

SUPREME COURT OF QUEENSLAND

CITATION: *Younan v Crime Reference Committee & anor; Hamdan v Crime Reference Committee & anor* [2011] QSC 373

PARTIES: **PAUL YOUNAN**
(applicant)
v
CRIME REFERENCE COMMITTEE
(first respondent)
JOHN DAVID CALLANAN
(second respondent)

HAYSAM HAMDAN
(applicant)
v
CRIME REFERENCE COMMITTEE
(first respondent)
JOHN DAVID CALLANAN
(second respondent)

FILE NO/S: SC No 10190 of 2011
SC No 10192 of 2011

DIVISION: Trial

PROCEEDING: Application

ORIGINATING COURT: Supreme Court at Brisbane

DELIVERED ON: Delivered ex tempore 11 November 2011

DELIVERED AT: Brisbane

HEARING DATE: 11 November 2011

JUDGE: Atkinson J

ORDERS:

1. Pursuant to rule 572 of the *Uniform Civil Procedure Rules 1999* (“UCPR”), the time for service of the applicant’s application is shortened.
2. Pursuant to rule 79 of the UCPR, the matters of **Paul Younan v Crime Reference Committee and John David Callanan (Supreme Court file number 10190/2011)** and **Haysam Hamdan v Crime Reference Committee and John David Callanan (Supreme Court file number 10192/2011)**, be heard consecutively.

CATCHWORDS: PROCEDURE – COURTS AND JUDGES GENERALLY – COURTS – PROCEEDINGS IN OPEN COURT OR IN CAMERA – where the applicants sought directions in judicial review proceedings – where one of the orders sought

was with respect to the suppression of affidavit material and submissions filed – whether such an order should be made

J v L & A Services Pty Ltd (No 2) [1995] 2 Qd R 10, cited
Le Grand v CJC (No 2) [2001] QCA 432, cited
Russell v Russell (1976) 134 CLR 495, cited
Scott v Scott [1913] AC 417, cited

COUNSEL:

P Morreau for the applicant
T Gardiner for the respondents

SOLICITORS:

Nyman Gibson Stewart for the applicant
Official Solicitor Crime and Misconduct Commission for the respondents

HER HONOUR: I make the orders as per draft with the exception of paragraph 4.

The applicants in these matters have sought judicial review of a number of decisions of the Crime and Misconduct Commission to require them to attend to give evidence. The applications have come before me for directions.

Directions for the filing of material are appropriately to be made. However, the parties sought an order that all affidavit material and outlines of submissions, filed in support of or in response to the application, are to be sealed in an envelope marked "Not to be opened except by order of the Court".

Of course, the fundamental principle of our criminal justice and civil justice system is that all proceedings are heard in public and the documents are filed without the suppression sought: see *Scott v Scott* [1913] AC 417; and *Russell v Russell* (1976) 134 CLR 495 at 520.

There are exceptions to that rule. Some of them are statutory, such as proceedings involving children, and others in the inherent jurisdiction of the court include matters such as national security, certain blackmail prosecutions, and limited orders made about secret processes in commercial litigation: see *J v L & A Services Pty Ltd (No 2)* [1995] 2 Qd R 10 at 44; and *Le Grand v CJC (No 2)* [2001] QCA 432 at [18].

Until the material has been drafted, it is not possible for me to tell if that important principle of public access should be denied in this case. Accordingly, I intend to make the orders for directions, but not to make any order that any affidavit material and outlines of submissions filed be sealed. Such an order is, in my view, at the very least premature.
