

Queensland



# **CARRUTHERS INQUIRY ENABLING ACT 1996**

**Act No. 55 of 1996**



# CARRUTHERS INQUIRY ENABLING ACT 1996

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Queensland



## **Carruthers Inquiry Enabling Act 1996**

### **Act No. 55 of 1996**

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**An Act to ensure the resumption, protection and completion of an inquiry by the Criminal Justice Commission**

*[Assented to 20 November 1996]*

The Parliament of Queensland enacts—

## PART 1—PRELIMINARY

### Short title

1. This Act may be cited as the *Carruthers Inquiry Enabling Act 1996*.

### Commencement

2. Part 2 is taken to have commenced on the date of assent of the *Criminal Justice Legislation Amendment Act 1996*.

### Definitions

3. In this part—

“**Carruthers Inquiry**” means the Criminal Justice Commission’s inquiry that the Honourable Kenneth Carruthers QC has been appointed to conduct including—

- (a) the inquiry into circumstances of the execution of a memorandum of understanding purported to be signed by the Honourable Robert Borbidge, then Leader of the Opposition, the Honourable Russell Theo Cooper, the coalition spokesman for Police, Corrective Services and Racing, and Sergeant Gary Wilkinson, President, Queensland Police Union of Employees; and
- (b) the investigation into circumstances relating to a letter dated 13 July 1995 purported to be signed by the then Premier, the Honourable W.K. Goss and addressed to Sporting Shooters of Australia (Queensland) Incorporated.

“**CJC Inquiry**” means the inquiry into the Criminal Justice Commission established under the *Commissions of Inquiry Act 1950* under the order in council published in the gazette on 7 October 1996 at pages 475 and 476.

**Declaration**

4. It is declared that—

- (a) the Parliament of Queensland believes this Act removes all impediments to the Honourable Kenneth Carruthers QC's completing, and being seen to complete, an impartial report for the Carruthers Inquiry that may exist because of the *Criminal Justice Act 1989*, sections 132A and 132B and any action directed to the Carruthers Inquiry by the CJC Inquiry; and
- (b) the Parliament of Queensland expresses its earnest wish that the Honourable Kenneth Carruthers QC resume the Carruthers Inquiry and believes that it is in the public interest that he should do so and complete his report as soon as possible; and
- (c) this Act authorises the Honourable Kenneth Carruthers QC to resume the conduct of the Carruthers Inquiry immediately on his withdrawal of his resignation from the inquiry.

**Saving**

5. To avoid doubt, it is declared that section 4(c) does not affect the *Criminal Justice Act 1989*, section 25(2)(d).

6. This Act does not alter the existing duty of any person under Queensland law to retain and not destroy, alter or damage any documents relevant to these Inquiries.

**PART 2—AMENDMENT OF THE CRIMINAL  
JUSTICE ACT 1989****Act amended in pt 2**

7. This part amends the *Criminal Justice Act 1989*.

**Insertion of new s 132C**

8. After section 132B—

*insert—*

**‘Protection of Carruthers Inquiry**

**‘132C. (1)** Sections 132A and 132B and the *Commissions of Inquiry Act 1950* apply subject to this section.

**‘(2)** The CJC inquiry must not take any action that has the effect of hindering the deliberations of the Carruthers Inquiry, including the completion of a report for the Carruthers Inquiry.

**‘(3)** Without limiting the generality of subsection (2), the CJC inquiry must not during the deliberations of the Carruthers Inquiry—

- (a) summons a person involved in the conduct of the Carruthers Inquiry to give evidence about the Carruthers Inquiry or about information, or anything else, in the person’s possession because of the Carruthers Inquiry’s deliberations or use of its powers; or
- (b) require any person involved in the conduct of the Carruthers Inquiry to disclose information, or produce anything, in the person’s possession because of the Carruthers Inquiry’s deliberations or use of its powers; or
- (c) search for or seize anything in the possession of the Carruthers Inquiry, or a person involved in the conduct of the Carruthers Inquiry, because of the Carruthers Inquiry’s deliberations or use of its powers.

**‘(4)** The commencement of this section does not make a person liable civilly, criminally or under an administrative process, if the person would not be so liable if this section had not commenced, for anything done by the person in relation to the Carruthers Inquiry under sections 132A and 132B or the *Commissions of Inquiry Act 1950* after the commencement of the *Criminal Justice Legislation Amendment Act 1996* and before the Bill for the *Carruthers Inquiry Enabling Act 1996* was passed by the Legislative Assembly.

**‘(5)** In this section—

**“Carruthers Inquiry”** means—

- (a) the Criminal Justice Commission's inquiry that the Honourable Kenneth Carruthers QC has been appointed to conduct including—
  - (i) the inquiry into circumstances of the execution of a memorandum of understanding purported to be signed by the Honourable Robert Borbidge, then Leader of the Opposition, the Honourable Russell Theo Cooper, the coalition spokesman for Police, Corrective Services and Racing, and Sergeant Gary Wilkinson, President, Queensland Police Union of Employees; and
  - (ii) the investigation into circumstances relating to a letter dated 13 July 1995 purported to be signed by the then Premier, the Honourable W.K. Goss and addressed to Sporting Shooters of Australia (Queensland) Incorporated; or
- (b) the Criminal Justice Commission's inquiry mentioned in paragraph (a) conducted by someone appointed by the Criminal Justice Commission to continue the inquiry after the resignation of the Honourable Kenneth Carruthers QC or anyone else appointed by the Criminal Justice Commission to conduct the inquiry.

**“CJC inquiry”** means the CJC inquiry into the Criminal Justice Commission mentioned in section 132B(1).

**“person involved”**, in the conduct of the Carruthers Inquiry, includes a person helping the Carruthers Inquiry.’.