

COMMISSION OF INQUIRY INTO QUEENSLAND'S CHILD SAFETY SYSTEM

FIFTH RULING ON CLAIMS OF PUBLIC INTEREST IMMUNITY

20 May 2026

Introduction

1. On 23 April 2026, the Commission issued Notice to Produce 407 to the Director-General of the Department of Premier and Cabinet requesting:
 - a. a final version of the Department of Children, Youth Justice and Multicultural Affairs (**the Department's**) 2021-22 Budget Submission to the Cabinet Budget Review Committee (**CBRC**), including attachments;
 - b. a final version of the Department 2022-23 Budget Submission to the CBRC, including attachments; and
 - c. any emails attaching a final version of the documents in (1) and (2).
2. This notice followed a discussion during the hearing on 16 April 2026, during which Senior Counsel for the Honourable Leanne Linard MP (**Ms Linard**), Damien O'Brien KC, raised doubts as to whether documents which had been put to witnesses (including his client) and otherwise relied on in public hearings, were in fact or substance, the final version of submissions made by the former Minister to the CBRC.¹
3. On 30 April 2026, the Department of Premier and Cabinet produced documents in response to the Notice with the following identification numbers:
 - a. 21/SUB/5735 – 2021-2022 Budget Submission – Department of Children, Youth Justice and Multicultural Affairs (dated 10 June 2021); and
 - b. 22/SUB/6681 – 2022-2023 Budget Submission – Department of Children, Youth Justice and Multicultural Affairs (dated 13 May 2022).²
4. The State of Queensland (**the State**) has made a “class claim” for public interest immunity over these two further documents. By way of submissions dated 5 May 2026, the State advances the following contentions in relation to the documents:
 - a. Public interest immunity is not limited only to documents that record Cabinet deliberations.

¹ Transcript, 5402:21-5404:42; 5509:23-5510:40.

² These documents were produced in hard copy only on the basis that the Queensland Cabinet Handbook provides that “copying of Cabinet documents distributed by the Cabinet Secretariat is not permitted” (at [3.10.2]) and “Cabinet documents distributed by the Cabinet Secretariat should not be further circulated in electronic format, such as via email” ([3.10.3]).

- b. CBRC is a standing committee of Cabinet. Its role is to consider matters of financial or budgetary importance for the Government.
 - c. The Premier is the Chair of CBRC; the Premier, Deputy Premier and Treasurer are standing ministers of CBRC; and other senior Ministers appointed as members as determined by the Minister.
 - d. Submissions taken to CBRC are a class of Cabinet documents that are ordinarily protected by public interest immunity because they reveal the position a Minister intended to put to CBRC (as a standing committee of Cabinet).
 - e. The fact these documents were produced between four to five years ago does not render them historical in nature. To the contrary, the budget considerations relating to the Department remain current and controversial, and therefore submissions put to Cabinet pertaining to this issue ought to be protected from publication.
5. For the same reasons I have already expressed in relation to similar documents (including versions of the CBRC submissions that are substantively the same) as part of my rulings published on 7 April 2026, 15 April 2026 and 16 April 2026, I am satisfied that the public interest in publication of these documents outweighs any interest in preserving the immunity.
 6. That public interest (in favour of disclosure) is even greater given the concerns raised by Senior Counsel for Ms Linard at the hearing; namely, as to whether the documents accurately reflected what was put by the Minister to the CBRC. It would have been undesirable for there to be uncertainty about such an important issue, given the way the Brisbane hearings unfolded in April 2026.
 7. Having reviewed the additional documents, it is clear that they are, in substance, the same as the documents that were put to Ms Linard during the hearing. It is therefore important for the purpose of the Commission discharging its Terms of Reference in relation to “accountability”, including “Ministerial accountability”,³ that the Commission be permitted to rely on these documents in preparing its final report.
 8. That being said, I otherwise acknowledge and intend to accede to the State’s request that “a level of caution be exercised in determining the extent to which any of these documents are referenced in the final report”. Specifically, I do not intend to make those documents publicly available on the Commission’s website, nor to reproduce large parts of the documents in the final report. Rather, I will refer to only so much of the substance of those documents as is necessary to discharge the Terms of Reference.

³ Terms at [3](b)(xi) and [5](b).

Commissioner
20 May 2026