




Speech By
Annastacia Palaszczuk

MEMBER FOR INALA

**CRIME AND MISCONDUCT COMMISSION (ADMINISTRATIVE NEGLIGENCE
RECTIFICATION) AMENDMENT BILL**

 **{Ms PALASZCZUK** (Inala—ALP) (Leader of the Opposition) (1.49 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 of the obligations and duties imposed by the terms of reference but also because of the operation of legal process which could in some circumstances compel an officer of the Commission in possession of documentation to produce it before a Court.

In these circumstances, the Commission adopted a policy that confidentiality would be provided by telling those who came to deal with it requesting confidentiality that such confidentiality would be provided as follows:

“Confidentiality is assured with regard to the identity of persons who assist the Commission and the information and documents which they provide, in so far as that is appropriate and consistent with the discharge of the Commission’s functions.”

The breach of this confidentiality is therefore a very serious matter. Revelations by the CMC this week that an administrative error had resulted in a number of documents being wrongly classified so as to allow for their access by the public from the State Archives must have sent a shudder of fear down a number of the spines of former witnesses to the Fitzgerald inquiry. Even though over 20 years have passed, the threat to witnesses still remains real.

I would like to thank the Attorney, the Treasurer and the Deputy Premier for giving me and the Independents an opportunity to be briefed on this bill tonight. It was necessary. This is unprecedented. We have not seen anything like this, I do not believe, in Queensland before. It is crucial that as a parliament we consider these matters in light of what has come before us in the last few days. I understand that the PCMC has been meeting in relation to this matter. The opposition will be supporting this bill, Attorney. We believe that it is in the best interests of Queenslanders to make sure that the confidentiality is protected. So I commend the bill to the House. }