

Your ref:
Our ref: CRS/PRE052/1856/LAP
Contact: Paul Lack
Direct ph: [REDACTED]
Direct fax: [REDACTED]

Department of
Justice and Attorney-General

28 April 2011

By email only

The Executive Director
Ms Jane Moynihan
Qld Floods Commission of Inquiry
GPO Box 1738
BRISBANE QLD 4000

By email: [REDACTED]

Dear Jane

Queensland Floods Commission of Inquiry - State Representation

I refer to my letter dated 21 April 2011, and to the comments made by the Commissioner yesterday requesting I seek instructions on three discreet issues. In relation to those issues, I am instructed as follows:

1. That every State employee and member of volunteer services is entitled to receive legal representation by Crown Law. It is entirely a matter for the individual employee or volunteer as to whether they avail themselves of that benefit. Additionally, there are, within each of the agencies concerned, legal departments able to assist individual employees and volunteers in providing information to the Inquiry. As to whether the individual employee or volunteer avails themselves of this assistance, it is entirely a matter for them. Accordingly, we have no objection to the Commission directly approaching any proposed witness for an interview or information. I would ask that Crown Law be advised should this occur. The employee or volunteer would then have the option of having Crown Law present if desired. I do not have, and never had have, any desire to hinder or delay the work of the Commission;
2. At the direction of the Premier, all State employees will be advised that every public servant is to assist the Commission of Inquiry in every way possible and provide any information requested. In that regard, a copy of an email message from the Director-General, Department of the Premier and Cabinet is **enclosed**;

QFCI

Date: 28/4/11 ^{Jm}

Exhibit Number: 156

State Law Building
50 Ann Street Brisbane
GPO Box 5221 Brisbane
Queensland 4001 Australia
DX 40121 Brisbane Uptown
Telephone [REDACTED]
Facsimile [REDACTED]
ABN 13 846 673 994

3. The code of conduct in no way prohibits or seeks to restrict the right of a public servant or volunteer expressing a personal view as to the 2010/2011 flood events; and
4. That all State employees will be advised that no State employee will suffer any prejudice by reason of providing information to the Commission of Inquiry.

Yours faithfully



Paul Lack
Assistant Crown Solicitor
for **Crown Solicitor**

encl

Paul Lack

From: Lucinda Kasmer [REDACTED]
Sent: Thursday, 28 April 2011 7:49 AM
To: Paul Lack

From: Ken Smith
Sent: Wednesday, 27 April 2011 7:12 PM
To: Margaret Allison; Linda Apelt (DG Communities); Bob Atkinson (Queensland Police); Gerard Bradley; [REDACTED]; Keith Davies (Co-ordinator-General); Ian Fletcher (DEEDI); Julie Grantham; Mal Grierson; Jack Noye (DIP); Jim McGowan (DCS); Graeme Newton (QRA); Mick Reid; Phillip Reed (Justice); David Stewart (Transport); Cathi [REDACTED]; Natalie MacDonald (DPW)
Cc: Karen Cowell; Kelly Skuse
Subject: FW: Providing Information and Submission to the Queensland Floods Commission of Inquiry

Colleagues

The Premier has asked that I send a clarifying note to all staff about cooperation of staff and volunteers with the Commission of Inquiry. This follows some commentary today at the Public Hearing of the Inquiry. Could you please confirm distribution to all staff as a matter of urgency .

KS/KC..please send to all DPC staff am Thursday 28 April.

Regards

Ken Smith
Director-General
Department of the Premier and Cabinet
Phone: [REDACTED]
Mobile: [REDACTED]
Email: [REDACTED]

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www.towardQ2.qld.gov.au<<http://www.towardQ2.qld.gov.au>>
P Please consider the environment before printing this email (3 sheets of paper = 1 litre of water)

Subject: Providing Information and Submission to the Queensland Floods Commission of Inquiry

The Premier asked that I write to all Queensland Public Servants, State Emergency Services (SES) and Rural Fire Service (RFS) volunteers clarifying the need to fully co-operate with information requests from the Commission of Inquiry (COI).

The purpose of this note is to clarify your responsibility as a public servant or an SES or RFS volunteer in co-operating fully with the Floods COI.

You are free to approach the COI in a personal, as well as a work, capacity. If the COI approaches you, you should co-operate fully.

The legal section of your Department and Crown Law are available to assist you at any time - particularly should you be asked to provide a formal statement or appear at a public hearing of COI.

You should be aware that the COI provides protections to all individuals providing evidence - this includes public servants and volunteers. You should honestly answer all questions relating to those matters within your area of responsibility.

You of course remain free to make any submission and give evidence to the COI in your personal capacity as a private citizen.

Ken Smith
Director-General
Department of the Premier and Cabinet

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