



# Supreme Court Library Act 1968

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Queensland

# Supreme Court Library Act 1968

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# Supreme Court Library Act 1968

## An Act relating to the Supreme Court library

### Part 1 Preliminary

#### 1 Short title

This Act may be cited as the *Supreme Court Library Act 1968*.

#### 2 Definitions

The dictionary in schedule 1 defines particular words used in this Act.

### Part 2 Supreme Court library committee

#### 3 Constitution of committee

- (1) There shall be constituted a body to be called the Supreme Court Library Committee.
- (2) The committee shall be a body corporate with perpetual succession and a common seal and may sue and be sued in all courts and shall for the purposes and subject to the provisions of this Act be capable of acquiring, holding, alienating and disposing of property and of doing and suffering all such acts and things that a body corporate may in law do or suffer.
- (3) All courts, judges, justices and persons acting judicially shall take judicial notice of the seal of the committee affixed to any document or notice and shall, unless the contrary shall be proved, presume that it was duly affixed.

#### **4 Constitution of committee, appointment and term of office of members**

- (1) The committee shall consist of—
  - (a) the chief justice or a judge of the Supreme Court appointed by the chief justice; and
  - (b) the chief judge of District Courts or a judge of District Courts appointed by the chief judge of District Courts; and
  - (c) the chief magistrate or a magistrate appointed by the chief magistrate; and
  - (d) 8 other members comprising—
    - (i) 4 practising barristers of at least 3 years standing, of whom 2 shall be appointed by the chief justice and 2 shall be appointed by the Bar Association of Queensland;
    - (ii) 4 practising solicitors of at least 3 years standing, of whom 2 shall be appointed by the chief justice and 2 shall be appointed by the council of the Queensland Law Society Incorporated.
- (1A) The Minister or the Minister's nominee shall be ex officio a member of the committee.
- (2) The chairperson of the committee shall be the chief justice or the judge of the Supreme Court appointed by the chief justice as a member of the committee.
- (2A) If the chairperson is absent from a meeting after a quorum is constituted, the members present shall elect from their number a chairperson for that meeting, and a member so elected shall, while so acting, have all the powers, duties and functions of the chairperson under this Act.
- (2B) The chairperson shall have a deliberative vote and, in the event of an equality of votes, a casting vote.
- (3) Appointments to the committee for the year next following shall be made in the month of December of each year.

- (3A) Members of the committee shall hold office for 1 year commencing on and from 1 January next following their appointments thereto.
- (4) The office of a member of the committee shall become vacant if the member—
- (a) dies or resigns his or her office by signed notice delivered to the chief justice;
  - (b) is absent from meetings of the committee for a continuing period of 6 months, without prior leave of the committee;
  - (c) does not hold a local practising certificate, or has a practising certificate that is suspended, under the *Legal Profession Act 2007*.
- (4A) Where a vacancy occurs in the office of a member of the committee appointed pursuant to subsection (1)(d) during the term of office of the members then constituting the committee, the chief justice shall appoint to the vacant office another practising barrister or solicitor of like standing who shall hold office until 31 December next following his or her appointment as a member.
- (4B) Where, in the month of December in any year, the chief justice appoints a judge of the Supreme Court as the chairperson of the committee, the chief justice may also, at the same time, appoint another judge of the Supreme Court to act in the stead of the judge first appointed while that judge is absent on leave.
- (4C) The chief justice may at any time appoint a judge of the Supreme Court to act as the chairperson during the absence on leave or the inability to act for any reason of the chairperson of the committee or other judge appointed to act as the chairperson pursuant to subsection (4B).
- (4D) The chief judge of District Courts may at any time appoint a judge of District Courts to act as a member of the committee during the absence on leave or the inability to act for any reason of the chief judge of District Courts or of the judge of

District Courts appointed by the chief judge of District Courts to the committee.

- (4E) The chief magistrate may at any time appoint a magistrate to act as a member of the committee during the absence on leave or the inability to act for any reason of the chief magistrate or of the magistrate appointed by the chief magistrate to the committee.
- (5) At any meeting of the committee 6 members shall constitute a quorum.
- (6) Subject to there being a quorum, a proceeding of the committee shall not be invalidated by reason only of a vacancy in the office of a member of the committee at the time of that proceeding.
- (7) Immediately after the date of commencement of the *Supreme Court Library Act Amendment Act 1973* the committee shall furnish to the registrar of the Supreme Court at Brisbane a notice setting forth the names and other relevant particulars of the persons who from time to time since the date of commencement of this Act constituted or were appointed to the committee and thereafter as soon as reasonably practicable—
- (a) shall upon the constitution of the committee for each year furnish to the registrar notice of the names and other relevant particulars of the persons by whom the committee is constituted for that year and of the judge appointed pursuant to subsection (4B);
- (b) shall upon a change in the members constituting the committee occurring in any year furnish to the registrar notice of relevant particulars of that change.
- (8) The registrar shall file in the central registry at Brisbane every notice furnished to the registrar pursuant to subsection (7).

## **6 Certificate of committee to be evidence**

A certificate sealed with the seal of the committee purporting to deal with the acts or proceedings of the committee shall be



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receivable in all courts and judicial proceedings as evidence of the truth of the matters certified to therein.

## **7 Property to vest in committee**

- (1) The following property shall vest in the committee—
- (a) all property which has heretofore been on loan from any department of the government to, been treated or should have been treated as belonging to, or forming part of, or being for the benefit of, any 1 or more or all, of the libraries of the Supreme Court at Brisbane, Rockhampton, and Townsville;
  - (b) without derogating from the generality of paragraph (a)—
    - (i) all property including all books, reports, manuscripts, pamphlets, papers, documents and chattels presently or normally regarded or treated as belonging to or forming part of any 1 or more or all of the said libraries of the Supreme Court at Brisbane, Rockhampton, and Townsville including such as be presently or normally contained in (notwithstanding the present whereabouts of the same) all rooms or premises known or used as or utilised for the purposes of the said libraries;
    - (ii) all Commonwealth treasury bonds, all Commonwealth Government special bonds, and all Commonwealth Securities held at the Bank of New South Wales, Queen and George Streets, Brisbane in the names of the Honourable Sir William George Mack and Margaret Alison Golliker;
    - (iii) all inscribed stock and the interest thereon and rights in relation thereto in Southern Electric Authority Loan No. 264 maturing on 31 October 1974, in the names of Sir William George Mack and Graham Lloyd Hart;
    - (iv) all moneys in or to be credited to the current account in the name of the Supreme Court Library

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Fund at the Bank of New South Wales, Queen and George Streets, Brisbane;

- (v) all moneys in or to be credited to an account in the name of Northern Supreme Court Library Committee at the Commonwealth Savings Bank of Australia, Townsville Branch, Account Number S 3198;
  - (vi) all moneys in or to be credited to an account in the name of Central Supreme Court Library at the Commonwealth Savings Bank of Australia, Rockhampton Branch, Account Number S 3954.
- (2) All persons in or by whom any property referred to in subsection (1), shall be vested or held shall do and effect all such deeds, acts and things as may be necessary to vest the same in the name of the committee.
- (3) All such property together with all other property which may be acquired by or devolve upon the committee shall be held administered and appropriated by the committee under this Act.

## **7A Historic documents given to committee for preservation**

- (1) A lawyer may give an historic document to the committee, without obtaining the consent of an interested person for the historic document, if—
- (a) giving the historic document—
    - (i) is not contrary to an express instruction given to the lawyer by the interested person; and
    - (ii) is unlikely to adversely affect the interested person; and
  - (b) it is not reasonably practicable to obtain the consent of the interested person.
- (2) The committee must take reasonable steps to preserve the historic document after receiving it.

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- (3) The giving of an historic document to the committee does not affect—
- (a) any right a person may have to recover possession of the historic document; or
  - (b) legal professional privilege attaching to the historic document, or the information contained in the historic document.
- (4) The committee may use or disclose an historic document given to the committee only if—
- (a) the use or disclosure is for historical or educational purposes; and
  - (b) the historic document is at least 100 years old, or if the historic document is a copy of another document, the other document is at least 100 years old.
- (5) In this section—

*give* includes loan.

*historic document* means a document that is considered by the committee to have sufficient historical significance to justify its preservation, and includes a copy of the document.

*interested person*, for an historic document, means a person having a legal right to object to a lawyer giving the document to the committee.

## **8 Trusts upon which committee holds property**

The trusts on which property vests in the committee shall be public charitable trusts and the committee shall be a body constituted for public charitable purposes.

## **9 Committee is statutory body**

- (1) Under the *Statutory Bodies Financial Arrangements Act 1982*, the committee is a statutory body.
- (2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the committee's powers under

this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

## **10 Functions of committee**

The committee has the following functions—

- (a) managing and controlling the Supreme Court library;
- (b) promoting the purposes and interests of the Supreme Court library;
- (c) doing all things necessary, expedient or desirable for the benefit, preservation, maintenance, upkeep, expansion, improvement and housing of the Supreme Court library;
- (d) monitoring and collating information about sentences imposed by courts;
- (e) maintaining and administering QGIS.

### **10A Delegation of particular functions**

The committee may delegate its functions under part 3 to the following—

- (a) a member;
- (b) a subcommittee;
- (c) an appropriately qualified employee.

## **11 Fees received relating to admission and examinations**

All moneys including admission and examination fees must be paid to the committee.

## **12 Provision by Crown towards expenses of committee**

The Crown may, in any year by way of grant, make such contribution towards the expenses incurred by the committee in carrying this Act into effect as is deemed proper.

## 13 Employees of committee

Until the committee otherwise determines, a person who immediately prior to the commencement of this Act was employed by the body then known as the Supreme Court library committee shall continue in office as an employee of the committee upon the same terms and conditions as were applicable to the person immediately prior to that commencement.

## 13A Superannuation scheme or arrangement

- (1) The committee is authorised and is deemed always to have been authorised to establish or participate in a scheme or arrangement that secures superannuation benefits for any employee or employees of the committee.
- (2) On and after the passing of the *Supreme Court Library Act Amendment Act 1987*, it shall not be competent to the committee—
  - (a) to establish or to commence to participate in a scheme or arrangement such as is referred to in subsection (1); or
  - (b) to amend a scheme or arrangement such as is referred to in subsection (1) established by the committee; or
  - (c) to continue to participate in a scheme or arrangement such as is referred to in subsection (1) that is amended subsequently to the passing of that Act and subsequently to the committee's commencing to participate therein;

unless the approval of the Governor in Council has first been obtained to the establishment, participation, amendment or, as the case may be, continued participation.

- (3) A reference to a scheme or arrangement in subsection (2)(b) or (c) includes a reference to any such scheme or arrangement which the committee has established before or in which the committee was participating immediately before the commencement of the *Supreme Court Library Act Amendment Act 1987*.

### **13B Protection from liability of members**

- (1) A member of the committee is not civilly liable for an act done, or omission made, in good faith under this Act.
- (2) If subsection (1) prevents a civil liability attaching to a member, the liability attaches instead to the committee.

### **14 Power to make rules**

- (1) The committee may make rules under this Act.
- (2) A rule must be approved by the chief justice.
- (3) A rule may be made about the following—
  - (a) the management and control of the affairs of the committee;
  - (b) the appointment and constitution of subcommittees (which may consist of or include persons not members of the committee) for such purposes and so constituted and with such powers and duties (including powers of delegation and cooption) as the committee may determine;
  - (c) the provision of grants of property upon or without conditions to any part or branch of the Supreme Court library;
  - (d) the appointment or engagement of employees or other persons upon such terms and subject to such conditions as the committee thinks fit and the establishment and maintenance or the procurement of the establishment and maintenance of any contributory or noncontributory pension or superannuation fund or scheme for the benefit of any such employees or other persons or any dependants of the same;
  - (e) the use and custody of the common seal;
  - (f) the manner and time of convening, holding and adjourning meetings of the committee and the proceedings at such meetings;

- (g) the management, control and investment of property vested in the committee;
  - (h) the admission, exclusion or expulsion of the public or any person from the Supreme Court library or any part thereof;
  - (i) the conditions and restrictions upon and subject to which any use, benefit or loan of any property (including books, documents and manuscripts) vested in the committee be permitted or allowed.
- (4) Any functions conferred upon the committee under this Act may be exercised notwithstanding that rules have not been made pursuant to the powers conferred by this section and the power to make rules with respect to any purpose, matter or thing shall not be taken as limiting any function conferred upon the committee by any provision of this Act (other than this section).
- (5) A rule is not subordinate legislation.

## **16 Annual report and accounts**

- (1) The committee shall on or before 30 September in each year subsequent to the year 1977 submit to the chief justice and the Minister a report of its proceedings during the period of 12 months ending on 30 June last preceding.
- (2) A report submitted pursuant to subsection (1) shall include a statement of the committee's income and expenditure and a balance sheet in respect of the period to which the report relates.
- (3) The committee shall, at the time of submitting each report specified in subsection (1), furnish a copy of the report to the registrar of the Supreme Court at Brisbane who shall file it in the central registry at Brisbane.

## **Part 3**                      **Queensland Sentencing Information Service**

### **17**      **Establishment**

- (1) The Queensland Sentencing Information Service (*Q SIS*) is established.
- (2) The purpose of establishing Q SIS is to provide a database of sentencing information (the *Q SIS database*) to help with the administration of the criminal justice system by, for example, helping the courts achieve consistency in sentencing.

### **18**      **Sentencing information in Q SIS database**

- (1) The committee may give sentencing information to the information technology service provider for inclusion in the Q SIS database.
- (2) The information technology service provider may include the sentencing information in the Q SIS database.
- (3) The committee may allow access to the Q SIS database, other than a part of the database containing restricted information, to any entity for a purpose mentioned in section 17(2).
- (4) The committee may allow access to restricted information only to an entity—
  - (a) entitled to access under section 19(1); or
  - (b) granted access under an arrangement mentioned in section 20.
- (5) This section applies despite any other Act that restricts or prohibits the disclosure of sentencing information.

### **19**      **Access to restricted information**

- (1) Relevant judicial persons are entitled to access to restricted information in the Q SIS database.



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- (2) Subject to section 20, the committee may grant access to restricted information in the QGIS database to any of the following—
- (a) a government entity concerned with—
    - (i) prosecuting offences; or
    - (ii) providing legal services to defendants; or
    - (iii) providing corrective services to offenders;
  - (b) a local government to the extent the local government is concerned with prosecuting offences;
  - (c) a non-government organisation that receives funding from the Commonwealth or a State government to provide legal services to defendants;
  - (d) an employee of a non-government organisation who, under an Act, is appointed to enforce compliance with the Act;
  - (e) a part of a government entity concerned with the administration of the criminal justice system;
  - (f) a law practice or an individual Australian legal practitioner concerned with—
    - (i) prosecuting offences; or
    - (ii) providing legal services to defendants.
- (3) In this section—

*Australian legal practitioner* see the *Legal Profession Act 2007*, section 6.

*government entity*—

- (a) has the meaning given by the *Public Service Act 2008*, section 24; and
- (b) includes a government entity of the Commonwealth or another State.

*law practice* see the *Legal Profession Act 2007*, schedule 2, definition *law practice*, paragraph (b).

*relevant judicial person* means any of the following—

- (a) a judge of the Supreme Court or the District Court;
- (b) an associate to a judge;
- (c) a magistrate;
- (d) a judicial registrar of the Supreme Court, the District Court or the Magistrates Court.

## **20 Arrangements for access to QGIS database**

- (1) Subsection (2) applies if the committee intends granting an entity access to restricted information on the QGIS database under section 19(2).
- (2) The committee must first enter into a written arrangement with the entity about the access.
- (3) Without limiting subsection (2), the arrangement must state—
  - (a) the purposes for which restricted information may be used; and
  - (b) for an arrangement with an entity other than an individual—the persons or category of persons within the entity to whom the restricted information may be disclosed; and
  - (c) that the restricted information may not be disclosed to anyone other than in accordance with the arrangement.

## **21 Misuse of QGIS information**

- (1) This section applies in relation to an entity that is—
  - (a) allowed access to the QGIS database under section 18(3); or
  - (b) entitled to access to restricted information under section 19(1); or
  - (c) granted access to restricted information under section 19(2).

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- (2) The entity, or persons within the entity, to whom access to the QGIS database is granted must not use the information other than for the purpose for which it was obtained.

Maximum penalty—

- (a) for an individual—100 penalty units; or
- (b) for a corporation—500 penalty units.
- (3) Subsection (2) does not apply to an entity if, had the entity obtained information in the QGIS database in the performance of the entity's functions under another Act, use of the information would not have been restricted in the way stated in subsection (2).

## **22 Use of information permitted despite other Act**

An entity, or persons within the entity, to whom restricted information obtained under section 19(1) or (2) is disclosed, may use the information for the purpose for which it was obtained, despite any other Act restricting or prohibiting the use of the information.

## **23 Protection from liability**

- (1) This section applies to a person who, acting honestly, makes information in the QGIS database available to an entity—
- (a) allowed access under section 18(3); or
- (b) entitled to access to restricted information under section 19(1); or
- (c) granted access to restricted information under section 19(2).
- (2) The person is not liable, civilly, criminally or under an administrative process, for making the information available.
- (3) Also, merely because the person makes the information available, the person can not be held to have—
- (a) breached any code of professional etiquette or ethics; or

- (b) departed from accepted standards of professional conduct.
- (4) Without limiting subsections (2) and (3)—
- (a) in a proceeding for defamation, the person has a defence of absolute privilege for making the information available; and
  - (b) if the person would otherwise be required to maintain confidentiality about the information under an Act, oath or rule of law or practice, the person—
    - (i) does not contravene the Act, oath or rule of law or practice by making the information available; and
    - (ii) is not liable to disciplinary action for making the information available.

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# Schedule 1      Dictionary

## section 3

***Bar Association of Queensland*** means the company registered under that name; or such other company or association as may be declared by rule made under this Act to be recognised by the committee as the representative association of the practising barristers of the Supreme Court.

***chief justice*** shall include any acting chief justice.

***committee*** means the body corporate constituted by this Act under the name the Supreme Court Library Committee.

***corrective services*** see the *Corrective Services Act 2006*, schedule 4.

***information technology service provider*** means the entity whose functions include supplying property or services that consist of or use information technology expertise to administer a database of sentencing information.

***legal services*** see the *Legal Profession Act 2007*, schedule 2.

***Q SIS*** see section 17(1).

***Q SIS database*** see section 17(2).

***restricted information*** means sentencing information in the Q SIS database, the disclosure of which is prohibited under an Act or order of a court.

***rules*** means the rules made by the committee pursuant to the powers conferred by this Act.

***sentencing information***—

(a) includes—

- (i) information about sentencing contained in transcripts or parts of transcripts, of recordings of criminal proceedings; and

- (ii) other information related to the administration of the criminal justice system in Queensland; but
- (b) does not include any part of a record or transcript that can not be provided to the committee under the *Recording of Evidence Act 1962*, section 5B(5).

***Supreme Court library*** means all property which vests in the committee at any time whether pursuant to section 7 or otherwise whilst it is so vested.