



# House of Representatives

## Supplementary Order Paper

Tuesday, 11 May 2004

### Police Complaints Authority (Commission of Inquiry into Police Conduct) Amendment Bill

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*Proposed amendments*

Stephen Franks, in Committee, to move the following amendments:

*Clause 6*

To add to section 32(2A) (after line 29 on page 3), the following subsections:

“(2B) Before the Authority discloses to the Commission any matter which the Authority could not disclose but for **subsection (2A)**, the Authority must obtain from the Commission—

“(a) an acknowledgement that the Commission is aware of the confidentiality that persons who have informed the Authority of the matter were entitled to expect under this Act before it was amended by the insertion of **subsection (2A)**:

“(b) an undertaking that, in exercising its power and discretions, the Commission will take all steps necessary or desirable to protect that confidentiality, so far as this may be achieved without materially prejudicing the Commission’s ability to ascertain and report the truth, which steps may include—

“(i) restricting or prohibiting publication: or

“(ii) excluding persons from hearings.

“(2C) Steps or restrictions referred to in **subsection (2B)(b)** may be waived with the informed consent of any person to whom this Act extends the benefit of confidentiality in respect of any matter but for **subsection (2A)**.”

### **Explanatory note**

The Select Committee Report worries about the bad precedent and bad principle unavoidable in a retrospective removal of a confidentiality assurance. The committee expressed the hope, and confidence, that the Commission would respect such concerns. This amendment gives practical expression to the Committee's wishes. It will assist the Commission to withstand pressures for unnecessary public disclosure. The Commission should have an express duty to minimise damage to the reputation of government from renegeing on a confidentiality assurance.

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