



Queensland

Commissions of Inquiry (Queensland Floods Inquiry—Evidence) Regulation 2011

Explanatory Notes for SL 2011 No. 37

made under the

Commissions of Inquiry Act 1950

General outline

Short title

Commissions of Inquiry (Queensland Floods Inquiry—Evidence) Regulation 2011.

Policy objectives and the reasons for them

On 17 January 2011, the Premier announced a State-wide independent Queensland Floods Commission of Inquiry (the Inquiry) to forensically examine Queensland's 2011 flood disaster.

The Inquiry was established under the *Commissions of Inquiry Act 1950*. It is to have the powers of a Royal Commission and will take public submissions from across Queensland (including government departments). It is required to provide its interim report by 1 August 2011 and final report by 17 January 2012.

The Terms of Reference for the Inquiry are wide and some of the information sought may be problematic for government agencies to provide because:

- certain legislation may prevent the information from being disclosed; or
- the information sought by the Inquiry (which may itself not be confidential) is included within documents that contain other information which is confidential.

The Government is concerned to ensure that the Inquiry will have access to the information it requires in a timely fashion and seeks, by this regulation, to remove any blockages to this occurring.

Achievement of policy objectives

The Commissions of Inquiry (Queensland Floods Inquiry-Evidence) Regulation 2011 states that a requirement in writing from the chairperson of the Inquiry is to take precedence over any provision of an Act, which may afford a person a reasonable excuse for not complying with the requirement.

Rather than identify each section within each piece of legislation, the regulation will broadly state that a request from the Inquiry for information will override any non-disclosure provision in any State Act.

Consistency with policy objectives of authorising law

This regulation is consistent with the main objects of the Act, that is, to make further and better provision for facilitating inquiries by Commissions of Inquiry.

Alternative ways of achieving policy objectives

Alternative ways of ensuring that the Inquiry has access to the information it requires in a timely fashion have been undertaken and significant resources directed at this.

In addition, this regulation will assist in the provision of information to the Inquiry and is in accordance with the policy objectives of, and reasons for enactment of, the Act.

Benefits and costs of implementation

The regulation will enable the more timely and cost effective provision of information to the Inquiry.

Consistency with fundamental legislative principles

The range of legislative provisions that will be overridden by this regulation were designed to protect confidential or personal information having regard to the fundamental legislative principle relevant to individual rights and liberties.

However, the amendment is consistent with the intent of the *Commissions of Inquiry Act 1950*, which recognises that a Commission of Inquiry which is established to inquire into a matter of significant public interest should be provided with necessary powers to enable it to perform its functions.

Consultation

The Queensland Floods Commission of Inquiry.

Government departments.

Notes on provisions

Clause 1 states that, when made, the Regulation will be cited as the *Commissions of Inquiry (Queensland Floods Inquiry-Evidence) Regulation 2011*

Clause 2 declares that the Queensland Floods Inquiry chairperson's writing made (whether before or after the making of the regulation) under section 5(1) of the *Commissions of Inquiry Act 1950* is to take precedence over any provision of an Act which otherwise might afford a reasonable excuse for not complying with the writing.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.

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