

Police Service Administration (Information Sharing) Amendment Regulation 2025

Human Rights Certificate

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

In accordance with section 41 of the *Human Rights Act 2019*, I, Daniel Purdie MP, Minister for Police and Emergency Services provide this human rights certificate with respect to the *Police Service Administration (Information Sharing) Amendment Regulation 2025* (Amendment Regulation) made under the *Police Service Administration Act 1990*.

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The Amendment Regulation will facilitate effective information sharing between the Queensland Police Service (QPS) and the Commission of Inquiry into the CFMEU and Misconduct in the Construction Industry (the CFMEU Commission of Inquiry) through an amendment to the *Police Service Administration Regulation 2016* that lists the CFMEU Commission of Inquiry as an approved agency.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The Amendment Regulation may potentially infringe on the right to privacy and reputation (section 25 of the *Human Rights Act 2019*).

Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

(a) the nature of the right

The right to privacy under section 25(a) of the *Human Rights Act 2019* (HR Act) protects an individual's right not to have their privacy unlawfully or arbitrarily interfered with, while the right to reputation under section 25(b) of the HR Act provides that a person has the right not to have their reputation unlawfully attacked. The nature of the right to privacy and reputation is very broad. Protection of a person's privacy is limited to unlawful or arbitrary interference. The notion of arbitrary interference extends to lawful interferences, which are also unreasonable, unnecessary, or disproportionate. The concept of lawfulness in the context of the right to privacy means that no interference can occur except in cases envisaged by the law. Interference authorised by States can only take place based on law, and the law must be adequately accessible and precise so a person can regulate their conduct.

The proposed amendment will limit these rights as the information held by the QPS and shared with the CFMEU Commission of Inquiry is likely to include personal information about particular persons and, in some cases, may impact a person's social and professional reputation. However, impacts on privacy and reputation will be compatible with human rights if the impact is lawful and proportionate to a legitimate end, such as to ensure efficient information sharing occurs in accordance with the terms of reference for a commission of inquiry.

- (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

Commissions of inquiry are statute-based entities established to investigate matters of public interest. The sharing of information held by government agencies, such as the QPS, with a commission of inquiry is customarily necessary to fulfil a commission of inquiry's purpose as outlined within its terms of reference. It is in the public interest that information disclosed to a commission of inquiry is not limited as these commissions are crucial in maintaining public trust and accountability for individuals and institutions in our communities.

The Amendment Regulation does not impact upon a commission of inquiry's ability to rely on a statutory notice to obtain information held by the QPS. However, the Amendment Regulation will allow the QPS to proactively cooperate with the CFMEU Commission of Inquiry by providing information without the need for a statutory notice to be issued and will assist by improving the effectiveness and efficiency information sharing with the CFMEU Commission of Inquiry.

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

The amendment will achieve this purpose by enabling the QPS to more effectively provide information to the CFMEU Commission of Inquiry through obviating the need to wait for a statutory notice to compel production of the relevant information.

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

There is no less restrictive way to achieve the purpose of the Amendment Regulation.

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

The CFMEU Commission of Inquiry is empowered by the *Commissions of Inquiry Act 1950* to compel the production of any and all information in the possession of a person. Disclosure of information including potentially a person's private information is in the public interest to ensure that matters of public interest may be appropriately investigated by a commission of inquiry.

Any concerns about an impingement upon a person's right to privacy is further mitigated through statutory provisions within the *Commissions of Inquiry Act 1950* that prohibit the disclosure of confidential information. Section 32N 'Confidentiality of information' of the *Commissions of Inquiry Act 1950* provides that a person who for the purposes of an inquiry under a commission has gained access to confidential information must not disclose that information to another unless authorised under an Act, for court purposes or with the consent of the person to whom the information relates.

While allowing the QPS to share information with the CFMEU Commission of Inquiry outside of circumstances where they have been issued with a statutory notice to compel production may infringe on an individual's right to privacy and reputation, this is not an additional infringement on those rights but rather, a change in the method of sharing the information.

(f) any other relevant factors

Nil.

Conclusion

I consider that the *Police Service Administration (Information Sharing) Amendment Regulation 2025* is compatible with the *Human Rights Act 2019* because any limitation on human rights is reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

DANIEL PURDIE MP
MINISTER FOR POLICE AND EMERGENCY SERVICES

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