



Our Ref: CC00406
Your Ref:

Submission No 131

5 April 2000

The Research Director
Legal, Constitutional and Administrative Review Committee
Parliament House
George Street
BRISBANE QLD. 4000

Dear Ms. Newton

RE: REVIEW OF THE FREEDOM OF INFORMATION ACT 1991 (QLD)

Thank you for your letter of 7 February 2000 enclosing the Committee's Discussion Paper No. 1 and inviting further submissions from the Commission.

QCC is monitoring the review of FOI legislation with great interest but, as you would appreciate, the Commission's core functions are those of a law enforcement agency and its focus needs to be on those FOI issues which impact on the performance of its principal functions.

QCC notes that at page 20 of the Discussion Paper reference is made to the Committee's consideration of suggestions made in a number of submissions to amend the list of bodies in Section 11(1) of the Act. No doubt QCC's submission forwarded to you on 14 May 1999 is one of those under consideration. The Commission has advanced its proposals and supporting propositions in this regard in its submission and does not wish to add anything further at this stage.

Having said that, there is another issue, not addressed in the earlier submission, upon which QCC would like to comment. That issue is "Post-trial use of evidence of a personal nature" (page 54 of the Discussion Paper). QCC's functions include the investigation of criminal paedophilia under a standing reference (Section 46(7) of the *Crime Commission Act 1997*).

The Commission is presently making a publicly announced assessment of the nature and extent of child sex offending in Queensland. The issue (also identified by the Queensland Law Reform Commission in its 1998 Discussion Paper) of child sex offenders using children's evidence and other information (including photographs) contained in records of court proceedings has come to QCC's attention.

QCC's position is that constraints on access to information of the kind under discussion need to be imposed, although such constraints also need to recognise the valid entitlement of accused or convicted persons to access information for the purposes of trial or appeal proceedings. Whether or not an amendment of the kind discussed at B(IX) of the Discussion Paper would sufficiently address this difficult concern is problematic and QCC would seek to be involved in further consultation if the Committee is likely to propose amendments designed to address this issue.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'J D Callanan', written in black ink.

J D Callanan
GENERAL COUNSEL