

COMMISSION OF INQUIRY INTO QUEENSLAND'S CHILD SAFETY SYSTEM
RULING ON CLAIMS OF PUBLIC INTEREST IMMUNITY

2 February 2026

1. By Notices to Produce 81, 195 and 196 the Commission sought production of documents relating to the evaluation of the role of the Director of Child Protection Litigation, which may be conveniently described as the DCPL model.
2. The department produced documents to the Commission on a confidential basis but has claimed that it has a reasonable excuse for non-production in accordance with section 5(2)(b) of the *Commissions of Inquiry Act 1950* (Qld) on the grounds that the documents are subject to public interest immunity, sometimes also referred to as Crown privilege.
3. The State of Queensland provided written submissions dated 19 December 2025 in support of the claim for public interest immunity in respect of the documents produced confidentially in response to the notices. I have considered those submissions and the documents to which they relate. I have concluded that the claim for public interest immunity in relation to the documents should be upheld.
4. I accept that the documents prima facie fall within the categories which attract public interest immunity. More significantly, I accept that the documents are not sufficiently critical to the discharge of the Commission's duty to investigate and report on the matters within the terms of reference as to outweigh the public interest in protecting the confidentiality of the documents.
5. I agree with the State's submissions that I should adopt the principles applicable to the weighing of competing public interests as applies in the context of civil litigation, adapted as appropriate. I respectfully agree with what was said by Associate Justice Derham in *Matthews v SPI Electricity Pty Ltd (No. 11)* [2014] VSC 65 at paragraph 25(k):

In order for the public interest in the administration of justice to arise in the balancing process, the documents must contain 'material evidence'. Relevance to the proceedings is of itself insufficient. The documents must have an important bearing upon the ultimate decision on the relevant questions.
6. As I am required to investigate and report upon matters within the terms of reference and to form my own views on these matters, in my view it cannot be said that the documents which relate to investigations and considerations by others, including the Queensland government and its agencies or delegates, while no doubt relevant, are so material or have such an important bearing upon my investigations and evaluation that disclosure is warranted in the public interest. Accordingly, as the State has claimed public interest immunity, I shall proceed to consider the role of the Director of Child Protection Litigation unaided by such evaluation as may have been undertaken by the State.

Commissioner
2 February 2026