

COMMISSION OF INQUIRY INTO QUEENSLAND'S CHILD SAFETY SYSTEM

THIRD RULING ON CLAIMS OF PUBLIC INTEREST IMMUNITY

15 April 2026

Introduction

1. The State of Queensland resists disclosure, on public interest immunity grounds, of a further document that Counsel Assisting seeks to tender during the remainder of this hearing block and attachments to that document, which are identifiable with the following document identification numbers:
 - a. DFS.0397.0005.0002;
 - b. DFS.0397.0005.0116;
 - c. DFS.0397.0005.0003;
 - d. DFS.0397.0005.0005; and
 - e. DFS.0397.0005.0007.
2. The primary document (DFS.0397.0005.0116) is a submission to the Cabinet Budget Review Committee (**CBRC**) for the financial year 2020-21 in relation to the forecast 2020-21 budget deficit. It is dated 25 August 2020 and appears to have informed submissions that were made in relation to the 2021-22 budget. The document includes three attachments. At least two of those attachments are, or are excerpts from, another document for which I rejected a public interest immunity claim on 8 April 2026.¹
3. Over the course of the present hearing block, the Commission has heard evidence from at least three witnesses in connection with the Department's budget submission, and budget outcome, for the 2020–21 financial year. Each of those witnesses was a senior departmental official. Each agreed the 2020-21 budget cycle fell within a narrow “window of opportunity” for the Department to address exponentially rising cost (and deficit) growth, produced by increases in placement demand being largely met through expensive and often unfunded residential care placements.
4. I understand that the primary document is not itself the budget submission for the 2020-21 financial year, but it is directly relevant to understanding the Department's budget position in the 2020-21 financial year. I further understand that the State is continuing to make efforts to locate the 2020-2021 budget submission that went to CBRC. Given the critical relevance of that document, I requested that Senior Counsel

¹ Queensland Treasury Corporation's “Phase 2” Report on the Out of Home Care System.

for the State, Ms Freeman KC, seek instructions as to whether it could be located and provided in an unredacted form.

5. The State, and Counsel Assisting, are content for me to rule on the public interest immunity claim in respect of the above documents on the papers, and on the basis of the submissions and principles set out in my previous ruling.

Disposition

6. The ultimate question is whether the public interest favours, on balance, disclosure or non-disclosure of the document. The public interest in this context is shaped by this Commission’s Terms of Reference. By those terms, I am obliged to investigate the “factors contributing to the growth and reliance on a billion-dollar residential care sector”.² An aspect of that task is to address issues of “accountability”, including “Ministerial accountability”.³
7. This document contains evidence critical to this Commission discharging its statutory task. To understand how the billion-dollar residential care sector grew to its present size, it is necessary to understand what steps the Department, the responsible Minister, and Cabinet took while the “window of opportunity” to arrest that growth remained open. In addition, the document: (a) does not record Cabinet deliberations; (b) relates to a now historical period; and (c) is not suggested to pose any risk to a particular State interest if disclosed. Further, the document is of a similar kind — being a historical submission that went to CBRC — as at least two documents over which I rejected claims on 8 April 2026.
8. I consider that the public interest favours disclosure of this document.

Commissioner
15 April 2026

² Terms at [3](a).

³ See, eg, Terms at [3](a)(iv), [3](b)(xi) and [5](b).