

~~any, and all, adjustment orders of a court, tribunal or specialist adjudicator following receipt of a motion. That is an important change that once again clears up another legislative mess that we inherited from the former Labor government. It also removes unnecessary disclosure requirements imposed on sellers of lots in community title schemes.~~

~~As others in this House have pointed out, we know that young people in particular find community titles a unique way to enter the often difficult property market. It is important that we clear up and provide some certainty in terms of those community title schemes. It also provides jurisdictional clarity and consistency for disputes about contribution schedule lot entitlement adjustments. No one feels that that is more important than I do.~~

~~Another important aspect of this bill is that it continues the Newman government's very strong record in less than 12 months of not only clearing up the mess of the previous government but also reducing red tape and providing certainty for people who just want to get on with their lives, business and new investment. We know how difficult it has been for so many years as legislation has piled up due to the paternalistic way of running government that is the Labor way. We have had a very strong record in just under 12 months of reducing red tape and providing certainty in a whole range of fields. This bill certainly continues that trend. I have no doubt that that trend of the Newman government will continue.~~

~~In closing, I commend the Attorney General and Minister for Justice's team. They have done a fantastic job. I fully commend the Body Corporate and Community Management and Other Legislation Amendment Bill 2012 to the House.~~

~~Debate, on motion of Mr Stevens, adjourned.~~

CRIME AND MISCONDUCT COMMISSION (ADMINISTRATIVE NEGLIGENCE RECTIFICATION) AMENDMENT BILL

Introduction



Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (1.42 am): Before moving on can I thank the justice department staff for staying around till all hours of the morning for that particular bill. I present a bill for an act to amend the Crime and Misconduct Act 2001 for a particular purpose. I table the bill and the explanatory notes.

Tabled paper: Crime and Misconduct Commission (Administrative Negligence Rectification) Amendment Bill 2013.

Tabled paper: Crime and Misconduct Commission (Administrative Negligence Rectification) Amendment Bill 2013, explanatory notes.

I introduce the Crime and Misconduct Commission (Administrative Negligence Rectification) Amendment Bill 2013. This government has acted quickly to ensure that the use and disclosure of sensitive information and material from the Fitzgerald Commission of Inquiry is stemmed. Members will now be aware that between 1 February 2012 and 5 March 2013 documents from the Fitzgerald inquiry have been accessible and accessed due to the restricted access period for the records having been incorrectly changed from 65 years to 25 years. This is an administrative oversight that is alarming and serious and completely unacceptable.

Examinations are now occurring into how this release of information has occurred. We need to ascertain what documents may have been accessed to ensure that any damage caused by their release is limited or avoided. For example, this government is concerned to ensure that documents which include information about murder suspects, secret informants, undercover agents, drug operations and unsubstantiated allegations of corruption are not available for public use or disclosure. The bill does that as far as is possible in the short time frame we have had to develop it.

A new section 346A is inserted into the Crime and Misconduct Act 2001. This section makes it an offence to copy, use for any purpose or disclose certain documents for a period from 8 March 2013 to 8 May 2013 inclusive. In addition, giving access to certain documents during this period will also be an offence.

The documents to which the act applies is Fitzgerald inquiry documents disclosed or accessed from the State Archives during the relevant period—that is, from 1 February 2012 to 5 March 2013. A penalty applies to any person who contravenes this new provision. The maximum penalty is one year imprisonment or 500 penalty units, that being \$55,000.


Exceptions apply to this, including, for example, where a person might be required to produce the document to a court, tribunal or commission of inquiry or where such copying, use or disclosure or giving of access is permitted by the Crime and Misconduct Act 2001. The last exception is important as the Parliamentary Crime and Misconduct Committee will be undertaking an investigation into the circumstances surrounding the release of this information. The reasoning for the 60-day prohibition is to allow the investigation to be conducted and completed but also to ensure that where access, use, copying and disclosure of released documents is appropriate that this will be available after 60 days.

The government makes no apologies for seeking leave for these amendments to be passed as a matter of urgency. Can I assure the House and the public that these legislative amendments are not intended for the CMC or any other body to seize documents that have been lawfully accessed by individuals. For those documents that have been lawfully accessed by individuals and in the possession of those individuals, this legislation does not give any power for those documents to be required to be handed in to anyone. It is absolutely vital that the identity of confidential informants and protected witnesses named in the documents are protected.

Can I also make it abundantly clear that the penalty provisions in this new bill will apply from the date of commencement being 8 March 2013. This bill in its entirety is not intended to apply to those persons who may have lawfully accessed the documents and published them prior to 8 March or the commencement date of this bill.

In summing up the debate on the bill, I will table further documentation from the Crime and Misconduct Commission chair that I indicated earlier in the House. As this is an introductory speech, I do not think it is appropriate to do that at this juncture. I will have the debate in this House and then table the necessary documents at the appropriate time during the debate. I commend the bill to the House.

First Reading

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (1.48 am): I move—


That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Declared Urgent; Allocation of Time Limit Order


 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (1.48 am), by leave, without notice: I move—

That under the provisions of standing order 137 the Crime and Misconduct Commission (Administrative Negligence Rectification) Amendment Bill be declared an urgent bill to enable the bill to be passed through its remaining stages at this day's sitting.


Question put—That the motion be agreed to.

Motion agreed to.

Second Reading

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (1.49 am): I move—

That the bill be now read a second time.

 **Ms PALASZCZUK** (Inala—ALP) (Leader of the Opposition) (1.48 am): I do want to echo the words of the Attorney General in relation to the Crime and Misconduct Commission amendment bill. What we have seen over the last few days has been alarming and it has been extremely unacceptable, and I do think that everyone in this House tonight would share with the sentiment that this matter needs urgent investigation. This bill is very clear in that we need to make sure that what has been released is protected. Confidentiality is extremely important and I do want to put it into context and give a bit of history around the Fitzgerald inquiry which then will address the matters of the bill.

The Fitzgerald inquiry managed to get evidence from a wide range of sources, and one of the reasons it was able to do this was the reputation of Tony Fitzgerald, who headed the inquiry. He was able to give commitments to witnesses that their identity or aspects of their evidence would remain confidential. I cannot emphasise enough the very real risk of harm, even of death, that some of these witnesses faced if their identity were ever known. Their courage in coming forward has changed the face of Queensland forever. That is why confidentiality was important at the time and why it remains important until today. That is why for some of the documents confidentiality was guaranteed for up to 100 years.

I will quote from the Fitzgerald report about why confidentiality needed to be maintained. It states—

It was a fundamental tenet of the conduct of the Commission that its proceedings should be conducted in public and that material produced at public hearings should be available for public scrutiny. There had to be some constraints placed upon this policy because much of the material was open to abuse if it had come into the wrong hands.

The question of confidentiality had the potential to create real difficulty. Persons who approached the Commission were often frightened, and sought some iron clad assurance of confidentiality, usually as to their identity, but not infrequently as to the information or material which they provided. It was not possible to give these informants a blanket undertaking, not only because