	✓	✓	✓	✓	✓	✓	
30/08/21	PH	✓	✓	✓	✓	✓	✓	
3/09/21	PM	✓	✘ ¹³	✓	✓	✓	✓	
3/09/21	PH	✓	✘ ¹⁴	✓	✓	✓	✓	
9/09/21	PM	✓	✓	✓	✓	✓	✓	
9/09/21	PH	✓	✓	✓	✓	✓	✓	
10/09/21	PH	✓	✓	✓	✓	✓	✓	
13/09/21	PM	✓	✓	✓	✓	✓	✓	
20/09/21	PM	✓	✓	✓	✓	✓	✓	
29/09/21	PM	✓	✓	✓	✓	✓	✓	

¹¹ Permanently replaced Andrew Powell MP under SO 196 on 17 March 2022.

¹² Subcommittee – Peter Russo MP, Laura Gerber MP, Jonty Bush MP.

¹³ James McDonald MP replaced Laura Gerber MP as Deputy Chair on 3 September 2021 under SO 202(1).

¹⁴ James McDonald MP replaced Laura Gerber MP as Deputy Chair on 3 September 2021 under SO 202(1).

Meeting date	Activity type: PM private meeting PrH private hearing PH public hearing PrB private briefing PB public briefing	Peter Russo MP	Laura Gerber MP	Sandy Bolton MP	Jonty Bush MP	Jason Hunt MP	Andrew Powell MP	Jon Krause MP ¹¹
29/09/21	PB	✓	✓	✓	✓	✓	✓	
29/09/21	PB	✓	✓	✓	✓	✓	✓	
11/10/21	PM	✓	✓	✓	x	✓	✓	
15/10/21	PM	✓	✓	x	✓	✓	✓	
15/10/21	PH	✓	✓	✓	✓	✓	✓	
15/10/21	PH	✓	✓	✓	✓	✓	✓	
15/10/21	PB	✓	✓	✓	✓	✓	✓	
15/10/21	PH	✓	✓	✓	✓	✓	✓	
15/10/21	PM	✓	✓	✓	✓	✓	✓	
25/10/21	PM	✓	✓	✓	✓	✓	✓	
25/10/21	PB	✓	✓	✓	✓	✓	✓	
27/10/21	PM	✓	✓	✓	✓	✓	✓	
3/11/21	PM	✓	✓	✓	✓	✓	✓	
15/11/21	PM	✓	✓	✓	✓	✓	✓	
15/11/21	PrB	✓	✓	✓	✓	✓	✓	
22/11/21	PM	✓	✓	✓	✓	✓	✓	
25/11/21	PM	✓	✓	✓	✓	✓	✓	
29/11/21	PM	✓	✓	✓	✓	✓	✓	
29/11/21	PB	✓	✓	✓	✓	✓	✓	
29/11/21	PH	✓	✓	✓	✓	✓	✓	
8/12/21	PM	✓	✓	x	✓	✓	✓	
10/12/21	PM	✓	✓	x	x	✓	✓	
16/12/21	PM	✓	✓	✓	✓	x	✓	

Meeting date	Activity type: PM private meeting PrH private hearing PH public hearing PrB private briefing PB public briefing	Peter Russo MP	Laura Gerber MP	Sandy Bolton MP	Jonty Bush MP	Jason Hunt MP	Andrew Powell MP	Jon Krause MP ¹¹
19/01/22	PM	✓	✓	✓	✓	✓	✓	
27/01/22	PM	✓	✓	✓	✓	✓	✓	
31/01/22	PM	✓	✓	✓	✓	✓	✓	
1/02/22	PH	✓	✓	✗ ¹⁵	✓	✓	✓	
9/02/22	PM	✓	✓	✓	✓	✓	✓	
21/02/22	PM	✓	✓	✓	✓	✓	✓	
14/03/22	PM	✓	✓	✓	✓	✓	✓ ¹⁶	
28/03/22	PM	✓	✓	✓	✓	✓		✓
28/03/22	PH	✓	✓	✓	✓	✓		✓
4/04/22	PM	✓	✓	✓	✓	✓		✓
27/04/22	PM	✓	✓	✓	✓	✓		✗ ¹⁷
27/04/22	PB	✓	✓	✓	✓	✓		✗ ¹⁸
27/04/22	PM	✓	✓	✓	✓	✓		✓
3/05/22	PM	✓	✓	✓	✓	✓		✓
4/05/22	PM	✓	✓	✓	✓	✓		✓
4/05/22	PM	✓	✓	✓	✓	✓		✓
4/05/22	PH	✓	✓	✓	✓ ¹⁹	✓		✓
9/05/22	PM	✓	✓	✓	✓	✓		✓
9/05/22	PH	✓	✓	✓	✓	✓		✓

¹⁵ Jon Krause MP replaced Sandy Bolton MP as a committee member on 1 February 2022 under SO 202(1).

¹⁶ Jon Krause MP permanently replaced Andrew Powell MP under SO196 on 17 March 2022.

¹⁷ Lachlan Millar MP replaced Jon Krause MP as a committee member on 27 April 2022 under SO 202(1).

¹⁸ Lachlan Millar MP replaced Jon Krause MP as a committee member on 27 April 2022 under SO 202(1).

¹⁹ Ali King MP replaced Jonty Bush MP on 4 May 2022 under SO 202(1) from 3pm.

Meeting date	Activity type: PM private meeting PrH private hearing PH public hearing PrB private briefing PB public briefing	Peter Russo MP	Laura Gerber MP	Sandy Bolton MP	Jonty Bush MP	Jason Hunt MP	Andrew Powell MP	Jon Krause MP ¹¹
13/05/22	PM	✓	✓	✓	x ²⁰	✓		✓
13/05/22	PH	✓	✓	✓	x ²¹	✓		✓
23/05/22	PM	✓	x	✓	✓	✓		✓
23/05/22	PH	✓	x	✓	✓	✓		✓
25/05/22	PM	✓	✓	✓	✓	✓		✓
30/05/22	PM	✓	✓	✓	✓	x ²²		✓
8/06/22	PM	✓	✓	✓	✓	✓		✓
8/06/22	PB	✓	✓	✓	✓	✓		✓
15/06/22	PM	✓	✓	✓	✓	✓		✓
20/06/22	PM	✓	✓	✓	✓	✓		✓
24/06/22	PM	✓	✓	✓	✓	✓		✓
27/06/22	PM	✓	✓	✓	✓	✓		✓
29/06/22	PM	✓	✓	✓	✓	✓		✓



Peter Russo MP

Chair

October 2022

²⁰ James Martin MP replaced Jonty Bush MP on 13 May 2022 under SO 202(1).

²¹ James Martin MP and Tom Smith MP replaced Jonty Bush MP on 13 May 2022 under SO 202(1).

²² Kim Richards MP replaced Jason Hunt MP on 30 May 2022 under SO 202(1).