



QUEENSLAND PARLIAMENT

**COMMITTEES**

# Annual Report 2023-24



**Report No. 19, 57th Parliament**

**Community Safety and Legal Affairs Committee**

August 2024

## **Community Safety and Legal Affairs Committee**

<b>Chair</b>	Mr Peter Russo MP, Member for Toohey
<b>Deputy Chair</b>	Mr Mark Boothman MP, Member for Theodore (Deputy Chair until 15 April 2024) Mr Jon Krause MP, Member for Scenic Rim (Deputy Chair from 15 April 2024)
<b>Members</b>	Mr Stephen Andrew MP, Member for Mirani (until 19 April 2024) Ms Sandy Bolton MP, Member for Noosa (from 19 April 2024) Ms Jonty Bush MP, Member for Cooper Mr Jason Hunt MP, Member for Caloundra

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All web address references are current at the time of publishing.

### **Acknowledgements**

The committee acknowledges the assistance provided by the committee secretariat, the Queensland Parliamentary Service, departmental and statutory officers, and other organisations and individuals who have contributed to the work of the committee.

## Contents

<b>Chair's foreword</b>	<b>1</b>
<b>Report in brief</b>	<b>2</b>
<b>1 Functions of the committee</b>	<b>4</b>
<b>2 Overview of committee activities</b>	<b>5</b>
<b>3 Examination of budget estimates</b>	<b>6</b>
<b>4 Bill inquiries</b>	<b>7</b>
4.1 Criminal Code and Other Legislation (Double Jeopardy Exception and Subsequent Appeals) Amendment Bill 2023 (Report 1)	7
4.2 Forensic Science Queensland Bill 2024 (Report 2)	8
4.3 Crime and Corruption and Other Legislation Amendment Bill 2024 (Report 4)	8
4.4 Crime and Corruption Amendment Bill 2023 (Report 6)	9
4.5 Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024 (Report 7)	9
4.6 Disaster Management and Other Legislation Amendment Bill 2024 (Report 8)	11
4.7 Victims' Commissioner and Sexual Violence Review Board Bill 2024 (Report 9)	11
4.8 Queensland Community Safety Bill 2024	12
4.9 Criminal Code (Defence of Dwellings and Other Premises – Castle Law) Amendment Bill 2024	13
4.10 Assisted Reproductive Technology Bill 2024	13
4.11 Respect at Work and Other Matters Amendment Bill 2024	14
<b>5 Other inquiries</b>	<b>16</b>
5.1 Public accounts inquiries	16
5.1.1 Auditor-General reports	16
5.2 Public works inquiries	19
5.3 Inquiries into other matters	19
<b>6 Scrutiny of subordinate legislation</b>	<b>20</b>
<b>7 Consideration of forms authorised by legislation</b>	<b>22</b>
<b>8 Oversight of statutory officers</b>	<b>23</b>
8.1 Queensland Ombudsman	23
8.1.1 Examination of the 2022-23 annual report	23
8.1.2 Committee comment	25
8.2 Office of the Information Commissioner	25
8.2.1 Examination of the 2022-2023 annual report	26
8.2.2 Examination of the strategic review report	28
8.3 Queensland Family and Child Commission	28
8.3.1 Examination of the 2022-2023 annual report	29
8.3.2 Committee comment	30
<b>9 Committee expenditure</b>	<b>31</b>
<b>Appendix A: Meeting attendance record</b>	<b>32</b>



## Chair's foreword

This report details the activities of the Community Safety and Legal Affairs Committee from its establishment on 13 February 2024 to 30 June 2024.

In accordance with section 108 of the *Parliament of Queensland Act 2001*, this report includes a summary of issues considered by the committee, a brief description of Ministerial responses to committee recommendations, a statement of revenue and spending during the reporting period, and a list of committee meetings and names of members attending or absent from each meeting.

On behalf of the committee, I would like to take this opportunity to express my gratitude to all those who have contributed to the work of the committee during this reporting period. In particular, I thank my fellow committee members for their dedication and collaborative approach to the committee's activities. I also thank the committee's secretariat and parliamentary staff for their professional support throughout the year.



Peter Russo MP

**Chair**

## Report in brief

The Community Safety and Legal Affairs Committee (committee) was established by the Queensland Legislative Assembly on 13 February 2024 as a portfolio committee with responsibility for:

- Justice and Attorney General
- Prevention of Domestic and Family Violence
- Police and Community Safety
- Fire and Disaster Recovery
- Corrective Services.

This report covers the period from 13 February 2024 to 30 June 2024 in the 2023-24 financial year.

In the reporting period, the committee:

	examined <b>11</b> bills		held <b>17</b> Public hearings and public briefings		tabled <b>11</b> reports
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The committee's examination of referred bills included proposals to:

- implement recommendations of the Commission of Inquiry into Forensic DNA Testing in Queensland<sup>1</sup>
- implement recommendations from various reviews of the Crime and Corruption Commission (CCC) to amend the *Crime and Corruption Act 2001* (CC Act)<sup>2</sup>
- establish the Victims' Commissioner and the Sexual Violence Review Board<sup>3</sup>
- establish a framework to regulate assisted reproductive technology services in Queensland and a donor conception information register in Queensland.<sup>4</sup>

Following its consideration of the bills, the committee recommended in most instances that the relevant Bill be passed. It also made:

- one recommendation to amend a bill
- 3 recommendations designed to clarify or improve the operation of the legislation proposed in the bills.

In the reporting period, the committee also examined the annual reports of entities within its portfolio area. That is, the Queensland Ombudsman, the Office of the Information Commissioner and the Queensland Family and Child Commission. In addition, the committee considered the 3 Auditor-General reports referred to it by the Legislative Assembly.

<sup>1</sup> Forensic Science Queensland Bill 2023.

<sup>2</sup> Crime and Corruption and Other Legislation Amendment Bill 2024.

<sup>3</sup> Victims' Commissioner and Sexual Violence Review Board Bill 2024.

<sup>4</sup> Assisted Reproductive Technology Bill 2024.

On 11 June 2024, the Appropriation Bill 2024 was tabled in Parliament. The committee then commenced preparation for its examination of portfolio budget estimates 2024-25.

For the reporting period, the committee's total expenditure was \$191,855.

# 1 Functions of the committee

The Community Safety and Legal Affairs Committee is a portfolio committee responsible for:

- Justice and Attorney General
- Prevention of Domestic and Family Violence
- Police and Community Safety
- Fire and Disaster Recovery
- Corrective Services.

The committee has a broad range of responsibilities within its portfolio area, as detailed in Figure 1, below. These responsibilities are set out in the *Parliament of Queensland Act 2001*.<sup>5</sup> The committee is also responsible for overseeing the performance of the Electoral Commissioner, the Information Commissioner, the Queensland Ombudsman, and the Queensland Family and Child Commission, as detailed in Schedule 6 of the Standing Rules and Orders of the Legislative Assembly.

**Figure 1: Committees are responsible for oversight of many matters within their portfolio areas**



<sup>5</sup> *Parliament of Queensland Act 2001*, ss 92-94.



## 2 Overview of committee activities

During the period 13 February 2024 to 30 June 2024, the committee undertook considerable engagement with stakeholders. As detailed in Table 1, which summarises the activities of the committee during the reporting period, the committee heard from 127 witnesses across 10 public hearings and 7 public briefings. The evidence provided by these witnesses was invaluable and helped the committee complete its tasks.

Members' attendance at committee meetings, hearings and briefings is set out in **Appendix A** at the back of this report.

The committee's reports tabled during the reporting period are available from the committee's webpage: [www.parliament.qld.gov.au/CSLAC](http://www.parliament.qld.gov.au/CSLAC).

**Table 1: Committee activities by type, 13 February 2024 to 30 June 2024**

Activity	Number
Deliberative meetings	26
Bill inquiries referred by the Legislative Assembly	8 <sup>6</sup>
Inquiries referred by the Legislative Assembly	0
Public account inquiries (including examination of portfolio budget estimates)	0
Inquiry submissions received	372 <sup>7</sup>
Public briefings	7
Public hearings – Brisbane	10
Public hearings – Regional Queensland	0
Private hearings	0
Witnesses questioned at public briefings and hearings	127
Pieces of subordinate legislation examined	20 <sup>8</sup>
Annual reports of portfolio entities examined	3
Auditor-General reports examined	3
Reports tabled	11

<sup>6</sup> The committee conducted 11 bill inquiries during this period comprising 8 bills referred to the committee and 3 bills referred to the previous committee, the Legal Affairs and Safety Committee (LASC), which were transferred to the committee on 13 February 2024. The 3 bills transferred to the committee were the Crime and Corruption Amendment Bill 2023, the Criminal Code and Other Legislation (Double Jeopardy Exception and Subsequent Appeals) Amendment Bill 2023 and the Forensic Science Bill 2023.

<sup>7</sup> Figure includes all submissions, including form submissions, accepted by the committee at committee meetings held during the reporting period relating to the bill inquiries before the committee during this period.

<sup>8</sup> Figure does not include subordinate legislation tabled on 30 April 2024 which the committee tabled a report regarding on 17 July 2024.

### **3 Examination of budget estimates**

On 11 June 2024, the Appropriation Bill 2024 was tabled in Parliament. The committee then commenced preparations for the examination of the 2024-25 budget estimates for its portfolio areas, which totalled approximately \$10 billion. The estimates process was still in progress at the completion of this reporting period.

## 4 Bill inquiries

When it examines legislation, the committee is responsible for considering:

- the policy to which it gives effect
- whether it complies with basic standards for laws, known as fundamental legislative principles
- whether it is compatible with the human rights of people in Queensland
- whether subordinate legislation is lawful.

The committee conducted 11 Bill inquiries during the year (8 referrals to the current committee, plus 3 bill inquiries referred to the previous committee). As shown in Table 2, in addition to whether the bill should be passed, the committee made various recommendations in relation to the bills it considered. Government responses to recommendations made by the committee are noted in the discussions of each inquiry below.

**Table 2: Bills examined by the committee, 13 February 2024 to 30 June 2024**

Bill Title	Report No.	Recommendations
Criminal Code and Other Legislation (Double Jeopardy Exception and Subsequent Appeals) Amendment Bill 2023	1	1
Forensic Science Queensland Bill 2024	2	1
Crime and Corruption and Other Legislation Amendment Bill 2024	4	1
Crime and Corruption Amendment Bill 2023	6	1
Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024	7	4
Disaster Management and Other Legislation Amendment Bill 2024	8	1
Victims' Commissioner and Sexual Violence Review Board Bill 2024	9	2
Queensland Community Safety Bill 2024*	-	-
Criminal Code (Defence of Dwellings and Other Premises – Castle Law) Amendment Bill 2024*	-	-
Assisted Reproductive Technology Bill 2024*	-	-
Respect at Work and Other Matters Amendment Bill 2024*	-	-

\* The committee had not reported on these bill inquiries as at 30 June 2024.

### 4.1 Criminal Code and Other Legislation (Double Jeopardy Exception and Subsequent Appeals) Amendment Bill 2023 (Report 1)

The objectives of the Criminal Code and Other Legislation (Double Jeopardy Exception and Subsequent Appeals) Amendment Bill 2023 were to enhance criminal justice system responses to possible wrongful convictions and unjust acquittals by:

- establishing a statutory framework to allow a person convicted on indictment or of a summary offence under section 651 of the *Criminal Code Act 1899* to make, with the leave of the Court of Appeal, a subsequent appeal against the conviction

- expanding the fresh and compelling evidence double jeopardy exception to 10 prescribed offences in addition to murder.

The Bill was referred to the former Legal Affairs and Safety Committee (LASC) on 29 November 2023. On 13 February 2024, the Bill was transferred to the committee for consideration.

The former committee accepted 5 submissions to the Bill and held a public briefing and public hearing in Brisbane.

The committee tabled its report on 19 February 2024, recommending that the Bill be passed.

The Bill was passed, without amendment, on 6 March 2024.

#### **4.2 Forensic Science Queensland Bill 2024 (Report 2)**

The policy objectives of the Forensic Science Bill 2024 were to ensure high quality, reliable, independent and impartial forensic services for the administration of criminal justice in Queensland by establishing:

- an independent statutory position of the Director of Forensic Science Queensland
- a government office called the Office of the Director of Forensic Science Queensland (to be referred to as Forensic Science Queensland) to help the Director perform the Director's functions
- the Forensic Science Queensland Advisory Council to monitor and review the policies and procedures of Forensic Science Queensland that relate to the administration of criminal justice, and to give advice or make recommendations about those policies and procedures to the Attorney-General and the Director. The Bill proposes the Advisory Council be comprised of up to 11 members including representatives from police, prosecution, defence, victim support, independent forensic science, and private legal practice.

The Bill was referred to the former LASC on 29 November 2023. On 13 February 2024, the Bill was transferred to the committee for consideration.

The former committee accepted 3 submissions to the Bill and held a public briefing and public hearing in Brisbane.

The committee tabled its report on 19 February 2024, recommending that the Bill be passed.

The Bill was passed, without amendment, on 19 March 2024.

#### **4.3 Crime and Corruption and Other Legislation Amendment Bill 2024 (Report 4)**

The overarching objective of the Crime and Corruption and Other Legislation Amendment Bill 2024 is to improve the operation and performance of the CCC through making a range of legislative amendments, principally to the CC Act.

The majority of the Bill's amendments implemented the government's response to various recommendations in the following reports:

- the Parliamentary Crime and Corruption Committee's (PCCC) Report No. 97, *Review of the Crime and Corruption Commission*
- the PCCC's Report No. 106, *Review of the Crime and Corruption Commission's activities*
- the PCCC's Report No. 108, *Inquiry into the Crime and Corruption Commission's investigation of former councillors of Logan City Council; and related matters*
- the report of the Commission of Inquiry relating to the Crime and Corruption Commission.

The committee accepted 11 submissions regarding the Bill.

The committee held a public hearing and a public briefing in Brisbane.

The committee tabled its report on 5 April 2024, recommending that the Bill be passed.

The Bill remained before the House at the end of the financial year.

#### **4.4 Crime and Corruption Amendment Bill 2023 (Report 6)**

The Crime and Corruption Amendment Bill 2023 is a private member's bill introduced by Mr Tim Nicholls MP, Member for Clayfield.

The purpose of the Bill is to:

- amend the reporting powers of the CCC in the CC Act in light of the recent decision of the High Court of Australia in *Crime and Corruption Commission v Carne*<sup>9</sup>
- reverse a 2018 amendment that omitted the Director of Prosecutions from section 29 of the CC Act.

The Bill was referred to the former LASC on 11 October 2023. On 13 February 2024, the Bill was transferred to the committee for consideration.

The committee accepted 3 submissions regarding the Bill and held a public briefing and a public hearing in Brisbane.

The committee tabled its report on 11 April 2024, recommending that the Bill not be passed.

The Bill remained before the House at the end of the financial year.

#### **4.5 Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024 (Report 7)**

The main objectives of the Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024 were to:

- enhance the Queensland Corrective Services (QCS) Victims Register
- require representation for victims on the Parole Board Queensland
- strengthen powers to respond to abuse of prisoner communication channels
- enable the use of certain police powers for reportable child sex offenders being supervised under the *Dangerous Prisoners (Sexual Offenders) Act 2003*
- increase the penalty for possession of a gel blaster on corrective services land
- protect the use of victim and intelligence information to support effective decision making
- clarify the authority for corrective services officers to use body-worn cameras while in the community
- prescribe search requirements to accommodate diverse prisoner needs
- update legislative requirements to support the independence, diversity and efficient administration of the Parole Board Queensland
- enable QCS to lawfully detain prisoners from Norfolk Island in line with the Queensland Government's commitments under the Intergovernmental Partnership Agreement on State Service Delivery to Norfolk Island
- other minor and technical issues to support the continued safe operations of corrective services.

<sup>9</sup> [2023] HCA 28.

The committee accepted 14 submissions regarding the Bill and held a public hearing and a public hearing in Brisbane.

The committee tabled its report on 12 April 2024.

In addition to recommending the Bill be passed:

- the committee recommended the Queensland Government:
  - consider allowing for non-written parole applications from prisoners (Recommendation 2)
  - conduct a Privacy Impact Assessment before implementing provisions relating to the use of body-worn cameras (Recommendation 4)
- the majority of the committee further recommended that the Queensland Government consider the merit of amending new section 340AA in the *Corrective Services Act 2006* (Recommendation 3) to:
  - provide for a public interest test in relation to decisions in order to determine whether the impact of disclosure outweighs the right to natural justice
  - require that decision makers keep a record of reasons, even if they are not required to disclose these reasons to a prisoner
  - clarify that the section does not apply to statements of reason under the *Judicial Review Act 1991*.

In its response to the committee's recommendations, the Queensland Government stated that it supported Recommendations 2 and 3 in-principle and supported recommendation 4.

Regarding Recommendation 2, the government noted that it 'is committed to improving operational practices to provide more flexibility in relation to parole applications'.<sup>10</sup> The government also advised that it would, in consultation with the Parole Board Queensland, commence work to determine the feasibility of implementing this recommendation.

Regarding Recommendation 3, the government noted that it would progress minor amendments to section 340AA of the *Corrective Services Act 2006* during consideration in detail. The amendments would clarify recordkeeping requirements and the obligation on the decision maker to consider factors, such as the right to natural justice, in their determination whether or not to withhold information. The government confirmed that this new section would apply to a statement of reasons under the *Judicial Review Act 1991*.

Regarding Recommendation 4, the government advised that privacy impact statements would be conducted prior to commencement of the new body worn camera arrangements.<sup>11</sup>

The Bill was passed, with amendment, on 21 May 2024.

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<sup>10</sup> Queensland Government, *Response to Community Safety and Legal Affairs' Committee, Report No. 7, 57<sup>th</sup> Parliament – Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024*, 21 May 2024, p 1.

<sup>11</sup> Queensland Government, *Response to Community Safety and Legal Affairs' Committee, Report No. 7, 57<sup>th</sup> Parliament – Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024*, 21 May 2024.

#### 4.6 Disaster Management and Other Legislation Amendment Bill 2024 (Report 8)

The overarching objectives of the Disaster Management and Other Legislation Amendment Bill 2024 were to:

- amend the:
  - *Disaster Management Act 2003* to enhance Queensland’s disaster management arrangements
  - *Queensland Reconstruction Authority Act 2011* to expand the Queensland Reconstruction Authority’s functions
  - *Fire and Emergency Services Act 1990* (FES Act) to establish the Queensland Fire and Rescue and the Rural Fire Service Queensland as dedicated fire services under the FES Act
- introduce requirements for smoke alarms in caravans and motorised caravans.

The committee accepted 60 submissions regarding the Bill and held a public briefing and public hearing in Brisbane.

The committee tabled its report on 19 April 2024, recommending that the Bill be passed.

The Bill was passed, with amendment, on 2 May 2024.

#### 4.7 Victims’ Commissioner and Sexual Violence Review Board Bill 2024 (Report 9)

The overarching objectives of the Victims’ Commissioner and Sexual Violence Review Board Bill 2024 were to implement recommendations from various reports<sup>12</sup> to:

- establish the Victims’ Commissioner to promote and protect victims’ rights
- establish the Sexual Violence Review Board to identify and review systemic issues in relation to the reporting, investigation and prosecution of sexual offences.

The committee accepted 15 submissions regarding the Bill and held a public briefing and public hearing in Brisbane.

The committee tabled its report on 19 April 2024, recommending that the Bill be passed.

The committee also recommended that consideration be given to whether the complaints mechanism in the Bill is sufficient in relation to the ability of children to make a complaint where they lack an advocate or willing adult to make a complaint on their behalf.

In response, the Queensland Government noted its support for the committee’s recommendation and highlighted that the Bill took into account the inherent vulnerabilities of children, particularly in respect of the Victims’ Commissioner’s exercise of its complaint functions. For the purpose of making a complaint, the government advised:

[C]ause 47(2) of the Bill requires that the Victims’ Commissioner provide reasonable assistance to a complainant who needs help (this could be a child without an advocate or willing adult), to put the complaint into a written form so that appropriate action can be taken to resolve the complaint.

The Bill does not prevent the Victims’ Commissioner, when exercising their complaint functions, to ask or advise the complainant about a matter relating to the complaint in an appropriate way and does not prescribe that advice must be provided through a formal written notice. This approach is intended to

<sup>12</sup> Women’s Safety and Justice Taskforce, *Hear Her Voice – Report 2 – Women and girls’ experience in the criminal justice system*, 2 December 2021; Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence, *A call for change: Commission of Inquiry into Queensland Police Service responses to domestic and family violence*, 21 November 2022; Legal Affairs and Safety Committee, *Report No. 48, 57th Parliament - Inquiry into Support provided to Victims of Crime*, 19 May 2023.

enable the Victims' Commissioner to advise the complainant in an appropriate and trauma-informed way based on their individual needs.<sup>13</sup>

The Bill was passed, without amendment, on 30 April 2024.

#### **4.8 Queensland Community Safety Bill 2024**

The Queensland Community Safety Bill 2024 proposes to amend various legislation to promote community safety, in particular to:

- enable certain persons and the media to be present at some Childrens Court criminal proceedings
- expand and extend the trial of hand held scanners in public places
- introduce a firearms prohibition order scheme in Queensland
- introduce a verification process for purchasing small arms ammunition
- reform the 'fit and proper person' test in the *Weapons Act 1990* by expanding the types of serious offending captured, introducing a new category of disqualified persons, and, in certain circumstances, extending the exclusionary period to 10 years
- increase the maximum penalty for possessing a knife in a public place or school
- introduce a framework for removal of online content depicting conduct that constitutes a prescribed offence, create an offence for publishing such material, and increase the maximum penalties for a range of related offences
- increase the maximum penalty for dangerous operation of a vehicle causing death or grievous bodily harm, and insert a new circumstance of aggravation for dangerous operation of a vehicle where the offender was evading police and causes the death of, or grievous bodily harm to, another person
- create offences for damaging an emergency vehicle when operating a motor vehicle, and driving a motor vehicle in a way that could injure or endanger the safety of a police officer
- increase the maximum penalties for: wilful damage to property where the property is an emergency vehicle, unlawful use or possession of emergency vehicles, and unlawful entry of an emergency vehicle for committing an indictable offence
- amend definitions in the *Domestic and Family Violence Protection Act 2012* to remove parent-minor child relationships from domestic and family violence responses, allowing them to be dealt with under child harm or youth justice provisions
- enable a court hearing an appeal in a family and domestic violence matter to make a temporary protection order to protect the victim-survivor
- extend the maximum period before a police protection notice must be first mentioned in court
- allow for a trial of arrangements for corrective services officers to serve prescribed domestic and family violence documents on prisoners in corrective facilities in prescribed circumstances
- expand the options available to police officers to effect document service, including electronically in certain circumstances

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<sup>13</sup> Queensland Government, *Response to Community Safety and Legal Affairs' Committee, Report No. 9, 57<sup>th</sup> Parliament – Victims' Commissioner and Sexual Violence Review Board Bill 2024*, 30 April 2024.



- enable electronic signatures to be affixed to all documents executed by police officers
- extend the offence of ‘unlawful conduct associated with commission of racing, burn out or other hooning offence’ to include a person who merely spectated a hooning activity without reasonable excuse
- provide police officers with the option of issuing penalty infringement notices for low-level drink driving offences in certain circumstances
- increase the maximum fine amount that can be imposed by a court for drink driving offences and increase the minimum driver licence disqualification that a court must impose for certain drink driving offences
- attach a licence disqualification of 2 months to a penalty infringement notice
- reword youth justice principle 18 to state a child should be detained in custody, where necessary, including to ensure community safety, where other non-custodial measures of prevention and intervention would not be sufficient, and for no longer than necessary to meet the purpose of detention
- increase the number of participants in the electronic monitoring trial by expanding the list of prescribed indictable offences and expanding the criteria for electronic monitoring to include children who have been charged with a prescribed indictable offence in the preceding 12 months
- provide that consideration of risks associated with granting bail, and any conditions that may mitigate those risks, should occur in the one process, prior to a decision to release the child
- amend the arrangements for the transfer of remanded detainees over 18 years old, creating a presumption of prompt transfer
- enable temporary transfers from watchhouses to youth detention centres to facilitate participation in programs and physical exercise at youth detention centres
- regulate the use of cameras and smart phones in youth detention centres
- enable the recording of detainees’ phone calls in certain circumstances.

The committee accepted 247 submissions regarding the Bill and held a public briefing and public hearing in Brisbane prior to 30 June 2024.

The committee’s original reporting date for the Bill of 14 June 2024 was extended to 2 August 2024 by the Committee of the Legislative Assembly.

The Bill remained before the House at the end of the financial year.

#### **4.9 Criminal Code (Defence of Dwellings and Other Premises – Castle Law) Amendment Bill 2024**

The Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Bill 2024 is a private member’s bill introduced by Mr Nick Dametto MP, Member for Hinchinbrook.

The objective of the Bill is to broaden the circumstances in which an individual can lawfully respond to a home invasion with such force that it may result in grievous bodily harm or death to the intruder.

The committee accepted 22 submissions regarding the Bill prior to 30 June 2024.

The Bill remained before the House at the end of the financial year.

#### **4.10 Assisted Reproductive Technology Bill 2024**

The purposes of the Assisted Reproductive Technology Bill 2024 are to:

- establish a framework to regulate assisted reproductive technology services in Queensland, including licensing of ART providers and matters such as information requirements, counselling, consent, time limits on the use of donated gametes and embryos and their disposal, and for the posthumous retrieval and use of gametes
- establish a donor conception information register in Queensland.

The committee had not accepted any submissions to the Bill prior to 30 June 2024.

The committee is due to report on the Bill by 2 August 2024.

The Bill remained before the House at the end of the financial year.

#### **4.11 Respect at Work and Other Matters Amendment Bill 2024**

The purpose of the Bill is to implement the first stage of reforms to Queensland's anti-discrimination laws as recommended by various reports.<sup>14</sup>

In particular, the Bill proposes to:

- introduce a new prohibition of harassment on the basis of sex or subjecting a person to a work environment that is hostile on the basis of sex
- extend the timeframe for a person to make a complaint of sexual harassment from one year after the alleged conduct occurred, to 2 years after the alleged conduct occurred
- allow the Queensland Human Rights Commission to conduct investigations into a person's compliance with the new positive duty provisions and any systemic workplace harassment matters
- provide a new scheme for unions and other representative groups to make complaints about alleged unlawful workplace conduct on behalf of individuals
- expand and update the personal attributes protected from discrimination and vilification offences under the *Anti-Discrimination Act 1991* (AD Act)
- introduce a broad positive duty on all organisations with obligations under the AD Act (including businesses, the government and non-profit organisations), to take reasonable and proportionate measures to eliminate discrimination, sexual harassment, harassment on the basis of sex and other objectionable conduct as far as possible
- amend vilification offences to clarify the objective test for civil vilification, introduce a new harm-based provision and introduce new definition of 'public act'
- introduce an amendment to the *Magistrates Act 1991* to confirm that the terms and conditions of a magistrate's employment includes an entitlement to paid or unpaid parental leave
- clarify the legal immunity and protection conferred on Supreme Court judges also extends to District Court judges, magistrates and prescribed members of the Queensland Civil and Administrative Tribunal
- require that when determining the appropriate sentence for an offender convicted of a violent offence against a person in their workplace, a court must treat the fact that the

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<sup>14</sup> Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces Report*, 5 March 2020; Queensland Human Rights Commissioner, *Building Belonging – Review of Queensland's Anti-Discrimination Act 1991 Report*, 1 September 2022; Legal Affairs and Safety Committee, *Report No. 22, 57<sup>th</sup> Parliament – Inquiry into Serious Vilification and Hate Crimes*, 31 January 2022; Legal Affairs and Safety Committee, *Report No. 49, 57<sup>th</sup> Parliament – Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Bill 2023*.

offence occurred in the performance of the functions of the victim's office or employment, or because of the performance of those functions or employment, as an aggravating factor in sentencing

- confirm that a court does not need to cause the reasons to be reduced in writing or comply with the physical storage requirements if the reasons for an order of imprisonment or detention are recorded.

The committee had not accepted any submissions to the Bill prior to 30 June 2024.

The committee is due to report on the Bill by 2 August 2024.

The Bill remained before the House at the end of the financial year.

## 5 Other inquiries

The committee undertook 3 other inquiries during the reporting period. These were in relation to its public accounts, public works and other responsibilities.

### 5.1 Public accounts inquiries

The committee is responsible for assessing the public accounts of entities within its portfolio areas with regard to the economy, efficiency and effectiveness of financial management. This responsibility includes examination of government financial documents including annual reports, and reports of the Auditor-General relevant to the committee's portfolio.<sup>15</sup>

#### 5.1.1 Auditor-General reports

The committee's role includes consideration of reports of the Auditor-General that fall within its portfolio.<sup>16</sup> The Auditor-General leads the Queensland Audit Office (QAO), which is the independent auditor of the public sector. It reports to parliament on the results of its audit work, providing insights and advice, and recommendations for improvement.

In the reporting period, the committee considered 3 reports from the Auditor-General.

As detailed in Table 3, the committee reports on those 3 reports in the sections that follow.

**Table 3: Auditor-General reports considered, 13 February 2024 to 30 June 2024:**

Auditor-General report	Consideration completed/ongoing	Committee report no.	Committee recommendations
<i>Report No. 5: 2022-23 – Keeping people safe from domestic and family violence</i>	completed	this report	0
<i>Report No. 4: 2023-24 – Deploying police resources</i>	completed	this report	0
<i>Report No. 9: 2023-24 – Minimising gambling harm</i>	completed	this report	0

##### 5.1.1.1 Auditor-General's Report No. 5: 2022-23 - Keeping people safe from domestic and family violence

The Auditor-General's *Report No. 5: 2022-23 – Keeping people safe from domestic and family violence* was tabled on 10 November 2022 and referred to the former LASC. The report was transferred to the committee on its establishment on 13 February 2024.

This audit report examined how effectively state public sector entities:

- keep people safe from domestic and family violence (DFV)
- prevent DFV from occurring
- rehabilitate perpetrators to minimise re-offending
- coordinate with non-government DFV services.<sup>17</sup>

The audit found that:

<sup>15</sup> *Parliament of Queensland Act 2001*, s 94(1).

<sup>16</sup> *Parliament of Queensland Act 2001*, s 94(1).

<sup>17</sup> Auditor-General, *Report No. 5: 2022-23 - Keeping people safe from domestic and family violence*, November 2022, p 1.

- the Queensland Government recognises the size of the DFV challenge and is taking steps to deal with it
- more training, more information-sharing, and more monitoring of efforts is required
- at present, no entity has overall responsibility for coordinating case information and management, with each entity managing cases independently and focuses on its specific role
- the number of young people under supervision for DFV offences has increased by 57 per cent, yet minimal services and programs are available for them
- the Department of Education’s Respect program (formerly the Respectful Relationships Education program), which is a preventative measure, is not measured in terms of use, detail, or outcomes
- the Department of Justice and Attorney-General (DJAG) has limited knowledge of the rehabilitation programs it funds, and few rehabilitation programs and services are available for adult DFV perpetrators in prison and community settings
- prisons are limited in how they monitor the behaviour of DFV offenders.<sup>18</sup>

The report made 21 recommendations to entities including DJAG, Queensland Police Service (QPS) and QCS aimed at:

- enhancing responses
- training
- case management
- interagency coordination
- preventing domestic and family violence
- better supporting young people and tackling intergenerational violence.<sup>19</sup>

As part of its consideration of the report, the former LASC wrote to the relevant departments on 10 October 2023 seeking an update on the implementation of the recommendations contained in the report.

After considering the responses provided by the relevant departments regarding the status of the implementation of the recommendations, the committee is of the view that implementation has progressed well. Accordingly, the committee has determined that no further action is required to be taken by the committee in regard to this report of the Auditor-General.

#### 5.1.1.2 Auditor-General’s Report No. 4: 2023-24 – Deploying police resources

The Auditor-General’s Report No. 4: 2023-24 – Deploying police resources was tabled on 30 November 2023. This audit report examined how effectively and efficiently the QPS identifies and manages demand for its services. The report was initially referred to the former LASC. It was transferred to the committee on its establishment on 13 February 2024.

The audit found that the QPS is not meeting current demand for its services and has a short-term focus in addressing shifting community expectations, changes in technology, crime rates, population and

<sup>18</sup> Auditor-General, *Report No. 5: 2022-23 - Keeping people safe from domestic and family violence*, November 2022, p 2.

<sup>19</sup> Auditor-General, *Report No. 5: 2022-23 - Keeping people safe from domestic and family violence*, November 2022, p 2. See also pp 4-6.

economic uncertainty. The audit further found there is a lack of strategic workforce planning and that the QPS has not evaluated its workforce needs and capabilities.

The report made 5 recommendations for the QPS around service planning and meeting demand for services, including:

- developing a robust model for forecasting demand for service
- improving strategic workforce planning
- improving responses to demand for service
- improving the usefulness and transparency of its public performance reporting on responding to calls for service
- continuing to develop consistent rostering practices to improve how it deploys resources across Queensland.<sup>20</sup>

The Auditor-General's report includes a response from the QPS to the report.<sup>21</sup> The QPS agreed with all 5 recommendations. It provided a detailed response on the proposed timeframe for implementation of the recommendations, including how the QPS is already addressing a number of the recommendations as work already identified and scheduled. The QPS anticipates that all work needed to implement the recommendations will be completed by June 2026.<sup>22</sup>

The committee reviewed the report and considered the QPS's response to the recommendations. Noting there is a detailed program in place for the continued implementation of the recommendations over coming years, the committee has determined that no further action is required to be taken by the committee in regard to this report of the Auditor-General.

#### *5.1.1.3 Auditor-General's Report No. 9: 2023-24 – Minimising gambling harm*

The Auditor-General's *Report No. 9: 2023-24—Minimising gambling harm* was tabled on 6 February 2024 and referred to the committee for its consideration on 15 February 2024. This audit report examined how effective Queensland's strategies are in minimising and preventing gambling-related harm. The *Queensland responsible gambling Code of Practice* (code of practice) is one of the key mechanisms that sets out the requirements and expectations of the industry.

The audit found that the voluntary nature of the code of practice inhibits DJAG's ability to effectively regulate responsible gambling and to hold the industry to account.

It also noted DJAG's regulatory program does not take a comprehensive risk-based approach, which means it may not focus on higher-risk areas. The QAO also stated the program lacks key regulatory elements such as an effective system to monitor and report on compliance and educate the industry.<sup>23</sup>

The report made 10 recommendations for DJAG around protecting consumers and communities from harm and regulating the gambling industry, including:

- developing a plan to improve and sustain its understanding of gambling-related harm and its prevalence in Queensland
- comprehensively assessing the long-term funding needed to effectively deliver its harm minimisation plans
- developing and implementing strategies and initiatives aimed at preventing gambling-related harm in Queensland

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<sup>20</sup> Queensland Audit Office, *Report 4: 2023-24 - Deploying police resources*, November 2023, pp 3-4.

<sup>21</sup> See Appendix A.

<sup>22</sup> Queensland Audit Office, *Report 4: 2023-24 - Deploying police resources*, November 2023, pp 35-37.

<sup>23</sup> Auditor-General, *Report No. 9: 2023-24 – Minimising Gambling Harm*, February 2024, p 1.

- completing its implementation of the recommendations from the 2021 review of gambling help services
- prioritising completing its review of the code of practice to align with its goal of implementing it as a mandatory requirement in Queensland
- strengthening its regulatory oversight of the gambling industry to ensure that gambling providers are implementing effective harm minimisation measures.<sup>24</sup>

The Auditor-General's report includes a response from DJAG to the report.<sup>25</sup> DJAG agreed or agreed in-principle with each of the 10 recommendations. It provided a detailed response on the proposed timeframe for implementation of the recommendations, including how it is already addressing a number of the recommendations as work already identified and scheduled or completed. DJAG anticipates that all work needed to implement the recommendations will be completed by September 2025.<sup>26</sup>

The committee reviewed the report and considered DJAG's response to the recommendations. Noting there is a detailed program in place for the continued implementation of the recommendations over coming years, the committee has determined that no further action is required to be taken by the committee in regard to this report of the Auditor-General.

## 5.2 Public works inquiries

The committee may consider public works undertaken by an entity that is a constructing authority<sup>27</sup> for the works, or consider any major works,<sup>28</sup> with its portfolio areas.

The committee did not consider any public works in the reporting period.

## 5.3 Inquiries into other matters

In relation to its portfolio areas, the committee may initiate an inquiry into any other matter it considers appropriate.<sup>29</sup>

The committee did not initiate any inquiries in the reporting period.

<sup>24</sup> Auditor-General, *Report No. 9: 2023-24 – Minimising Gambling Harm*, February 2024, pp 3-4.

<sup>25</sup> See Appendix A.

<sup>26</sup> Auditor-General, *Report No. 9: 2023-24 – Minimising Gambling Harm*, February 2024, pp 33-42.

<sup>27</sup> *Parliament of Queensland Act 2001*, s 96.

<sup>28</sup> *Parliament of Queensland Act 2001*, s 94.

<sup>29</sup> *Parliament of Queensland Act 2001*, s 92(1)(d).

## 6 Scrutiny of subordinate legislation

Subordinate legislation is legislation made by a department or other entity under powers given to them by an act of the Parliament. All subordinate legislation must be tabled in the Legislative Assembly, which can disallow it by resolution.<sup>30</sup> To help it decide whether or not to do so, the Legislative Assembly refers each item of subordinate legislation to the relevant portfolio committee for consideration.

When examining subordinate legislation, each committee considers a range of matters, including:

- whether it has sufficient regard for basic standards for legislation, known as ‘fundamental legislative principles’
- whether it is consistent with the human rights of people in Queensland
- whether the explanatory notes provide an adequate explanation of why the subordinate legislation is needed and what it does.

In the reporting period, the committee tabled 4 reports examining 20 pieces of subordinate legislation within its portfolio area.

As shown in Table 4, the committee identified a small number of provisions that may limit human rights. In each of these instances, the committee was satisfied that any limitations of human rights in respect of the subordinate legislation were reasonable and justified in the circumstances.

**Table 4: Portfolio subordinate legislation reported on by the committee, 13 February 2024 to 30 June 2024**

Report No.	Subordinate legislation	Matters identified		Explanatory notes adequate
		Fundamental legislative principles	Human rights	
3	Proclamation - <i>Justice and Other Legislation Amendment Act 2023</i>	0	0	✓
5	<i>Body Corporate and Community Management and Other Legislation Amendment Regulation 2023</i>	0	1	✓
	Proclamation - <i>Victims of Crime Assistance and Other Legislation Amendment Act 2023</i>	0	0	✓
	Proclamation - <i>Births, Deaths and Marriages Registration Act 2023</i>	0	0	✓
	Proclamation - <i>Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Act 2023</i>	0	0	✓
	Proclamation – <i>Justice and Other Legislation Amendment Act 2023</i>	0	0	✓
10	<i>Electoral and Other Legislation Amendment Regulation 2024</i>	0	0	✓

<sup>30</sup> *Statutory Instruments Act 1992*, ss 49, 50.



Report No.	Subordinate legislation	Matters identified		Explanatory notes adequate
		Fundamental legislative principles	Human rights	
	<i>Uniform Civil Procedure (Fees) and Other Legislation Amendment Regulation 2024</i>	0	1	✓
	<i>Proclamation made under the Information Privacy and Other Legislation Amendment Act 2023</i>	0	2	✓
	<i>Public Trustee (Interest Rate) Amendment Regulation 2024</i>	0	0	✓
	<i>Police Service Administration (Oath and Affirmation) Amendment Regulation 2024</i>	0	0	✓
11	<i>Proclamation – Body Corporate and Community Management and Other Legislation Amendment Act 2023</i>	0	0	✓
	<i>Proclamation No. 3 – Justice and Other Legislation Amendment Act 2023</i>	0	0	✓
	<i>Justices of the Peace and Commissioners for Declarations Amendment Regulation 2024</i>	0	0	✓
	<i>Environmental Protection and Other Legislation Amendment (Postponement) Regulation 2024</i>	0	0	✓
	<i>Proclamation No. 4 – Justice and Other Legislation Amendment Act 2023</i>	0	0	✓
	<i>Attorney-General and Other Legislation Amendment Regulation 2024</i>	0	0	✓
	<i>Trust Accounts (Transitional) Regulation 2024</i>	0	1	✓
	<i>Public Trustee (Interest Rate) Amendment Regulation (No. 2) 2024</i>	0	0	✓
	<i>Legal Profession (Society Rules) Amendment Notice 2024</i>	0	0	✓

## 7 Consideration of forms authorised by legislation

The committee's responsibilities include monitoring the operation of section 48 of the *Acts Interpretation Act 1954* in relation to legislation within its portfolio area. That section sets out a number of requirements for forms, including how forms must be notified and made available to the public.

During the reporting period, the committee did not consider any forms notified in the *Queensland Government Gazette* that fell within its portfolio areas.<sup>31</sup>

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<sup>31</sup> During the reporting period, there were forms within the committee's portfolio area notified in the *Queensland Government Gazette* however these forms were not considered by the committee prior to 30 June 2024. The committee will report on these forms in its 2024-25 annual report.

## 8 Oversight of statutory officers

Standing Order 194A, read with Schedule 6 of the Standing Orders, and relevant statutes set out the committee's oversight functions and responsibilities in respect of the Electoral Commissioner, Information Commissioner, Queensland Ombudsman and the Queensland Family and Child Commission.

### 8.1 Queensland Ombudsman

In accordance with section 89 of the *Ombudsman Act 2001* (Ombudsman Act), the committee's oversight functions are:

- to monitor and review the performance by the Ombudsman of the Ombudsman's functions under the Ombudsman Act
- to monitor and review the Ombudsman's performance of their functions as Inspector of Detention Services under the *Inspector of Detention Services Act 2022* (IDS Act)
- to report to the Legislative Assembly on any matter concerning the Ombudsman and Inspector of Detention Services, their functions or the performance of their functions that the committee considers should be drawn to the Legislative Assembly's attention
- to examine each annual report of the Office of the Queensland Ombudsman (OQO) tabled in the Legislative Assembly under the Act and any report tabled under the IDS Act and, if appropriate, to comment on any aspect of the report
- to report to the Legislative Assembly any changes to the functions, structures and procedures of the OQO the committee considers desirable for the more effective operation of the Ombudsman Act or the IDS Act
- any other functions conferred on the committee by the Ombudsman Act.<sup>32</sup>

The committee is reporting to the Assembly on the 2022-23 annual report of the Ombudsman and other matters relevant to the Ombudsman by way of this annual report.

#### 8.1.1 Examination of the 2022-23 annual report

During the reporting period, the committee examined the 2022-23 annual report for the Ombudsman which was tabled on 29 September 2023. It also held a public hearing on 29 April 2024 with the Ombudsman, Deputy Ombudsman and Executive Director of Corporate Strategy. The transcript of the briefing is available on the committee's webpage.

In respect of the Ombudsman's 2022-23 annual report, the committee notes:

- The OQO responded to 11,837 contacts for information, assistance, review or complaint resolution (which was an increase from 2021-22).<sup>33</sup>
- Of the contacts received, 1,114 were complaints referred for investigation<sup>34</sup> (a significant number of the complaints related to COVID-related decisions).<sup>35</sup>

<sup>32</sup> Ombudsman Act, s 89. Amongst other things, the Ombudsman Act also requires that the committee be consulted on the selection process for appointment, and the appointment of the person as the Ombudsman and the Inspector of Detention Services.

<sup>33</sup> Queensland Ombudsman, *Annual Report 2022-23*, p 5.

<sup>34</sup> Queensland Ombudsman, *Annual Report 2022-23*, p 8.

<sup>35</sup> Public hearing transcript, Brisbane, 29 April 2024, p 7.

- The investigation of 7,165 complaints was finalised.<sup>36</sup>
- The OQO delivered a program of administrative improvement initiatives to develop the quality of decision-making and administrative practices in agencies, which included the delivery of 144 training sessions with 3,031 public sector officers.<sup>37</sup>
- The OQO published various media including a new video explaining the Office’s role in relation to complaints; community access videos to assist people with a disability to understand the OQO’s role and functions; webinars to electorate officers about the OQO’s services; and a webinar about the OQO’s role through the Queensland Community Legal Centres webinar program.<sup>38</sup>
- 172 internal review requests were received by the office and 152 were finalised with the original decision confirmed in 93 cases, reviews withdrawn by the complainant or declined by the Office in 54 cases and decisions not upheld in 5 cases.<sup>39</sup>
- The operational expenditure of the OQO totalled \$11.442 million (which was a 21 per cent increase from 2021-22), with the biggest cost in delivering the OQO’s services being employee expenses, which represent 77 per cent of total expenditure.<sup>40</sup>
- There were 2,847 public interest disclosures (PIDs) reported to the OQO in 2022-23 (which was an increase of 36.1 per cent from the previous year at 2,092),<sup>41</sup> with PIDs relating to corrupt conduct the most commonly reported type of wrongdoing (92.1 per cent).<sup>42</sup>

The committee also noted that the Ombudsman was appointed as the Inspector of Detention Services – a new, additional role – on 9 December 2022.<sup>43</sup> Certain administrative parts of the IDS Act commenced on 9 December 2022, and the remaining provisions commenced on 1 July 2023. The first annual report required under the IDS Act will be for the 2023-24 financial year.<sup>44</sup>

At the public hearing, the Ombudsman advised that the IDS Act mandates the inspection of each youth detention centre once every year (which the Office has interpreted to mean once in each rolling 12 month period) and each prison once every 5 years. As there are 15 prisons in Queensland, the OQO intends to inspect about 3 prisons per year.<sup>45</sup>

Looking ahead to the next year, the Ombudsman noted at the public hearing that the upcoming commencement of the *Integrity and Other Legislation Amendment Act 2024* will expand the Ombudsman’s powers to commence investigations into private enterprises who provide government services. The Ombudsman confirmed that the OQO’s preparation for this new function had commenced.<sup>46</sup>

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<sup>36</sup> Queensland Ombudsman, *Annual Report 2022-23*, p 8; Public hearing transcript, Brisbane, 29 April 2024, p 2.

<sup>37</sup> Queensland Ombudsman, *Annual Report 2022-23*, p 14.

<sup>38</sup> Queensland Ombudsman, *Annual Report 2022-23*, p 2; Public hearing transcript, Brisbane, 29 April 2024, p 2.

<sup>39</sup> Queensland Ombudsman, *Annual Report 2022-23*, p 26.

<sup>40</sup> Queensland Ombudsman, *Annual Report 2022-23*, p 27.

<sup>41</sup> Queensland Ombudsman, *Annual Report 2022-23*, p 28; Queensland Ombudsman, *Annual Report 2021-22*, p 27.

<sup>42</sup> Queensland Ombudsman, *Annual Report 2022-23*, p 28.

<sup>43</sup> Queensland Ombudsman, *Annual Report 2022-23*, pp ii, 16.

<sup>44</sup> Queensland Ombudsman, *Annual Report 2022-23*, p 1.

<sup>45</sup> Public hearing transcript, Brisbane, 29 April 2024, p 4.

<sup>46</sup> Public hearing transcript, Brisbane, 29 April 2024, p 3.

### 8.1.2 Committee comment

The committee congratulates the Ombudsman and his staff on 50 years of the OQO in Queensland and the service it has provided in that time.

The committee:

- notes the upcoming inspection and reporting schedule of the Ombudsman in respect of new Inspector of Detention Services role
- acknowledges the various training opportunities offered by the OQO to foster good decision making across the public sector, and the videos and webinars to assist electorate officers and the wider public to better understand the role of the Ombudsman
- recognises the passage of the *Integrity and Other Legislation Amendment Act 2024* means an increase in the Ombudsman's responsibilities.

The committee appreciates the assistance and information provided by the Ombudsman and OQO management and staff who helped to facilitate the committee's oversight role.

## 8.2 Office of the Information Commissioner

In accordance with section 189 of the *Right to Information Act 2009* (RTI Act) and section 195 of the *Information Privacy Act 2009* (IP Act), the committee's oversight functions are to:

- monitor and review the performance by the Information Commissioner of the Information Commissioner's functions under the RTI Act and IP Act
- report to the Legislative Assembly on any matter concerning the Information Commissioner, the Information Commissioner's functions or the performance of the Information Commissioner's functions that the committee considers should be drawn to the Legislative Assembly's attention
- decide, in consultation with the Information Commissioner, the statistical information (including statistical information about giving access to information other than on an access application) agencies and Ministers are to give the Information Commissioner for the reports under the RTI Act
- examine each annual report tabled in the Legislative Assembly under the RTI Act and the IP Act and, if appropriate, to comment on any aspect of the reports and to make recommendations
- examine each strategic review report tabled in the Legislative Assembly under the RTI Act and, if appropriate, to comment on any aspect of the report and to make recommendations
- report to the Legislative Assembly any changes to the functions, structures and procedures of the Office of the Information Commissioner (OIC) the committee considers desirable for the more effective operation of the RTI Act and the IP Act
- carry out any other functions conferred on the committee by the RTI Act or the IP Act.<sup>47</sup>

The committee is reporting to the Assembly on the 2022-23 annual report of the OIC and other matters relevant to the OIC by way of this annual report.

<sup>47</sup> RTI Act, s 189; IP Act, s 195. Amongst other things, the RTI Act and the IP Act also require that the committee be consulted on the selection process for appointment, and the appointment of, a person as the Information Commissioner, the Right to Information Commissioner or the Privacy Commissioner.

As the LASC noted in its *Report No. 65, 57<sup>th</sup> Parliament – Oversight of the Information Commissioner*, the term of the former Information Commissioner, Ms Rachael Rangihaeata, ended on 19 September 2023, after 10 years in the role.

As required under the RTI Act,<sup>48</sup> the Hon Yvette D’Ath, the Attorney-General and Minister for Justice and Minister for the Prevention of Domestic Violence, consulted the committee regarding the process of selection for appointment and the appointment of the subsequent Information Commissioner. In March 2024, Ms Joanne Kummrow was appointed to the position for the period 3 April 2024 up to and including 2 April 2027.

On 20 June 2024, the Privacy Commissioner, Mr Paxton Booth, wrote to the committee advising of his resignation from the position, effective 26 July 2024.

### **8.2.1 Examination of the 2022-2023 annual report**

During the reporting period, the committee examined the OIC’s 2022-23 annual report which was tabled on 18 September 2023. It also held a public hearing on 29 April 2024 with the Information Commissioner, Right to Information Commissioner and Privacy Commissioner. The transcript of the hearing is available on the committee’s webpage.

Regarding the OIC’s 2022-23 annual report, the committee notes:

- In respect of decisions made under the IP Act and RTI Act, the OIC received 628 external review applications<sup>49</sup> and finalised 589 external review applications (94 per cent) in the 2022-23 financial year.<sup>50</sup>
- Of the total number of finalised external reviews, 90 per cent were resolved informally without a written decision (exceeding the target of 75 per cent and consistent with the previous year).<sup>51</sup>
- 151 out of 628 incoming external review applications related to ‘deemed refusal decisions’ where an agency has failed to meet the statutory decision-making timeframe. The OIC noted that it issued a decision in 2023 concluding that non-compliant applications still require a reviewable decision by the agency to avoid it being treated as a deemed refusal, which has resulted in an increased number of deemed decisions being brought to the OIC.<sup>52</sup>
- External review applicants sometimes demonstrated challenging behaviour during the review process which can impact the OIC’s staff and services.<sup>53</sup>
- 94 per cent of agencies were satisfied with the privacy complaint mediation service.<sup>54</sup>
- The OIC finalised a record 125 privacy complaints (84 per cent more than the previous year) and received 134 privacy complaints (94 per cent more than the previous year).<sup>55</sup>
- The most common subject of privacy complaints continues to be dissatisfaction with agencies’ provision of personal information to third parties.<sup>56</sup>

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<sup>48</sup> RTI Act, s 135.

<sup>49</sup> OIC, *Annual Report 2022-23*, p 14; Public hearing transcript, Brisbane, 29 April 2024, p 2.

<sup>50</sup> OIC, *Annual Report 2022-23*, p 14.

<sup>51</sup> OIC, *Annual Report 2022-23*, p 13.

<sup>52</sup> OIC, *Annual Report 2022-23*, p 15; Public hearing transcript, Brisbane, 29 April 2024, p 5.

<sup>53</sup> OIC, *Annual Report 2022-23*, p 15.

<sup>54</sup> OIC, *Annual Report 2022-23*, p 19.

<sup>55</sup> OIC, *Annual Report 2022-23*, p 21.

<sup>56</sup> OIC, *Annual Report 2022-23*, p 22.

- 100 per cent of agency stakeholders were satisfied with the advice service provided by the OIC.<sup>57</sup>
- The OIC responded to 5,190 written and oral enquiries in respect of right to information and information privacy issues (well above the target of 4,500)<sup>58</sup>
- Various face-to-face and webinar training sessions were provided throughout Queensland (including regional areas) on privacy and right to information principles.<sup>59</sup>
- Promotion of the OIC's activities occurred through International Access to Information Day (28 September) and the associated Solomon Lecture,<sup>60</sup> Privacy Awareness Week (1 May to 7 May, with the theme 'Privacy 101: Back to basics'),<sup>61</sup> a social media advertising campaign costing \$4,284 reaching 238,529 users,<sup>62</sup> the OIC website, social media, and multimedia<sup>63</sup> and engagement with rural and regional agencies.<sup>64</sup>
- The budget appropriation for the OIC for 2022-23 was \$7.691 million.<sup>65</sup> Expenditure during the financial year totalled \$7.943 million, with an operating deficit of \$130,000. The budget for the OIC included an approved deficit to fund additional FTE employees, renew the OIC's information technology fleet and engage consultants to procure a new customer relationship management system.<sup>66</sup>
- The priorities of the OIC for 2023-27 include championing enduring cultural change for a transparent and accountable government, implementing an effective mandatory data breach notification scheme for Queensland and investing in a future fit OIC workforce and ICT resources.<sup>67</sup>

At the public hearing, the Information Commissioner summarised the current position, and future outlook, of the OIC as follows:

The last few years have seen major changes in the way we work and, in an environment where there are increasing demands on OIC's services and people, we are also seeing the rapid adoption of new technologies by government which requires greater awareness of government held information as an asset and vigilance to ensure citizens' personal information is lawfully collected, used and managed. The IPOLA [*Information Privacy and Other Legislation Amendment Act 2023*] legislative reforms, including the new mandatory notification data breach scheme, provide OIC with a timely opportunity to optimise the skills, experience and dedication of our people so we meet future opportunities and challenges as an independent integrity and regulatory body.<sup>68</sup>

<sup>57</sup> OIC, *Annual Report 2022-23*, p 19.

<sup>58</sup> OIC, *Annual Report 2022-23*, p 25.

<sup>59</sup> OIC, *Annual Report 2022-23*, p 27; Public hearing transcript, Brisbane, 29 April 2024, p 3.

<sup>60</sup> OIC, *Annual Report 2022-23*, p 28; Public hearing transcript, Brisbane, 29 April 2024, p 3.

<sup>61</sup> OIC, *Annual Report 2022-23*, p 29; Public hearing transcript, Brisbane, 29 April 2024, p 3.

<sup>62</sup> OIC, *Annual Report 2022-23*, p 29.

<sup>63</sup> OIC, *Annual Report 2022-23*, p 30.

<sup>64</sup> OIC, *Annual Report 2022-23*, p 30.

<sup>65</sup> OIC, *Annual Report 2022-23*, p 46.

<sup>66</sup> OIC, *Annual Report 2022-23*, pp 45-46.

<sup>67</sup> OIC, *Annual Report 2022-23*, p 12.

<sup>68</sup> Public hearing transcript, Brisbane, 29 April 2024, p 3.

#### 8.2.1.1 *Committee comment*

The committee commends the OIC for its efforts during 2022-23. Information privacy was a heightened issue for many members of the community during this period as a result of several high-profile data breaches involving private entities.

The committee notes that it will be its successor committee that will receive future updates regarding the outcome of the OIC's strategic workplace review and the implementation of recommendations from the Coaldrake Report<sup>69</sup> and the strategic review report.

The committee formally welcomes Ms Kummrow into the role of Information Commissioner.

The committee appreciates the assistance and information provided by the Information Commissioner, Privacy Commissioner and the Right to Information Commissioner and OIC management and staff who helped to facilitate the committee's oversight role.

#### 8.2.2 Examination of the strategic review report

The strategic review of the OIC was conducted in 2022 (strategic review) by Dominic McGann, a partner in the legal firm, McCullough Robertson Lawyers. On 12 December 2022, the strategic reviewer issued his report, *How to let more sunshine in – Strategic review of the Office of the Information Commissioner, 2022* (strategic review report). The strategic review report was tabled in Parliament on 31 January 2023 and referred to the committee for its consideration.<sup>70</sup>

The strategic review included an assessment of the functions and performance of the OIC under the RTI Act and the IP Act to assess whether these functions are being performed economically, effectively and efficiently. The strategic review examined the structural and operational aspects of the OIC, as well as its relationship with public sector entities and other key stakeholders.<sup>71</sup>

The committee's consideration of the strategic review report remained ongoing as at 30 June 2024. The committee intends to table its report on the strategic review report in the 2024-25 financial year.

#### 8.3 Queensland Family and Child Commission

In accordance with Standing Order 194A, the committee has the following oversight jurisdiction in relation to the Queensland Family and Child Commission (QFCC):

- to monitor and review the performance by the QFCC of the QFCC's functions
- to report to the Legislative Assembly on any matter concerning the QFCC, the QFCC's functions or the performance of the QFCC's functions that the committee considers should be drawn to the Legislative Assembly's attention
- to examine the annual report of the QFCC tabled in the Legislative Assembly and, if appropriate, to comment on any aspect of the report
- to report to the Legislative Assembly any changes to the functions, structures and procedures of the QFCC that the committee considers desirable for the more effective operation of the QFCC or the *Family and Child Commission Act 2024*.<sup>72</sup>

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<sup>69</sup> Professor P Coaldrake AO, *Let the sunshine in – Review of culture and accountability in the Queensland public sector, Final report*, 28 June 2022.

<sup>70</sup> RTI Act, s 188(7).

<sup>71</sup> D McGann, *How to let more sunshine in – Strategic review of the Office of the Information Commissioner, 2022*, 12 December 2022, p 6.

<sup>72</sup> Legislative Assembly of Queensland, Standing Rules and Orders of the Legislative Assembly, standing order 194A.



The committee is reporting to the Assembly on the 2022-23 annual report of the QFCC and other matters relevant to the QFCC by way of this annual report.

### 8.3.1 Examination of the 2022-2023 annual report

During the reporting period, the committee examined the QFCC's 2022-23 annual report which was tabled on 29 September 2023. It also held a public hearing on 29 April 2024 with the Principal Commissioner, Commissioner and 2 other staff from the QFCC. The transcript of the hearing is available on the committee's webpage.

In respect of the QFCC's 2022-23 annual report, the committee notes:

- The QFCC undertook reviews and published reports on the effect of multiple systems (including health, education, housing, employment, child protection, family support and youth justice) on children, young people and families. The QFCC gathered information and insights from young people and families, strategic partners, advisory groups, research bodies and the public to identify and report on trends or emerging issues. Using this data and the QFCC's Child Death Register data, the QFCC improved the sector's understanding of risk factors and supported the development of new policies and practices to reduce harm to children and young people.<sup>73</sup>
- The Child Death Review Board met 6 times during 2022-23. The Board's publications during 2022-23 included *Reviewing the child protection system's response to violence within families*, and *Sudden unexpected death in infancy among vulnerable families in Queensland*.<sup>74</sup>
- Between May 2022 and April 2023, the QFCC featured in 607 media reports (including syndicated coverage), generated through proactive opportunities, reactive media enquiries, or passing mentions.<sup>75</sup> The QFCC website and social media channels also demonstrated positive reach over the last 12 months.<sup>76</sup>
- In 2022-23, the QFCC contributed 25 written submissions with recommendations and advice to state and national reviews and inquiries<sup>77</sup> and oral evidence at various hearings and inquiries.<sup>78</sup>
- On 21 June 2023, the QFCC hosted its first Child Rights Dialogue, which explored child rights decision-making involving children and young people in conflict with the law.<sup>79</sup>
- Various initiatives have been undertaken to engage with and take account of the views of children, young people and their families and uphold the rights of children to participate in decision-making that affects their lives. These include the employment of Youth Advocates, continuation of the Young, Black and Proud scholarships and provision of Youth Week and Children's Week.<sup>80</sup>
- During 2022-23, the QFCC developed and maintained partnerships with a broad range of stakeholder groups. For example, through sharing resources and knowledge with various

<sup>73</sup> QFCC, *Annual Report 2022-23*, pp 13-14.

<sup>74</sup> QFCC, *Annual Report 2022-23*, p 18.

<sup>75</sup> QFCC, *Annual Report 2022-23*, p 46.

<sup>76</sup> QFCC, *Annual Report 2022-23*, p 47.

<sup>77</sup> QFCC, *Annual Report 2022-23*, p 48.

<sup>78</sup> QFCC, *Annual Report 2022-23*, p 49.

<sup>79</sup> QFCC, *Annual Report 2022-23*, p 50.

<sup>80</sup> QFCC, *Annual Report 2022-23*, pp 51-54; Public hearing transcript, Brisbane, 29 April 2024, p 3.

government departments and agencies,<sup>81</sup> the use of data obtained by the Child Death Review Board<sup>82</sup> and the provision of leadership and expert advice on issues impacting young people in Queensland and their families.<sup>83</sup>

- The QFCC undertook a number of activities to assess and review the ability of the QFCC to achieve its vision including conducting a comprehensive internal review of its structure and operating model and implementing a 'value chain' internal operating model,<sup>84</sup> providing advice in respect of a review of the *Family and Child Commission Act 2014*<sup>85</sup> and finalising its *2023–2027 Oversight Framework* and *2023–24 Oversight Forward Workplan*.<sup>86</sup>
- In 2022-23, the QFCC received total revenue of \$12.214 million, down \$1.9 million from the prior year (\$14.110 million in 2021–22). With respect to the reduction in revenue, the QFCC advised that it 'managed its resources prudently'.<sup>87</sup>

### 8.3.2 Committee comment

The committee commends the QFCC for its work in raising awareness about, and researching and advocating on, matters concerning Queensland children, young people and their families. In particular, the committee is pleased to see the QFCC's continuing work to understand and research the over-representation of First Nations children and young people in Queensland's child safety and youth justice systems.

The committee notes the very informative and well-structured annual report which focuses on the main areas of the QFCC's work. The committee also notes the work of the Child Death Review Board since its establishment on 1 July 2020. The QFCC's work in relation to its new strategic plan, governance model, internal policies and procedures is also acknowledged.

The committee appreciates the assistance and information provided by the management and staff of the QFCC which has assisted the committee with its oversight functions.

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<sup>81</sup> QFCC, *Annual Report 2022-23*, pp 55-56; Public hearing transcript, Brisbane, 29 April 2024, p 2.

<sup>82</sup> QFCC, *Annual Report 2022-23*, pp 57-59; Public hearing transcript, Brisbane, 29 April 2024, p 2.

<sup>83</sup> QFCC, *Annual Report 2022-23*, pp 59-61.

<sup>84</sup> QFCC, *Annual Report 2022-23*, p 62.

<sup>85</sup> QFCC, *Annual Report 2022-23*, p 63.

<sup>86</sup> QFCC, *Annual Report 2022-23*, p 63.

<sup>87</sup> QFCC, *Annual Report 2022-23*, p 71.

## 9 Committee expenditure

Committees are funded from the appropriation made to the Legislative Assembly and generate little or no revenue. After funding is allocated for the committee office as a whole, expenditure by individual committees is determined by their specific requirements and volume of work. Travel expenditure is subject to an additional approval process.

In the reporting period, the committee's total expenditure was \$191,855. The committee did not receive any revenue.

Figure 2, below shows the three main areas of expenditure. As that figure illustrates, employee expenses for the secretariat staff who support the committee comprise the vast majority (around 80 per cent) of the committee's expenditure. The committee's secretariat comprises of 3 full time employees and one part-time employee, supplemented with additional resources from across the Committee Office as needed throughout the year.

**Figure 2: Main areas of committee expenditure 13 February 2024 to 30 June 2024**



After staffing expenses, the second largest expense was legal advice, at approximately 15 per cent. The committee used this expenditure to obtain expert briefings on the compliance of legislation with the *Human Rights Act 2019*.

Table 5 provides a more detailed breakdown of the committee's expenditure for the year. As that table shows, meeting expenses, which primarily comprised of broadcast support and catering expenses, were the third largest area of expenditure at approximately 4 per cent.

**Table 5: Committee expenditure, 13 February 2024 to 30 June 2024**

Item	\$
Employee expenses	153,753
Meeting expenses (broadcast support & catering)	6,740
Technology (software licences, telephones, teleconferencing & videoconferencing)	2,796
Legal advice	27,926
Printing and supplies	640
<b>Total expenditure</b>	<b>191,855</b>

## Appendix A: Meeting attendance record

Table 6 below shows the attendance of committee members at private committee meetings (PrM), public briefings (PB) and public hearings (PH) during the reporting period.

Standing Order 202(1) provides that in the case of a committee members' illness or inability to attend, another member may be appointed to attend that meeting or stand in for a particular inquiry. The details of these appointments are included in the footnotes.

**Table 6: Committee meeting attendance record, 13 February 2024 to 30 June 2024**

**Meetings from 13 February 2024 to 19 April 2024**

Meeting Date	Activity	Peter Russo MP	Mark Boothman MP	Stephen Andrew MP <sup>88</sup>	Jonty Bush MP	Jason Hunt MP	Jon Krause MP
14 February 2024	PrM	✓	✓	✓	✓	x <sup>89</sup>	✓
16 February 2024	PrM	✓	✓	x	✓	✓	✓
21 February 2024	PrM	✓	✓	x	✓	✓	✓
26 February 2024	PrM	✓	✓	✓	✓	✓	✓
28 February 2024	PrM	✓	✓	x	✓	✓	✓
4 March 2024	PrM	✓	✓	✓	✓	✓	✓
	PH	✓	✓	✓	✓	✓	✓
8 March 2024	PrM	✓	✓	✓	✓	✓	✓
	PB	✓	✓	✓	✓	✓	✓
18 March 2024	PrM	✓	✓	x	✓	✓	✓
	PH	✓	✓	✓	✓	✓	✓
22 March 2024	PrM	✓	✓	✓	x <sup>90</sup>	✓	✓
	PB	✓	✓	x	x <sup>91</sup>	✓	✓
25 March 2024	PH	✓	✓	✓	✓	✓	✓
	PB	✓	✓	✓	✓	✓	✓

<sup>88</sup> Stephen Andrew MP ceased to be a member of the committee on 19 April 2024.

<sup>89</sup> Tom Smith MP was a substitute member for Jason Hunt MP.

<sup>90</sup> Rob Skelton MP was a substitute member for Jonty Bush MP.

<sup>91</sup> Rob Skelton MP was a substitute member for Jonty Bush MP.

Meeting Date	Activity	Peter Russo MP	Mark Boothman MP	Stephen Andrew MP <sup>88</sup>	Jonty Bush MP	Jason Hunt MP	Jon Krause MP
26 March 2024	PrM	✓	✓	✓	✗ <sup>92</sup>	✓	✓
	PH	✗ <sup>93</sup>	✓	✓	✗ <sup>94</sup>	✓	✓
	PB	✗ <sup>95</sup>	✓	✓	✗ <sup>96</sup>	✓	✓
27 March 2024	PrM	✓	✗ <sup>97</sup>	✓	✗ <sup>98</sup>	✗	✓
	PH	✓	✗ <sup>99</sup>	✓	✗ <sup>100</sup>	✓	✓
	PB	✓	✗ <sup>101</sup>	✓	✗ <sup>102</sup>	✓	✓
2 April 2024	PrM	✓	✓	✓	✓	✓	✓
4 April 2024	PrM	✓	✓	✓	✗ <sup>103</sup>	✓	✓
8 April 2024	PrM	✓	✓	✓	✓	✓	✓
11 April 2024	PrM	✓	✓	✓	✓	✓	✓
15 April 2024	PrM	✓	✓	✓	✓	✓	✓

<sup>92</sup> Rob Skelton MP was a substitute member for Jonty Bush MP.

<sup>93</sup> Kim Richards MP was a substitute member and Acting Chair for Peter Russo MP.

<sup>94</sup> James Martin MP was a substitute member for Jonty Bush MP.

<sup>95</sup> Kim Richards MP was a substitute member and Acting Chair for Peter Russo MP.

<sup>96</sup> Barry O'Rourke MP was a substitute member for Jonty Bush MP.

<sup>97</sup> Michael Crandon MP was a substitute member for Mark Boothman MP. Jon Krause MP was appointed Acting Deputy Chair.

<sup>98</sup> Don Brown MP was a substitute member for Jonty Bush MP.

<sup>99</sup> Michael Crandon MP was a substitute member for Mark Boothman MP. Jon Krause MP was appointed Acting Deputy Chair.

<sup>100</sup> Don Brown MP was a substitute member for Jonty Bush MP.

<sup>101</sup> Michael Crandon MP was a substitute member for Mark Boothman MP. Jon Krause MP was appointed Acting Deputy Chair.

<sup>102</sup> Don Brown MP was a substitute member for Jonty Bush MP.

<sup>103</sup> Jess Pugh MP was a substitute member for Jonty Bush MP.

**Meetings from 19 April 2024 to 30 June 2024**

Meeting Date	Activity	Peter Russo MP	Jon Krause MP	Sandy Bolton MP <sup>104</sup>	Mark Boothman MP	Jonty Bush MP	Jason Hunt MP
29 April 2024	PH	✓	✓	✓	✓	✓	✗ <sup>105</sup>
	PH	✓	✓	✓	✓	✓	✗ <sup>106</sup>
	PH	✓	✓	✓	✓	✓	✗ <sup>107</sup>
	PrM	✓	✗	✓	✓	✓	✗ <sup>108</sup>
3 May 2024	PrM	✓	✓	✗	✓	✓	✓
13 May 2024	PrM	✓	✓	✓	✓	✓	✗ <sup>109</sup>
17 May 2024	PrM	✓	✓	✗	✓	✓	✓
20 May 2024	PrM	✓	✓	✓	✓	✓	✓
22 May 2024	PrM	✓	✓	✓	✓	✓	✓
24 May 2024	PrM	✓	✓	✓	✓	✓	✓
	PH	✓	✓	✓	✓	✓	✓
	PB	✓	✓	✗	✓	✓	✓
31 May 2024	PrM	✓	✓	✓	✓	✓	✓
10 June 2024	PrM	✓	✓	✓	✓	✓	✓
18 June 2024	PrM	✓	✓	✗	✓	✓	✗ <sup>110</sup>

*Legend:* PrM private meeting  
PH public hearing

PB public briefing  
Absent ✗

Present ✓

<sup>104</sup> Sandy Bolton MP commenced as a member of the committee from 19 April 2024.

<sup>105</sup> Ali King MP was a substitute member for Jason Hunt MP.

<sup>106</sup> Ali King MP was a substitute member for Jason Hunt MP.

<sup>107</sup> Ali King MP was a substitute member for Jason Hunt MP.

<sup>108</sup> Ali King MP was a substitute member for Jason Hunt MP.

<sup>109</sup> Mark Bailey MP was a substitute member for Jason Hunt MP.

<sup>110</sup> Kim Richards MP was a substitute member for Jason Hunt MP.