

In the matter of the *Commissions of Inquiry Act 1950*
Commissions of Inquiry Order (No.4) 2015
Barrett Adolescent Centre Commission of Inquiry

AFFIDAVIT

Dr Lesley van Schoubroeck, Mental Health Commissioner, Queensland Mental Health Commission solemnly and sincerely affirms and declares:

1. The Barrett Adolescent Centre Commission of Inquiry has written to Crown Law on 14 December 2015 requesting clarification of certain matters in my first affidavit dated 3 December 2015. **Exhibit A** to this affidavit is a copy of that letter.
2. This affidavit serves as my response to that letter.
3. In respect to paragraphs 1 and 2 of the letter, I felt it incumbent on me as a senior public servant to ensure that the teacher aides who attended the meeting were aware that should a right to information application be made, I would not be able to assure them that any comments they made regarding government policy would be kept confidential.
4. In respect of paragraph 3 of the letter, at the time I had in mind the following:
 - (a) section 1.3 of the *Code of Conduct for the Queensland Public Service* which expressly prevents public servants commenting to the media on Government policy and was concerned that comments made by the teacher aides could be

[Redacted]

[Redacted]

Deponent

~~A.J.P., C.Dec.~~, Solicitor

AFFIDAVIT

On behalf of the State of Queensland

Crown Solicitor
 11th Floor, State Law Building
 50 Ann Street
 BRISBANE QLD 4000
 TEL: [Redacted]
 Email: [Redacted]

[Redacted]

obtained by the media under the *Right to Information Act 2009* (Qld). That Code of Conduct is publically available and a link to it is as follows: <http://www.psc.qld.gov.au/includes/assets/qps-code-conduct.pdf>; and

- (b) In more general terms and while it may not be illegal or in direct contradiction of the code of conduct, the general principle of an apolitical public service in Australia is that we do not comment on the policies of the government of the day, particularly as they relate to our employment. It is certainly not appropriate to use information gathered in the course of ones duties, in this way.

I did not know what the teachers' aides intended to say at the meeting prior to them deciding not to attend. I did not say I would not meet with them. I simply indicated that they, as government employees, needed to be aware that what they said may become a matter of public record. It was their decision not to attend.

All the facts affirmed in this affidavit are true to my knowledge and belief except as stated otherwise.

Affirmed by Dr Lesley van Schoubroeck
on 8 January 2016 at Brisbane in the
presence of:

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)
)



~~A Justice of the Peace, C. Dec.~~, Solicitor

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CERTIFICATE OF EXHIBIT

Exhibit A to the Affidavit of Dr Lesley van Schoubroeck affirmed on 8 January 2016.



Deponent



~~A.J.P., C.Dec.~~, Solicitor

In the matter of the *Commissions of Inquiry Act 1950***Commissions of Inquiry Order (No.4) 2015****Barrett Adolescent Centre Commission of Inquiry****INDEX TO EXHIBITS**

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| A | Letter addressed to Mr Paul Lack, Team Leader and Instructing Solicitor, State Representation Team, Crown Law dated 14 December 2015 | 1-2 |

Barrett Adolescent Centre Commission of Inquiry

Your Reference: [REDACTED]
In reply please quote: [REDACTED]

Level 10, 179 North Quay
Brisbane Queensland 4000
PO Box 13016
George Street Post Shop
Brisbane Queensland 4003
Telephone [REDACTED]
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Web www.barrettinquiry.qld.gov.au

Mr Paul Lack
Team Leader and Instructing Solicitor
Barrett Centre Commission of Inquiry - State Representation
Crown Law
State Law Building
50 Ann Street
BRISBANE QLD 4000

By email to: [REDACTED]

Dear Mr Lack

STATEMENT OF DR LESLEY VAN SCHOUBROECK

Commission staff have conducted a review of the statement of Dr Lesley van Schoubroeck ('the Commissioner'), reaffirmed on 3 December 2015. We seek further information in relation to the following.

1. At paragraph 19, the Commissioner speaks of a meeting with Alison Earls on 11 September 2013. She says that prior to the meeting she realised two teacher aides intended to accompany Ms Earls. She states –

"I asked her to make sure they were aware that their presence at the meeting could not be protected under right to information. I was concerned that they as employees of government may unwittingly find themselves in breach of their employment conditions by commenting on government policy, during work time using information gained as employees. Ultimately, they chose not to attend the meeting on 11 September."

2. Explain the context of this statement, including why it was important that the employees were aware that their presence at the meeting 'could not be protected under right to information' and the meaning of this statement.
3. Further, please explain why the Commissioner believed that these individuals may be in breach of their employment conditions by commenting on government policy.

4. On page 77 and 82 of the exhibits to the Commissioner's affidavit, reference is made to a 'Declan Crouch'. We seek your views as to whether this name should be redacted in accordance with the Commission's Confidentiality Protocol.
5. At page 91 of the exhibits, reference is made to 'Kylie Jacques'. Similarly, we seek your views as to whether this name should be redacted.

Yours sincerely



Ashley Hill
Executive Director
Barrett Adolescent Centre Commission of Inquiry
14/12/2015