

Attachment F

Letter from Chair, ECITA committee to Mr Cook

15 March 2007

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Mr Clive Cook
Director
Queensland Parks and Wildlife Service
PO Box 2066
CAIRNS QLD 4870

Dear Mr Cook,

The Senate Standing Committee on the Environment, Communications, Information Technology and the Arts recently wrote to you in connection with two separate allegations regarding your treatment of witnesses Mr Green and Dr Williams, who appeared before the committee at a hearing in Cairns on 30 June 2006. It has received in response correspondence on your behalf from Mr Campbell, Queensland Deputy Crown Solicitor, regarding each of these two cases (dated 1 March 2007 and 9 March 2007 respectively).

In his letters of 1 and 9 March Mr Campbell asked that the exact terms of the allegations be made available. The Environment, Communications, Information Technology and the Arts Committee (ECITA committee) considered this request at its meeting of 15 March 2007.

This committee, under the Senate's Privileges Resolutions (see attachment A), has a responsibility to ascertain the facts of the matter when it has any reason to believe that a person has '...been subjected to or threatened with any penalty or injury in respect of any evidence given...'. (Senate Privilege Resolution 1(18) of 25 February 1988). The allegations of both Mr Green and Dr Williams have given the committee reason to believe that they feel they have been subject to such behaviour and it is therefore seeking to establish the facts of the matter.

In writing to you on 2 March the ECITA committee was asking for your recollection and report on the facts in relation to the matters raised by Dr Williams. The committee is not required and does not seek to adjudicate the matter, but will report to the Senate. If the committee agrees that it appears that a possible breach of privilege or contempt has occurred, that will be reported and it becomes a matter for the President and / or Senate to pursue. It ultimately may be a matter of inquiry for the Senate's Committee of Privileges. That committee will investigate and adjudicate (see Senate Privilege resolutions 2 and 3). The Committee of Privileges reports its findings to the Senate. If a finding of contempt or breach of privilege is made then that committee may also recommend a penalty. The imposition of any penalty is a matter for the Senate itself.

To assist you in responding to the ECITA committee's request for the facts of the matter as you know them the committee has agreed to provide you with the relevant extracts from the correspondence from Mr Green and Dr Williams. Other material in the correspondence is not relevant to the matters on which the committee is seeking your views. The relevant paragraph from Mr Green's letter states:

On the morning of hearing of Senate in Cairns Dr. Paul Williams and myself were met by our Regional Director and he advised us that the department would be reading the minutes of hearing and for us to be careful in our presentation. Obviously it was a veiled threat to influence us to temper our presentation and evidence

The relevant items from Dr Williams' letter of 9 February 2007 are attached.

I remind you that, as correspondence to the committee, the letters from Mr Green and Dr Williams also are protected by parliamentary privilege, and thus any threat made to, or penalty imposed on, either person as a result of their writing to the committee could be considered to be a contempt of parliament.

In responding to the ECITA committee it may be useful if you are aware of the following comments made in Chapter 6 the Committee of Privileges' 125th report entitled *Parliamentary privilege Precedents, procedures and practice in the Australian Senate 1966-2005*:

The Senate and the Committee of Privileges have been gentle with persons who they have judged are unfamiliar with parliamentary processes and have no idea that their actions might constitute contempt. On the other hand, the committee in particular has reserved its harshest criticisms for persons who should have been in a position to know the law of privileges and the consequences of flouting the law. (para 6.5. Available at http://www.aph.gov.au/Senate/committee/priv_ctte/report_125/index.htm)

The committee wants to include comment on this matter in its report to the Senate on the national parks inquiry due on 29 March 2007. Accordingly it has agreed that your comments should be provided by close of business Wednesday 21 March 2007.

Yours sincerely



Senator Alan Eggleston, Chair

cc: RW Campbell, Queensland Deputy Crown Solicitor

Extracts from Dr Williams' letter of 9 February 2007

- 6. In a letter to me, dated 6 October 2006, the QPWS Northern Regional Director, Clive Cook stated "I also take the opportunity to remind you of your obligations under Principle 1 ... in avoiding publicly criticizing Agency procedures or colleagues".**

The new Queensland Minister for the Environment and Multiculturalism, the Honourable Lindy Nelson-Carr, visited my local office to talk to staff on the 28 September 2006. A morning tea had been organized for this event and an email had been sent to local staff inviting us to attend. The Minister came over to where I and three other EPA/QPWS staff were standing and introduced herself. We each told her what our roles were. The Minister seemed genuinely interested in our work, so I then asked if I could give her some photographs of park management issues. The Minister agreed and we began discussing the 15 photos, eight of which showed problems such as the decline in a local rainforest patch due to the invasion of a large grass weed fuelling repeated fire incursions, and overgrazing of stock on a western park. Seven of the photos showed good results of weed control and fire management that has been achieved: repeated burning killing lantana and rubbervine and delayed burning and de-stocking reducing grader grass weed abundance. The Minister remained interested so I told her that in my opinion it was not just funding that was an issue but just as importantly it was staff availability to implement fire, weed and feral animal work. The Minister seemed surprised that the rangers did not have enough time to implement fire and weed work, so I told her that staff get chained to campground work and building infrastructure and are frustrated that they have not time to implement land management, which they aspire to do. At the end of this conversation, the QPWS Regional Director, Mr Clive Cook, who had been hovering nearby, joined our conversation and politely argued. The Minister soon left, but took away with her the photographs and appeared to have been interested in what was said.

The following day, 29 September 2006, Mr Cook rang me angrily claiming he was sick of me "always doing this". I asked what he meant by "always doing this" and he claimed I had a history of complaining out of house about QPWS, which is not true and he can only be referring to my submissions to the Senate Inquiry. Mr Cook subsequently wrote a letter to me, dated 6 October 2006, about my discussion with the Minister, which I have attached. On the second page he states "I also take the opportunity to remind you of your obligations under Principle 1 ... in avoiding publicly criticizing Agency procedures or colleagues".

I maintain that the conversation I held with the Minister was courteous and that she was interested and had in fact walked over to me to introduce herself and that she agreed to see the photographs. My discussion of park management issues at an internal EPA meeting with the Queensland Minister for the Environment and Multiculturalism can not be considered "publicly criticizing Agency procedures or colleagues".

I was concerned that Mr Cook had asserted that I had "publicly criticizing Agency procedures or colleagues" and took the matter to the Queensland Public Sector Union, who sent a letter on my behalf asking what policy Mr Cook applied to reach his apparent determination that my actions were in breach of the code of conduct. The union letter also asked why he alleged in his letter that I had made public comments about the department or colleagues, which could not relate to the internal meeting that he was writing about. In his reply, Mr Cook claims no determination was made that the incident was a breach of the code of conduct, but did not answer the question of his assertion of publicly criticizing the department. Mr Cook has never answered this question.

I am a loyal member of QPWS, which is why I decided to provide input into the Senate inquiry in the first place, to help provide desperately needed resources. The only situation that Mr Cook could consider that I have publicly criticized the agency is my submission to the Senate Inquiry, of which he was well aware as he came over to Dave Green and I prior to the Senate hearing in Cairns, telling us to be careful of what we said. I have never written an article criticizing the department, nor criticized the department at a public meeting. I can therefore only conclude that Mr Cook was referring to, and criticizing me for, my submission to the Senate Inquiry.

7. At the time of the Cairns hearing of the Senate Inquiry, I was removed from an interview panel.

I initially stated in my 12 January 2007 letter that it was the Monday after the Senate hearing in Cairns. However, I find this incident happened several days after I had informed my supervisors of my decision to participate at the Cairns Senate hearing. That is, Wednesday 28 June 2006.

The interview panel in question was formed for the selection of the north west Queensland Resource Ranger position, which is responsible for providing assistance in natural resource management issues in the subdistrict. I have worked in north west Queensland parks since 1998. During that time I have published scientific articles on the management issues, have produced vegetation maps and reports for the various parks, undertaken fauna and vegetation monitoring and have worked closely with the rangers, including helping them implement burning operations. I also worked closely with the previous excellent incumbent of the position, who was based in Mt Isa. It was for this reason that I was asked by the north west Senior Ranger to be on the interview panel.

The interview panel chair, Senior Ranger for the north west, rang me on 28 June 2006, asking me why I had withdrawn from the interview panel. I had done no such

thing and was not aware I had been removed from the interview panel, surely an unusual occurrence. I sent an email to the District Manager Savanna and my supervisor Mark Connell. Attached is that email and the only written reply I received, from Mark, stating that "The composition of the panel and location of the ranger are district matters". I asked the Savanna District Manager in person about it and he denied any knowledge that I had been removed from the panel, claiming it must have been a higher regional decision to remove me from the panel, that is the Regional Director Clive Cook. Why the Regional Director would involve himself in subdistrict matters was never explained. I told the District Manager that I wished to be returned to the panel. My subsequent replacement told me on the day of the interviews, that he didn't want to be on the panel, but that the Savanna District Manager had telephoned him, days after I had spoken to the District Manager, begging him to be on the panel because "there was no one else available".

The reason I believe this is blatant harassment regarding my attendance at the Senate Inquiry is that I had difficulty in gaining approval for recreation leave to attend the Senate Inquiry in Cairns (see attached emails). It was only a couple of days after this that I heard I was mysteriously removed from the interview panel. The inference I received from my supervisor was that it was a mistake to attend the Cairns hearing. Incidentally, as evidence that this was not a coincidence, Mr Dave Green, who appeared at the Cairns Senate hearing with me, was also removed at roughly the same time from an interview panel, without his wishes, for a position of which he is supervisor.

9. Continued accusations that I have a history of criticizing the department.

Since sending my letter, 12 January 2007, I have again been subjected to harassment. It occurred on 1 February 2007. I was asked by my supervisor's boss Geoff Meadows to come into the District Manager's office for a chat. I was questioned about a memo I had sent to my supervisor and the Savanna District manager the day before, where I had raised my concern that our natural resource management advice was not being incorporated into management decisions. Ultimately, the only issue I was actually criticized over was that I had cced the memo to the QPWS people involved in an example I used and a person from each of the central and southern regions of QPWS, who share my concern. During this "discussion", Mr Meadows repeatedly accused me of having a history of criticizing the department. I denied this and asked for examples. All he could provide was the issue of my talking to the Minister in September 2006. I denied this was criticising the department and in any case one example does not constitute a "history". I asked Mr Meadows repeatedly to provide examples of this history and he could not. In the end he said that I knew what he was talking about. I said to him that I believed he was criticising me for participating in the Senate Inquiry into national park resourcing. Mr Meadows smirked and said something along the lines of yes of course. I pointed out to the District Manager that he had witnessed this, but he said he had not heard what was said. I told Mr Meadows that it was illegal for him to harass me on the basis of my submission to the Senate Inquiry, to which he simply smirked further.

