

## **APPENDIX A**

Queensland Police Service response to the Criminal Organisation Amendment Bill 2011

### **Clause 3 – Amendment of s 59 (What is *criminal intelligence*)**

*The inclusion of subsection (2) to section 59 is supported.*

In the *Criminal Organisation Act 2009* (COA) as it currently stands, the QPS has difficulty in maintaining the confidentiality of information obtained from law enforcement agencies or organisations other than itself. This then impacts upon the willingness of these organisations to share this information with the QPS in support of applications under this legislation, and in the ability of the QPS to protect this information.

### **Clause 4 – Insertion of new s 59A**

*The inclusion of the new section 59A is supported.*

The inclusion of this section is necessary and supports the amendments sought further in the Bill. It also extends the safeguards the COA provides to informants managed by the QPS to other law enforcement agencies, correctional departments and intelligence organisations whose information the QPS may seek to use in support of applications under the Act.

The safeguards identified in the identifying information for informants protect the identifying information that, if released, may lead to the identification of such informants and increase the risks to their safety.

### **Clause 5 – Replacement of ss 63 and 64**

*This amendment is supported.*

The replacement of these sections address the concerns and necessary safeguards ensuring the courts can properly consider information from other law enforcement agencies, correctional departments and intelligence organisations that the QPS seeks to provide the Supreme Court to support applications under the legislation.

It provides the safeguards to the court considering the human source information while addressing the concerns raised by some organisations about providing information identifying these informants to the QPS.

### **Clause 7 – Replacement of s 71 (Oral evidence by police officers)**

*This replacement is supported.*

The replacement of this section provides for the extension of the legislative safeguards to information received by agencies other than the QPS and allows for the cross examination of these agencies handlers by the court and COPIM.

#### **Clauses 8 – 14**

*Replacement or amendment of these sections is support.*

The amendments or replacement of the sections identified in these clauses addresses the legislative safeguards relating to information sourced from agencies other than the QPS but relied upon in the QPS application.

#### **Clause 18 – Amendment of sch 2 (Dictionary)**

*The proposed inclusions and amendments outlined in the Bill are supported.*

The amendments and inclusions outlined in Clause 18 amend the legislation to address the issues with the use of information sourced from agencies and informants external to the QPS. These amendments are necessary to ensure compliance with the legislative safeguards and to afford the protection of the legislation to these agencies and their informants.