




Speech By
Hon. Jarrod Bleijie

MEMBER FOR KAWANA

MINISTERIAL STATEMENT

Crime and Misconduct Commission

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (8.00 pm), by leave: Colleagues, I want to bring to the attention of the House a serious matter which I have been following with interest in the last 48 hours with respect to the Crime and Misconduct Commission and the release of certain documents that ought not to have been released with a classification change. I spoke about this in the chamber this morning, both in questions without notice on two occasions and in the debate of committee report No. 89 of the PCMC with respect to the CMC and Ms Kathryn Ellis, a former employee of the CMC.

I think colleagues should be concerned in relation to the events of the last 48 hours with respect to the CMC and what has transpired. I think there is a certain level of concern in the community, particularly with respect to people who may have been mentioned in documents that were entrusted to the CMC being held in the State Archives. We know through media reports that a number of documents have been accessible by members of the public for over eight months. Minute by minute as this drama unfolds it concerns me more greatly as Attorney-General of this state.

I offered the opportunity today for the CMC chair to make a public statement; to come out and tell the public what in fact has happened, what has gone wrong, who has accessed these documents and what he wants us to do about it. I requested information from the CMC. I table a letter that I received in my office from the CMC at 5.30 this afternoon, but I will read the contents into *Hansard* because I think it is important for the information of members who are not involved with the PCMC of this place and who have not been reading the newspaper as this drama has unfolded as the day has gone on. I think it has come to a point in time tonight where we have to put the record straight for the sake of my honourable colleagues in this place who ought to know what is going on because the information has not been publicly available. Mr Martin, the chairperson of the CMC, wrote a letter to me on his letterhead dated 7 March—

Dear Attorney-General

It is apparent that the Crime and Misconduct Commission (CMC) has been instrumental in the release of information dating from the time of the Fitzgerald Inquiry that should not have been made public.

The reasons for that are still being examined.

Preliminary advice received indicates that on the present state of the law, the retrieval and security of that information is problematic.

I understand that there is some hesitation by the government to act in proposing short term corrective legislation limited to the prevention of the republication of information gained from the Fitzgerald Inquiry without the CMC requesting that legislation.

I make that request. My request is contingent on seeing a copy of the draft legislation proposed.

Yours sincerely

Ross Martin SC
Chairperson

As legislators I find it abhorrent that I would, as Attorney-General, receive a letter suggesting that anything that the CMC wants this parliament to do or act on for the benefit of the CMC in assisting to cover up the mistake it made many months ago is contingent on the chairman of the CMC perusing the government's legislation. I have responded accordingly to Mr Martin tonight. This letter was sent off approximately 10 minutes ago—

Dear Mr Martin

I refer to your letter dated 7 March 2013 which was only received at 5:30pm.

I note that examinations are currently underway as to how the CMC allowed the release of information gained from the Fitzgerald Commission of Inquiry that should not have been made public.

As you would be fully aware, to request a Government to pass legislation within hours of a request is extraordinary and totally unsatisfactory.

This Government will not pass legislation simply for the sake of covering up the CMC's inability properly perform its functions. The people who have accessed these documents, prima facie, have done so lawfully.

The normal, standard and publicly accepted ways of consulting and due process are proposed to be abandoned, and, in addition, Parliamentary Counsel will need to draft legislation in an unrealistically short time frame. This is a recipe for bad public policy and bad legislation.

Any responsible Government would only accede to such an extraordinary request with caution and only after a full case was presented for such a course of action.

In this case your short and cursory letter, with a caveat at the end, is totally unsatisfactory.

Despite requesting this extraordinary short turnaround time for legislation, it appears on the face of it that the CMC has known about these issues for months.

You have requested corrective legislation limited to the prevention of republication of information gained from the Fitzgerald Inquiry.

However, your letter is profoundly deficient in that it contains no detail for the type of corrective legislation you desire.

In short, the Government has been placed by the negligence of the CMC and by an extraordinary request made at the very last moment, in an unsatisfactory situation. This also applies to the Legislative Assembly. Neither the Government nor the Parliament can be expected to accede to requests of such a nature other than in extraordinary circumstances.

The Government will use its best endeavours despite this totally unsatisfactory state of affairs to ensure that the public interest is protected, but I place on record my concern and grave disappointment the way in which the CMC has conducted itself.

The Government will reluctantly attempt to assist the CMC with corrective legislation. However, prior to any such corrective legislation, I require more particulars of the type of corrective legislation required and the reason for it. I also require additional information with respect to whether the CMC has pursued other options to rectify the situation, such as a court injunction.

I require your response by 10pm.

Yours sincerely

Jarrold Bleijie MP

Attorney-General and Minister for Justice

I table a copy of both letters.

Tabled paper: Letter, dated 7 March 2013, from the Chair of the Crime and Misconduct Commission, Mr Ross Martin, to the Attorney-General and Minister for Justice, Hon. Jarrold Bleijie, regarding the release of documents in relation to the Fitzgerald Inquiry that should not have been made public [\[2211\]](#).

Tabled paper: Letter, dated 7 March 2013, from the Attorney-General and Minister for Justice, Hon. Jarrold Bleijie, to the chair of the Crime and Misconduct Commission, Mr Ross Martin, regarding the release of documents in relation to the Fitzgerald inquiry that should not have been made public [\[2212\]](#).

As I have indicated in the letter, the government will reluctantly try to assist, but to do so in such extraordinary circumstances, with extraordinary people working behind the scenes, we have to be convinced, and I am not convinced by the letter that the CMC chair wrote and sent at 5.30 this afternoon. The CMC chair allowed a full day to go by. He could have gone out and made public statements as to why this legislation was required. The government and I are certainly of the view that if there are issues of protection of those in the community that have been named in these documents lawfully accessed by members of the public or journalists, if there are dangers in relation to their

safety and their wellbeing, then we ought to know before this House is put into the predicament of passing such rushed legislation.

Honourable colleagues, I bring these matters to your attention because of the serious nature of the request and, as I indicated this morning, the continual battle that we have with the secretive nature of the crime-fighting body—more particularly, the PCMC and the CMC. We must address these issues. Colleagues, this is the start of the process tonight. We may be in for a late night as we await a response from the CMC chair. I will update the House after 10 pm this evening if I have received the required response and then government will be in a position to ascertain whether we proceed with corrective legislation that is in the best interests of those named or not.