

QCPCI

From: Harvey.
Sent: Friday, 8 June 2012 11:54 AM
To: CPIU Mt Isa
Subject: FW: Release of Information to Queensland Police Service

Date: 16.10.2012Exhibit number: 85

Attachments: fax-police-referral.doc

Please see below e-mail from Child Safety regarding child safety providing notifier details. This links in with other e-mails.

From: Andrea Lauchs
Sent: Wednesday, 6 June 2012 9:17 AM

Subject: Release of Information to Queensland Police Service

Good Morning

A number of questions have recently emerged suggesting the need for clarification as to when child safety services staff can and can't release notifier details to the Queensland Police Service. It has also prompted a few minor wording changes on the police referral template (attached).

The simple response is that notifier details are not to be released to QPS in any circumstances other than those set out in Chapter 2 of the CSPM - *What if a joint investigation with the Queensland Police Service is required*. During a joint investigation, the department and the QPS are working together to administer the requirements of the *Child Protection Act 1999*. In these circumstances, information can only be released as outlined in the existing procedures (please refer to chapter 2).

In all other circumstances, including a referral to QPS subject to section 14(2), notifier information cannot be released to QPS irrespective of the requesting officer of the reason given for the request.

When providing information and copies of notifications or CCR's as attachments to the police referral fax under section 14(2) or Warrant for apprehension of a child (section 172, 173), care must be taken to ensure that not only is the notifier's section not printed, but also that the text of the document does not allow the identity of the notifier to be deduced. Where the documents do not protect the notifier's identity, a summary of concerns is to be provided instead.

At times departmental staff may be contacted by police requesting history checks on clients not related to section 14(2). In these circumstances copies of documents are not to be provided without justification. In accordance with section 186 of the *Child Protection Act 1999*, police in these circumstances should be referred to the need to utilise a compulsive process, such as a warrant, or where proceedings are on foot, a subpoena, to compel the release of documents. It may be helpful to remind QPS staff when making such requests through informal channels that if the correct procedures are not followed, police could be found to have tainted evidence which is then unable to be used in court.

If unsure of the appropriate response to a request from police for notifier information, advice should be

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sought from Legal Services, and/or the police directed to Legal Services. It may be necessary in some instances for a magistrate to hear why the police require notifier information and decide whether that information should be released, after the magistrate considers the matters the magistrate is required to consider, as set out in section 186.

In accordance with this information, please find attached a revised version of the police referral form which has been amended to include reference to section 186. This version will be available as a resource link to the CSPM in the coming weeks.

Andrea Lauchs | Manager

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