



Minister for Jobs and Industrial Relations

Minister for Women

The Hon Kelly O'Dwyer MP

Senator Slade Brockman
Chair – Senate, Education and Employment Legislation Committee
Parliament House
Canberra ACT 2600

Dear Senator Brockman

Slade

2018-2019 Supplementary Budget Estimates

I write to you in relation to the request made by Senator the Hon Doug Cameron earlier today during the 2018-19 Supplementary Budget Estimates Hearing. Senator Cameron's request was for the provision of the report prepared by the former Department of Employment following the death of Mr Joshua Park-Fing at the Toowoomba Showgrounds in April 2016 (the Report).

Workplace Health and Safety Queensland has laid complaints under the *Work Health and Safety Act 2011* (Qld) against the host organisation, Royal Agricultural Society of Queensland and jobactive provider NEATO Employment Services Pty Ltd. These criminal charges are currently before the Toowoomba Magistrates Court.

The provision of the Report would result in material being on the public record which could potentially prejudice the legal proceedings, including the rights of the relevant parties to a fair trial. I note that these are criminal charges with potentially serious consequences for the parties prosecuted. Further, such release may cause persons to form views of the accused, where such views are ultimately at odds with the findings of the Court itself.

Prejudicing legal proceedings, including the fair trial of a person, is a recognised public interest immunity ground in Odgers' Australian Senate Practice and in the Government Guidelines for Official Witnesses before Parliamentary Committees and Related Matters.

Accordingly, as Minister for Jobs and Industrial Relations, I consider that it would be contrary to the public interest to disclose the Report. I therefore claim public interest immunity over the Report, on the grounds of prejudice to legal proceedings, including rights of persons to a fair trial.

Yours sincerely

Kelly O'Dwyer

24 OCT 2018