



Speech by

Hon. TOM BARTON

MEMBER FOR WATERFORD

Hansard 26 August 1999

MINISTERIAL STATEMENT

Mrs D. Brown

Hon. T. A. BARTON (Waterford—ALP) (Minister for Police and Corrective Services) (9.53 a.m.), by leave: The Courier-Mail has run a series of stories recently about the unfortunate circumstances which led to the murder of Mrs Doreen Brown by her husband Mr Lesley Brown, who was on parole at the time. At the time of the murder in October 1997, it was revealed that Mrs Brown had informed community corrections officers about threats made to her by her husband. When this information was revealed in newspaper reports at the time of the murder, the Queensland Corrective Services Commission ordered an investigation into the matter.

The investigation report was completed and received by the Queensland Corrective Services Commission in December 1997 and contained a number of findings and recommendations. It found that the community corrections officers concerned had correctly followed procedures in this matter but that these procedures and policies relating to these procedures were inadequate. The problems were based on the fact that Mrs Brown was not prepared to make a formal complaint against her husband for fear that he would be able to find out this information through freedom of information legislation.

I must say that it would not only have been a very distressing situation for Mrs Brown but also a distressing dilemma for the community corrections officers dealing with the case. The investigation report also revealed that community corrections officers have the option of taking informal complaints to the Queensland Community Corrections Board, police or other Government agencies for possible action. The community corrections officers approached Mrs Brown and asked if she wanted her informal complaints passed on to the Queensland Community Corrections Board, but she declined for fear that her husband could still find out about those complaints.

The investigation report also noted that community corrections officers expressed concerns about how the FOI legislation worked and its impact on their field of work. The Courier-Mail was able to obtain a copy of this investigation report and, when contacted by the paper, my office immediately requested a copy of the report from the department, even though it was completed and submitted under the previous coalition Government. Upon reading the report, my office requested urgent advice on what action was taken by the then Queensland Corrective Services Commission and what options were available to ensure that this unfortunate situation did not occur again.

The department's investigations revealed that these types of reports were normally passed on to an investigations review committee for finalisation and further action. This was not done on this occasion although the issues raised by the report were part of legislative changes being developed by then Queensland Corrective Services Commission, but these lapsed with the change of Government in June 1998.

As the House would be aware, I abolished the Queensland Corrective Services Commission and formed the Department of Corrective Services in its place. Part of this complete reformation of corrective services involves an overhaul of all the legislation in the portfolio. This is well under way and the concerns raised by the report are currently being worked on by the legislation review group. Any possible legislative changes as a result of the Brown case will be part of a whole raft of legislative amendments which I intend to introduce next year.

As I pointed out, the crux of the problem revolved around the confidentiality of material supplied and the implications of the FOI legislation. Investigations by the department have subsequently found

that community corrections has the capacity to withhold information under the current FOI laws. Under section 42(1) of the Freedom of Information Act, material can be exempt if disclosure could be reasonably expected to, among other things, enable the existence, or identity, of a confidential source of information in relation to the enforcement or administration of the law to be ascertained or if the disclosure may endanger a person's life or physical safety. Sections 41, 44 and 46 also contain provisions which may be exercised to protect the confidentiality of complainants.

It is clear from the original investigation report into the Brown case and subsequent investigations that not all community corrections officers are fully aware of their rights under the existing FOI laws. Therefore, I have directed the director-general of my department to develop an information package relating to all aspects raised by the Brown case and distribute this information package to all community corrections officers. In addition, I have asked that training on the impact of FOI laws be included as part of the normal training regime for community corrections officers.
