



Office of the
Director-General

Department of
**Child Safety, Seniors
and Disability Services**

Our reference: CSSDS 00652-2024

The Honourable Catherine Holmes AC SC
Reviewer
Independent CCC Publication Review
CCCPublicationReview@justice.qld.gov.au

Dear Ms Holmes

Thank you for your letter dated 27 February 2024 regarding the independent review into the Crime and Corruption Commission's ability to publicly report and make statements on the performance of its corruption functions (the Review).

The Department of Child Safety, Seniors and Disability Services has three broad topics the Review may wish to consider as part of the review.

The department is committed to ensuring the safety, wellbeing and best interests of all Queenslanders. The privacy and protection of confidential information relating to our vulnerable stakeholders is something that is considered at all stages of departmental involvement. It is the department's view this should also be considered as a paramount consideration in any publicly available reporting the CCC may undertake. In addition to the general privacy legislation which governs the use of information in Queensland, the CCC would need to have regard to legislation specific to each of the government departments' operational portfolios. In the context of this department, this would include the *Child Protection Act 1999*, which includes specific protections in respect of the confidentiality of information obtained by persons involved in administration of the *Child Protection Act 1999*¹ and for notifiers², the *Disability Services Act 2006*³ and *Forensic Disability Act 2011*⁴ in relation to the confidentiality of protected information.

The department would also suggest the Review consider how disclosers under the *Public Interest Disclosure Act 2010* will be treated. Specifically, any reporting by the CCC must ensure a discloser's identity is protected in line with the protections afforded under the *Public Interest Disclosure Act 2010*. There should also be sufficient communication in place between the CCC and the discloser to ensure appropriate support is put in place to deal with any consequences of the public interest disclosure information being made available in a public report and the potential for identification of the discloser this may create as a result.

¹ Section 187

² Section 186A

³ Sections 227 and 228

⁴ Section 122

Finally, the department notes one of the concerns raised in *Crime and Corruption Commission v Carne [2023] HCA 28* was the identification of the respondent in the report and the criticism levelled, despite the CCC investigation concluding with no finding of corrupt conduct against him. The department considers it important that procedural fairness is observed at all times throughout the CCCs process, including in the writing of any reports. If the report is going to identify a person who is alleged to have engaged in corrupt conduct, they should be given the opportunity to review and respond to the report before it is made public.

If you require any further information or assistance in relation to this matter, please contact Ms Louise Smilie, Director, Professional Standards, People and Culture, Corporate Services, Department of Child Safety, Seniors and Disability Services on [REDACTED] or email to [REDACTED]

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Mulkerin', with a large loop at the start and a long horizontal flourish extending to the right.

Deidre Mulkerin
Director-General

19 / 3 / 2024