

# Queensland Community Safety Bill 2024

## Statement of Compatibility

### FOR

## Amendments to be moved during consideration in detail by the Honourable Mark Ryan MP, Minister for Police and Community Safety

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019* (HR Act), I, Mark Ryan MP, Minister for Police and Community Safety, make this statement of compatibility with respect to the amendments to be moved during consideration in detail (ACiD) of the Queensland Community Safety Bill 2024 (the Bill).

In my opinion, the amendments to be moved during consideration in detail of the Bill are compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

### Overview of the Amendments

The Bill was introduced on 1 May 2024 and contains a number of legislative measures to optimise and strengthen law enforcement capabilities and efficiencies, improve crime prevention strategies, and address key issues affecting public security and wellbeing. Through a combination of proactive strategies and targeted interventions, the proposed measures in the Bill support the Queensland Government's commitment to enhancing public safety and security.

The objectives of the ACiDs are to amend the Bill, the Criminal Code; the *Domestic and Family Violence Protection Act 2012* (DFVP Act); the *Explosives Act 1999* (Explosives Act); the *Family Responsibilities Commission Act 2008* (FRC Act); the *Fire Services Act 1990*; the *Maritime Safety Queensland Act 2002* (MSQ Act); the *Police Powers and Responsibilities Act 2000* (PPRA); the *Weapons Act 1990* (Weapons Act); and the *Youth Justice Act 1992* (YJ Act) to implement a diverse range of policy objectives.

### **Amendments to the Domestic and Family Violence Protection Act 2012**

The intention of clauses 106 and 107 of the Bill is to remove the obligation for police to investigate domestic violence under section 100 of the DFVP Act where it is determined an incident involves a child (under 18 years), unless an *intimate personal relationship* or *informal care relationship* exists between the parties. The amendments in clauses 106 and 107 of the Bill do not achieve the policy intention.

The ACiDs intend to clarify the operation of section 100 of the DFVP Act in relation to children under 18 years by:

- removing the example to the definition of ‘relative’ and ‘family relationship’ as it is unnecessary; and
- amending clause 107 of the Bill to clarify that the obligation to investigate a domestic violence incident under section 100 of the DFVP Act does not apply where it is determined that the relevant relationship between the 2 persons subject of the complaint, report or circumstance is a family relationship and one of the persons is under 18 years.

While the ACiDs address the extent to which police officers are required to investigate suspected domestic violence under section 100 of the DFVP Act by ending the requirement when a family relationship involving a child (under 18 years) is determined, there are no changes to the original policy intention.

The amendments will not further limit human rights beyond any limitation under the existing DFVP Act. This is because, under existing provisions, a police officer cannot take any action under section 100(3) of the DFVP Act to make an application for a domestic violence order or make a police protection notice between a child (under 18 years) and a relative because of section 22(2) of the DFVP Act.

### **Amendments to the Explosives Act 1999**

#### **Amendment of the requirement to check licence or authority for sale of small arms ammunition**

The new section 43A of the Explosives Act prohibits the sale of small arms ammunition, unless the seller has physically sighted the buyer’s licence or authority and verified the licence or authority through a verification system, if available.

The statement of compatibility prepared in relation to the Bill identified the requirements for the introduction of the new verification process for purchasing small arms ammunition did limit human rights under the HR Act, however, these limitations are minor and strike the appropriate balance between the need to protect the community and preserving the individual’s rights.

The amendments to the Explosives Act proposed in the ACiD will permit the sale of small arms ammunition in circumstances where the seller is not able to verify the validity of the buyer’s licence or authority at the time of the transaction, due to a system not in operation or the seller being unable to access the internet because of an event out of the seller’s control.

In such circumstances, a record of the transaction must be kept by the seller, with the seller to verify the validity of the licence or authority using the verification system as soon as practicable after the system becomes available for use by the seller. If after using a verification system, the buyer’s licence or authority is identified to be invalid, a seller must immediately report the transaction to police.

The proposed amendment raises minor human rights considerations under the HR Act, which are discussed below.

## **Amendments to the Police Powers and Responsibilities Act 2000**

### Amending the definition of a state building

The PPRA authorises police officers and protective services officers (PSOs) to exercise powers to secure state buildings. A state building is defined as a building and its precincts owned or occupied by the State or a non-commercial authority of the State. Alternatively, a regulation may prescribe a building, or part of a building to be a ‘state building’ provided that the building or part of the building is to be used for an activity with which the State is directly concerned.

The current definition of a state building precludes the exercise of security powers by police officers and PSOs in buildings that are owned or occupied by local governments. However, it is in the public interest for all persons, such as employees, attendees and the general community to be provided with a safe environment when attending a local government building.

The amendment will allow a regulation to be made to authorise police officers and PSOs to use the full suite of security powers found in the PPRA in buildings owned or occupied by certain local governments if those buildings, or part of those buildings, are used for an activity with which the local government is directly concerned.

This amendment does not limit a human right outlined under the HR Act.

### Amendment to removal of online content scheme

The purpose of the proposed amendments is to:

- replace the cross-references to the *Online Safety Act 2021* (Cth) with bespoke definitions; and
- insert an explicit exemption for journalists.

The amended definitions are broadly consistent with those in the *Online Safety Act 2021* (Cth). They do not expand the scope of the scheme. Therefore, they do not limit human rights beyond the limitations addressed in the statement of compatibility with human rights to the Bill.

The right to freedom of expression protects the right of all persons to hold an opinion without interference and the right of all persons to seek, receive and express information and ideas, including verbal and non-verbal communication. This is the freedom to seek, receive and impart information and ideas of all kinds, within or outside Queensland. The forms of protected expression are broad, including oral, written, print, art or any other medium.

Freedom of expression is a fundamental human right and an integral element of a democratic society. Expressly excluding journalistic material from the scheme prevents any limitation on the freedom of expression related to expressing information and ideas in news media. Journalists can act as a conduit by providing information and commentary to support the broader community to stay informed, including about offending behaviour and how to stay safe.

### Authorising watch-house officers to use body-worn cameras

The Bill promotes security within watch-houses through the introduction of an amendment that clarifies the use of body-worn cameras by watch-house officers acting in the performance of their duties, is lawful.

### Clarification of the term ‘specified person’

On 25 March 2022, the *Police Legislation (Efficiencies and Effectiveness) Amendment Act 2022* (the 2022 Act) received assent. The 2022 Act amended section 154A of the PPRA to expand the circumstances where a magistrate or Supreme Court judge may grant a digital device access order to require a ‘specified person’ to provide access information for a seized device. The expanded circumstances captured where the device was otherwise lawfully seized under the PPRA (section 154A(1)(b)).

The definition of ‘specified person’ is provided for in section 149A of the PPRA, however, no corresponding amendment to the definition was made in the 2022 Act to explicitly cater for the expanded circumstances permitted by the amendment to section 154A.

The amendments will confirm and give full effect to the policy objective of the amendment to section 154A in the 2022 Act, which was to enable a police officer to apply to a magistrate or Supreme Court judge for an access order where the digital device was otherwise lawfully seized under a provision of the PPRA and removed from a place.

### **Amendments to the Weapons Act 1990**

#### Clarifying provision for compulsory exclusionary periods

The amendments will include a clarifying provision in relation to weapons licensing decisions. The amendments will confirm that when applying the compulsory exclusionary periods (5 or 10 years) and proclaiming a person as not ‘fit and proper’ under the Weapons Act because the person has committed a relevant offence, non-recorded convictions are not captured by these provisions.

As this is a clarifying provision and reflects the original policy intent of amendments to the Weapons Act in relation to weapons licencing decision making, this amendment does not further limit an individual’s human rights. Any rights which may be impacted in relation to weapons licencing decision making were considered in the statement of compatibility prepared in relation to the Bill. However, in clarifying the operation of section 10B and 10C, this amendment further promotes an individual’s right to recognition and equality before the law (section 15 of the HR Act).

#### Power to issue a direction to facilitate personal service of a firearm prohibition order

The amendment to clause 73 makes a correction to the new section 141Q of the Weapons Act to ensure the power to issue a direction to facilitate personal service of a firearm prohibition order (FPO) applies to both commissioner and court issued orders.

Further, the amendment clarifies when a police officer may use these powers by introducing a legislative safeguard that any direction given by a police officer must be reasonably necessary to effect service of the FPO.

The statement of compatibility prepared in relation to the Bill identified the power to give directions to facilitate personal service of FPOs may limit human rights, however any limits are reasonable and justified. The proposed amendment does not raise any additional human rights consideration, rather it preserves the HR Act by inserting a further legislative safeguard.

### **Amendments to the Youth Justice Act 1992**

The Bill creates a new framework in the YJ Act for the transfer of 18-year-old detainees to adult custody. Two amendments are to be moved to correct minor errors in those proposed amendments, contained within clause 126 of the Bill. Several other amendments are consequential to the primary two amendments.

Amendments will also be moved to change the way the Human Rights Commissioner will be referred to in the YJ Act, for consistency with the way other oversight entities are referred to.

The ACiDs relating to youth justice are minor and technical in nature, to clarify provisions and correct errors. Their effect on the Bill does not have the effect of changing the way it engages human rights.

### **Amendments to the Family Responsibilities Commission Act 2008**

Section 43 of the FRC Act is amended to omit reference to the YJ Act and include a reference that a court advice notice should be provided for a child who is not a first-time offender.

The amendment is necessary for court advice notices in relation to children convicted of second or more offences to be provided to the Family Responsibilities Commission (FRC). This will enable the FRC to effectively engage with the young person's family to address factors that may have contributed to the young person's offending behaviour.

### **Amendments to the Fire Services Act 1990**

Amendments to the *Fire Services Act 1990* will correct two separate minor and technical errors and do not engage any human rights.

### **Amendments to the Maritime Safety Queensland Act 2002**

The objective of the amendments to the MSQ Act to be moved during consideration in detail of the Bill is to validate the appointment of, and the exercise of powers and functions by, persons who, before 24 April 2024, were purportedly employed as general manager, or employed to act in the office of general manager, but who were not appointed by the Governor in Council as required by section 10(1) of the MSQ Act due to administrative oversight.

The affected persons were otherwise appropriately qualified for appointment, having been subject to merit-based recruitment and selection processes, and they were employed under contracts of employment entered into with the chief executive under public sector legislation.

The amendments will validate the contracts of employment entered into by the persons with the chief executive, and will have the effect of validating anything done (i.e. decisions and actions) by an entity (e.g. harbour masters and shipping inspectors) relying on the validity of a decision made, or other thing done (e.g. the appointment of the harbour master or shipping inspector), by those affected general managers.

Further objectives of the amendments to the MSQ Act are to clarify the nature of the general manager's employment under the *Public Sector Act 2022*, and to empower the Minister to appoint a person to act in the office of general manager for a maximum period of six months. For acting arrangements longer than six months, the Governor in Council must approve the acting appointment. These amendments will support operational and administrative efficiencies and enable relieving arrangements for the general manager of MSQ.

Consideration has been given as to whether the proposed amendments to the MSQ Act might engage human rights under the HR Act, and which rights might be relevant to the amendments. It has been concluded that they do not engage any human rights as they do not impose obligations on, or affect the rights and liberties, of individuals. The amendments are curative in nature, to validate the appointment of general managers that would otherwise be invalid due to administrative oversight, and they also clarify the nature of the general manager's employment as a senior executive. The amendments providing acting arrangements for the general manager relate to the internal management of the public sector.

## **Human Rights Issues**

### **Human rights relevant to the amendments (Part 2, Division 2 and 3 of the HR Act)**

In my opinion, the following human rights under the HR Act are engaged (including rights that are promoted or limited) by amendments:

- recognition and equality before the law (section 15);
- privacy and reputation (section 25);
- protection of families and children (section 26) (promoted only);
- cultural rights – Aboriginal peoples and Torres Strait Islander peoples (section 28) (promoted only); and
- retrospective criminal laws (section 35).

**If human rights may be subject to limitations if the Bill is enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (section 13 of the HR Act)**

### **Amendments to the Explosives Act 1999**

#### **Amendment of the requirement to check licence or authority for sale of small arms ammunition**

##### a) the nature of the right

The rights potentially impacted by this amendment include the right to recognition and equality before the law (section 15 of the HR Act) and the right to privacy (section 25 of the HR Act).

The part of the right that provides that a person is equal before the law and is entitled to the equal protection of the law without discrimination requires public entities, as well as courts and tribunals in undertaking certain functions, to treat people equally when applying the law and to not apply the law in a discriminatory or arbitrary way. Discrimination includes (but is not limited to) direct and indirect discrimination as defined in the *Anti-Discrimination Act 1991*.

The right to privacy, which is broadly construed, includes a specific right against interference with a person's physical integrity as well as a person's personal information.

The amendment may interfere with these rights due to persons in rural areas not having access to reliable internet service and thus being unable to access the verification system at the time of sale. The limitation of the right to equality is tempered by the option for the seller to access the verification system at a later time once access is restored, thus allowing for the sale to proceed at the time it is required. This may be of particular importance in regional areas where pest control through weapons use is necessary for safe agricultural practice.

The requirement for buyers to disclose personal information to the seller and associated record keeping by the seller, is a necessary limitation of privacy. The disclosure and use of this information will be essential for police to intervene if persons who should not be in possession of ammunition purchase it with the intention of its illegal use in violent firearm offences. Whilst any potential buyer will need to reveal personal information about themselves by presenting the relevant licence or authority and other personal information, the information is not published.

b) the nature of the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of this amendment will assist to mitigate the risk of discrimination to persons who live and work in remote areas and are more likely to be the subject of poor internet connection. This amendment will support businesses by the ability to conduct sales in circumstances where they do not have access to the verification system due to matters outside their control.

The requirement for the seller to record the buyer's personal information and conduct subsequent verification, immediately reporting it to police in circumstances where the buyer is not authorised, maximises the protection of the community and promotes public safety.

c) the relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose

The limitation on the individual's rights as a result of the amendments are minor and introduces additional requirements for sellers who sell ammunition where they are unable to conduct verification of the buyer's licence or authority at the time of transaction.

The buyer will be required to disclose personal information to the seller in order for the transaction to occur.

In such a circumstance where the buyer does not hold a valid licence or authority, it will allow police to act swiftly, locate the buyer and potentially prevent a violent offence which may involve the use of a weapon. The use of personal information for this purpose is consistent with the objectives and paramount principles of the Bill to prevent crime and enhance community safety.

d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose

There are no less restrictive ways to achieve the policy objective.

- e) the balance between the importance of the purpose of the limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The amendments recognise the fundamental importance of community safety. Therefore, on balance, any limitations on an individual's right to privacy and recognition and equality before the law caused by the amendment are reasonable and demonstrably justifiable.

- f) any other relevant factors

Nil.

### **Amendments to the Police Powers and Responsibilities Act 2000**

#### **Authorising watch-house officers to use body-worn cameras**

The proposed amendment will clarify that the use of a body-worn camera by a watch-house officer is lawful.

Currently, the *Invasion of Privacy Act 1971* (IP Act) regulates the monitoring, listening or recording of conversations. Given that a body-worn camera may be considered a 'listening device' under the IP Act, the recording of a private conversation, that does not involve the watch-house officer, by a body-worn camera, is currently prohibited. The amendment will exempt watch-house officers using body-worn cameras from offences relating to the recording of private conversations under the IP Act.

In certain circumstances, the use of a body-worn camera may impact on a person's right to privacy by recording a person's image and any conversations held at the time the camera was recording.

- a) the nature of the right

Section 25 of the HR Act provides that a person has the right to privacy. A right to privacy is a fundamental right which acts as the foundation for many other human rights. By its nature, this right is very broad, extending beyond protections for personal information and data collection. However, this right only applies to acts of interference that are unlawful or arbitrary.

- b) the nature of the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

In most instances, body-worn camera recordings of watch-house entrants will be analogous with existing CCTV recording systems. Generally, watch-house officers would not engage in, or be party to, private conversations while recording with a body-worn camera.

Where recording with a body-worn camera is utilised, the documentation of interactions between watch-house officers and entrants provides an indisputable record of events and circumstances during the recording period. This record may be examined to ensure that watch-house officers have acted appropriately, such as when exercising a statutory power, and may assist in any investigation of complaints.



- c) the relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose

The purpose of these amendments is to promote the security of watch-houses, and the reputation of individual watch-house officers and the QPS more broadly. This will occur through authorising the use of body-worn cameras by watch-house officers in the performance of their duties. Body-worn cameras promote the professionalism of watch-house officers as recordings may be later reviewed to ensure that officers have acted in line with operational policy and procedure, and to assist in any investigations.

- d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose

There is no reasonably available and less restrictive way to achieve the purpose identified.

- e) the balance between the importance of the purpose of the limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

Body-worn cameras provide assistance to a range of public officials by providing a record of events and circumstances. Body-worn cameras are increasingly being used by private and government agencies, particularly when the user may be confronted with aggressive behaviour. These devices will assist in ensuring the accountability of watch-house officers which will promote professionalism.

Given that the practice of recording via body-worn cameras will complement existing recording mechanisms via CCTV, the benefits outweigh the concerns that may be raised about the imposition of a person's right to privacy within a watch-house.

- f) any other relevant factors

Over recent years, Parliament has authorised a range of public officials to use body-worn cameras. For example, public officials under the *Biosecurity Act 2014*, the *Drugs Misuse Act 1986*, the *Exhibited Animals Act 2015*, the *Fisheries Act 1994* and the *Youth Justice Act 1992* are all authorised to use body-worn cameras.

The PPRA confirms that the use of body-worn cameras by police officers is lawful. This provision was expanded in 2021 to capture protective service officers via the *Police Service Administration and Other Legislation Amendment Act 2021*. The proposed amendment expands upon these provisions to include watch-house officers.

Further, in private industry the use of body-worn cameras is becoming more prevalent. Concerns about the impact on human rights by these amendments may be mitigated as the use of body-worn cameras has been approved by Parliament and has widespread support in the community as a legitimate means of recording events that may occur around the user.

### **Clarification of the term 'specified person' in section 149A of the PPRA**

- a) the nature of the right

The right potentially impacted by these amendments includes the right to protection against retrospective criminal laws (section 35 of the HR Act).

The right to protection from retrospective criminal laws is aimed at protecting people from being unfairly and harshly penalised in situations where there has been a change in the criminal law since the time they committed an offence. It protects people from being found guilty of an offence for an action which was not an offence at the time it was committed because they could not have known it was an offence.

The right will be engaged where there are ambiguities in the criminal law because the law does not have the required qualities of accessibility and foreseeability or lacks certainty and predictability<sup>1</sup>. However, this is considered to be a high threshold and there must be a genuine inability for an individual to ascertain whether particular conduct is captured.

The original policy objective of the insertion of section 154A(1)(b) in the PPRA, as made explicit in the Explanatory Notes accompanying the 2022 Act, was to enable police officers to apply to a magistrate or Supreme Court judge to obtain an access order in circumstances where a digital device has been lawfully seized under the PPRA. Where a ‘specified person’ fails to comply with the access order they may commit an offence against section 205A of the Criminal Code.

Because the validating provision will merely confirm the operation of the 2022 Act in accordance with the explicit original policy objective, the retrospective validation may not in itself be sufficient to engage the right. However, it may be arguable that there is currently sufficient ambiguity in the application of the definition of *specified person* to the extent that the provision does not meet the requirements of certainty and predictability, and the amendment may retrospectively impose criminal liability on individuals. On that basis, the right could be limited by the validating provision.

b) the nature of the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the very limited, retrospective operation of the validating provision is to allow the justice system (including magistrates, judges and defendants) to have the benefit of the clarity as soon as possible.

The validating amendment will confirm the original policy objective of section 154A(1)(b) to allow for the effective investigation of serious criminal offences by permitting a magistrate or Supreme Court judge to make an order where a digital device is otherwise lawfully seized under the PPRA to enable police to access and retrieve evidence of an offence that is stored on a digital device.

This is considered consistent with a free and democratic society based on human dignity, equality and freedom.

c) the relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose

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<sup>1</sup> *Kafkaris v Cyprus* (2009) 49 EHRR 35; *R v Rimmington* [2006] 1 AC 459.

There is a rational connection between the limitation of retrospective operation and the amendment's purpose to allow the justice system (including magistrates, judges and defendants) to have the benefit of the clarity as soon as possible.

The limitation achieves the purpose of providing certainty as to the original policy intention and operation of section 154A(1)(b), that police officers may apply to a magistrate or Supreme Court judge to obtain an access order in circumstances where a digital device has been lawfully seized under the PPRA.

d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose

No less restrictive and reasonably available ways to achieve the purpose have been identified. It may be less restrictive to prospectively confine the operation of the amendments, however, that approach will not achieve the purpose of clarifying the law as soon as possible and giving full effect to original policy objective of section 154(1)(b).

e) the balance between the importance of the purpose of the limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

On balance, the importance of providing clarity and consistency in the law outweighs any potential limitation on the right to protection from retrospective criminal laws, that may occur as a result of the amendments.

This is the case having regard particularly to the fact that the amendments do not make substantial changes, extend police and court powers or criminalise new conduct, rather, they clarify the operation of the law in line with its original policy objective.

It is therefore considered that the benefits of having a clear PPRA that reflects both the policy objective and the application of section 154A(1)(b) outweighs any potential limitation that arises because of very limited retrospective application.

f) any other relevant factors

Nil.

### **Amendments to the Family Responsibilities Commission Act 2008**

The amendments engage the following human rights under the HR Act, however do not limit them and instead promotes these rights:

*Cultural rights – distinct cultural rights of Aboriginal peoples and Torres Strait Islander peoples (section 28 HR Act).*

The proposed amendments will support the main objectives of the FRC, which are to support the restoration of socially responsible standards of behaviour and local authority in welfare reform community areas; and to help people in welfare reform community areas to resume primary responsibility for the wellbeing of their community and the individuals and families of the community.

*Protection of families and children (section 26 HR Act).*

In supporting the objectives of the FRC Act, the amendments will promote the protection of children and families in welfare reform communities. The proposed amendments will ensure the ability for the FRC to receive court advice notices in relation to the young offender and better support the families and children in their communities.

a) the nature of the right

The right to privacy and reputation in section 25 of the HR Act encompasses a person's right not to have their privacy unlawfully or arbitrarily interfered with. The amendments to the FRC Act engage with this right and may be subject to limitation if enacted.

b) the nature of the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The nature of the potential limitation on the right to privacy is through providing a legislative basis for details of the young person's offence and personal details to be provided to the FRC without a young person's consent. The overall purpose of the FRC Act is to support the restoration of socially responsible standards of behaviour and local authority, and to help people resume primary responsibility for the wellbeing of their community and the individuals and families of the community.

The purpose of the court advice notice is to ensure the FRC is provided with timely information about a young person, to enable the FRC to engage with the young person's family as a holistic approach to supporting not only the young person but their family.

c) the relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose

The limitation on privacy through the operation of the court advice notice for young people ensures that the FRC can fulfill its role and achieve the overall objectives of the FRC Act, by ensuring the FRC has access to information required in order to assess, engage and support the family of a young offender.

d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose

The court advice notice for young offenders has not been in operation since 2016. The FRC may continue to rely on self-referrals from the community in relation to young offenders, however this limits the efficacy of the FRC's operation in achieving the objectives of the FRC Act.

e) the balance between the importance of the purpose of the limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

Preservation of a young person's right to privacy and reputation is important and any limitation must be balanced. This is particularly important given the FRC operates in small communities.

The FRC and the FRC Act itself have some safeguards in place to balance the limitation on the right to privacy. The FRC is a Public Service Entity under the *Public Sector Act 2022* and therefore subject to the *Information Privacy Act 2009*, the *Public Records Act 2002* and the Queensland Government's Information Security Policy, which provides strict guidelines in relation to the handling of confidential information.

The FRC Act also has provisions governing the exchange of information with other entities (Part 8), in particular preservation of confidential information (section 147). Section 147 of the FRC Act has confidentiality provisions that protects the recording, disclosure and use of confidential information gained by a person involved in the administration of the FRC Act and provides further protection to ensure the confidentiality of the details of the conviction and details of children provided to the FRC, and relevant entities that it provides this information to.

Due to these safeguards and the overall purpose of the FRC Act, it is considered that the provision of court advice notices for young offenders does not unlawfully or arbitrarily interfere with the privacy of these young people.

f) any other relevant factors

A review of the impact of the reintroduction of the Childrens Court trigger will be undertaken within two years.

## Conclusion

In my opinion, the amendments to the Queensland Community Safety Bill 2024 which are to be moved during consideration in detail are compatible with human rights under the HR Act because they limit a human right only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the HR Act.

**Mark Ryan MP**

Minister for Police and Community Safety