




Speech By  
**Hon. Jarrod Bleijie**

**MEMBER FOR KAWANA**

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**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 until 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 [[2213](#)].

*Tabled paper:* Crime and Misconduct Commission (Administrative Negligence Rectification) Amendment Bill 2013, explanatory notes [[2214](#)].

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.