



Your ref:
Our ref: PLS/PRE052/1856/HUR
Contact: Rob Hutchings
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Department of
Justice and Attorney-General

12 April 2011

Ms Jane Moynihan
Executive Director
Queensland Floods Commission of Inquiry
Level 30
400 George Street
BRISBANE QLD 4000

Dear Ms Moynihan

The Hon Stephen Robertson MP - Claim of Parliamentary Privilege

I refer to the claim of parliamentary privilege made last Friday in a letter from my office to you.

The Premier considers that all government and non-government documents sought by a requirement of the Commission and relating to the Commission's terms of reference should be provided to the Commission promptly.

As a result of the issues raised by Counsel assisting the Inquiry during the giving of Minister Robertson's evidence, the Honourable the Premier has taken further advice on the provision of the documents presently subject to the claim of privilege.

Notwithstanding the existence of the privilege, the Premier has decided, and the Minister has agreed, that the documents the subject of the claim must be provided to the Commission forthwith upon the basis that steps will be taken in the Legislative Assembly to obtain a resolution which ratifies this decision at the next sitting. The Premier has taken action to ensure that the matter is placed before the Legislative Assembly at its next sitting.

Nevertheless, it remains doubtful whether privilege can be waived by the House except in relation to identified documents. That is to say, the House could not waive privilege over unidentified documents that might be requested in the future. That being so, I would request that you advise me which documents you may require, other than those already the subject of

QFCI

Date:

13/4/11

JM

Exhibit Number:

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any summons or request, which might be the subject of the same privilege so that all of such documents can be made the subject of a resolution.

Yours faithfully



Rob Hutchings
Assistant Crown Counsel
for Crown Solicitor