



Speech by

Stirling Hinchliffe

MEMBER FOR STAFFORD

Hansard Wednesday, 4 June 2008

JUSTICE AND OTHER INFORMATION DISCLOSURE BILL

Mr HINCHLIFFE (Stafford—ALP) (4.53 pm): I rise in support of the Justice and Other Information Disclosure Bill. Throughout the history of our society and its forebears, our criminal justice system has taken advantage of emerging knowledge, science and technology. In this instance, the role of IJIS, or the Integrated Justice Information Strategy, is a further enhancement of our criminal justice system, taking advantage of the latest technology, science and knowledge. It is central to creating a more modern, joined up—as we would put it—criminal justice system.

IJIS is a whole-of-government program led by, and to be operated within, the justice department. It is charged with assisting in the coordinated management of the criminal justice system and improving collaboration between criminal justice agencies. IJIS does this through using technology to improve information sharing between the criminal justice agencies—namely, Justice, Police, Corrections and Communities. IJIS also assists Child Safety through improved access to information held by Justice in its court administration role.

I would like to refer to some examples of types of IJIS initiatives that might best illustrate this role. Firstly, there is the provision of information such as court outcomes to departments that need that information in an electronic form from the Department of Justice rather than on an ad hoc and manual basis from the police department. Secondly, IJIS will create an unprecedented collection of high-quality comprehensive criminal justice data in a deidentified form that will be able to be analysed and interrogated by policy makers, decision makers and government and, indeed, non-government researchers. How vital this would be in making better decisions about how we respond to issues that arise in the criminal justice system rather than relying on the vagaries of anecdotal evidence and responses that might be encouraged by current affairs television. Let us go to the data. Let us have the information to make intelligent decisions about policy matters within the criminal justice system. The deidentified data that this system will mine will be of great assistance to ourselves and future parliaments in that purpose.

Thirdly, IJIS is working to create the necessary information technology infrastructure between the departments so that they can integrate with one another. This is again unprecedented work and will enable the electronic flow of information to occur. There are many benefits to information sharing under IJIS. There are benefits for the child protection and criminal justice agencies. There are benefits for participants in the child protection system and the criminal justice system. And in a holistic sense there are benefits to the community.

IJIS is expected to deliver productivity benefits for government agencies involved as well as social and economic benefits to the community as a whole. The productivity benefits are the direct cost savings to agencies in the criminal justice system. The productivity savings are largely the result of moving from a system of paper based data capture, with some data being re-entered at multiple points in the criminal justice system, to an electronic system where data is recorded once and transferred or made available through an integrated system. These systems that are so prevalent in areas of business that have revolutionised the productivity of the private sector and indeed other areas of government can now, under the aegis of this enabling legislation, become available to our criminal justice system.

I cannot think of any more important role of government than maintaining an efficient and effective criminal justice system. And here we are just now being able to implement and provide this platform for a far more efficient and effective criminal justice system. I congratulate the Attorney and his supporters in other areas of government for bringing this matter forward so effectively.

The social and economic benefits that flow from this system include the better use of those resources that I mentioned—the increased capacity of the criminal justice system, reduced offending, one would hope, and increased satisfaction with the criminal justice system from across the community. Very importantly, and I note the comments made by my learned friend the member for Southport, there are justifiably concerns about privacy considerations with such information sharing. The general right to privacy by individuals is recognised by the government. An individual's criminal justice information—whether as a defendant, an offender or a victim, or witness—or child protection information will certainly be considered personal information and thus should be handled with respect for those individuals' privacy.

Privacy considerations, however, must be balanced against the community benefit that flows from enhanced community safety through improved information sharing and collaboration between the nominated agencies. Under the bill, the authorisation to share information is for certain purposes only. A 'use provision' only permits use of the information by the receiving agency for the purpose for which it was received or for a purpose permitted or authorised under an act. A penalty attaches to the misuse of information.

The government has sought to achieve a balance between the competing considerations of an efficient and cohesive criminal justice system and individual privacy. The government ultimately formed the view that permitting the exchange of criminal justice and child safety information for limited purposes was an acceptable and desirable balance between the public interest in community safety and the public interest in protecting the privacy of individuals.

It should also be noted that an integral aspect of IJIS's design and development of its programs is security of access of information including: ad hoc and scheduled reviews of users with access and what information is indeed being accessed; ad hoc and scheduled audits of who is accessing information; and audit and technical logs which contain a record of information use and access. This provides an important level of security and comfort to those people whose information will be accessed via IJIS. They will know that those people who have the right to access the system are being oversighted and are subject to checks and audits in a regular way and without notice.

Under the bill, there are various purposes for which the information will be shared. The purposes encapsulate the reasons for which information may be passed between agencies in order to ensure the smooth administration of the system, from the prosecution of defendants to the management of convicted offenders. Information may be shared for one or more purposes, and some IJIS initiatives will fall within more than one purpose.

One of the purposes is to enable an agency to prepare for or appear in a justice proceeding. Upcoming court appearance information is required by Corrective Services and Communities to ensure appropriate officers and defendants attend court and are prepared for the court appearance to avoid unnecessary adjournments. The benefits of the electronic transfer of such information by Justice under IJIS, as opposed to manual case-by-case notification by police, include reducing the failure rate of notification to Corrective Services which can lead to unnecessary adjournments as transport for prisoners has not been arranged and eliminating the need for police officers to be engaged in faxing and emailing notifications to Corrective Services and Child Safety.

Mr Weightman: That's great.

Mr HINCHLIFFE: I understand the coalface appreciation that the member for Cleveland has of these matters from his role in a former life as a member of the Queensland Police Service.

Another purpose is to enable an agency to record and give effect to a decision in a justice proceeding. Court decision information is required by police to ensure criminal histories maintained by Police are current and accurate, prosecutors have to have up-to-date information to manage cases, the administration of court orders is exactly as per the order, and front-line officers have up-to-date information for the better protection of themselves and the community. It is also required by Corrective Services to ensure offenders are held or released as appropriate and officers have up-to-date information for the better management of offenders, and by Communities to ensure offenders dealt with under the Juvenile Justice Act 1992 are appropriately managed.

The benefits of Justice providing this information electronically under IJIS is that during court events representatives of various agencies make their own records of outcomes. Capturing a complete set of information required by agencies and electronically distributing under IJIS aims to address inconsistent information recording of court events by the different agencies.

Another purpose is to enable the agency to record the criminal history of a person to the extent that the agency is permitted to have that criminal history. This purpose does not widen the circumstances, as presently provided for in various acts, in which a department may request a criminal history from the police. Authorisation under an existing law is required before a criminal history can be shared under an arrangement between the police commissioner and another chief executive under this bill.

It will enable the receiving agency to conduct information linking about a person. Information linking is an IJIS initiative that will allow the identification of the same person between criminal justice agency systems. So they will marry up. By developing a database that links agency references and software that updates entries in it, the initiative will enable reliable matching of persons across agencies to ensure that relevant and accurate information is transferred.

Another purpose is to enable the agency receiving the information to provide for the safety and welfare of the person whilst they are in the custody of Queensland Corrective Services or the Queensland Police Service as well as the safety and welfare of others—for example, their fellow prisoners or Corrective Services facilities officers themselves. Up-to-date knowledge of offender behaviours, medical requirements and other personal information is essential for officers to effectively provide for the safety of the offender, fellow inmates and departmental staff managing that offender. It is also a purpose for which court outcomes will be utilised.

Another purpose is to enable Corrective Services and Communities to effectively supervise offenders in the community. Effective supervision is defined in the bill to be 'supervision that provides for community safety, the safety and welfare of the person and', most significantly, 'to prevent crime'. An example of information that may be provided to those agencies under this purpose is information in relation to child safety concerns about the children of an offender being supervised by Corrective Services in the community. Action taken by Child Safety can be supported by Corrective Services in its case management, thereby ensuring the safety of the children concerned. I think we would all agree that that is extremely important in these circumstances.

Another purpose is to enable the receiving agency to provide for or to consider whether it needs to provide for the welfare and safety of certain persons associated with a person in the criminal justice systems, as it says in the act, for whom safety and welfare may be a concern—victims, witnesses, children associated with the person, a person at risk because of their association or agency officers who come into contact with the person. This purpose has relevance to many IJIS initiatives as it is an inherent benefit of the electronic transfer of accurate and complete information about defendants and offenders that the information will enable agencies to better provide for the protection of others. For example, court outcome information about a prisoner's sentence sent to Corrective Services will inform officers' decisions about the safety of coprisoners and prison visitors.

Another purpose is to enable the receiving agency to conduct research and statistical analysis of the criminal justice system. As I mentioned, that is an excellent outcome arising from this process that will provide manifold benefits for our best administration into the future of the criminal justice system. This directly relates to the IJIS initiative of criminal justice analytics, which will deliver an unprecedented sector-wide picture of events and people as they move through the system, to inform strategic decision making and policy and program development.

As I said at the outset, the history of our society has seen the criminal justice system develop and evolve in response to knowledge, science and technology. It is very important that we ensure that the best and brightest of technologies and that the most advanced and efficient of systems available in our community are available to the range of agencies that are the pillars underneath our vitally important criminal justice system. I commend the bill to the House.