

F A C S I M I L E

Date | 13 December 2004
To | The Honourable the Premier, Mr Peter Beattie MP
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No. of pages | 3
From | Andrew Boe
Re | Palm Island

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Dear Premier

I refer to your letter of 8 December 2004 enclosing your letter to Ms Kyle.

Since getting this correspondence, Ms Pink and I have spent a further few days with the chairperson and some members of council in Palm Island. Your letter has since been tabled with the PIAC and the available options for a response will be provided to them. I understand that there is a meeting of the PIAC scheduled for Tuesday morning and we will send to you its position as soon as that is at hand.

I acknowledge the several matters that are set out in your letter to Ms Kyle and can indicate that the absence of police at the funeral was a welcome approach.

You seem unduly concerned about the manner of communication (via us as a conduit) yet give little treatment in your response to the substantial issues that concern PIAC. The council need to recover from recent events. If there are formal matters that need to be communicated, Ms Pink remains available to collate them this week.

I mean no disrespect in pointing out that if your government is in fact interested in starting a direct and appropriate dialogue with the council it could start with there being greater liaison about Ministerial visits rather than simply imposing them upon the council with little notice other than by press conference as Minister Liddy Clark apparently has done this week. Such an approach suggests that the council is not being viewed as a 'partner' to this dialogue at all. We are instructed that this is the sort of approach that bureaucrats have also taken in the past. The PIAC should not be viewed by your government as being there merely to administer government policies in an obsequious way. The path to self management and responsibility will be hindered if you take such an approach. To simply give lip service to the PIAC's responsibilities and to those that have elected them by merely rolling out policies, which have not been the subject of meaningful dialogue with *this* council is counter to the development of an appropriate partnership between your government and the council.

As to Minister Clark's proposed visit tomorrow, Ms Kyle is exhausted after attending to all of the necessary protocols associated with the funeral and all of the recent events. She, like many

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others in public life, is scheduled to go on leave at the end of this week and has many matters to clear before then. We sought to communicate in our letter of 6 December 2004 that the community needs time to heal from recent events. If it is merely the Minister's desire to make an approach of good will, then that will be amply achieved by simply expressing that sentiment in an appropriate personal communication and making arrangements for a convenient time for a face to face discussion. I suggest that the Minister make direct contact with Ms Kyle before proceeding with this visit.

I note that you would prefer to not have to deal through a firm of lawyers and I suspect that perceptions of my persona may create difficulties for some (see further below). I should make it clear that my firm's role is not geared towards the provision of legal advice to obstruct the proposals set out in your 'Five Point Plan'. Nor do I see any value to the PIAC if our role were to in any way promote delay in the delivery of improved government services to the community. You have pointed to the potential for our involvement to constrain "frankness" in your discussions with the PIAC or delay the identification of solutions for Palm Island. This concern is misplaced. The need for urgent 'solutions' is profoundly evident to both Ms Pink and I.

Nor will our involvement be cumbersome. It is intended to facilitate candour and precision in the discussions. You and your government have a raft of advisors who assist in the development of your policies for Palm Island yet PIAC has few, if any, available with any real experience in negotiating the range of important matters that affect their community.

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I expect that in practical terms our role will be:-

- To gather detailed information about your government's 'five point plan.'
- To speak to key personnel in your government about these matters to supplement the written documentation that they would ordinarily be sending to PIAC.
- To distil your proposals and provide that to PIAC in a form and manner which will permit PIAC to respond to in a meaningful way.
- To attempt to advise in respect of any matters that concern PIAC.

Despite my considerable personal interest in these matters, I have put Louisa Pink at the forefront of responsibility for this role. There are several reasons for this. Firstly, I know that my 'persona' still causes cynicism and consternations to some. I want to remove that impediment. Second, Ms Pink, as you know is well equipped to understand the machinery of government, including how policy 'rollout' is designed to occur and is thus familiar with how constructive and meaningful dialog can be had with the key decision makers if government is truly committed to this process. Thirdly, through spending many hours gaining an understanding of this specific community and through personal and meaningful interaction, I believe that Ms Pink is now quite 'trusted' by the chair to faithfully communicate what in fact is intended by these government initiatives.

After spending several days over the last two weeks with the chair and other members of the community, I can assure you that I have no personal or public agenda other than to achieve the end that you proclaim in your letter, that is, to find urgent solutions for that community. You will have noted that I have not sought to publicise my involvement, despite strong media interest in our role. I hope that any fears that are held in government in this respect can be in part alleviated by Ms Pink taking the primary role in this matter. I expect that our role will diminish significantly as soon as the dialogue between government ministers and other representatives becomes in fact a meaningful one.

We have every expectation from our dialog with the chair and councillors we conferred with over the weekend, that my firm will be requested to remain as a primary conduit with government to further assist in this complex, yet urgent, process. We will let you know of council's decision in response to your letter as soon as we are informed.

We expect that it will be sometime this week.

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