



Your ref: A141008
Our ref: EDOCS 2015-01837(P1)



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3 April 2017

Mr Duncan Pegg MP
Chair
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Pegg

I refer to your letter of 29 March 2017, inviting my submissions regarding the *Crime and Corruption and Other Legislation Amendment Bill 2017*.

I am pleased to provide my comments, which I hope will assist the Committee in its consideration of the Bill. In general terms, I can advise the Committee that my Office and the Crime and Corruption Commission continue to have a positive and productive relationship in managing our respective roles. This includes, from time to time, the exchange of information related to complaints, matters and investigations.

I will limit my comments on the Bill to the proposed amendments to the *Ombudsman Act 2001*.

The Bill includes amendments to the Ombudsman Act which will:

- (i) convert the existing grounds for disclosure under s.92(2)(a) and (b) into stand-alone criteria on which an officer of the Ombudsman may disclose information;
- (ii) allow me to disclose information to a Commonwealth agency when I consider they have a proper interest for the performance of their functions; and
- (iii) enable me to liaise with the Commonwealth Ombudsman and State and Territory equivalents, when appropriate.

The Bill broadens the circumstances in, and organisations to, which information may be disclosed, subject to specific protections about the disclosure. For example, s.91A does not extend to non-government entities and disclosure by an officer of the Ombudsman under s.91A(1)(a) can only occur if the agency has a proper interest in the information for the performance of the agency's functions.

The Bill inserts a new s.91A (Disclosure of information). Subsection (1) provides that information obtained in the performance of a function of the Ombudsman may be disclosed to an agency if:

- (a) the Ombudsman considers the agency has a proper interest in the information for the performance of the agency's functions; or
- (b) the disclosure is for the purpose of protecting the health, safety or security of a person or property.

These grounds for disclosure, which were previously in section 92(2), are no longer cumulative in nature.

Subsection (2) notes that the ability to disclose information under s.91A(1) does not apply to information that an officer of the Ombudsman has been provided by the Crime and Corruption Commission under s.213 of the *Crime and Corruption Act 2001* on the understanding, express or implied, that the information is confidential. For the purposes of s.91A, the term 'agency' is expanded to include: an agency of the Commonwealth; the Ombudsman under the *Ombudsman Act 1976* (Cwlth); and an Ombudsman under the law of another State (which includes other Australian states and territories). This broader definition will enable me to more effectively handle complaints which have an interface with Commonwealth agencies, for example, complaints about universities or TAFE colleges. Other subsequent amendments in the Bill facilitate these new powers.

The amendments to the Ombudsman Act are welcome, and will assist me in performing my role more effectively and in a way which reflects contemporary expectations that oversight bodies will collaborate to maximise their benefit to the community.

Yours sincerely



Phil Clarke
Queensland Ombudsman