Partner:
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Our Ref: 04863
Doc ID: 61227019.1

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Exhibit Number: __40__

13 April 2011

Ms Jane Moynihan
Associate to the Honourable Justice C Holmes
Commissioner
Queensland Floods Commission of Inquiry
PO Box 1738
Brisbane QLD 4001

Email:

Dear Associate

Re: Sky News (Queensland) – A-PAC public affairs channel
Queensland Floods Commission of Inquiry coverage

We act for the Australian News Channel Pty Limited (**ANC**), the operator and producer of:

- Sky News Channels across Australia and New Zealand, including dedicated video content for coverage of special events and matters of state-by-state interest (**Sky News**); and

- A-PAC, Australia's public affairs channel which is operated on a not-for-profit basis. A-PAC's stated mission is to be a platform for discussion and debate and to encourage participation in democracy across Australian society.

ANC is aware of the Honourable Commissioner's Order on 11 April 2011 that the evidence and exhibits in the Inquiry not be published by way of re-broadcast of the internet feed which is available on the Queensland Floods Commission of Inquiry website (the **Order**). ANC appreciates from the context of the Order that her Honour Commissioner Holmes wished to avoid the internet stream being cut and rebroadcast in segmented form by news outlets.

ANC is also aware of the applications made for certain media (not including ANC) on 12 April 2011 by Mr M F Johnson and does not propose to rehearse an application of that type. In the process of hearing from Mr Johnson the Honourable Commissioner distinguished a situation where it was proposed that a station actually played the entirety of everything that happened in a day's proceedings.

An application for complete and uninterrupted coverage of the Inquiry is hereby made by ANC for Sky News Queensland Channel and/or A-PAC. In effect the broadcast would be a simulcast of the website stream.

Both A-PAC and Sky News have extensive experience in offering unobtrusive, uninterrupted and complete coverage of public interest proceedings including:

- A-PAC provides complete uninterrupted broadcasts of all sessions of the House of Representatives and Senate;

- A-PAC provides complete uninterrupted broadcast of select Senate committees;

- A-PAC provides complete uninterrupted broadcast of Question Time from state parliaments;

- Sky News broadcast complete uninterrupted coverage as Justice Whealy sentenced five men convicted on terrorism charges at the Sydney West Trial Courts on 15 February 2010;

- Sky News broadcast complete uninterrupted coverage as Justice Latham sentenced Des Campbell on murder charges in the NSW Supreme Court on 3 September 2010.

The effect of any A-PAC/Sky News Brisbane simulcast would be to make the proceedings of the Inquiry available to a much wider audience on a readily accessible medium. The Inquiry website itself (understandably) recognises that the quality or availability of the video stream is at times affected by technical problems. In our client's respectful submission a simulcast would satisfy all of the interests of the principles of open justice, the Terms of Reference of the Inquiry which gives the Commissioner power to hold public hearings, whilst accommodating the concerns of the Honourable Commissioner in making the Order on 11 April 2011.

We respectfully suggest that this application may be satisfied by an amendment to the Order made on 11 April 2011 as follows:

> I order that the evidence and exhibits in the Inquiry not be published by way of rebroadcast of the internet feed except in circumstances where the rebroadcast is by live, uninterrupted coverage of the entirety of a day's sitting.

As discussed, if the Honourable Commissioner wishes ANC to advance this application by formal appearance, please le us know and we will arrange for an appearance.

Please contact Kevin Lynch on ▮▮▮▮▮▮▮▮ if you have any queries.

Yours faithfully