

# Justice and Other Legislation Amendment Bill 2026

**Submission No:** 005  
**Submission By:** Australia's Right to Know coalition of media organisations  
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COMMUNITY  
BROADCASTING  
ASSOCIATION OF  
AUSTRALIA



19 March 2026

Justice, Integrity and Community Safety Committee  
Parliament House  
George St  
BRISBANE QLD 4000  
By email: [jicsc@parliament.qld.gov.au](mailto:jicsc@parliament.qld.gov.au)

Dear Committee Secretary,

Australia's Right to Know coalition of media organisations (**ARTK**) appreciates the opportunity to make this submission to the Queensland Justice, Integrity and Community Safety Committee inquiry into the *Justice and Other Legislation Amendment Bill 2026 (the Bill)*. This submission comments on clauses 60, 95, 105 – 108 and 145 of the Bill only.

According to materials associated with the Bill, these provisions amend the *District Court of Queensland Act 1967*, the *Magistrates Court Act 1921*, the *Police Service Administration Act 1990 (the PSA Act)* and the *Supreme Court of Queensland Act 1991* to:

- Give effect to current practice and ensure media are able to obtain details about the upcoming court appearances of an offender where the details of the alleged offending have been the subject of a media release from the Queensland Police Service; and
- In the case of the three court acts, to provide a legislative basis for the longstanding practice of disclosing a detailed law list to media.

#### **POLICE SERVICE ADMINISTRATION ACT AMENDMENTS**

ARTK would support amendments to the PSA Act that improve the process and support ongoing communications between the media and the QPS. However, the Bill does neither of those things.

The amendments at clauses 105 – 108 of the Bill seek to remedy the legislative uncertainty introduced in 2023 when section 10.1 of the PSA Act was amended.

For reference, before 2023, s. 10.1 was an uncontroversial prohibition on current or former Queensland Police Service (QPS) officers or staff members disclosing information they had access to in the course of their employment for purposes extraneous to doing their job and/or the requirements of the law. Similar provisions are commonplace in legislation governing the various parts of the public service Australia wide.

The effect of the amendments in the Bill is that ‘new’ s. 10.1 is considerably broader than the previous s. 10.1, exposing both QPS officers and staff, and publishers and journalists to liability.

Policing is inherently about people and the QPS’s day to day dealings are replete with personal information. To make a disclosure consistent with new s. 10.1, the QPS must be satisfied that confidential information is already publicly available or that one of the exemptions in subsection 10.1(4) or sections 10.2 – 10.2V of the PSA Act apply. In the case of an enquiry by a journalist, unless the person the information is about has consented to it being disclosed – which would be unusual in the case of a person charged with offending, as they would prefer it not be made public – the only relevant exemption is section 10.2 which allows the Commissioner to give written authorisation for the disclosure of information in QPS’s possession.

In practice, this amendment has imposed a burden on both the QPS and journalists. Specifically, journalists are now required to make an email application to the QPS whenever they need information about offending in the form circulated by the department in February 2025; the QPS is then required to determine whether information they hold is already publicly available and, if not, whether it should be the subject of a disclosure authorisation by the Commissioner.

In more detail, the starting point to clauses 105 – 108 is that the new sections 10.2CB – 10.2CE of the PSA Act (which the Bill inserts) only apply if the Commissioner publishes a formal public statement on the website informing the public that an adult has been charged with offending. We understand that QPS press releases are published on average three (3) times per day. The QPS Queensland Reported Offence Number data indicates that an average of 148,281 offenses were recorded each month<sup>1</sup>. This means the vast majority of charges laid in Queensland will not be subject to the regime established by the Bill.

If the Commissioner has published a press release indicating an adult has been charged and a journalist is given information pursuant to the new sections of the PSA Act, then the potential risks of using that information depend on whether what is being used is the alleged offender’s name or the charges, details of the alleged offenders court proceedings and/or file numbers. The Bill does not authorise the disclosure of any other information to an accredited media entity.

### **QPS Discloses the Charges, Details of Court Proceedings and/or File Numbers**

An accredited media entity who obtains information about charges, the details of court proceedings and/or file numbers from QPS can only use this information to attend court.<sup>2</sup> It is not an offence pursuant to ss.

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<sup>1</sup> <https://www.police.qld.gov.au/maps-and-statistics>

<sup>2</sup> New ss. 10.2CC(8)

10.2CE(2) or any other section of the PSA Act to disclose this information. However because the Bill imposes a duty upon accredited media entities to refrain from doing something, enacting the Bill unamended would open the door to live questions about whether an alleged accused could bring proceedings against an accredited media entity who published information about the accused's charges, the details of court proceedings and/or file numbers obtained from the QPS for a breach of statutory duty and/or for negligence: *Jane Doe v Australian Broadcasting Corporation & Others* [2007] VCC 281.

This part of the new regime is further complicated by the fact that the restraint on an accredited media entity disclosing the charges, details of the court proceedings and file numbers does not lapse since subsections 10.2CE(3) and (4) only apply to the name of the alleged offender. That brings us back to square one: if a journalist wants to publish the charges, details of the court proceedings and file numbers which have been obtained from the QPS then they would need a s. 10.2 authorisation from the Commissioner to do so. It makes no sense that the restraint on publishing an alleged offender's name may lapse but not the restraint on publishing the charges.

It is also worth noting that not all QPS press releases set out exact charges an adult is facing.<sup>3</sup> In those cases, a journalist would have to get that information from the QPS but all they can do with it is attend court: without a s. 10.2 authorisation they can't report it. And that remains the case even if the charges become publicly available and are, consequently, no longer confidential information insofar as s. 10.1 is concerned.

Lastly, while a journalist who obtains information under these new provisions can disclose an alleged offender's name to another journalist to enable them to attend court proceedings concerning that accused, the first journalist cannot tell the second what court the proceedings are being held in, what date and time they have been listed for or what file numbers have been allocated by the QPS to the case. If the point of allowing an alleged offender's name to be share is to facilitate the proceedings being reported then this drafting makes no sense. Of course, if a journalist were to ignore the restraint and share that information anyway it would not be an offence but it would potentially expose the accredited media entity and the journalist to civil liability as discussed above.

### **Where the AOI is the Alleged Offender's Name**

It is an offence to intentionally or recklessly disclose the alleged offender's name obtained from QPS unless one of the exemptions in subsections 10.2CE(3) and (4) applies, noting that every publication by an accredited media entity should be intentional. The subsections 10.2CE(3) and (4) exemptions do not include:

- Making and disseminating a report of the fact the alleged offender has been charged; or
- Making and disseminating a report of court proceedings concerning the alleged offender;

whether alleged offender's name is already in publicly available or not.

What is allowed is disclosure of an offender's name once it is "lawfully accessible to the public in connection with the offence". However, since "lawfully accessible to the public in connection with the offence" is not a defined term there is no certainty as to when this exemption applies, exposing accredited media entities and journalists to unnecessary risk:

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<sup>3</sup>For example, see <https://mypolice.qld.gov.au/news/2026/03/11/179-people-charged-on-321-offences-during-proactive-patrols-in-brisbanes-north/>

- Does the offender’s name have to be published in a particular place, way, time, date or by a particular person in order to be “lawfully accessible”?
- What happens if someone who appears to have the authority to make an alleged offender’s name public, such as a police officer, unlawfully makes the name accessible?
- What if an allegedly offender’s name is first published by a citizen journalist or a member of the public in circumstances where there is no court order or automatic statutory restraint prohibiting the name from being disclosed?

In addition, the s.10.2CE(4) requirement that the alleged offender’s name be “lawfully accessible” sets the bar higher than s. 10.1 which merely requires that it be “publicly available” before it ceases being confidential information the QPS cannot disclose.

These vagaries of the Bill encourage journalists to seek out alternative sources of information to bypass these new provisions entirely. For example:

- If one media organisation was first to a major crime scene and was able to ascertain the name of an accused from witnesses on site or other non-QPS sources with sufficient certainty, they could proceed to name the alleged offender without limitation while other media entities who arrive later – and as a result have to get the details from the QPS – would have to comply with the amendments;
- If a journalist attends a particular court without any prior contact with the QPS, sits through the list and takes care to note the name of each alleged offender as their matters are called, or notes this information down from court lists posted outside the courtroom, they don’t have to comply with the amendments; whereas another journalist who is only in court because they first got information about the listing from the QPS would have to comply.

This is not only inefficient but the inability to confirm details such as the correct spelling of names and charges without potentially limiting what can be published and when is fraught with risk. We also note this is not in service of open justice.

## **THE COURTS ACTS AMENDMENTS**

The amendments to each of the court acts have the same effect described above except the changes apply to any information that “may” be given by a Registrar to an accredited media entity about an alleged offender and does not require the issuing of a press release before any information can be disclosed.

The explanatory note to the Bill indicates that the amendments to the court acts are intended to “provide a legislative basis for the provision of a law list to accredited media entities”. However, there are no references to law lists anywhere in the drafting or, indeed, any references to the Registrar providing information about any alleged offender the accredited media entity has not enquired about.

ARTK submits that rather than giving comfort that a Registrar can provide a list as the Bill purportedly intends, it has the opposite effect. A law list can be comprising of only one matter but would more commonly list multiple alleged offenders. A bail list, for example, could easily run 40 or 50 different names. The Bill is couched solely in terms of conveying information about “an” alleged offender. One person: not the person the journalist has enquired about plus information about 49 other people.

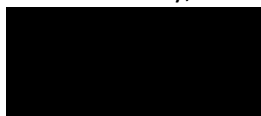
## Way Forward

ARTK's principle submission is that the drafting and tabling of these parts of the Bill were rushed and they should not proceed at all.

If ARTK's position is untenable to the Committee then Annexure A to this letter proposes some amendments to clauses 60, 95, 107 and 145 of the Bill which we submit would better achieve the outcomes the Government has indicated it is seeking while resolving the issues outlined above.

As the ongoing relationship with the QPS and Queensland's court is of the utmost importance to news media organisations, we thank the Committee for considering these important amendments.

Yours sincerely,



On behalf of Australia's Right to Know coalition of media organisation

## ANNEXURE A

### Clause 60 Insertion of new ss 40A and 40B

After section 40-

*insert-*

#### **40A Disclosure of alleged offender information to accredited media entities**

- (1) A registrar ~~must~~ **may** disclose alleged offender information to an accredited media entity **on request**.
- (2) **A registrar may disclose alleged offender information in answer to ss. 40A(1) request:**
  - (a) **by providing the accredited media with a court list which includes alleged offender information about other alleged offenders; and/or**
  - (b) **in any other way the registrar determines to be appropriate in the circumstances.**
- (3) The accredited media entity may use the alleged offender information only to the extent necessary to attend a court proceeding relating to the offence.
- (4) A person who gains, or has access to, alleged offender information disclosed to an accredited media entity under this section must not-
  - (a) intentionally disclose the name of the alleged offender to anyone, other than under this section; or
  - (b) recklessly disclose the name of the alleged offender to anyone.Maximum penalty-20 penalty units.
- (5) However, the person may disclose **alleged offender information** ~~the name of the alleged offender~~ to another person (the **recipient**) if-
  - (a) the recipient is an employee, contractor or agent of the accredited media entity; and
  - (b) the disclosure is necessary to enable the recipient, or another employee, contractor or agent of the accredited media entity, to attend a court proceeding relating to the offence.
- (6) Also, the person may disclose **alleged offender information** ~~the name of the alleged offender-~~
  - (a) if the **alleged offender information** ~~the name of the alleged offender~~ is **publicly accessible** ~~lawfully accessible to the public~~ in connection with the offence; or
  - (b) **in making, publishing or broadcasting a report about the alleged offender's charges;**
  - (c) **in making, publishing or broadcasting a report about any court proceedings involving the alleged offender;**
  - (d) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal; or
  - (e) to the extent the disclosure is otherwise required or permitted under an Act or law.
- (7) In this section-  
**accredited media entity** means an entity listed as an accredited media entity in the Supreme Court's media accreditation policy.

**alleged offender** means an adult who has been charged with an offence by a police officer.

**alleged offender information** means the following information about an alleged offender for an offence-

- (a) the name of the alleged offender;
- (b) the charges brought against the alleged offender for the offence;
- (c) details of court proceedings for the offence, including the proposed date, location and court file number;
- (d) any reference number assigned by the police service to the alleged offender in relation to the offence.

### Clause 95 Insertion of new ss 3BA and 3BB

After section 3B-

*insert-*

#### **38A Disclosure of alleged offender information to accredited media entities**

- (1) A registrar of a Magistrates Court ~~must~~ ~~may~~ disclose alleged offender information to an accredited media entity **on request**.
- (2) **A registrar may disclose alleged offender information in answer to ss. 40A(1) request:**
  - (a) **by providing the accredited media with a court list which includes alleged offender information about other alleged offenders; and/or**
  - (b) **in any other way the registrar determines to be appropriate in the circumstances.**
- (3) The accredited media entity may use the alleged offender information only to the extent necessary to enable the entity to attend a court proceeding relating to the offence.
- (4) A person who gains, or has access to, alleged offender information disclosed to an accredited media entity under this section must ~~not~~
  - (a) intentionally disclose the name of the alleged offender to anyone, other than under this section; or
  - (b) recklessly disclose the name of the alleged offender to anyone.Maximum penalty-20 penalty units.
- (5) However, the person may disclose the **alleged offender information** ~~name of the alleged offender~~ to another person (the **recipient**) if-
  - (a) the recipient is an employee, contractor or agent of the accredited media entity; and
  - (b) the disclosure is necessary to enable the recipient, or another employee, contractor or agent of the accredited media entity, to attend a court proceeding relating to the offence.
- (1) Also, the person may disclose the **alleged offender information** ~~name of the alleged offender~~ -
  - (a) if the **alleged offender information** ~~the name of the alleged offender~~ is **publicly accessible** ~~lawfully accessible to the public~~ in connection with the offence; or

- (b) in making, publishing or broadcasting a report about the alleged offender's charges;
  - (c) in making, publishing or broadcasting a report about any court proceedings involving the alleged offender;
  - (d) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal;  
or
  - (e) to the extent the disclosure is otherwise required or permitted under an Act or law.
- (2) In this section-
- accredited media entity** means an entity listed as an accredited media entity in the Supreme Court's media accreditation policy.
- alleged offender** means an adult who has been charged with an offence by a police officer.
- alleged offender information** means the following information about an alleged offender for an offence-
- (a) the name of the alleged offender;
  - (b) the charges brought against the alleged offender for the offence;
  - (c) details of court proceedings for the offence, including the proposed date, location and court file number;
  - (d) any reference number assigned by the police service to the alleged offender in relation to the offence.

#### Clause 107 Insertion of new ss 10.2CB–10.2CE

Before section 10.2D-

*insert-*

##### **10.2CB Definitions for subdivision**

In this subdivision-

**accredited media entity** means an entity listed as an accredited media entity in the Supreme Court's media accreditation policy.

**alleged offender**, for an offence, see section 10.2CC(l)(b).

**alleged offender information** means the following information about an alleged offender for an offence-

- (a) the name of the alleged offender;
- (b) the charges brought against the alleged offender for the offence;
- (c) details of court proceedings for the offence, including the proposed date, location and court file number;
- (d) any reference number assigned by the service to the alleged offender in relation to the offence.

##### **10.2CC Requirement to disclose alleged offender information to accredited media entities**

~~(1) This section applies if-~~

~~(a) the commissioner publishes a formal public statement (a~~

~~media release) on the commissioner's website about an offence; and~~

~~(b) the media release includes a statement that an adult (the alleged offender) has been charged with the offence by a police officer.~~

- (1) If an accredited media entity asks the commissioner for alleged offender information for ~~an~~ **the** offence, the commissioner must disclose to the entity the alleged offender information that is in the possession of the commissioner.
- (2) The commissioner must comply with the requirements prescribed by regulation in relation to the disclosure.
- (3) However, the commissioner must not disclose the name of the alleged offender to the extent disclosure is restricted or prohibited under an order of a court.
- (4) The commissioner may enter into an arrangement with the chief executive (justice) for the disclosure of alleged offender information by the chief executive (justice) to an accredited media entity.
- (5) If an arrangement mentioned in subsection (5) is in effect-
  - (a) Subsections (2) to (4) apply in relation to the chief executive (justice) as if a reference to the commission in those provisions included a reference to the chief executive (justice); and
  - (b) section 10.2CD applies in relation to the chief executive (justice).
- (3) For subsection (6)(a), subsections (2) to (4) apply in relation to alleged offender information in the possession of the chief executive (justice), regardless of whether the chief executive (justice) possesses the information under the arrangement or for another reason.
- (4) The accredited media entity may use the alleged offender information disclosed under this section only to the extent necessary to enable the entity to attend a court proceeding relating to the offence.
- (5) In this section-  
**chief executive (justice)** means the chief executive of the department in which the *Supreme Court of Queensland Act 1991* is administered.

#### **10.2CD Protection from liability**

- (1) This section applies if a person, acting honestly and without negligence, discloses alleged offender information to an accredited media entity under section 10.2CC.
- (2) The person is not liable civilly, criminally or under an administrative process for disclosing the information.
- (3) If subsection (2) prevents civil liability attaching to a person, the liability attaches instead to the State.
- (4) This section does not apply to the extent the person is protected from civil liability under-
  - (a) section 10.5; or
  - (b) the *Public Sector Act 2022*, section 269.

#### **10.CE Further disclosure of alleged offender information prohibited**

- (1) This section applies in relation to a person who gains, or has access to, alleged offender information disclosed to an accredited media entity under section 10.2CC for an offence.
- (2) The person must not-
  - (a) intentionally disclose the name of the alleged offender to anyone, other than under this section; or
  - (b) recklessly disclose the name of the alleged offender to anyone.Maximum penalty-20 penalty units.
- (3) However, the person may disclose the **alleged offender information** ~~name of the alleged offender~~ to another person (the **recipient**) if-
  - (a) the recipient is an employee, contractor or agent of the accredited media entity; and
  - (b) the disclosure is necessary to enable the recipient, or another employee, contractor or agent of the accredited media entity, to attend a court proceeding relating to the offence.
- (4) Also, the person may disclose the **alleged offender information** ~~name of the alleged offender~~ -
  - (a) if the **alleged offender information** ~~the name of the alleged offender~~ is **publicly accessible** ~~lawfully accessible to the public~~ in connection with the offence; or
  - (b) **in making, publishing or broadcasting a report about the alleged offender's charges;**
  - (c) **in making, publishing or broadcasting a report about any court proceedings involving the alleged offender;**
  - (d) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal; or
  - (e) to the extent the disclosure is otherwise required or permitted under an Act or law.

#### **Clause 145 Insertion of new ss72A and 72B**

After section 72-

*insert-*

#### **72A Disclosure of alleged offender information to accredited media entities**

- (1) A registrar ~~must~~ **may** disclose alleged offender information to an accredited media entity **on request**.
- (2) **A registrar may disclose alleged offender information in answer to ss. 40A(1) request:**
  - (a) **by providing the accredited media with a court list which includes alleged offender information about other alleged offenders; and/or**
  - (b) **in any other way the registrar determines to be appropriate in the circumstances.**
- (3) The accredited media entity may use the alleged offender information only to the extent necessary to enable the entity to attend a court proceeding relating to the offence.
- (4) A person who gains, or has access to, alleged offender information disclosed to

an accredited media entity under this section must not-

- (e) intentionally disclose the name of the alleged offender to anyone, other than under this section; or
- (f) recklessly disclose the name of the alleged offender to anyone.

Maximum penalty-20 penalty units.

- (4) However, the person may disclose the **alleged offender information** ~~name of the alleged offender~~ to another person (the **recipient**) if-
  - (a) the recipient is an employee, contractor or agent of the accredited media entity; and
  - (b) the disclosure is necessary to enable the recipient, or another employee, contractor or agent of the accredited media entity, to attend a court proceeding relating to the offence.
- (5) Also, the person may disclose the **alleged offender information** ~~name of the alleged offender~~ -
  - (a) if the **alleged offender information** ~~the name of the alleged offender~~ is **publicly accessible** ~~lawfully accessible to the public~~ in connection with the offence; or
  - (b) **in making, publishing or broadcasting a report about the alleged offender's charges;**
  - (c) **in making, publishing or broadcasting a report about any court proceedings involving the alleged offender;**
  - (d) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal; or
  - (e) to the extent the disclosure is otherwise required or permitted under an Act or law.
- (7) In this section-
  - accredited media entity** means an entity listed as an accredited media entity in the court's media accreditation policy.
  - alleged offender** means an adult who has been charged with an offence by a police officer.
  - alleged offender information** means the following information about an alleged offender for an offence-
    - (a) the name of the alleged offender;
    - (b) the charges brought against the alleged offender for the offence;
    - (c) details of court proceedings for the offence, including the proposed date, location and court file number;
    - (d) any reference number assigned by the police service to the alleged offender in relation to the offence.