

Annual Report

2020-21

Report No. 13, 57th Parliament
Legal Affairs and Safety Committee
October 2021

Legal Affairs and Safety Committee

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1 Legal Affairs and Safety Committee

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

The committee's primary areas of responsibility include:

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

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

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

The committee also has oversight responsibility for the Information Commissioner, the Queensland Ombudsman, the Queensland Family and Child Commission and the appointment of the Electoral Commissioner.

2 Annual report

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

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

This report provides a summary of the activities of the committee since its establishment on 26 November 2020 to 30 June 2021.

3 Inquiries and reports

The committee considered a number of issues and tabled 10 reports during the 2020-2021 financial year. The committee's reports and inquiries are discussed below.

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

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

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

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

3.1 Examination of bills

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

- the policy to be given effect by the legislation
- the application of fundamental legislative principles
- matters arising under the *Human Rights Act 2019*
- for subordinate legislation – its lawfulness.⁴

3.1.1 Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Bill 2020 (Report No. 3)

On 26 November 2020, the Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Bill 2020 was referred to the committee for examination and report.

The objectives of the Bill included implementing all 5 recommendations of the Queensland Law Reform Commission (QLRC), as detailed in its report *Review of consent laws and the excuse of mistake of fact* (QLRC report), by clarifying aspects of the existing law in the Criminal Code (the Code) on consent and the excuse of mistake of fact.

During its examination of the Bill, the committee received 47 submissions, received a public briefing from the Department of Justice and Attorney-General (DJAG), the Queensland Police Service, and the Queensland Racing Integrity Commission on 16 December 2020; received written advice from DJAG, and held a public hearing on 21 January 2021.

The committee tabled its report on 12 February 2021 and made 4 recommendations including:

- That the Bill be passed.
- That the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence undertake consultation with key stakeholder groups as a matter of urgency in regards to addressing sexual violence in Queensland, including examining the experience of women in the criminal justice system as a whole and possible future areas for reform such as attitudinal change, prevention, early intervention, service responses and legislative amendments as necessary.
- That the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence give consideration to the application of chapter 32 of the Criminal Code as it relates to youth offenders.
- That further amendments be made to permit the Fidelity Guarantee Fund to provide resourcing for measures likely to have a material effect in minimising the risk or magnitude of misappropriations.

The Queensland Government supported all recommendations, and the Bill was passed with amendment on 25 March 2021.

3.1.2 Liquor (Artisan Liquor) Amendment Bill 2020 (Report No. 4)

On 26 November 2020, the Liquor (Artisan Liquor) Amendment Bill 2020 was referred to the committee for examination and report.

⁴ *Parliament of Queensland Act 2001*, s 93; and *Human Rights Act 2019* (HRA), ss 39, 40, 41 and 57.

The objective of the Bill was to give effect to Queensland Government commitments under the Queensland Craft Brewing Strategy and particular recommendations arising from the Entrepreneurial Pipeline Project Report.

During its examination of the Bill, the committee received two submissions, received a public briefing about the Bill from the Department of Justice and Attorney-General (DJAG), Department of Employment, Small Business and Training and Department of Regional Development and Manufacturing (DRDM) on 16 December 2020; received written advice from DJAG in response to matters raised in submissions, and held a public hearing on 21 January 2021.

The committee tabled its report on 12 February 2021 and recommended that the Bill be passed.

The Bill was passed on 13 May 2021.

3.1.3 2020-21 Budget Estimates (Report No. 2)

On 1 December 2020, the Appropriation (2020-2021) Bill 2020 and the estimates for the committee's areas of responsibility were referred to the committee for investigation and report.

The committee held a public hearing on 14 December 2020 at which it questioned the Attorney-General and Minister for Justice, the Minister for Police and Minister for Corrective Services, and the Minister for Fire and Emergency Services, as well as other witnesses, regarding the proposed expenditures for the committee's portfolio areas.

The committee tabled its report together with its Volume of Additional Information on 12 February 2021 with one recommendation, being that the proposed expenditure, as detailed in the Appropriation (2020-2021) Bill 2020 for the committee's areas of responsibility, be agreed to by the Legislative Assembly without amendment.

The Appropriation (2020-2021) Bill 2020 was passed on 24 February 2021.

3.1.4 Youth Justice and Other Legislation Amendment Bill 2021 (Report No. 7)

On 25 February 2021, the Youth Justice and Other Legislation Amendment Bill 2021 was referred to the committee for examination and report.

The objectives of the Bill were to amend the *Youth Justice Act 1999* to respond to the characteristics of the offending behaviours of serious recidivist youth offenders, strengthen the youth justice bail framework, and enact a range of amendments to the *Police Powers and Responsibilities Act 2000* in relation to knife crime and vehicle hooning offences.

During its examination of the Bill, the committee received 83 submissions; received a public briefing about the Bill from the Queensland Police Service and the Department of Children, Youth Justice, and Multicultural Affairs on 8 March 2021; received written advice from the agencies about issues raised in the submissions, and held 7 public hearings including:

- Mount Isa on 16 March 2021
- Cairns on 17 and 18 March 2021
- Townsville on 18 and 19 March 2021
- Brisbane on 22 March 2021
- Gold Coast on 26 March 2021

The committee tabled its report on 16 April 2021 and recommended that the Bill be passed.

The Bill was passed with amendment on 22 April 2021.

3.1.5 Defamation (Model Provisions) and Other Legislation Amendment Bill 2021 (Report No. 9)

On 20 April 2021, the Defamation (Model Provisions) and Other Legislation Amendment Bill 2021 was referred to the committee for examination and report.

The principal object of this Bill was to amend the *Defamation Act 2005* and the *Limitation of Actions Act 1974* to implement the Model Defamation Amendment Provisions 2020.

During its examination of the Bill, the committee received six submissions and a public briefing about the Bill from the Department of Justice and Attorney-General (DJAG) and the Department of Transport and Main Roads on 10 May 2021. The committee also received written advice from DJAG in response to matters raised in submissions.

The committee tabled its report on 4 June 2021 and recommended that the Bill be passed.

The Bill was passed on 16 June 2021.

3.1.6 Consideration of 2021-22 portfolio budget estimates

On 15 June 2021, the Appropriation Bill 2021 and the estimates for the committee's areas of responsibility were referred to the committee for investigation and report by 20 August 2021.

3.2 Examination of subordinate legislation

3.2.1 Subordinate legislation tabled on 14 July 2020 (Report No. 1)

On 30 November 2020, the committee tabled Report No. 1: Subordinate legislation tabled on 14 July 2020. The report advised of the committee's findings with respect to:

- No. 122 - Adoption Regulation 2020

The committee did not identify any significant policy issues or issues relating to fundamental legislative principles, human rights compatibility, or lawfulness of the subordinate legislation. The committee considered a potential human rights issue raised by SL 122 of 2020, and concluded that the identified limitation on human rights was reasonable and demonstrably justifiable.

The committee also considered that the explanatory notes tabled with the subordinate legislation complied with the requirements of section 4 of the *Legislative Standards Act 1992* and that the human rights certificate tabled with the subordinate legislation provided a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

3.2.2 Subordinate legislation tabled between 15 July 2020 and 2 October 2020 (Report No. 5)

On 18 February 2021, the committee tabled Report No. 5: Subordinate legislation tabled between 15 July 2020 and 2 October 2020. The report advised of the committee's findings with respect to the following subordinate legislation:

- No. 140 - Legal Profession (Society Rules) Amendment Notice (No. 2) 2020
- No. 141 - Guardianship and Administration and Other Legislation Amendment (Postponement) Regulation (No. 2) 2020
- No. 142 - Proclamation No. 2—*Justice and Other Legislation Amendment Act 2020* (commencing remaining provisions)
- No. 143 - Justice Legislation (Fees, Allowances and Other Amounts) Amendment Regulation 2020
- No. 144 - Electoral Amendment Regulation 2020
- No. 145 - State Buildings Protective Security Amendment Regulation 2020
- No. 153 - Domestic and Family Violence Protection (COVID-19 Emergency Response) Regulation 2020
- No. 155 - Weapons Legislation (Replica Firearms) Amendment Regulation 2020
- No. 165 - Criminal Proceeds Confiscation (Corresponding Laws and Serious Criminal Offences) Amendment Regulation 2020

- No. 166 - Peace and Good Behaviour Regulation 2020
- No. 175 - Disaster Management (Further Extension of Disaster Situation—COVID-19) Regulation (No. 5) 2020
- No. 177 - Gaming Tax Notice (No. 2) 2020
- No. 179 - Proclamation—*Co-operatives National Law Act 2020* (commencing remaining provisions)
- No. 180 - Co-operatives National Law Regulation 2020
- No. 181 - Proclamation—*Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020* (commencing certain provisions)
- No. 215 - Electoral and Other Legislation Amendment Regulation (No. 2) 2020
- Exempt - Public Trustee (Fees and Charges Notice) (No. 1) 2020
- No. 234 - Retail Shop Leases and Other Commercial Leases (COVID-19 Emergency Response) Amendment Regulation
- No. 250 - Justice Legislation (COVID-19 Emergency Response— Community Titles Schemes and Other Matters) Regulation 2020

The committee did not identify any significant policy issues or issues relating to fundamental legislative principles, human rights compatibility, or lawfulness of the subordinate legislation. The committee considered potential issues of fundamental legislative principle in SL 144, SL 153, SL 155, SL 165, SL 175, SL 215, SL 234, and SL 250 of 2020 and concluded that sufficient regard had been given to the rights and liberties of individuals. The committee also considered potential human rights issues raised by SL 143, SL 144, SL 145, SL 153, SL 155, SL 165, SL 166, SL 175, SL 234, SL 250 of 2020 and the Public Trustee (Fees and Charges Notice) (No. 1) 2020, and concluded that the identified limitations on human rights were reasonable and demonstrably justifiable.

The committee also considered that the explanatory notes tabled with the subordinate legislation complied with the requirements of section 4 of the LSA, with a small note regarding SL 234, and that the human rights certificates tabled with the subordinate legislation provided a sufficient level of information to facilitate understanding of the subordinate legislation in relation to compatibility with human rights.

3.2.3 Subordinate legislation tabled between 3 October 2020 and 26 November 2020 (Report No. 6)

On 18 March 2021, the committee tabled Report No. 6: Subordinate legislation tabled between 3 October 2020 and 26 November 2020. The report advised of the committee's findings with respect to the following subordinate legislation:

- No. 191 - Human Rights Regulation 2020
- No. 192 - Liquor (Closed-circuit Television Equipment) Amendment Regulation 2020
- No. 211 - Police Service Administration and Other Legislation Amendment Regulation 2020
- No. 212 - Proclamation made under *the Corrective Services and Other Legislation Amendment Act 2020*
- No. 216 - Legal Profession (Society Rules) Amendment Notice (No. 3) 2020
- No. 219 - Public Trustee (Interest Rate) Amendment Regulation (No. 2) 2020
- No. 229 - Body Corporate and Community Management (Accommodation Module) Regulation 2020
- No. 230 - Body Corporate and Community Management (Commercial Module) Regulation 2020

- No. 231 - Body Corporate and Community Management (Small Schemes Module) Regulation 2020
- No. 232 - Body Corporate and Community Management (Specified Two-lot Schemes Module) Amendment Regulation 2020
- No. 233 - Body Corporate and Community Management (Standard Module) Regulation 2020
- No. 238 - Justices (Computer Warrants) Amendment Regulation 2020
- No. 239 - Criminal Practice Amendment Rule 2020
- No. 245 - Disaster Management (Further Extension of Disaster Situation—COVID-19) Regulation (No. 6) 2020

The committee did not identify any significant policy issues or issues relating to fundamental legislative principles, human rights compatibility, or lawfulness of the subordinate legislation. The committee considered potential issues of fundamental legislative principle in SL 211, SL 229, SL 230, SL 231, SL 232, SL 233, and SL 245 of 2020 and concluded that sufficient regard had been given to the rights and liberties of individuals. The committee also considered potential human rights issues raised by SL 191, SL 211, SL 229, SL 230, SL 231, SL 232, SL 233, and SL 245 of 2020, and concluded that the identified limitations on human rights were reasonable and demonstrably justifiable.

The committee also considered that the explanatory notes tabled with the subordinate legislation complied with the requirements of section 4 of the LSA, and that the human rights certificates tabled with the subordinate legislation provided a sufficient level of information to facilitate understanding of the subordinate legislation in relation to compatibility with human rights.

3.2.4 Subordinate legislation tabled between 27 November 2020 and 13 April 2021 (Report No. 8)

On 10 May 2021, the committee tabled Report No. 8: Subordinate legislation tabled between 27 November 2020 and 13 April 2021. The report advised of the committee's findings with respect to the following subordinate legislation:

- No. 256 - Disaster Management (Further Extension of Disaster Situation—COVID-19) Regulation (No. 7) 2020
- No. 262 - Liquor (Kowanyama) Amendment Regulation 2020
- No. 263 - Public Trustee (Interest Rate) Amendment Regulation (No. 3) 2020
- No. 266 - Gaming Tax Amendment Notice 2020
- Other - Takeaway liquor authority notices numbers 8, 9, 10 and 11
- Other - Takeaway liquor authority notice number 12
- No. 1 - Public Trustee (Interest Rate) Amendment Regulation 2021
- No. 4 - State Penalties Enforcement (Public Health) Amendment Regulation 2021
- No. 7 - Retail Shop Leases and Other Commercial Leases (COVID19 Emergency Response) Amendment Regulation 2021
- No. 11 - Uniform Civil Procedure (Fees) and Other Legislation Amendment Regulation 2021
- No. 13 - Body Corporate and Community Management Legislation Amendment Regulation 2021
- No. 14 - Electoral (Provision of Information on Electoral Rolls) Amendment Regulation 2021
- No. 15 - Proclamation No. 2—*Corrective Services and Other Legislation Amendment Act 2020* (commencing certain provisions)
- No. 16 - Community Based Sentences (Interstate Transfer) Regulation 2021

- No. 20 - Disaster Management (Further Extension of Disaster Situation—COVID-19) Regulation 2021
- Other - Takeaway liquor authority notice number 13

The committee did not identify any significant policy issues or issues relating to fundamental legislative principles, human rights compatibility, or lawfulness of the subordinate legislation. The committee considered potential issues of fundamental legislative principle in SL 256 of 2020, SL 1, SL 7, SL 14, and SL 20 of 2021 and concluded that sufficient regard had been given to the rights and liberties of individuals. The committee also considered potential human rights issues raised by SL 256 and SL 263 of 2020, SL 4, SL 7, SL 11, SL 14, and SL 20 of 2021, and concluded that the identified limitations on human rights were reasonable and demonstrably justifiable.

The committee also considered that the explanatory notes tabled with the subordinate legislation complied with the requirements of section 4 of the LSA unless noted below, and that the human rights certificates tabled with the subordinate legislation provided a sufficient level of information to facilitate understanding of the subordinate legislation in relation to compatibility with human rights unless noted below.

The committee commented on the explanatory notes tabled with SL 7 and the human rights certificate tabled with SL 256.

3.2.5 Subordinate legislation tabled between 14 April 2021 and 11 May 2021 (Report No. 10)

On 22 June 2021, the committee tabled Report No. 10: Subordinate legislation tabled between 14 April 2021 and 11 May 2021. The report advised of the committee's findings with respect to the following subordinate legislation:

- No. 24 - Proclamation made under the *Associations Incorporation and Other Legislation Amendment Act 2020*
- No. 28 - Justice Legislation (COVID-19 Emergency Response – Documents and Oaths) Amendment Regulation 2021
- No. 30 - Legal Profession (Society Rules) Amendment Notice 2021
- No. 31 - Associations Incorporation and Other Legislation Amendment (Postponement) Regulation 2021
- No. 32 - Proclamation made under the *Liquor (Artisan Liquor) Amendment Act 2021*
- No. 35 - Liquor (Artisan Liquor) Amendment Regulation 2021
- No. 39 - Legal Profession Amendment Regulation 2021

The committee did not identify any significant policy issues or issues relating to fundamental legislative principles, human rights compatibility, or lawfulness of the subordinate legislation.

The committee also considered that the explanatory notes tabled with the subordinate legislation complied with the requirements of section 4 of the LSA, and that the human rights certificates tabled with the subordinate legislation provided a sufficient level of information to facilitate understanding of the subordinate legislation in relation to compatibility with human rights.

3.3 Statutory oversight

3.3.1 Office of the Queensland Ombudsman

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

The committee held a public meeting on 14 June 2021 with the Ombudsman and three of his officers.

3.3.2 Information Commissioner

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

The committee will hold a public meeting in the next quarter with the Information Commissioner, the Privacy Commissioner and the Acting Right to Information Commissioner.

3.3.3 Queensland Family and Child Commission

Queensland Legislative Assembly Standing Rules and Orders (SO 194A) set out the committee's oversight functions in relation to the Queensland Family and Child Commission.

As part of its oversight functions, the committee held a public meeting with officers from the Queensland Family and Child Commission on 14 June 2021.

3.3.4 Electoral Commissioner

The committee was not required to perform its oversight functions in relation to the Electoral Commission Queensland during the reporting period.

3.4 Public accounts and public works

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

3.5 Other inquiries – referred by the Legislative Assembly

3.5.1 Inquiry into serious vilification and hate crimes

On 21 April 2021 the Legislative Assembly agreed:

1. That the Legal Affairs and Safety Committee inquire into and report to the Legislative Assembly on:
 - (a) the nature and extent of hate crimes and serious vilification in Queensland and whether there is evidence of increasing instances of serious vilification in Queensland
 - (b) the effectiveness of section 131A of the *Anti-Discrimination Act 1991* (the Act) and other existing Queensland laws responding to hate crimes.
2. That the committee consider:
 - (a) the Options Paper: Serious vilification and hate crime: The need for legislative reform
 - (b) the interaction of Queensland and Commonwealth legislation in relation to online vilification
 - (c) the effectiveness of activities and programs of the Queensland Government (including the Queensland Police Service and Office of the Director of Public Prosecutions) and the Commonwealth Government responding to hate crime, including record keeping practices
 - (d) the *Human Rights Act 2019* (HR Act) and any rights which are engaged by the current law and any proposals for reform, including a human rights analysis under section 13 of the HR Act for any recommended legislative amendments, as well as constitutional limitations
 - (e) the current legal framework and relevant reports, reviews and inquiries in other Australian and international jurisdictions
 - (f) the appropriateness of the conciliation-based anti-discrimination framework (s 124A of the Act).
3. That the committee report to the Legislative Assembly by 31 January 2022.

The committee also held a public briefing on 24 May 2021 with the Department of Children, Youth Justice and Multicultural Affairs; the Queensland Police Service; Multicultural Australia; and the Queensland Human Rights Commission. The committee held private briefings with a representative from the Office of the Commonwealth Director of Public Prosecutions on 24 May 2021 and with

representatives from the Australian Federal Police on 18 June 2021. The closing date for submissions is in the next quarter with public hearings to follow.

3.6 Consideration of Queensland Audit Office Reports to Parliament

3.6.1 Auditor-General's Report to Parliament 5: 2020-21 Responding to complaints from people with impaired capacity - Part 1: The Public Trustee of Queensland

The Auditor-General's report titled *Responding to complaints from people with impaired capacity – Part 1: The Public Trustee of Queensland* was tabled on 14 September 2020 and referred to the committee on 3 December 2020. The report examined how well Queensland's guardianship and administration system manages complaints, to improve the protection of people with impaired decision-making capacity. Part 1 of the findings examines whether the Public Trustee of Queensland (PTQ) has effective systems and processes to receive, manage and review complaints about financial administration; how timely its responses were; and the effectiveness of the complaint management system (CMS). Part 1 also contains recommendations for improvements to the current system.

Among the QAO findings in respect of PTQ complaints handling processes were that:

- PTQ acknowledged receipt of a complaint within 5 days, 99% of the time.
- 80% of total complaints received were resolved within target time frames.
- Simple complaints were fixed quickly but 47% of moderately complex complaints were not resolved within target time frames.
- PTQ has proper complaints management policies and procedures and the internal complaints handling process follows good practice.
- CMS policies and procedures could be written more clearly — the CMS is not easy enough to navigate or understand and is not properly designed for people with impaired capacity.
- CMS information is written but is not in easy English or supported by pictures to explain concepts, nor are there options such as video or audio for people with impaired capacity, disability or non-English speakers.
- The CMS information technology system does not support staff to efficiently record, manage or report on complaints which might mean that not all complaint information is correctly recorded.
- PTQ has a team of people to coordinate and monitor the CMS but most complaints are handled by regional staff who are insufficiently trained in complaints management.
- PTQ has not formally evaluated the effectiveness of the CMS, nor does it seek feedback from customers about its complaint handling, missing possible opportunities for improvement.
- PTQ has implemented over 40 improvements as part of its Customers First Agenda plan which plans to improve service delivery for all of its customer but does not include specific plans to improve complaints management.
- The QAO noted that implementation of the Customers First Agenda will address many of the issues raised in the QAO report.

The QAO recommended that the PTQ:

- Monitors and reports on how many complaints are finalised within target time frames.
- Improves the ease of use of the CMS by making information clearer and easier to understand (using alternative language or video/audio/graphics) and offering an online complaint form with options for persons with hearing or speech difficulties.
- Make the complaint management (CM) policy easier to understand.

- Improve its CM information technology system with better controls over data, automatic reminders and notifications of due dates and overdue complaints and recording all information needed to manage complaints effectively.
- Improve CM training for staff including targeted training in handling complaints from customers with impaired capacity and reviewing training effectiveness.
- Improve system and process effectiveness by seeking customer feedback on complaints handling, developing better data to identify issues and inform improvement and measure and report on performance.

As part of its consideration of the report, the committee requested an update on the progress of the recommendations from the Acting Public Trustee of Queensland which was provided. The committee is satisfied with that response.

3.6.2 Auditor-General's Report to Parliament 8: 2020-21 Regulating firearms

The Auditor-General's report titled *Regulating firearms* was tabled on 27 November 2020 and referred to the committee on 3 December 2020.

The report examined matters relating to the regulation of firearms. The objective of the QAO's audit was to assess whether QPS effectively regulates the acquisition, possession, use and disposal of registered firearms to ensure community safety. The audit concluded that the QPS could regulate the acquisition, possession, use and disposal of registered firearms more effectively for greater community protection.

The Auditor-General's report recommended that the Queensland Police Service:

1. evaluate system options to provide a fit-for-purpose Weapons Licensing Management System (firearms register) to ensure timely and accurate recording and transfer of all firearms and licence holders' information
2. implement appropriate controls to ensure firearm licence decisions are consistent and made in accordance with relevant standards
3. review the *Weapons Act 1990* to identify opportunities for improvement, with greater focus on public safety
4. develop clear policy on the role firearm regulation plays in balancing community safety with the rights of applicants and licence holders, particularly regarding public interest
5. enhance integration of its weapons licensing systems with its Queensland Police Reporting Information Management Exchange System to enable it to monitor firearm licence holders more effectively
6. supplement its random firearm inspections with targeted risk-based inspections
7. expand the focus of its compliance monitoring program to include a more comprehensive assessment of firearm owners and their ongoing suitability to possess firearms
8. establish processes to ensure all identified non-compliance and licence holder suitability is monitored, reported, and actioned within a reasonable timeframe
9. proactively inspect shooting ranges to ensure compliance with relevant standards. This should include creating an electronic register of persons that use firearms at shooting ranges to ensure they are appropriately vetted
10. ensure that it is immediately notified electronically of the sale, transfer, and disposal of firearms by amending the *Weapons Regulation 2016* to allow electronic notification of ownership/disposal transactions and to require all dealers to implement systems for the electronic transfer of firearms by sale, transfer, acquisition and disposal

11. develop a proactive compliance program for audits and inspections to ensure it regulates dealers effectively
12. monitor the transfer of interstate firearms to ensure the location and ownership of firearms in Queensland is accurately captured in the firearms register
13. eliminate the backlog of firearm transfer forms to ensure the location of firearms in the firearms register is up to date and accurate.

As part of its consideration of the report, the committee requested an update on the progress of the recommendations from the Queensland Police Service, which was provided. The committee is satisfied with that response.

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

The Auditor-General's report titled *Responding to complaints from people with impaired capacity - Part 2: The Public Guardian* was tabled on 16 February 2021 and referred to the committee on 24 February 2021. The report examined how well Queensland's guardianship and administration system manages complaints to improve the protection of adults with impaired decision-making capacity. Part 2 of the report examines whether the Office of the Public Guardian (OPG) has effective systems and processes to receive, manage and review complaints; how timely its responses were; and the effectiveness of the complaint management system (CMS). Part 2 also contains recommendations for improvements to the current system.

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

- The OPG reports on the number of complaints resolved within and outside of target time frames; however, data errors mean there is a risk that OPG's complaints reports are inaccurate.
- OPG does not sufficiently measure or report actual response times for complaints, or trends over time.
- QAO analysis of 2019-20 complaints data found that 36% of complaints were not resolved within target time frames (however, almost a third of complaints were excluded from the analysis due to poor data).
- OPG's CMS is not properly designed for people with impaired capacity.
- The CMS is not easy to navigate or understand which limits the ability to make a complaint.
- CMS information is written but is not in easy English or supported by pictures to explain concepts, nor are there options such as video or audio for people with impaired capacity or disability.
- OPG has proper complaints management policies and procedures and the internal complaints handling process follows good practice.
- CMS policies and procedures could be written more clearly.
- The CMS information technology system is fit for purpose but OPG staff are not following the process properly or using the system consistently, which leads to poor record keeping and poor data which in turn makes it difficult to assess if OPG is managing complaints effectively.
- OPG staff need clearer guidance on how to receive, record, respond to, and report on, complaints.
- Staff need more support and specific guidance on the complaints management (CM) process.
- OPG has not formally evaluated the effectiveness of the CMS, nor does it seek feedback from customers about its complaint handling, missing possible opportunities for improvement.
- OPG's complaints data is not good enough to analyse how well its systems and processes work.

- OPG has recently developed a CM focus report that includes observations and learnings and suggested some improvements but the QAO found that there was no formal action plan or evidence that the changes have occurred.

The QAO recommended that the OPG:

- Monitors complaint response times and reports on how many complaints are finalised within target time frames.
- Improves the ease of use of the CMS by making information clearer and easier to understand (using alternative language or video/audio/graphics) and offering an online complaint form.
- Make the CM policy and procedure easier to understand.
- Ensure all complaints received are recorded accurately, and on time, including those received and resolved at a local level.
- Improve CM training and support for staff including targeted training in handling complaints from customers with impaired decision-making capacity, finalising and implementing its internal CM procedure to provide staff with better guidance and support, and review training effectiveness.
- Improve system and process effectiveness by seeking client feedback on complaints handling, developing better data to identify issues and inform improvement, and measure and report on performance.

As part of its consideration of this report, the committee will be seeking an update from the Public Guardian on the progress of these recommendations.

4 Committee expenditure

The committee had no revenue during 2020-21. The committee is funded from the appropriation made to the Legislative Assembly. The expenditure of the committee from 26 November 2020 to 30 June 2021 is shown in the table below.

Item	\$
Staff salaries and related expenses ⁵	205,786
Business travel	39,583
Printing and supplies	1,904
Legal Advice	4,500
Technology costs	3,491
Meeting expenses and miscellaneous	8,795
Expenditure Total	264,059

⁵ These figures reflect a three person secretariat supporting the committee. The committee's staffing might have been supplemented with additional resources from general Committee Office staff throughout the year.

5 Meeting attendance record

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

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

Meeting Date	Activity	Peter Russo MP	Laura Gerber MP	Sandy Bolton MP	Jonty Bush MP	Jason Hunt MP	Andrew Powell MP
30/11/20	PM	✓	✓	✓	✓	✓	x ⁶
3/12/20	PM	✓	✓	✓	✓	✓	x ⁷
14/12/20	PM	✓	✓	✓	✓	✓	✓
	PH	✓	✓	✓	✓	✓	✓
16/12/20	PM	✓	✓	✓	✓	✓	✓
	PB	✓	✓	✓	✓	✓	✓
13/1/21	PM	✓	✓	✓	✓	✓	✓
19/1/21	PM	✓	✓	✓	x	x	✓
21/1/21	PM	✓	✓	✓	✓	✓	✓
	PH	✓	✓	✓	✓	✓	✓
	PH	✓	✓	✓	✓	✓	✓
5/2/21	PM	✓	✓	✓	x	x	✓
10/2/21	PM	✓	✓	✓	✓	✓	✓
11/2/21	PM	✓	✓	✓	✓	✓	✓
22/2/21	PM	✓	✓	✓	✓	✓	✓
	PrB	✓	✓	✓	✓	✓	✓
	PrB	✓	✓	✓	✓	✓	✓

⁶ Sam O'Connor MP replaced Andrew Powell MP as committee member on 30 November 2020 under SO 202(1)

⁷ Sam O'Connor MP replaced Andrew Powell MP as committee member on 30 November 2020 under SO 202(1)

Meeting Date	Activity	Peter Russo MP	Laura Gerber MP	Sandy Bolton MP	Jonty Bush MP	Jason Hunt MP	Andrew Powell MP
	PrB	✓	✓	✓	✓	✓	✓
26/2/21	PM	✓	✓	✓	✓	✓	✓
3/3/21	PM	✓	✓	✓	✓	✓	✓
8/3/21	PM	✓	✓	✓	✓	✓	✓
	PB ⁸	✓	✓	✓	✓	✓	✓
10/3/21	PM	✓	✓	✓	x	✓	✓
12/3/21	PM	x	✓	✓	✓	x	✓
16/3/21 ⁹	PH ¹⁰ Mt Isa	✓	x ¹¹	✓	✓	x ¹²	x
	PH ¹³ Mt Isa	✓	x ¹⁴	✓	✓		x
17/3/21	PH ¹⁵ Cairns	✓	✓	✓	✓		✓
	PrH ¹⁶ Cairns	✓	✓	✓	✓		✓
18/3/21	PH ¹⁷ Cairns	✓	✓	✓	✓	x ¹⁸	✓

⁸ Michael Berkman MP was in attendance as a participating member

⁹ Subcommittee – Peter Russo MP, Sandy Bolton MP, Jonty Bush MP

¹⁰ Robbie Katter MP was in attendance as a participating member

¹¹ Mark Boothman MP replaced Laura Gerber MP as Deputy Chair and committee member on 16 March 2021 under SO 202(1)

¹² Kim Richards MP replaced Jason Hunt MP as a committee member from 16 - 19 March 2021 under SO 202(1)

¹³ Robbie Katter MP was in attendance as a participating member

¹⁴ Mark Boothman MP replaced Laura Gerber MP as Deputy Chair and committee member on 16 March 2021 under SO 202(1)

¹⁵ Shane Knuth MP and Michael Berkman MP were in attendance as a participating members

¹⁶ Shane Knuth MP and Michael Berkman MP were in attendance as a participating members

¹⁷ Michael Berkman MP was in attendance as a participating member

¹⁸ Kim Richards MP replaced Jason Hunt MP as a committee member from 16 - 19 March 2021 under SO202(1)

Meeting Date	Activity	Peter Russo MP	Laura Gerber MP	Sandy Bolton MP	Jonty Bush MP	Jason Hunt MP	Andrew Powell MP
	PrH Cairns	✓	✓	✓	✓		✓
	PH Townsville	✓	✓	✓	✓		✓
	PH ¹⁹ Townsville	✓	✓	✓	✓		✓
	PM	✓	✓	✓	✓		✓
19/3/21	PM	✓	✓	✓	✓		✓
	PH ²⁰ Townsville	✓	✓	✓	✓		✓
22/3/21	PM	✓	✓	✓	✓	✓	✓
	PH ²¹	✓	✓	✓	✓	✓	✓ ²²
26/3/21	PH ²³ Gold Coast	✓	✓	x ²⁴	✓	✓	✓
14/4/21	PM	✓	✓	✓	✓	✓	✓
19/4/21	PM	✓	✓	✓	✓	✓	✓
23/4/21	PM	✓	✓	✓	✓	✓	✓
30/4/21	PM	✓	✓	✓	✓	✓	✓
10/5/21	PM	✓	✓	✓	✓	✓	✓

¹⁹ Aaron Harper MP and Michael Berkman MP were in attendance as participating members

²⁰ Aaron Harper MP, Dale Last MP, Nick Dametto MP and Michael Berkman MP were in attendance as participating members

²¹ Michael Berkman MP was in attendance as a participating member

²² Jon Krause MP replaced Andrew Powell MP as a committee member for part of the hearing on 22 March 2021 under SO 202(1)

²³ Sam O'Connor MP was in attendance as a participating member

²⁴ Ray Stevens MP replaced Sandy Bolton MP as a committee member on 26 March 2021 under SO 202(1)

Meeting Date	Activity	Peter Russo MP	Laura Gerber MP	Sandy Bolton MP	Jonty Bush MP	Jason Hunt MP	Andrew Powell MP
	PB	✓	✓	✓	✓	✓	✓
13/5/21	PM	✓	✓	✓	✓	✓	✓
24/5/21	PM	✓	✓	✓	✓	✓	✓
	PB	✓	✓	✓	✓	✓	✓
	PB	✓	✓	✓	✓	✓	✓
27/5/21	PM	✓	✓	✓	✗	✓	✓
2/6/21	PM	✓	✓	✓	✗ ²⁵	✓	✓
14/6/21	PM	✓	✓	✓	✓	✓	✗
	PH	✓	✓	✓	✓	✓	✓
	PH	✓	✓	✓	✓	✓	✗
18/6/21	PrB	✓	✓	✓	✗	✓	✓
23/6/21	PM	✓	✓	✓	✓	✓	✓

Legend:

PB public briefing
 PH public hearing
 PM private meeting
 PrB private briefing
 PrH private hearing



Peter Russo MP

Chair

October 2021

²⁵ Kim Richards MP replaced Jonty Bush MP as committee member on 2 June 2021 under SO 202(1).