



For reply please quote: 2032T/RA – TF/21/27972 – DOC/21/236658

Department of the
Premier and Cabinet

Mr Linus Power MP
Chair
Economics and Governance Committee
egc@parliament.qld.gov.au

Dear Mr Power

Thank you for the Economics and Governance Committee's (the Committee) email to the Department of the Premier and Cabinet (DPC) on 15 November 2021 regarding a potential fundamental legislative principle/human rights issue identified by the Committee during their consideration of the Brisbane Olympic and Paralympic Games Arrangements Bill 2021 (the Bill).

Clause 30(2) of the Bill creates a new offence for a person who possesses criminal history information because the person is (or has been) a director or another person involved in administration of the Act to disclose another person's criminal history information other than as provided for under clause 30(3). The maximum penalty for breach of this provision is 100 penalty units.

The Committee has noted that clause 30 of the Bill, which deals with 'Confidentiality of criminal history information', does not contain any requirement for the destruction of criminal history information after it is no longer needed for the purpose for which it was given.

During the drafting process, DPC contemplated the inclusion of such a requirement. It was considered that destroying criminal history information was only one of several potential administrative steps that could be taken to help ensure confidentiality in accordance with clause 30(2). This includes the secure storage of information and placing organisational restrictions on the access to information. Such provisions were not considered necessary to include in the Bill. Further, the persons referenced in clause 30 of the Bill will need to abide by the *Information Privacy Act 2009* and related guides.

As a result, I believe the Premier's Statement of Compatibility with Human Rights and the Explanatory Notes tabled with the Bill sufficiently deal with any potential human rights or fundamental legislative principle issues related to privacy.

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For the benefit of the Committee, I also wish to use this opportunity to provide the following clarification with respect to page 6, paragraphs 20–23 of the transcript from the public briefing on 4 November 2021, which states:

Mrs McMAHON: What was the role of the Gold Coast in being involved in COMSEQ and when did they come on board?

Ms Petersen: I cannot confirm the exact dates but when I was involved COMSEQ really led the process right back from about 2015. It is thanks to them that we are here today, really. I understand that the City of Gold Coast was not a member of COMSEQ through most of the duration of those deliberations, but they did join. I would have to get the exact date for you.

Mr Murray: April 2020.

Ms Petersen: April 2020 we believe, but we can confirm that precisely. They now are involved, I understand, as a COMSEQ member.

I understand that while the City of Gold Coast voted to become a member of COMSEQ on 20 April 2020 (effective from 1 July 2020), they subsequently voted to end their membership on 8 June 2021 (effective from 30 June 2021) and are not currently a member of COMSEQ.

I trust this information is of assistance to the Committee. If the Committee's support staff have any further queries on these matters, please contact Mr Michael Murray, Director, Policy, 2032 Taskforce, DPC on telephone (07) [REDACTED] or by email at [REDACTED].

Yours sincerely



Rachel Hunter
Director-General

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