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11 April 2013

Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Liquor and Gaming (Red Tape
Reduction) and Other Legislation
Amendment Bill 2013 - Submission
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By post and email to: lacsc@parliament.qld.gov.au

Dear Research Director

**LIQUOR AND GAMING (RED TAPE REDUCTION) AND OTHER LEGISLATION
AMENDMENT BILL 2013**

Thank you for providing Queensland Law Society with the opportunity to comment on the *Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013* (the Bill).

Please note that in the time available to the Society and the commitments of our committee members, it is not suggested that this submission represents an exhaustive review of the Bill. It is therefore possible that there are issues relating to unintended drafting consequences or fundamental legislative principles which we have not identified.

We make the following comments for your consideration.

Amendment of the Supreme Court Library Act 1968**Clause 178 – Insertion of new part 3 and schedule 1***Access rights and QGIS*

We agree with the establishment of the Queensland Sentencing Information Service (QGIS) set out in clause 178. We note that section 18(3) indicates that the Committee may allow access to the QGIS database "to any entity for a purpose mentioned in section 17(2)." We note the purpose in section 17(2) is "to help with the administration of the criminal justice system by, for example, helping the courts achieve consistency in sentencing." Further, the explanatory notes state that the intention is to "extend access to QGIS to certain entities including prosecuting agencies, community legal centres and legal practitioners."¹ We applaud the decision to ensure these entities have access to the database, and suggest that

¹ Explanatory Notes, *Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013* (Qld), 19.


access rights to QGIS should be extended to the Queensland Law Society and its members and various educational and research institutions. This will enable the Society and universities to undertake much needed research on sentencing matters in the area of criminal justice. We submit that consideration should be given to whether the purpose noted in section 17(2) extends to include access by the Queensland Law Society and research facilities.

Restricted information

The Society considers that access to sentencing information through QGIS is a valuable resource for the administration of the criminal justice system. However, we note that s18(5) of the Bill states that access to restricted information can be allowed "despite any other Act that restricts or prohibits the disclosure of sentencing information". Clause 174 inserts s2(2) which defines restricted information as "sentencing information in the QGIS database, the disclosure of which is prohibited under an Act or order of a court." We are concerned that restricted information could include or make apparent among other things, the names and details of child defendants or victims. We submit that information of this nature, if made available by QGIS, should be de-identified.

Thank you for providing the Society with the opportunity to comment on this Bill. Please contact our Policy Solicitor, Ms Raylene D'Cruz on (07) 3842 5884 or r.dacruz@qls.com.au or Ms Jennifer Roan on (07) 3842 5885 or j.roan@qls.com.au for further information.

Yours faithfully



Annette Bradfield
President