

Report No. 11, August 1998

**Annual Report 1997-98**

**LEGISLATIVE ASSEMBLY OF QUEENSLAND**

**LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE  
REVIEW COMMITTEE**

**Annual Report 1997-98**

**August 1998**

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## **LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE**

<b>REPORTS</b>	<b>DATE TABLED</b>
1. Annual report 1995-96	8 August 1996
2. Report on matters pertaining to the Electoral Commission of Queensland	8 August 1996
3. Review of the Referendums Bill 1996	14 November 1996
4. Truth in political advertising	3 December 1996
5. Report on the Electoral Amendment Bill 1996	20 March 1997
6. Report on the study tour relating to the preservation and enhancement of individuals' rights and freedoms and to privacy (31 March 1997—14 April 1997)	1 October 1997
7. Annual report 1996-97	30 October 1997
8. The Criminal Law (Sex Offenders Reporting) Bill 1997	25 February 1998
9. Privacy in Queensland	9 April 1998
10. Consolidation of the Queensland Constitution - Interim report	19 May 1998
 <b>ISSUES PAPERS</b>	 <b>DATE TABLED</b>
1. Truth in political advertising	11 July 1996
2. Privacy in Queensland	4 June 1997
3. The preservation and enhancement of individuals' rights and freedoms: Should Queensland adopt a bill of rights?	1 October 1997
 <b>INFORMATION PAPERS</b>	 <b>DATE TABLED</b>
1. Upper Houses	27 November 1997

Copies of this report and other LCARC publications are available on the Internet via Queensland Parliament's home page at: [www.parliament.qld.gov.au](http://www.parliament.qld.gov.au)

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## **LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE**

### **48<sup>TH</sup> PARLIAMENT** **SECOND SESSION**

CHAIR:	Mrs Judy Gamin, MLA, Member for Burleigh
DEPUTY CHAIR:	Mr Darryl Briskey, MLA, Member for Cleveland
MEMBERS:	Mr Frank Carroll, MLA, Member for Mansfield
	Mr Ken McElligott, MLA, Member for Thuringowa
	Hon Glen Milliner, MLA, Member for Ferny Grove
	Miss Fiona Simpson, MLA, Member for Maroochydore
RESEARCH DIRECTOR:	Ms Kerry Newton
SENIOR RESEARCH OFFICER:	Mr David Thannhauser
EXECUTIVE ASSISTANT:	Ms Tania Jackman

### **49<sup>TH</sup> PARLIAMENT**

CHAIR:	Mr Gary Fenlon, MLA, Member for Greenslopes
DEPUTY CHAIR:	Mrs Judy Gamin, MLA, Member for Burleigh
MEMBERS:	Mr Denver Beanland, MLA, Member for Indooroopilly
	Ms Desley Boyle, MLA, Member for Cairns
	Mr Charles Rappolt, MLA, Member for Mulgrave
	Mr Geoff Wilson, MLA, Member for Ferny Grove
RESEARCH DIRECTOR:	Ms Kerry Newton
SENIOR RESEARCH OFFICER:	Mr David Thannhauser
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## CHAIR'S FOREWORD

The preparation of this annual report coincides with the recent establishment of the 49<sup>th</sup> Queensland Parliament and, hence, the appointment of new members to the Legal, Constitutional and Administrative Review Committee. It is therefore a timely opportunity to both congratulate the former committee on its efforts in fulfilling the committee's statutory responsibilities, and to consider the new committee's direction and outlook.

As a report on matters occurring during 1997-98, this annual report records the activities of our predecessor committee. This report reflects that that committee initiated and completed a number of substantial and important inquiries during its term, not the least of which was the first detailed, public review of Queensland's privacy laws. The previous committee was also near finalisation of two other major inquiries at the time of dissolution of the Parliament: the consolidation of the Queensland Constitution; and a review of EARC's report on the preservation and enhancement of individuals' rights and freedoms in Queensland.

The current committee has resolved to complete these important inquiries and takes this opportunity to acknowledge the extraordinary amount of effort and research that the former committee has expended in relation to both of these matters. The LCARC of the 49<sup>th</sup> Parliament has a fine example to follow.

On behalf of both the former and the current committee, I would like to pay tribute to the Parliamentary Service staff who support the committee in its endeavours. I would like to thank the committee's Research Director, Ms Kerry Newton, former Research Director, Mr Neil Laurie, Senior Research Officer, Mr David Thannhauser, Executive Assistant, Ms Tania Jackman and former Executive Assistant, Ms Sandy Musch, for their professional and timely assistance.

I also wish to record the committee's appreciation of the services provided by various other divisions of the Parliamentary Service including Hansard, the Parliamentary Catering Division, the Parliamentary Library, the Table Office, Parliamentary Travel and Finance and the Speaker's office, all of whom contribute behind the scenes to ensure the committee's efficient operation.

Finally, I wish thank members of the public who have made, and who continue to make, submissions to the committee in relation to its inquiries.

[Original Signed]

Gary Fenlon MLA  
Chair

18 August 1998

## 1. CONSTITUTION AND MEMBERSHIP

The Legal, Constitutional and Administrative Review Committee (LCARC) is established by, and operates under, the *Parliamentary Committees Act 1995* (Qld) [the Act].

The first LCARC was appointed during the first session of the 48<sup>th</sup> Parliament on 15 September 1995. In early 1996 the membership of LCARC changed twice, first following the commencement of the second session of the 48<sup>th</sup> Parliament (after a change in government) and then again after an amendment to the Act that reduced the number of committee members from seven to six. Thus, from 18 April 1996, members of the ‘second’ LCARC were:

Mrs Judy Gamin MLA (Chair)  
Mr Darryl Briskey MLA (Deputy Chair)  
Mr Frank Carroll MLA  
Mr Ken McElligott MLA  
Hon Glen Milliner MLA  
Miss Fiona Simpson MLA.

The second LCARC ended when the 48<sup>th</sup> Parliament was dissolved on 19 May 1998 for the 1998 state election. The current committee was appointed by resolution of the Legislative Assembly on 30 July 1998 following the election, subsequent change in government and commencement of the 49<sup>th</sup> Parliament. The members of the current committee (the ‘third’ LCARC) are:

Mr Gary Fenlon MLA (Chair)  
Mrs Judy Gamin MLA (Deputy Chair)  
Mr Denver Beanland MLA  
Ms Desley Boyle MLA  
Mr Charles Rappolt MLA  
Mr Geoff Wilson MLA

This annual report—which outlines the work of the previous, second LCARC during the financial year 1997-98—is the first report of the new committee.

In accordance with s 33 of the *Parliamentary Committees Act*, this report outlines the committee’s activities during the year and includes:

- (a) a list of the committee’s meetings and members’ attendance at those meetings;
- (b) a summary of issues considered by the committee;
- (c) a statement of the committee’s revenue and spending for the year; and
- (d) a brief description of ministerial responses to recommendations of the committee.

**Appendix 1** to this report contains an audit of the committee’s discharge of its responsibilities.

## 2. THE COMMITTEE'S AREAS OF RESPONSIBILITY

### 2.1 Functions and responsibilities as set out in the *Parliamentary Committees Act*

The LCARC is established by s 4 of the *Parliamentary Committees Act*. Section 9 of the Act states that the committee has the following areas of responsibility.

- **ADMINISTRATIVE REVIEW REFORM** - Section 10(1) of the Act provides assistance as to the meaning of this term. Section 10(1) provides:

*The committee's area of responsibility about administrative review reform includes considering legislation, or provisions of legislation, about—*

- (a) *access to information; or*
- (b) *review of administrative decisions; or*
- (c) *anti-discrimination; or*
- (d) *equal employment opportunity.*

However, s 10(2) provides:

*The committee's area of responsibility does not include—*

- (a) *investigating particular conduct; or*
- (b) *reconsidering or reviewing a decision to investigate, conciliate or review, not to investigate, conciliate or review or to discontinue investigation, conciliation or review of a particular complaint or decision; or*
- (c) *reconsidering or reviewing reports, findings, recommendations or decisions in relation to a particular investigation, complaint or decision or in relation to particular conduct the subject of a report under the Parliamentary Commissioner Act 1974, section 24(6).*

- **CONSTITUTIONAL REFORM** - Section 11 provides:

*The committee's area of responsibility about constitutional reform includes any Bill expressly or impliedly repealing any law relevant to the State's constitution.*

- **ELECTORAL REFORM** - Section 12 provides:

*The committee's area of responsibility about electoral reform includes monitoring generally the conduct of elections under the Electoral Act 1992 and the capacity of the electoral commission to conduct elections.*

- **LEGAL REFORM** - Section 13 provides:

*The committee's area of responsibility about legal reform includes—*

- (a) *recognition of Aboriginal tradition and Island custom under Queensland law; and*
- (b) *proposed national scheme legislation referred to the committee by the Legislative Assembly.*

**IN ADDITION** - Section 8(2) applies to all statutory committees. It provides:

*The committee is to also deal with an issue referred to the committee by the Legislative Assembly or under another Act, whether or not the issue is within its areas of responsibility.*

## **2.2 Additional LCARC responsibilities under other legislation**

In addition to the LCARC's 'reform' responsibilities, it has a number of other statutory responsibilities in relation to the Ombudsman, the Information Commissioner and the senior officers of the Electoral Commission of Queensland. During the reporting period the committee fulfilled a number of these additional responsibilities.

### *Funding of the Ombudsman*

Section 31(3) of the *Parliamentary Commissioner Act 1974* (Qld) requires the Treasurer to 'consult' with the LCARC in developing the proposed budget of the Ombudsman.

The *Financial Administration and Audit Act 1997* (Qld) does not suggest any further clarification as to what 'developing the proposed budget' might mean, nor does it suggest processes that might be undertaken. Nevertheless, the committee is of the opinion that, in the least, the phrase necessarily means considering issues of *adequacy* of resources.

In early March 1998, the committee entered into correspondence with the Treasurer in relation to the Ombudsman's proposed budget within the 1998-99 budget process.

### *Funding of the Information Commissioner*

Whilst the *Freedom of Information Act 1992* (Qld) establishes the Office of the Information Commissioner and provides for remuneration of that office's staff, the Act does not require the Information Commissioner to prepare budget estimates. Nor does the Act require the Treasurer to consult with the LCARC in developing the budget for that office. This is because the Office of Information Commissioner shares its allocated funding with the Office of the Ombudsman. The accounts contained in the Ombudsman's annual reports reflect the combined receipts and expenditure of both offices.

Consequently, the requirement mentioned above (that the Treasurer is to consult with the LCARC in developing the budget for the Ombudsman) also applies to the development of the budget of the Information Commissioner. The committee's correspondence with the Treasurer about the Ombudsman's budget, necessarily involved consideration of the resource levels of the Information Commissioner as well as the Ombudsman.

### *Strategic review of the Ombudsman*

Section 32 of the *Parliamentary Commissioner Act* provides that 'strategic reviews' of the Ombudsman, are to be conducted at least every five years. Strategic reviews concern the performance, structure, resourcing and management of the Ombudsman's office.

The Governor-in-Council is to decide the terms of reference for a strategic review and appoint an appropriately qualified person to conduct the review.<sup>1</sup> However, before a person is appointed to conduct a review, the Premier must ‘consult’ with the LCARC and the Ombudsman about:

- (a) the appointment of the person; and
- (b) the terms of reference for the review.<sup>2</sup>

The legislation specifies that the person appointed to conduct a strategic review has the powers of an authorised auditor and reports to the Ombudsman and to the Premier. The Premier is to then table the reviewer’s report in Parliament.<sup>3</sup>

The inaugural strategic review of the Queensland Ombudsman occurred during the 1997-98 financial year. The committee’s involvement in that process was as follows.

- In early June 1997, the Premier wrote to the committee, pursuant to s 32, to consult with the committee about the draft terms of reference for the pending review. The committee replied suggesting some alterations to the terms of reference (all of which were accepted).
- In August 1997, the Premier wrote to the committee seeking (and subsequently obtaining) the committee’s endorsement of the Premier’s proposal to appoint Professor Kenneth Wiltshire as the person to conduct the strategic review. Professor Wiltshire was appointed by the Governor-in-Council on 25 September 1997.
- The committee met with Professor Wiltshire on 20 November 1997 and discussed matters such as: the proposed scope of the strategic review; the methodology which was expected to be utilised; the Ombudsman’s role; and the relationship between the LCARC and the Ombudsman. The discussion focussed on the desirability for the review to aim at maintaining the Ombudsman’s independence and link to Parliament while ensuring the Ombudsman’s effective and efficient performance.
- The committee met with Professor Wiltshire again on 4 March 1998, having received the first and second progress reports from the Professor. The Professor and the committee discussed the process and results of the review, issues that the final report might canvass and issues raised by the strategic review generally.
- In late April 1998, the committee was provided with the Professor’s draft final report—as required by the terms of reference—to review it for factual accuracy.

Professor Wiltshire’s *Report of the Strategic Review of the Queensland Ombudsman* was tabled in Parliament on 6 May 1998. The second LCARC was considering an appropriate response to the Professor’s report when Parliament was dissolved on 19 May 1998.

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<sup>1</sup> *Parliamentary Commissioner Act 1974* (Qld), ss 32(3) and 32(4).

<sup>2</sup> *Parliamentary Commissioner Act 1974* (Qld), s 32(5).

<sup>3</sup> *Parliamentary Commissioner Act 1974* (Qld), ss 32(7), (8) and (11).

*(Re)Appointment of the Electoral Commissioner*

The *Electoral Act 1992* (Qld) provides for the appointment of the Electoral Commissioner and Deputy Electoral Commissioner. Section 23 of the Act provides, amongst other things, that the Governor-in-Council may appoint a person to such positions only if:

- specified advertising has been undertaken; and
- the Minister (the Attorney-General and Minister for Justice) has ‘consulted’ the LCARC about:
  - (i) the process of selection; and
  - (ii) the appointment of the person as the Commissioner or Deputy Commissioner.

In terms of the *reappointment* of a person as Commissioner or Deputy Commissioner, the advertising requirement does not apply. The Minister must nevertheless consult the committee about the reappointment of the person.<sup>4</sup>

In a letter dated 10 December 1997, the Attorney-General consulted the committee about the proposed reappointment of the incumbent Electoral Commissioner, Mr Des O’Shea, for a further period of five years from the expiry of his current term in September 1998. The committee subsequently wrote to the Attorney informing him that it endorsed the proposal to so reappoint Mr O’Shea. (Mr O’Shea was subsequently so reappointed.)

### **3. INQUIRIES AND ISSUES CONSIDERED BY THE COMMITTEE DURING THE YEAR**

#### **3.1 Privacy in Queensland**

During 1997-98, the committee finalised its privacy in Queensland inquiry. The adequacy of Queensland’s privacy laws had been of interest to the committee since its inception. Apart from very limited privacy protection offered by the common law and some specific legislation covering credit reporting agents, the use of listening devices and the entering of dwelling houses, privacy generally is not protected by Queensland law.

In contrast to the Commonwealth, Queensland does not have a Privacy Act regulating the collection, access and use of personal information held by government departments or agencies. Nor is there any formal means of regulating information privacy protection in Queensland’s private sector.

The committee is aware that the rapid advancement of technology, along with its fantastic innovations, is exacerbating many privacy concerns. Clearly the law and other mechanisms regulating access to, and use of, personal information are not keeping up with the privacy implications of technology. Other non-information privacy issues are also increasingly becoming the subject of public concern.

In December 1996, the committee resolved to conduct an inquiry into the protection of privacy in Queensland. The committee realised that its inquiry would be substantial and potentially complex and its effectiveness dependent upon extensive public consultation.

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<sup>4</sup> *Electoral Act 1992*, s 23(3).

By the start of the 1997-98 financial year, the committee had:

- released an issues paper calling for submissions;
- advertised its call for submissions extensively in newspapers throughout Queensland;
- undertaken a mail-out of 1300 issues papers directly to individuals and organisations the committee identified as potentially interested in privacy protection; and
- responded to 150 requests for issues papers.

During 1997-98, the committee:

- analysed the 81 submissions that it received in response to its issues paper;
- through its Chairman, presented a paper about its inquiry at a privacy conference in Sydney on 21-22 October 1997;
- met with the federal Privacy Commissioner, Ms Moira Scollay, on 5 November 1997 after attending the Commissioner's forum in Brisbane earlier that day;
- held a public hearing on the Gold Coast on 7 November 1997, a public hearing in Townsville on 14 November 1997 and a public seminar in Brisbane on 17 November 1997;
- published transcripts of those hearings and seminar;
- deliberated on the parameters of privacy protection as well as on the specifics of the Privacy Act that it was proposing for Queensland;
- kept abreast of significant contemporaneous privacy developments, such as Victoria's moves towards privacy legislation and the federal Privacy Commissioner's consultation process on a national set of information privacy principles for the private sector;
- engaged an experienced privacy consultant and adviser, Mr Nigel Waters, to peruse the committee's near-finalised privacy report, especially with regard to the report's references to the desirability of aspects of the *Privacy Act 1988* (Cth); and
- through its Research Director, presented a paper about its report to a privacy conference in Sydney on 15-16 June 1998.

The committee tabled its comprehensive 230-page report no 9 on privacy in Queensland on 9 April 1998. In its report, the committee recommended that the Queensland government implement a set of information privacy principles (IPPs) based on those contained in the *Privacy Act 1988* (Cth) to apply to personal information held by Queensland government departments and agencies. The IPPs would require, for example, that government departments and agencies: use personal information only for the purpose for which it was collected; ensure that personal information that is collected is relevant, current and complete; ensure the proper storage and security of personal information; allow a person access to their own records; and generally prevent disclosure of personal information to any other person or agency.

The committee also recommended that a new officer of the Parliament, the Queensland Privacy Commissioner be established. The Commissioner would have wide functions and appropriate powers relating to agencies' compliance with the IPPs and to other privacy concerns such as surveillance. The Commissioner's functions would include receiving and investigating complaints about breaches of the IPPs, examining proposed laws that may have

an adverse effect on the privacy of individuals and monitoring technological trends for privacy issues that might arise.

The committee proposed that both the Queensland Privacy Commissioner and the IPPs be established by a Queensland Privacy Act.

Other privacy issues canvassed in the committee's report included information privacy in the 'wider' public sector and the private sector, privacy relating to health, and privacy issues associated with smart cards and electronic commerce, genetics and the media.

### **3.2 Consolidation of the Queensland Constitution**

During 1997-98, the committee made substantial progress on its inquiry into the consolidation of the Queensland Constitution. In May 1998, the committee released an 'interim' report containing its consultation draft Constitution of Queensland Act 1998 (in reprint form) and Parliament of Queensland Bill 1998 for public comment.

The stimulus for the committee's inquiry had been the condition of the much-amended State Constitution; a 'constitution' whose contents are difficult to find and, when found, often hard to understand. The wanting state of the Queensland Constitution had been the subject of a September 1993 report by the Electoral and Administrative Review Commission (EARC). A consolidation of existing constitutional provisions was also seen by EARC as a good first step in the process of further and wider constitutional review.

EARC's report attached a draft consolidated Constitution Act 1993 with provisions relating to Parliament, public revenue, the Governor and Executive Government, members of the Legislative Assembly, the Courts and local government. The report was later subject to limited comment by EARC's oversight committee, the Parliamentary Committee for Electoral and Administrative Review (PCEAR). In light of its own pending demise, that committee deferred consideration of much of EARC's report to a future constitutional references committee.

In May 1996, the LCARC resolved to undertake its consolidation inquiry, to some extent to finish the work started by EARC and commented on by the PCEAR. The committee believed that, whilst EARC's consolidation report was obviously an extremely valuable report, it was also incomplete and lacking in certain areas. The committee resolved that this exercise should initially be one of form and not substance.

By the start of the 1997-98 financial year, the committee had:

- considered the breadth of what might be properly considered 'constitutional' State legislation and considered the appropriateness and comprehensiveness of EARC's draft Constitution Act 1993 as a consolidation of existing provisions;
- considered how such legislation might be properly brought together, keeping in mind the provisions of EARC's suggested consolidated Constitution;
- developed a broad initial set of preliminary drafting instructions for a Constitution Bill and a separate Parliament Bill;
- started an on-going and extensive process of forwarding instructions to Parliamentary Counsel, discussing drafting solutions and/or considering Counsel's drafting response and re-forwarding instructions; and

- engaged the services of Mr Gerard Carney, Associate Professor of Law at Bond University and Barrister-at-law, to advise the committee on the complex existing law on qualification and disqualification of members of the Legislative Assembly.

During 1997-98, the committee:

- continued—with the assistance of Parliamentary Counsel—the extensive process of redrafting and refining the Constitution Bill and the Parliament Bill until the Bills reached a finalised draft stage;
- engaged the assistance of Mr Carney again when the Bills had reached a finalised draft stage in February 1998 to review the Bills and advise the committee on possible issues, problems or improvements;
- modified the draft Bills in light of Mr Carney’s advice; and
- prepared a covering report and explanatory memoranda to its two Bills.

On 19 May 1998, the committee tabled its ‘interim’ report on the consolidation of the Queensland Constitution. The report consisted of:

- the committee’s Constitution of Queensland Act 1998 (Reprint) (Consultation Draft);
- the committee’s Parliament of Queensland Bill 1998 (Consultation Draft);
- explanatory notes thereto;
- two machinery bills required to bring about the proposed consolidated Constitution; and
- a brief covering report describing the committee’s inquiry process.

Approximately 450 copies of the interim report were sent to persons and organisations which the committee believed would be interested in commenting on the results of the committee’s exercise. The committee requested submissions on its draft legislation by 25 September 1998 noting that after that closing date it would revisit its consultation draft Bills in light of the public comment it received. Soon thereafter the committee hoped to be in a position to table its final report recommending that Parliament adopt its finalised Bills.

### **3.3 The preservation and enhancement of individuals’ rights and freedoms**

In August 1993, EARC handed down its *Report on Review of the Preservation and Enhancement of Individuals’ Rights and Freedoms*, which was initially instigated by the Fitzgerald Report<sup>5</sup> recommendation that an investigation be undertaken in relation to civil liberties in Queensland.

EARC’s report analysed the adequacy of existing human rights protection in Queensland and reviewed the potential benefits and shortcomings of introducing a bill of rights. The report considered various features which might be appropriate in a Queensland bill of rights and studied which particular rights should be included in any such bill. After considering the relevant issues, EARC recommended that Queensland introduce a bill of rights.

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<sup>5</sup> The Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct *Report of a Commission of Inquiry Pursuant to Orders in Council* (G E Fitzgerald QC, Chairman), Queensland Government Printer, Brisbane, 1989.

The EARC review process involved the release of an issues paper and a call for public submissions (265 submissions were received by EARC), the holding of a public seminar and public hearings and consultation with a number of interest groups. The report was the only EARC report not to have been reviewed by EARC's then oversight committee, the Parliamentary Committee for Electoral and Administrative Review (PCEAR).

In November 1996, the LCARC—pursuant to its constitutional and legal reform responsibilities—resolved to undertake a comprehensive review of EARC's proposed bill of rights and the issues canvassed in EARC's report. By the start of the 1997-98 year, the committee had commenced extensive research in relation to the inquiry and had travelled to Canada to study the impact of the *Canadian Charter of Rights and Freedoms* (a constitutionally entrenched bill of rights) on Canadian social, economic and political life.

During 1997-98, the committee:

- tabled a 30-page *Report on the study tour relating to the preservation and enhancement of individuals' rights and freedoms and to privacy (31 March-14 April 1997)* outlining information and issues raised during the committee's 25 Canadian meetings with over 130 individuals;
- called for public submissions and released an issues paper entitled: *The preservation and enhancement of individuals' rights and freedoms: Should Queensland adopt a bill of rights?*;
- distributed over 900 issues papers directly to individuals and organisations that the committee believed might have an interest the issue and a further 100 to people who requested them; and
- analysed the 65 submissions that it received in response to its issues paper.

The committee had almost finalised its inquiry when Parliament was dissolved in May 1998. (The committee had earlier decided to give priority to its privacy and consolidation of the Constitution inquiries, and to direct its resources to reporting on those matters before the pending state election was announced.)

### **3.4 The Criminal Law (Sex Offenders Reporting) Bill 1997**

On 18 November 1997, Mrs Lorraine Bird MLA, Member for Whitsunday, introduced into the Legislative Assembly the Criminal Law (Sex Offenders Reporting) Bill 1997 ('the Bill') as a Private Member's Bill. On her motion, the Legislative Assembly resolved to refer the Bill to the LCARC for investigation and report to the Assembly by the last week in February 1998.

In summary, if the Bill was passed to become law, it would require persons who had committed certain sex offences against children to report their personal details and details of relevant convictions to the police. It would also give the Police Commissioner the discretion to keep a register of sex offenders which may include, amongst other matters, those details. Further, the Police Commissioner would be able to disclose information from that register to certain persons.

The committee analysed the provisions of the Bill and conducted background research on:

- the general issue of sex offences committed against children; and

- similar existing or previously proposed legislative measures that attempted to address the issue in various Australian and international jurisdictions.

The committee also invited comment on the Bill from a wide range of peak bodies that the committee perceived would be interested in the Bill. These included legal and community organisations, relevant academic faculties and schools, law enforcement bodies and relevant government departments and agencies. Comments were to be received by Friday, 16 January 1998. Twenty-six submissions were received and analysed by the committee.

The committee employed the services of Mr Robert Sibley, Senior Lecturer-in-law at the Queensland University of Technology and Barrister-at-law, to assist in the report's preparation.

The committee tabled its thorough report on the Bill on 25 February 1998. Government response to the report is outlined in section 5 of this annual report.

### **3.5 Administrative review reform, electoral reform and legal reform generally**

The committee considers its responsibility in relation to administrative review reform (including access to information, review of administrative decisions, anti-discrimination etc) and electoral reform as ongoing. Accordingly, and as in previous years, the committee during 1997-98:

- monitored the status and operation of the *Freedom of Information Act 1992*, the *Parliamentary Commissioner Act 1974*, the *Anti-Discrimination Act 1991* and the *Electoral Act 1992*; and
- considered issues raised in the most recent annual reports of bodies relevant to the committee's jurisdiction; namely, the annual reports of the Ombudsman, Information Commissioner, Anti-Discrimination Commission of Queensland (ADCQ) and Electoral Commission of Queensland. The committee does take action from time to time in response to such consideration. For example, in November 1997, the committee wrote to the chairman of the Scrutiny of Legislation Committee suggesting that the committee, when scrutinising Bills, might want to keep in mind a particular trend in new legislation that was raised as a concern in the Information Commissioner's annual report.

On 21 August 1997, the committee met with the then Acting (now substantive) Queensland Anti-Discrimination Commissioner, Ms Karen Walters, in order to discuss Queensland's anti-discrimination legislation, its operation and effectiveness. The committee discussed a number of matters with Ms Walters including:

- the resources and structure of the ADCQ;
- the ADCQ's current complaint caseload and complaint handling procedures, the effectiveness of its conciliation procedures and the number and types of matters referred to the Anti-Discrimination Tribunal;
- educative strategies undertaken by the ADCQ; and
- how effectively discrimination complaints are being dealt with in Queensland now that the ADCQ and Commonwealth Human Rights and Equal Opportunities Commission do

not share resources after the State-Commonwealth joint funding agreement was not renewed.

The committee met with the Queensland Law Reform Commission in November 1997 to discuss generally the work of the Commission. The committee met with: the Commission's then Chairman, Hon Justice Paul de Jersey; full-time member, Mr Wayne Briscoe; part-time members, Ms Debra Mullins and Professor Bill Duncan; Director, Penny Cooper; and Senior Research Officer, Ms Claire Riethmuller.

#### **4. MEETINGS AND PUBLIC HEARINGS**

The committee held 22 meetings, two public hearings and one public seminar during 1997-98. A committee meeting attendance schedule for the year is attached to this report.

#### **5. RESPONSES TO COMMITTEE RECOMMENDATIONS**

Section 24 of the *Parliamentary Committees Act* provides an important mechanism that advances the stated main object of the Act to 'enhance the accountability of public administration in Queensland'. Section 24 provides that, should a committee such as the LCARC recommend that the government or a minister take action on an issue, the minister who is responsible for the issue must provide the Legislative Assembly with a response. The response must include proposed courses of action and time frames for recommendations to be adopted or, regarding recommendations not to be adopted, the reasons for not adopting them.

The minister must table the response within three months of the report being tabled. If the minister cannot do so, the minister must table an interim response with the reasons for not being able to do so and nevertheless table a final response within six months of the committee's report being tabled.

A summary of ministerial responses to LCARC recommendations follows.

- Action recommended in three LCARC reports relating to electoral legislation—**report nos 2, 3, and 5**; respectively on Electoral Commission matters, the Referendums Bill 1996 and the Electoral Amendment Bill 1996—has been fully implemented. All committee recommendations in those reports have become law.
- The committee's other report on electoral matters—**report no 4** on truth in political advertising—was tabled on 3 December 1996 and received the following responses:
  - On 22 May 1997, the Attorney-General informed the committee that the Attorney was not in a position to fully respond to the committee's report within the three month time limit and was therefore providing the committee with '*an interim response*' within three months. The Attorney explained that the delay was because the committee's recommendations required further consideration and the Attorney's staff had been fully committed to the department's legislative agenda.
  - On 7 September 1997, in response to further inquiry by the committee, the Attorney-General advised that consideration was still being given to the report.

- On 16 October 1997, the Attorney-General informed the committee that, in terms of the s 24 ministerial response: ‘*In the time allowed for providing this, my final response, it has not been practicable to resolve those issues [raised by the committee’s report] and define a specific course of action in respect of each recommendation. However, I can advise that the recommendations of the report are now under active consideration by the Government with a view to identifying an appropriate legislative solution.*’

The Premier confirmed to the committee on 3 March 1998 that the government’s consideration of the committee’s report had resulted in it determining to introduce relevant legislation into Parliament in the forthcoming session which would ‘*in substance, reflect and adopt*’ those recommendations. (Such laws had not been introduced into Parliament when Parliament was dissolved in May 1998.)

- The committee’s **report no 6** on its 1997 study tour of Canada contained no recommendations. The committee’s previous annual reports (**report nos 1 and 7**) likewise need not be responded to by Ministers.<sup>6</sup>
- All but one of the recommendations contained in the committee’s **report no 8** on the Criminal Law (Sex Offenders Reporting) Bill 1997, tabled on 25 February 1998 were made to *Parliament* (not government). The one recommendation requiring action by government involved an amendment to the *Legislative Standards Act 1992*. The Premier wrote to the committee on 3 March 1998 informing it that he had instructed that the amendment be made. The amendment appeared in the Statute Law (Miscellaneous Provisions) Bill 1998 introduced that same week. That Bill, as well as the Sex Offenders Bill itself, had not been passed and lapsed when Parliament was dissolved on 19 May 1998.
- The committee’s **report no 9** on privacy was tabled on 9 April 1998, only five weeks before Parliament was dissolved. On 5 July 1998, the new Attorney-General tabled an interim response to this report stating that in principle the government favours the introduction of privacy legislation but that, due to the change in government, a full response could not be provided at this stage. The Attorney-General nevertheless advised that a final response to the report will be provided to the Legislative Assembly by 9 October 1998.
- The committee’s interim report on the consolidation of the Queensland Constitution (**report no 10**, tabled 19 May 1998) was published in order to elicit submissions on the consultation drafts of the committee’s proposed Constitution Bill and Parliament Bill. It did not contain recommendations requiring ministerial responses.

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<sup>6</sup> *Parliamentary Committees Act*, s 24(8).

## 6. STAFFING

1997-98 saw some changes to the LCARC's staffing.

Ms Kerryn Newton replaced Mr Neil Laurie as Research Director to the committee in November 1997. Ms Newton had previously been the Principal Research Officer to both the LCARC and the Parliamentary Criminal Justice Committee (PCJC). Mr Laurie had also held the positions of Clerk Assistant and Clerk of Committees and Research Director for the Members' Ethics and Parliamentary Privileges Committee and left the committee to concentrate on those positions. The joint LCARC-PCJC Principal Research Officer position was subsequently abolished.

Mr David Thannhauser remains Senior Research Officer. Ms Tania Jackman became the committee's Executive Assistant in January 1998 after Ms Sandy Musch was appointed to the Committee Office.

## 7. TRAVEL

The committee's only travel during the period related to public hearings held on the Gold Coast and in Townsville in relation to the privacy inquiry (each was constituted by a sub-committee). A representative from the committee was also invited to speak at two privacy conferences, both of which were held in Sydney.

## 8. BUDGET AND EXPENDITURE

	\$
Salary - staff <sup>7</sup>	129,788.74
Payroll tax	6,511.45
Superannuation	17,539.42
Travel and hearing expenses <sup>8</sup>	10,367.14
Consultants	7,900.00
Stores, stationery and consumables	287.81
Reference books and other publications	1,959.63
Printing of reports	27,183.68
Meeting expenses	1,680.15
Advertising	3,765.51
Miscellaneous <sup>9</sup>	157.90
<b>TOTAL</b>	<b>207,141.43</b>

This expenditure was \$22,616.57 less than that budgeted.

<sup>7</sup> Includes overtime, meal allowances, extra remuneration and other allowances.

<sup>8</sup> Includes travel and other expenses relating to attendance at meetings, hearings and seminars and staff travel with, or for, the committee.

<sup>9</sup> Includes postage.

## 9. OUTLOOK FOR 1998-99

The newly-appointed committee of the 49<sup>th</sup> Parliament is currently finalising its short-term and long-term agendas and making arrangements to meet with various individuals and organisations that operate within (or are connected with) the committee's jurisdiction.

The committee has already determined that it will:

- finalise the inquiry initiated by its predecessor committee in relation to the consolidation of Queensland's Constitution;
- finalise the inquiry initiated by its predecessor committee in relation to EARC's *Report on the preservation and enhancement of individuals' rights and freedoms*; and
- conduct a review of Professor Ken Wiltshire's May 1998 *Report of the strategic review of the Queensland Ombudsman*.

In terms of electoral matters, the committee's attention will turn to any amendments to the *Electoral Act* that are proposed by the Electoral Commissioner in light of the conduct of the recent 1998 state election. The committee will also take an active interest in the state electoral redistribution that is expected to be conducted in the short term.



**LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE**  
**AUDIT OF DISCHARGE OF RESPONSIBILITIES**

<b>Responsibility</b>	<b>How the committee has addressed the responsibility to date *</b>	<b>How the committee intends to address its responsibility in 1998-99</b>
<p>s 10(1) <i>Parliamentary Committees Act</i> - The committee's area of responsibility about <u>administrative review reform</u> includes considering legislation, or provisions of legislation, about-</p> <p>(a) access to information; or</p> <p>(b) review of administrative decisions; or</p> <p>(c) anti-discrimination; or</p> <p>(d) equal opportunity employment.</p> <p>(Note: This does not include investigating particular conduct, reviewing a decision to investigate or not to investigate a particular complaint or decision, or reviewing a report under s 24(6) of the <i>Parliamentary Commissioner Act</i>.)</p>	<p>The committee has met with the Information Commissioner/Ombudsman, Mr Fred Albietz, on a number of occasions in order to discuss the operations of both his offices and the Acts under which his offices operate.</p> <p>In August 1997, the committee approved a standing policy concerning its dealing with complaints against the Ombudsman. The committee considered a briefing paper comparing the relationship between the LCARC and the Ombudsman in Queensland with similar relationships between Ombudsmen and parliamentary committees in other Australian and overseas jurisdictions.</p> <p>The committee continues in each financial year to consider issues raised in the most recent annual reports of bodies relevant to the committee's jurisdiction, namely, the Ombudsman, Information Commissioner, the Anti-Discrimination Commission Queensland and the Electoral Commission of Queensland. The committee takes action from time to time in response to such consideration. For example, in November 1997, the committee wrote to the chairman of the Scrutiny of Legislation Committee highlighting a concerning trend in new legislation that was raised in the Information Commissioner's annual report.</p> <p>The committee met with Ms Karen Walters, the Anti-Discrimination Commissioner, in August 1997 to discuss matters affecting that office.</p> <p>(Refer below in this table for the committee's activities in relation to the budget and strategic review of the Ombudsman.)</p> <p>(Refer below in this table to the section on legal reform in relation to the committee's inquiry into <i>The preservation and enhancement of individuals' rights and freedoms: Should Queensland adopt a bill of rights?</i> which involves issues of administrative review reform.)</p>	<p>Meet with the Information Commissioner/Ombudsman, Anti-Discrimination Commissioner and other officials concerned with administrative review periodically as the need arises.</p> <p>Continue to monitor the operation of the:</p> <ul style="list-style-type: none"> <li>• <i>Parliamentary Commissioner Act</i>;</li> <li>• <i>Anti-Discrimination Act</i>; and</li> <li>• <i>Freedom of Information Act</i>.</li> </ul> <p>Continue to monitor concerns raised in the annual reports of the Ombudsman, Information Commissioner, Electoral Commission of Queensland and the Anti-Discrimination Commission Queensland.</p>

\* Please note that this column relates not only to the committee's activities during the 1997/98 financial year but to all the activities by the committee in discharging its responsibilities since its establishment in the 48<sup>th</sup> Parliament, 2<sup>nd</sup> Session to the end of June 1998.

<p>s 11 <i>Parliamentary Committees Act</i> - The committee's area of responsibility about <u>constitutional reform</u> includes any bill expressly or impliedly repealing any law relevant to the State Constitution.</p>	<p>On 2 May 1996 the committee resolved to commence an inquiry into the consolidation of the Queensland Constitution. In relation to this inquiry the committee:</p> <ul style="list-style-type: none"> <li>• considered the breadth of what might be properly considered 'constitutional' State legislation and considered the appropriateness and comprehensiveness of EARC's draft Constitution Act 1993 as a consolidation of existing provisions;</li> <li>• considered how such legislation might be properly brought together, keeping in mind the provisions of EARC's suggested consolidated Constitution;</li> <li>• developed a broad initial set of preliminary drafting instructions for a Constitution Bill and a separate Parliament Bill;</li> <li>• started an on-going and extensive cycle of forwarding instructions to Parliamentary Counsel and considering Counsel's drafting responses;</li> <li>• engaged the services of Mr Gerard Carney, Associate Professor of Law at Bond University and Barrister-at-law, to advise the committee on the complex existing law on qualification and disqualification of members of the Legislative Assembly;</li> <li>• continued—with the assistance of Parliamentary Counsel—the extensive process of redrafting and refining the Constitution Bill and the Parliament Bill until the Bills reached a finalised draft stage;</li> <li>• engaged Mr Carney again when the Bills had reached a finalised draft stage in February 1998 to review the Bills and advise the committee on possible improvements;</li> <li>• modified the draft Bills in light of Mr Carney's advice; and</li> <li>• prepared a covering report and explanatory memorandum to its two bills.</li> </ul> <p>On 19 May 1998, the committee tabled its 'interim' report, consisting of:</p> <ul style="list-style-type: none"> <li>• the committee's Constitution of Queensland Act 1998 (Reprint) (Consultation Draft);</li> <li>• the committee's Parliament of Queensland Bill 1998 (Consultation Draft);</li> <li>• explanatory notes thereto;</li> <li>• two machinery bills required to bring about the proposed consolidated Constitution; and</li> <li>• a brief covering report describing the committee's inquiry process.</li> </ul> <p>(Refer below in this table to the section on legal reform in relation to the committee's inquiry into <i>The preservation and enhancement of individuals' rights and freedoms</i> which involves issues of constitutional reform.)</p>	<p>Make, with Parliamentary Counsel, any appropriate changes to the committee's Constitution Bill and Parliament Bill in light of submissions to be received by 25 September 1998.</p> <p>Table a final report on the consolidation of the Queensland Constitution.</p> <p>Subsequently monitor ministerial responses to the committee's final report.</p>
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<p>s 12 <i>Parliamentary Committees Act</i> - The committee's area of responsibility about <u>electoral reform</u> includes monitoring generally the conduct of elections under the <i>Electoral Act 1992</i> and the capacity of the Electoral Commission of Queensland to conduct elections.</p>	<p>On 2 May 1996 the committee resolved to commence an inquiry into truth in political advertising. The committee also resolved that the terms of reference for this inquiry should include all issues which formed part of the previous lapsed reference in relation to the same issue from the Legislative Assembly. Additionally, the committee resolved to consider the issue of bogus how-to-vote cards.</p> <p>The committee subsequently:</p> <ul style="list-style-type: none"> <li>• published an issues paper in relation to the inquiry in May 1996;</li> <li>• held a public hearing in August 1996; and</li> <li>• reported to the Parliament in December 1996 (report no 4).</li> </ul> <p>The committee also has met with the Electoral Commissioner, Mr Des O'Shea, on occasions. In August 1996, the committee reported to Parliament on matters pertaining to the Electoral Commission of Queensland (report no 2).</p> <p>In August 1996, in response to a request from the Attorney-General, the committee resolved to conduct a review of the Referendums Bill 1996 and to report to the Legislative Assembly. The committee called for public submissions in relation to this Bill and reported to Parliament in November 1996 (report no 3). The Minister responded to the report in May 1997 by advising that the committee's recommendations had been adopted in full and that the Bill, as amended according to the committee's recommendations, had been passed.</p> <p>In December 1996, in response to a request from the Attorney-General, the committee resolved to conduct a review of the Electoral Amendment Bill 1996 and report thereon to the Legislative Assembly. The committee reported on this Bill in February 1997 (report no 5). The committee's recommendations were accepted by the government.</p>	<p>Meet with the Electoral Commissioner periodically as the need arises.</p> <p>Continue to monitor the operation of the <i>Electoral Act</i> (and the <i>Referendums Act</i>, if necessary).</p> <p>Continue to monitor concerns raised in the annuals reports of the Electoral Commission.</p> <p>Monitor any suggested amendments to the <i>Electoral Act</i> made by the Electoral Commission in light of the conduct of the 1998 state election.</p> <p>Monitor the forthcoming state electoral redistribution.</p>
<p>s 13 <i>Parliamentary Committees Act</i> - The committee's area of responsibility about <u>legal reform</u> includes-</p> <p>(a) recognition of Aboriginal tradition and Island custom under Queensland law; and</p> <p>(b) proposed national scheme legislation referred to the committee by the Legislative Assembly.</p>	<p>In December 1996, the committee resolved to conduct an inquiry with respect to the protection of privacy in Queensland. In relation to this inquiry, the committee:</p> <ul style="list-style-type: none"> <li>• held discussions on the issue in March/April 1997 with representatives from the Privacy Commissioner of Canada (Bruce Phillips, Privacy Commissioner; P Julien Delisle, Executive Director; Hedy Kirkby, Legal Counsel; Brian Foran, Director of Issues, Management and Assessment; Sally Jackson, Director of Public Affairs and Gerald Neary, Director of Investigations) as part of its Canadian study tour;</li> <li>• released an issues paper calling for submissions;</li> <li>• advertised extensively in newspapers throughout Queensland;</li> <li>• undertook a mail-out of 1300 issues papers directly to individuals and organisations the committee identified as potentially interested in privacy protection;</li> </ul>	<p>The committee will monitor ministers' responses to LCARC's report no 9.</p> <p>The committee continues to receive and consider public requests for law reform on particular topics.</p>

	<ul style="list-style-type: none"> <li>• responded to 150 requests for issues papers;</li> <li>• analysed the 80 submissions that it received in response to its issues paper;</li> <li>• through its Chairman, presented a paper about its inquiry at a privacy conference in Sydney on 21-22 October 1997;</li> <li>• met with the federal Privacy Commissioner, Moira Scollay, on 5 November 1997 after attending the Commissioner's forum in Brisbane earlier that day;</li> <li>• held a public hearing on the Gold Coast on 7 November 1997, a public hearing in Townsville on 14 November and a public seminar in Brisbane on 17 November;</li> <li>• published transcripts of those hearings and seminar;</li> <li>• deliberated on the parameters of privacy protection as well as on the specifics of the Privacy Act that it was proposing for Queensland;</li> <li>• kept abreast of significant contemporaneous privacy developments, such as Victoria's moves towards privacy legislation and the federal Privacy Commissioner's consultation process on a national set of information privacy principles for the private sector;</li> <li>• engaged an experienced privacy consultant and adviser, Mr Nigel Waters, to peruse the committee's near-finalised privacy report, especially with regards to the report's references to the desirability of aspects of the <i>Privacy Act 1988</i> (Cth);</li> <li>• tabled its report on 9 April 1998; and</li> <li>• through its Research Director, presented a paper about its report to a privacy conference in Sydney on 15-16 June 1998.</li> </ul> <p>In November 1996 the committee resolved pursuant to its responsibility in relation to constitutional, administrative and legal reform to undertake a comprehensive review of the issues canvassed in EARC's <i>Report on Review of the Preservation and Enhancement of Individuals' Rights and Freedoms</i>. In its report, EARC recommended that Queensland introduce a bill of rights.</p> <p>In February 1997 the committee hosted the Canadian High Commissioner to afternoon tea in order to discuss matters relevant to Canada's Charter of Rights and Freedoms.</p> <p>The committee also held discussions on the issue in March/April 1997 during its Canadian study tour with representatives from:</p> <p><b>British Columbia Civil Liberties Association (BCCLA), Vancouver</b> (Kay Stockholder, President, Murray Mollard, Policy Director, and John Westwood, Chief Executive Officer); <b>Members of the Faculty of Law, University of British Columbia, Vancouver</b> (Dean C Lynn Smith; Professor Douglas Sanders; Professor George Curtis and Professor Robert</p>	
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	<p>Diebolt); <b>Representatives of the Nisga'a Tribal Council, Vancouver</b> (Chief Joseph Gosnell Snr, President Nisga'a Tribal Council (NTC); Dr Frank Calder, President Emeritus, NTC; Nelson Leeson, Executive Chairperson, NTC; Les Clayton, Implementation Coordinator, NTC; Jim Aldridge and Ellen Gunn of Rosenbloom and Aldridge, Barristers and Solicitors, Legal Counsel for NTC); <b>Law Society of British Columbia</b> (Richard C C Peck; Josiah Wood; Elizabeth Edinger, University of British Columbia; Harry A Slade and Arthur M Grant); <b>Federal Treaty Negotiation Office, BC Region (FTNO)</b> (Doreen Mullins, Executive Director, FTNO, BC Region; Dennis de Keruzec, General Counsel, Legal Services, FTNO; Andrew Beynon, Senior Counsel, Specific Claims Section - West, DIAND Legal Services; Florence Roberge, Chief Federal Negotiator, Vancouver); <b>Department of Justice of Canada, Vancouver office</b> (Jim Bissell, Senior Director BC/Yukon Region; S. David Frankel, Senior General Counsel and Chief Criminal Prosecutor for Vancouver office; Clare Barry, Criminal Prosecutor and Mitchell Taylor); <b>Office of the Ombudsman of British Columbia, Victoria</b> (Dulcie McCallum, Ombudsman; Brent Barford, Deputy Ombudsman and Robin Younger, Associate Counsel); <b>Legislative Assembly of British Columbia, Victoria</b> (The Honourable Dale Lovick MLA, Speaker of the British Columbia Legislative Assembly; Mr Ian IZard, Law Clerk and Clerk Assistant, British Columbia Legislative Assembly; Mr Craig James, Clerk Assistant and Clerk of Committees, British Columbia Legislative Assembly and Mr Geoff Plant MLA); <b>Ministry of the Attorney-General, Province of British Columbia</b> (Mr George Copley, Supervising Counsel, Constitutional and Administrative Law Branch); <b>British Columbia Legislative Assembly, Victoria</b> (Geoffrey Moyses, Ministry of the Attorney General of British Columbia, Legal Services Branch); <b>Quebec Human Rights Tribunal, Montreal</b> (Michèle Rivet, Presidente and Marie Langlois of the Tribunal des Droits de la Personne); <b>Quebec Superior Court</b> (Mr Justice Michel Robert JA, Quebec Court of Appeal and Madam Justice Nicole Duval Hesler); <b>Université de Montreal (University of Montreal)</b> (Professor Ann-Maree Boisvert; Professor Andree Lajoie; Professor Ejan Mackaay and Professor Andre Tremblay of the Faculty of Law); <b>Barreau du Québec (The Bar Association of Quebec)</b> (Hélène Tessier, Legal Dept, Quebec Human Rights Commission and Guiseppe Battista); <b>Quebec Judiciary</b> (Judge Louis Legault; Judge Joe Trelax and Judge Bernard Grenier); <b>House of Commons Standing Committee on Justice and Legal Affairs, House of Commons, Ottawa</b> (Shaunessey Cohen, President; Derek Lee; George Rideout; Andrew Telegdi; P DeVillers; Geogg Regan and Richerd Dupuis (Lawyer to the Committee)); <b>Standing Senate Committee on Legal and Constitutional Affairs, Public Hearing Room, The Senate, Ottawa</b> (Senator Carstairs, President; Senator Beaudoin; Senator Jessiman and Senator Milne); <b>Canadian Human Rights Commission</b> (Mr John Hucker, Secretary-General; William Pentney, Chief Executive, Legal Services and Michel Parè, Research Officer); <b>Canadian Bar Association and the Justice Department of Canada, Ottawa</b> (Martin Mason, Vice-Chair and Chair elect of the Canadian Bar Association, Constitutional Human Rights Law Section; John McMunagle, Chairman of the Canadian Bar Association Council and Mr Jim Hendry, Human Rights Branch, Department of Justice); <b>University of Ottawa</b> (Dean Sanda Rodgers; Professor David Paciocco, Criminal Defence Lawyer; Professor Martha Jackman, Social and Economic Rights Specialist; Joseph Magnet; Ruth</p>	
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	<p>Sullivan and John Markham); <b>Canadian Police Association, Ottawa</b> (Scott Newark, Executive Officer; Gail Kinnear; Frédéric Serre and Sari Velichka); <b>Constitution Specialists / Academics</b> (Peter Hogg and Patrick Monahan); <b>Ministry of Attorney General in Ontario, Toronto</b> (Ms Pardip Bedi, Executive Assistant to the Deputy Attorney General of Ontario; Mr Robert Charney, Counsel, Constitutional Law Branch; Mr Michel Helie, Counsel, Constitutional Law Branch; Ms Susan Chapman, Counsel, Crown Law Office - Criminal; Donna Garratt, Policy Analyst, Corporate Support Services Branch; Mr Scott Feltman, Counsel, Crown Law Office; Mr Kevin Bell, Senior Negotiator, Ontario Native Affairs Secretariat and Mr Wallace Smith, Senior Negotiator, Ontario Native Affairs Secretariat); and <b>Criminal Lawyers' Association of Ontario</b> (Bruce Durno, President; Katherin L. McCleod, Vice-President; Irwin Koziebrocki, Treasurer; Louise Botham; David Schermbrucker and Peter Copeland).</p> <p>In relation to its rights inquiry, the committee in 1997-98 also:</p> <ul style="list-style-type: none"> <li>• tabled a 30-page <i>report on the study tour relating to the preservation and enhancement of individuals' rights and freedoms and to privacy (31 March-14 April 1997)</i> outlining information and issues raised during the committee's 25 Canadian meetings with over 130 individuals;</li> <li>• called for public submissions and released an issues paper entitled: <i>The preservation and enhancement of individuals' rights and freedoms: Should Queensland adopt a bill of rights?</i>;</li> <li>• distributed over 900 issues papers directly to individuals and organisations that the committee believed might have an interest the issue and a further 100 to people who requested them; and</li> <li>• analysed the 65 submissions that it received in response to its issues paper.</li> </ul> <p>The committee had almost finalised its inquiry when Parliament was dissolved in May 1998. (The committee had earlier decided to give priority to its privacy and consolidation of the Constitution inquiries, and to direct its resources to reporting on those matters before the pending state election was announced.)</p> <p>In July 1997 the committee met with the Federal-State relations committee of the Victorian Parliament to discuss matters relating to national scheme legislation.</p> <p>The committee met with the Queensland Law Reform Commission in November 1997 to discuss generally the work of the QLRC. The committee met with: the QLRC's then Chairman, Hon Justice Paul de Jersey; full-time member, Mr Wayne Briscoe; part-time members, Ms Debra Mullins and Professor Bill Duncan; Director, Penny Cooper; and Senior Research Officer, Ms Claire Riethmuller.</p>	<p>The committee will finalise the previous committee's inquiry into the preservation and enhancement of individuals' rights and freedoms and report to Parliament on the matter.</p>
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<p>s 8(2) The committee is also to deal with an issue referred to it by the Legislative Assembly under the <i>Parliamentary Committees Act</i> or under another Act whether or not the issue is within its areas of responsibility.</p>	<p>On 18 November 1997, Mrs Lorraine Bird MLA, Member for Whitsunday, introduced into the Legislative Assembly the Criminal Law (Sex Offenders Reporting) Bill 1997 ('the Bill') as a Private Member's Bill. On her motion, the Legislative Assembly resolved to refer the bill to the LCARC for investigation and report to the Assembly by the last week in February 1998.</p> <p>The committee analysed the provisions of the Bill while it conducted background research on:</p> <ul style="list-style-type: none"> <li>• the general issue of sex offences committed against children; and</li> <li>• similar existing or previously proposed legislative measures that attempted to address the issue in various Australian and international jurisdictions.</li> </ul> <p>The committee also invited comment on the Bill from a wide range of peak bodies that the committee perceived would be interested in the Bill. These included legal and community organisations, relevant academic faculties and schools, law enforcement bodies and relevant government departments and agencies. Comments were to be received by Friday 16 January 1998. Twenty-six submissions were received and analysed by the committee. The committee also employed the services of Mr Robert Sibley, Barrister-at-Law, to assist it in preparing the report.</p> <p>The committee tabled its report on the Bill on 25 February 1998. Ministerial responses to the recommendations contained in the report are outlined in the committee's 1997-98 annual report.</p>	
<p>s 31(3) <i>Parliamentary Commissioner Act</i> - the Treasurer must consult with the LCARC in developing the proposed <u>budget of the Ombudsman</u> (and Information Commissioner) for each financial year.</p>	<p>The committee has, in each financial year, entered into correspondence with the Treasurer regarding the development of the proposed budget for the Ombudsman (and Information Commissioner) for the upcoming year.</p>	<p>Continuing responsibility.</p>
<p>s 31(1)&amp;(2) <i>Parliamentary Commissioner Act</i> - the Premier must consult with the LCARC about the appointment of the reviewer and the terms of reference for <u>strategic reviews of the Ombudsman</u> (and Information Commissioner) which are to be conducted at least every five years.</p>	<p>The inaugural strategic review of the Office of Ombudsman occurred during the 1997-98 financial year. In early June 1997, the Premier wrote to the committee to consult with the committee about the draft terms of reference for review. The committee replied to the Premier suggesting some alterations to the terms of reference (all of which were accepted).</p> <p>In August 1997, the Premier wrote to the committee seeking, and subsequently obtaining, the committee's endorsement of the Premier's proposal to appoint Professor Kenneth Wiltshire as the person to conduct the strategic review. Professor Wiltshire was appointed on 25 September 1997.</p> <p>The committee met with Professor Wiltshire on 20 November 1997 to discuss preliminary</p>	<p>Conduct a review of Professor Ken Wiltshire's May 1998 <i>Report of the strategic review of the Queensland Ombudsman</i>.</p>

**APPENDIX 1**

	matters regarding the strategic review. The committee met with the Professor again on 4 March 1998 to discuss the results of the review and issues that the final report might canvass.	
Pursuant to the <i>Parliamentary Commissioner Act</i> the LCARC must be consulted in relation to the <u>appointment, removal and suspension of the Ombudsman.</u>	The committee was consulted in April 1997 in relation to an extension of the current Ombudsman's term.	Continuing responsibility.
Pursuant to the <i>Freedom of Information Act</i> the LCARC must be consulted in relation to <u>suspension and removal of the Information Commissioner.</u>	Not applicable.	Continuing responsibility.
Pursuant to the <i>Electoral Act</i> the LCARC must be consulted in relation to the <u>appointment of the Electoral Commissioner, Deputy Electoral Commissioner, chairperson and non-judicial appointee of the ECQ.</u>	The committee was consulted in January 1997 in relation to the appointment of the Deputy Electoral Commissioner.  The committee was consulted in December 1997 in relation to the reappointment of the Electoral Commissioner.	Continuing responsibility.