

Protocol between Legal Aid Queensland (LAQ) & Crime and Corruption Commission (CCC)

Proceedings involving the QLD Witness Protection Program

Section 36(1) of the *Witness Protection Act 2000* (the WP Act) states:

“36 Offence of disclosure about particular person or the program

(1) *A person must not knowingly, directly or indirectly, disclose or record information about a relevant person or the witness protection program that may threaten—*

(a) *the security of a relevant person, or*

(b) *the integrity of the program or other witness protection activities of the commission.*

Maximum penalty—10 years imprisonment.”

The CCC and LAQ have established the following protocol for proceedings involving persons who are or have been in the witness protection program:

1. Where a current protectee is to appear before the courts and the CCC considers it appropriate – the CCC shall inform LAQ ahead of the proceedings that the person is in the witness protection program. LAQ should continue to seek authority from the CCC pursuant to s36(2) of the WP Act to disclose a protected person’s status to counsel and others where necessary.
2. In all cases where LAQ becomes aware that a person who is or has been in the witness protection program is to appear in court – LAQ shall inform the CCC’s Official Solicitor (07 3360 6358), Deputy Official Solicitor (07 3360 6803) or Operations Coordinator, Operations Support (07 3360 6270) as soon as reasonably possible. If necessary, an adjournment should be sought to allow the CCC to be informed.
3. For both circumstances 1) and 2) above – LAQ and the CCC will liaise with the Office of the Director of Public Prosecutions or Police Prosecutions Corps where necessary regarding making submissions to have the court closed and/or material before the court sealed and identities protected in any subsequent judgment.



A J MacSporran QC
Chairperson
Crime and Corruption Commission



Mr Paul Davey
Acting Chief Executive Officer
Legal Aid Queensland