

Justice and Other Legislation Amendment Bill 2026

Statement of Compatibility

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019* (HR Act), I, Deb Frecklington MP, Attorney-General and Minister for Justice and Minister for Integrity, make this statement of compatibility with respect to the Justice and Other Legislation Amendment Bill 2026 (the Bill).

In my opinion, the Bill is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The Bill strengthens criminal laws and occupational licensing legislation to deter the theft of metal from critical infrastructure, construction sites, schools, community facilities and other types of premises, and during times of disaster, with the intent of disincentivising and disrupting the sale and disposal of stolen scrap metal and reducing the harmful impacts of metal theft on Queensland communities.

The Bill amends the *Coroners Act 2003* (Coroners Act) to create immediate efficiencies, ease the pressure on the coronial system, streamline the allocation of coronial resources and expand the reportable deaths framework.

The Bill also amends a broad range of legislation in the justice and integrity portfolio relating to the administration of justice, including civil and criminal proceedings, right to information and information privacy laws, property law, public records, gaming and occupational licensing.

Further details on the amendments, including the policy objectives of the Bill, are set out in the Explanatory Notes.

Human Rights Issues

If human rights may be subject to limitation if the Bill is enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (section 13 HR Act)

Amendments to the *Ombudsman Act 2001* (Ombudsman Act) – Allowing the Queensland Ombudsman to liaise and work with the National Student Ombudsman (NSO)

(a) the nature of the right

The *right to privacy and reputation* (section 25 of the HR Act) protects a person from having their privacy interfered with or their reputation unlawfully attacked.

The Bill limits the right to privacy as it allows the Queensland Ombudsman to transfer to the NSO a student's complaint about an action taken by a higher education provider and provide associated documents and information or share information relating to a complaint, including personal and identifying information.

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the limitation on the right to privacy and reputation is to allow the Queensland Ombudsman to liaise with the NSO in relation to investigating administrative actions and to avoid inappropriate duplication of investigative activity.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

Ensuring the Queensland Ombudsman can liaise effectively with the NSO about investigating administrative actions taken by higher education providers requires disclosing information contained in complaints made by students. Limiting the right to privacy and reputation of students to whom the information relates helps to achieve the purpose.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive ways to effectively achieve the purpose. Liaison between the Queensland Ombudsman and the NSO about investigating complaints of administrative action taken by a higher education provider inherently involves the disclosure of information that will have a corresponding limitation on the right to privacy and reputation for those individuals to whom the information relates.

However, the limitation only goes as far as necessary to achieve the purpose, as the limitation on privacy is mitigated by relevant safeguards on the use of the information, including that the Queensland Ombudsman will be authorised to share information only where it is relevant to the role of the NSO in investigating complaints about actions taken by a higher education provider. Further, the subsequent use or disclosure of information provided by the Queensland Ombudsman to the NSO will be governed by the *Ombudsman Act 1976* (Cth), which provides the information can only be shared for the purposes of assisting certain bodies to perform their functions or duties or exercise its powers. Disclosure of identifying information will only be authorised if the individual to whom it relates consents to the disclosure.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

Disclosing information, including personal and identifying information, will limit the right to privacy and reputation of individuals to whom the information relates but is critical to enabling the Queensland Ombudsman to liaise with the NSO about investigating administrative actions and to avoid inappropriate duplication of investigative activity.

Given the availability of safeguards to mitigate the impact of the limitation, on balance, the limitation is considered proportionate to achieving the purpose. The amendments, therefore, are compatible with human rights.

Amendments to the *Right to Information Act 2009* (Right to Information Act) – vexatious applicant declarations

(a) the nature of the right

The *right to freedom of expression* (section 21 of the HR Act) protects an individual's right to seek, receive and impart information. The Bill limits this right by allowing the Information Commissioner to consider previous Information Privacy Act actions and therefore expands the potential factors that may be considered in determining whether a declaration should be made, limiting a person's ability to apply for information.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the limitation on the right to freedom of expression is to prevent unreasonable interference with agency operations and support the effective functioning of public administration and to ensure public resources are used efficiently.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

Ensuring the Information Commissioner may consider previous Information Privacy Act actions in making a declaration is intended to support existing vexatious applicant provisions in the Right to Information Act. Existing provisions are designed to ensure vexatious applicants cause minimal disruptions to the efficient operation of the Right to Information Act.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive ways to achieve this purpose that would be as effective in supporting the appropriate use of vexatious applicant declarations, particularly where a person has a history of undertaking Information Privacy Act actions which are an abuse of process.

An alternative approach to limit the types of previous Information Privacy Act actions that the Information Commissioner may consider (for example, to past access applications only or to past amendment applications only) does not support the purpose of enabling full consideration of an applicant's previous Information Privacy Act actions.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The limitation is considered to be appropriate in that a number of considerations must be satisfied before the Information Commissioner may make a declaration.

For example, in considering previous Information Privacy Act actions, the Information Commissioner must also be satisfied the applicant repeatedly engaged in access or amendment actions and one of the following applies:

- the repeated engagement involves an abuse of process for an access or amendment action;
- or

- a particular access or amendment action in which the person engages involves, or would involve, an abuse of process for that access or amendment action; or
- a particular access or amendment action in which the person engages would be manifestly unreasonable.

The power of the Information Commissioner to make a declaration is an important element of the balance in the Right to Information Act between conferring a right of access to documents while ensuring that access or amendment actions do not interfere unreasonably with agency operations. The decision to make a declaration is discretionary. Ensuring the Information Commissioner has the power to make a declaration taking into consideration previous Information Privacy Act actions supports the existing power under the Right to Information Act of the Information Commissioner to make a declaration. A decision to make a declaration is reviewable by the Queensland Civil and Administrative Tribunal.

On balance, the purpose of the amendment (to prevent unreasonable interference with agency operations) outweighs the human rights impact on the freedom of expression, given the availability of existing safeguards and processes to determine whether a person should be declared a vexatious applicant.

Amendments to the Right to Information Act – supporting the Queensland Government’s participation in the Australian Government’s scheme for limited use of cyber security information

(a) the nature of the right

The nature of the *right to freedom of expression* (section 21 of the HR Act) is set out above. The proposal limits the right to freedom of expression as it restricts individuals from obtaining access to particular documents or information.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The nature of the purpose of the limitation on the right to freedom of expression is to facilitate the operation of the Australian Government’s Scheme for limited use of cyber security information under the *Cyber Security Act 2024* (Cth) and the *Intelligence Services Act 2001* (Cth), by ensuring information cannot be obtained outside of the Scheme.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

Ensuring that information or documents originating with or received from the ASD or the Coordinator are excluded from the operation of the Right to Information Act is intended to support the Australian Government’s Scheme for limited use of cyber security information. Limiting the right to freedom of expression is necessary to achieve this purpose.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive ways to achieve this purpose. Legislative amendment is required to ensure the relevant information or documents are excluded from the operation of the Right to Information Act.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The scope of the limitation is constrained. The amendments introduce new limitations on documents or information originating with, or received from, the Coordinator only. As the ASD is already captured by Schedule 1, section 1, the amendments will not change the application of the Act to documents or information from the ASD.

On balance, the purpose of the amendments outweighs the impact on the freedom of expression. These amendments support Queensland's participation in the Australian Government's Scheme for limited use of cyber security information and the intention of the Scheme to facilitate the sharing of information in relation to cyber security incidents only.

Amendments to the *Second-hand Dealers and Pawnbrokers Act 2003* (Second-hand Dealers Act) and the Criminal Code – Responding to community concerns about metal theft by strengthening regulatory requirements and increasing penalties for offences

- (a) the nature of the right

The nature of the *right to privacy and reputation* (section 25 of the HR Act) is set out above. Amendments in the Bill will limit a person's *right to privacy and reputation* through the collection and recording of a person's personal information and details for the purpose of verifying the identity of sellers of scrap metal.

The right to property (section 24 of the HR Act) protects the right to own property, including money. This right is limited by way of placing restrictions on the disposal of a person's property (scrap metal) because a person does not satisfy the identity verification requirements, therefore depriving the person of economic interests, particularly money. Increased monetary penalties for certain offences will also limit this right.

The *right to liberty and security* (section 29 of the HR Act) protects against arbitrary deprivations of liberty. Introducing a penalty of imprisonment for unlicensed second-hand dealing in scrap metal and new offences for scrap metal theft will limit this right as it may result in persons being ordered to serve a term of imprisonment or spending longer in prison.

The *right to be presumed innocent* (section 32(1) of the HR Act) is a cornerstone of the criminal law system. This right is limited through the introduction of a reverse onus for the new offence of possession of a prescribed metal item reasonably suspected of being stolen, which requires the defendant to establish that they had no reasonable grounds for suspecting that the prescribed metal item was stolen.

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the amendments to the Second-hand Dealers Act which provide for the collection of personal information and verification requirements is to disincentivise and disrupt the acquisition, sale, and disposal of stolen scrap metal, and enhance detection and enforcement capabilities by increasing transparency and traceability of transactions involving the acquisition, sale, or disposal of scrap metal. Disrupting the acquisition, sale and disposal of

scrap metal ultimately serves to avoid the individual and social harms (such as serious injury or death, financial harm or damage to public infrastructure) caused by scrap metal theft.

The purpose of the amendments to the Second-hand Dealers Act and the Criminal Code which increase penalties and create new offences are to facilitate the effective prosecution of people engaging in metal theft and appropriately reflect the seriousness of the offending and the individual and social harm it can cause.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

Providing for the collection of personal information and verification of a person's identity in a transactions register will help achieve the purpose as it provides valuable data on the source of scrap metal and thereby enhances detection and enforcement.

The maximum penalty for an offence can be seen as a proxy for the seriousness of the offending behaviour and reflects society's condemnation of that behaviour. Increasing penalties therefore helps to achieve the purpose of appropriately reflecting the seriousness of metal theft, particularly where this occurs during or in the lead up to a natural disaster, where the conduct endangers life or health or the operation of a public facility or infrastructure is disrupted. Further, the new offences help to achieve the purpose of facilitating the effective prosecution of people engaging in metal theft by tailoring the elements to the specific behaviours involved with metal theft, and including a reverse onus for one offence.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive alternatives available which would be as effective in increasing transparency and traceability of transactions involving scrap metal. Any alternative which provides for less information would impact on the ability to effectively trace those transactions. Further, the information required is only that information which is necessary to achieve that purpose. With respect to the increased penalties, the seriousness of the conduct, especially in circumstances which place people at serious risk of injury or death, which occur during or in the lead up to a natural disaster, or which disrupt the operation or use of a public facility or infrastructure, means that any lesser penalty would not appropriately reflect this. The changes are only to the maximum penalty, and judicial discretion remains to ensure that sentences are proportionate to the circumstances of each individual case.

An alternative to the new offences would be to rely on existing offences alone, however the continued prevalence of metal theft show that Queensland's laws need to be bolstered to respond to the particular nature of this kind of offending. Another alternative would be to introduce a new offence which did not include a reverse onus, however the nature of metal theft and the surrounding trade makes it difficult to trace ownership once stolen. Requiring the accused to establish that they had no reasonable grounds for suspecting that the prescribed metal item was stolen is the most effective way to facilitate the effective prosecution of metal theft, noting that knowledge will often only be within the knowledge of the accused.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

On balance, the impacts of the proposed amendments are outweighed by the need to address concerns about the substantial impacts and consequences of metal theft across the economy and for local communities. The proposed increase in penalties reflects the seriousness of the offences and the community's denunciation of the conduct. The other amendments are intended to disincentivise and disrupt the theft, acquisition, sale, and disposal of stolen scrap metal while minimising any limitations on human rights and any unnecessary regulatory burdens on business.

Amendments to the Criminal Code – Increasing the minimum financial penalties for stock offences

- (a) the nature of the right

The *right to recognition and equality before the law* (section 15 of the HR Act) encompasses the right to recognition as a person, the right to enjoy human rights without discrimination, and the right to equality and equal protection of the law. The amendments in the Bill increasing the prescribed fine amounts for stock offences will limit the right to recognition and equality before the law as a higher financial penalty may disproportionately impact some persons or groups in the community.

The *right to liberty and security* (section 29 of the HR Act) protects people from unlawful or arbitrary arrest or detention. The amendments in the Bill increasing the prescribed fine amounts for stock offences will limit the right to liberty and security to the extent they may, under enforcement action permitted by the *State Penalty Enforcement Act 1999* (SPE Act), result in imprisonment if the person fails to pay the specified amount. However, any such deprivation of liberty would not be unlawful and would not be arbitrary, as it would occur in accordance with the requirements of the SPE Act.

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the limitations is to ensure sentences imposed for stock offences appropriately reflect the seriousness of the offending and the impacts of the criminal conduct.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The limitations achieve the purpose of ensuring financial penalties for stock offences appropriately reflect the seriousness of the offending behaviour.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill.

There is no less restrictive alternative reasonably available. Retaining the current financial penalties or increasing the penalties by a lesser amount would not achieve the purpose of the amendments.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

On balance, it is considered that the importance of ensuring penalties for stock offences appropriately reflect the seriousness of the offending and the impacts of the criminal conduct outweighs the human rights limitations associated with the increased financial penalties.

Amendments to the Coroners Act – Referral to an investigative or regulatory body

- (a) the nature of the right

The nature of the *right to privacy* (section 25 of the HR Act) is set out above. The amendments limit this right by allowing a coroner to include in their findings or comments a statement that they have referred information to an external entity for investigation (pursuant to the Coroners Act, section 48). From this statement the public may infer that an individual is responsible for, or being investigated for, potential serious criminal liability, corrupt conduct, police misconduct or professional misconduct. This infringes on the right to privacy by creating the opportunity for reputational damage.

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of limiting the right to privacy and reputation is to provide the deceased's family and other stakeholders with confidence in the coronial investigation by reassuring them that the coroner has appropriately referred information for further investigation. It is also to contribute to preventing deaths from happening in similar circumstances in the future. Promoting confidence in the coronial system by increasing transparency and accountability and preventing deaths in similar circumstances are proper purposes consistent with a free and democratic society based on human dignity, equality, and freedom.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

There is a clear and rational connection between the limitation of the right to privacy and the purpose of promoting confidence in the coronial system and preventing similar deaths by increasing transparency. The amendment will directly address family and stakeholders' dissatisfaction with the coronial system based on their perception that the coroner does not refer concerning information to the appropriate oversight bodies for further investigation.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

Alternative options, such as maintaining the status quo, were considered but there is no alternative which would achieve the purpose to the same degree.

The entity that receives information under section 48, retains discretion regarding further investigation and/or prosecution.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The purpose of enhancing public confidence in the coronial system by increasing transparency and preventing similar deaths is important. While the limitation on the right to privacy is relevant, referrals under section 48 are already made publicly and the subject of such a referral is given the right to be heard.

The State Coroner's Guidelines set out the existing safeguards for managing referrals, including that the subject of a possible referral be given the right to make submissions, and that the risk to reputation can be ameliorated by the coroner clarifying the low bar for referrals and that the Director of Public Prosecutions has authority for determining whether charges should be brought.

The amendment seeks only to include a statement in their comments or findings that the information has been referred to another entity. On balance, the important purpose of public confidence and transparency in outcomes for families outweighs the limited impact on the right.

Amendments to the Coroners Act – Appointments to chairperson of the Domestic and Family Violence Death Review and Advisory Board (the Board)

- (a) the nature of the right

The *right to the public service and to public office* (section 23(2) of the HR Act) provides a right of access, on general terms of equality, to positions in the public service, which is interpreted to include the judiciary. The amendment limits this right by imposing eligibility requirements for appointment to the position of chairperson of the Board.

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of this limitation is to expand the cohort of people eligible to chair the Board, in recognition that other coroners may have valuable expertise to bring to the position. This is a proper purpose consistent with a free and democratic society based on human dignity, equality, and freedom.

If the Minister chooses to appoint an appropriately qualified coroner to this position, this will also reduce the workload of the State Coroner or a Deputy State Coroner.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The existing provision (Coroners Act, section 91K) provides that the Minister may appoint either the State Coroner or a Deputy State Coroner as chairperson of the Board. The amendment expands the eligibility requirements to include other coroners who are appropriately qualified; however, the overall effect of the provision will be to impose strict eligibility requirements for this public service position, thus limiting the right of access on equal terms to positions in the public service. The amendment will achieve the purpose of increasing the pool of appropriate candidates who may be appointed to chair the Board.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There is no less restrictive way to achieve the policy purpose. Alternative options were considered to not include eligibility requirements; however, eligibility limitations must be included because it is essential that the chair of the Board have subject-matter expertise in domestic and family violence related deaths in order to perform the role's functions.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The limitation on the right is minor and reflects appropriate and transparent appointment requirements for a position of this nature. On balance the purpose outweighs the limited impact on the right.

Amendments to the Coroners Act – Expansion of the reportable deaths framework

(a) the nature of the right

The amendment limits *the right to privacy* (section 25 of the HR Act) by requiring the death in care of a Disability Support for Older Australians (DSOA) client to be subject to the processes of coronial investigations, which may include publication and dissemination of confidential and personal information about the family of the deceased or a person whose conduct is subject to investigation.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the limitation is to ensure that any deaths of people with disability in Queensland who receive supports under the DSOA Program are appropriately reported and investigated, to help prevent deaths from similar causes happening in the future. This is a proper purpose consistent with a free and democratic society based on human dignity, equality, and freedom.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

Existing provisions under the Coroners Act require a coroner to investigate a reportable death, which includes a death in care, and hold an inquest into a death in care in circumstances that raise issues about the deceased person's care. A person who becomes aware of a reportable death must report it to a coroner or police officer. Expanding the definition of a death in care to include a DSOA client will require the death to be reported to and investigated by the coroner and will allow the coroner to make comments on ways to prevent deaths from happening in similar circumstances in the future.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive and reasonably available alternative ways to ensure the deaths of DSOA clients in Queensland are appropriately reported, investigated and prevented from happening similarly in the future. The amendments will be subject to the existing safeguards in

the Coroners Act regarding the disclosure of personal and confidential information, including requirements for accessing investigation documents and a coroner's power to impose access conditions or make non-publication orders.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The purpose of reporting and investigating the deaths of DSOA clients in Queensland to help prevent similar deaths from happening in the future is important. While the limitation on the right to privacy and reputation is relevant, the extent of the limitation is mitigated by the existing safeguards in the Coroners Act. On balance, the importance of the purpose outweighs the impact on the right.

Amendments to the Police Service Administration Act 1990, the Supreme Court of Queensland Act 1991, the District Court of Queensland Act 1967 and the Magistrates Court Act 1921 – Disclosure of Information to Accredited Media Entities

- (a) the nature of the right

The nature of the rights to privacy and reputation (section 25 of the HR Act) and freedom of expression (section 21 of the HR Act) are set out above.

The disclosure of information about an alleged offender may affect their reputation and right to privacy as the amendments will increase the media's ability to track an individual's court proceedings and therefore may result in increased court attendance by reporters and reporting of proceedings.

The amendments provide for a criminal offence for the intentional or reckless on-disclosure of the name of the alleged offender and will therefore limit the freedom of expression.

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the limitations is to provide accredited media entities with information which is necessary to track defendants through the criminal justice system so they can attend and report on the matter. There is a strong public interest in ensuring that media can attend particular proceedings to accurately and fairly report on the proceedings, particularly in a transparent democratic society.

This purpose is consistent with open justice and supporting public confidence in the justice system.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The amendments facilitate the timely and transparent disclosure of information to journalists. Without such information it would not be possible for the media to locate the location of the relevant court proceeding and to report on matters before the courts. The creation of a new offence ensures that information can only be provided for that purpose.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill.

There are no less restrictive alternatives which would achieve the purpose to the same degree. For example, relying only on law lists would significantly impact the ability for media entities to effectively track offenders who have been the subject of a QPS media release as the release does not include the offenders' names. While it may be possible for the media entities to make certain connections between the information available on a QPS media release and the law list, this would impede accurate and timely tracking and reporting.

The amendments also only go as far as necessary to achieve the purpose. For both the PSA Act and Courts Act amendments, only *alleged offender information* is able to be disclosed. The amendments define *alleged offender information* to include: (1) the alleged offender's name; (2) details of court proceedings for the offence; (3) the charges on which the alleged offender is to appear; and, (4) any reference number assigned by the QPS.

The amendments limit disclosure under the PSA Act to offending that has been subject of a QPS media release and therefore there is a limited group of persons who may be affected by these amendments.

The amendments only allow information to be disclosed to an accredited media entity as defined in the Supreme Court's media accreditation policy.

The amendments provide for a criminal offence for the intentional or reckless on-disclosure of the name of the alleged offender as a safeguard to help prevent the use of an alleged offender's name for any purpose other than facilitating the attendance of media. This safeguard only applies to information obtained through the disclosure mechanism and does not limit the publication of the same information should it become lawfully accessible to the public.

There is no less restrictive way to achieve the purpose.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

On balance, the impact on human rights is relatively minor when compared to the significant public interest in supporting the accurate and timely reporting on criminal matters. In addition, this facilitates open justice and supporting public confidence in the justice system.

The amendments only provide for the provision of information which is necessary to achieve that purpose, and there are appropriate safeguards such as the creation of a new offence which help to ensure the limitations are appropriately tailored.

Accordingly, I consider the importance of the purpose outweighs the impact on human rights, and that the amendments are therefore compatible.

Conclusion

In my opinion, the Bill is compatible with human rights under the Human Rights Act because it limits human rights only to the extent that is reasonable and demonstrably justified in accordance with section 13 of the Act.

DEB FRECKLINGTON MP
Attorney-General and Minister for Justice
Minister for Integrity

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