

PREMIER'S BRIEFING NOTE

Governance

P31384
DOC/14/39213

Tracking Folder No. TF/10/30993

Document No. DOC/10/175406

To: **THE PREMIER**

Date: 29 December 2010

Subject: **Commencement of the Premier's Disaster Relief Appeal to assist victims affected by extensive flooding in Queensland in December 2010 and early 2011.**

Approved / Not Approved / Noted

Premier *MWS*

Date 30/12/10

Date Action Required by:/...../.....

Requested by:
(if appropriate)

• RECOMMENDATION

It is recommended that you:

- sign the attached *Minutes of Meeting of Trustees* for the meeting of the Trustees which launches the Premier's Disaster Relief Appeal to assist victims affected by extensive flooding in Queensland in December 2010 and early 2011 (**Attachment 1**)
- sign the letter to the Minister for Police, Corrective Services and Emergency Services (as Trustee) seeking his signature on the *Minutes of Meeting of Trustees* (**Attachment 2**)
- agree that the Queensland Government will commence the Appeal with a \$1M contribution
- sign the letter to the Prime Minister seeking that the Commonwealth also contribute \$1M to the Appeal (**Attachment 3**), and
- approve the attached standard letter to be sent to all donors to the Premier's Disaster Relief Appeal (**Attachment 4**) and that your electronic signature be used on letters acknowledging individual and corporate donations of up to \$10 000, and that donations above \$10 000 will be forwarded for your personal signature.

• KEY ISSUES

- Under the Trust Deed for the Premier's Disaster Relief Appeal Fund (Trust Deed), two Trustees constitute a quorum for the purpose of transacting business of the Trust and that meetings and business of the Trust shall be held at the times and places and conducted in such a manner as the Trustees determine.
- The Trustees of the fund are you, the Treasurer and the Minister for Emergency Services. You and the other trustees have agreed to commence an appeal to accept gifts of money for the purpose of relieving the suffering of the victims affected by extensive flooding in Queensland in December 2010 and early 2011.
- The attached *Minutes of Meeting of Trustees* provide an official record of the Trustees' decision to commence the appeal and to select the Australian Red Cross Queensland as the disbursement agency (**Attachment 1**).
- The Queensland Government will make an initial contribution of \$1M to commence the Appeal and a co-contribution will be sought from the Commonwealth Government. The Queensland contribution will initially be sourced from my reserve.
- Donations will be collected via a free call phone number, which will be manned by Smart Services Queensland. Action is also being taken seeking the agreement of the major banks to also accept donation on behalf of the Appeal.
- It is proposed that letters be sent to all donors contributing to the Premier's Disaster Relief Appeal, to acknowledge their generosity. All donations of \$10 000 and over will be identified and your signature will be sought on letters acknowledging these contributions.

• CONSULTATION

- Australian Red Cross (Queensland), Emergency Management Australia, The Office of Fair trading Financial Management of this department.

Ken Smith
Ken Smith
Director-General

Comments (Premier or DG)

Action Officer: Brad Smith
Area: Executive Services
Telephone: 383 60090
Approvals by Director / ED / DDG documented in notes in TRIM
PK

P31389.

DOC/12/39244

29/12/10.

COMMENCEMENT OF APPEAL

Premier's Disaster Relief Appeal Fund ("Trust")

Commencement Date: 29 December 2010

MINUTES OF MEETING OF TRUSTEES

Held: 29 December 2010
Present: Anna Maria Bligh (Trustee)
Neil Stuart Roberts (Trustee)

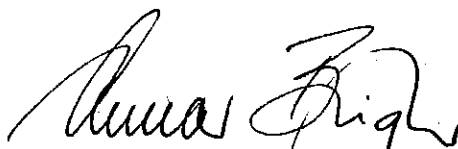
Distribution: Resolved by a quorum of the Trustees under Clause 11 (Quorum of the Trustees) and pursuant to Clause 12 (Meetings of the Trust) of the Trust Deed, that:

- (i.) the Trust accept gifts of money from the general public, industry, the State of Queensland, the Commonwealth, any State of the Commonwealth of Australia, or any Commonwealth or State authority or instrumentality for the purpose of relieving the suffering and distress suffered by the victims of the Queensland Flooding in December 2010 and early 2011; and
- (ii.) the Department of the Premier and Cabinet apply, on the Trust's behalf, for an application of sanction under the *Collections Act 1966*, for the purposes set out in (i.); and
- (iii.) that any gifts, as mentioned in (i.), be collected by the Commonwealth Bank of Australia, the National Bank of Australia, Westpac Bank, the ANZ Bank, the BoQ and Suncorp and via an existing 1800 telephone number managed by Smart Services Queensland for disaster recovery purposes; and
- (iv.) all gifts received are to be deposited into the Trust's Commonwealth Bank account; and
- (v.) all gifts are to be distributed to the victims of the of the Queensland Flooding in December 2010 and early 2011; as administered and determined by the nominated disbursement agency; and
- (vi.) for the purposes of (v.), the Australian Red Cross Queensland is nominated as the disbursement agency.

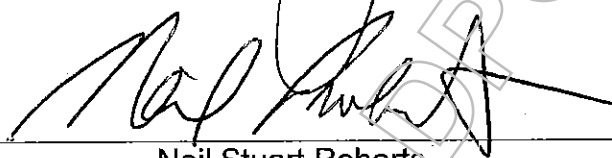
Ratification:

Resolved that the action of the Trustees to commence the Appeal in accordance with the Trust be ratified and confirmed.

Signed as a correct record:



Anna Maria Bligh



Neil Stuart Roberts

Released under RTI - 2006



Office of the Premier

DOC/14/39253

P31389
29/12/10

For reply please quote: ES/BS – TF/10/30993 – DOC/10/175409

Executive Building
100 George Street Brisbane
PO Box 15185 City East
Queensland 4002 Australia
Telephone +61 7 3224 4500
Facsimile +61 7 3221 3631
Email ThePremier@premiers.qld.gov.au
Website www.thepremier.qld.gov.au

The Honourable Neil Roberts MP
Minister for Police, Corrective Services and Emergency Services
GPO Box 1377
BRISBANE QLD 4001

Neil,

The Trust Deed for the Premier's Disaster Relief Appeal Fund (the Trust) was established to accept gifts of money for the purpose of relieving the suffering and distress suffered by the residents of Queensland, other Australian States or Territories and developing countries in the South Pacific.

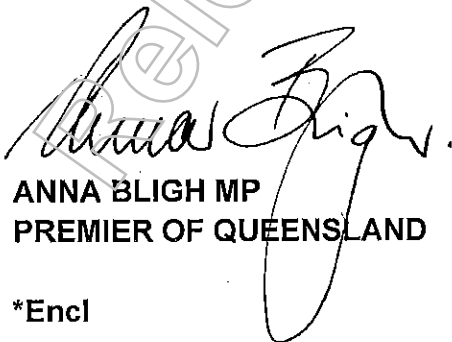
Under Clause 11 of the Trust Deed, two trustees constitute a quorum for the purpose of transacting business of the Trust. Clause 12 of the Trust Deed provides that meetings and business of the Trust shall be held at the times and places and conducted in such manner as the trustees determine.

The attached *Minutes of Meeting of Trustees* provide an official record of the trustees decision to commence the appeal to assist victims of the flooding in Queensland in December 2010 and early 2011 and select the Australian Red Cross Queensland as the disbursement agency.

Would you kindly sign where indicated. Once you have signed the *Minutes of Meeting of Trustees*, please arrange for Mr Brad Smith from my department to be contacted on telephone (07) 3836 0090 to arrange for collection of the documents.

Thank you for your assistance with this matter.

Yours sincerely


ANNA BLIGH MP
PREMIER OF QUEENSLAND

*Encl



**Queensland
Government**



Premier of Queensland

For reply please quote: ES/BS - TF/10/30993 - DOC/10/175411

30 DEC 2010

The Honourable Julia Gillard MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Executive Building
100 George Street Brisbane
PO Box 15185 City East
Queensland 4002 Australia
Telephone +61 7 3224 4500
Facsimile +61 7 3221 3631
Email ThePremier@premiers.qld.gov.au
Website www.thepremier.qld.gov.au

Julia

As you would be aware, Queensland has suffered extensive flooding across most of the State following ex Tropical Cyclone Tasha crossing the coast on Christmas morning and subsequently developing into a monsoonal rain depression.

The full consequences and the extent of damage will not be known until the flood waters fully recede. However, it is true to say that the flooding seen in many communities has reached either record levels or levels not seen in the past 150 years. In my view, the extent of the event and associated damage constitutes an exceptional circumstance when considered in the context of the many natural disasters regularly faced by Queensland.

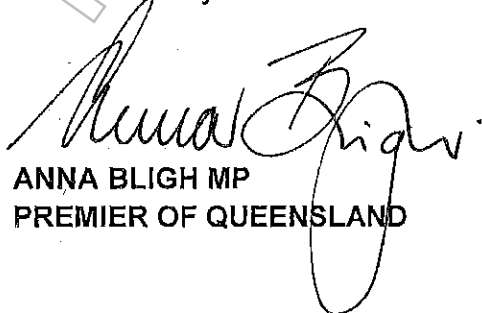
I am so moved by the plight of my fellow Queenslanders that I have launched the Premier's Disaster Relief Appeal to help those who have been affected by the flooding event and my Government has contributed \$1 million to commence the Appeal.

I request that the Australian Government also consider matching this contribution by donating \$1 million to the Premier's Disaster Relief Appeal. The Appeal is run and managed by the Queensland Government through a Board of Trustees constituted by myself, the Treasurer and the Minister for Emergency Services.

I can assure you that my Government is committed to helping the affected communities on the road to recovery, and will continue to work in partnership with the Australian Government, local councils, non-government organisations and volunteers to support people through this difficult time.

Thank you for considering this request.

Yours sincerely


ANNA BLIGH MP
PREMIER OF QUEENSLAND



Queensland
Government

P31389
DOL/10/175407
29/12/10

For reply please quote: *Mail Number/Author Code/Work Area*

Name
Address 1
Address 2
Address 3

Dear Salutation

Please accept my personal thanks for your generous donation to the Premier's Disaster Relief Appeal.

The kindness and generosity of donors such as yourself is greatly appreciated. All of the money raised by the appeal will be used to assist the people who have been affected by the extensive flooding experienced across Queensland communities during December 2010 and early January 2011.

I can assure you that my Government is committed to helping the affected communities on the road to recovery and will continue to work in partnership with the Australian Government, local councils, Australian Red Cross and other non-government organisations and volunteers to support people through this difficult time.

As all donations of over \$2 are tax deductible, a tax receipt is enclosed for your records.

~~Thank you again for your assistance.~~

Yours sincerely

ANNA BLIGH MP
PREMIER OF QUEENSLAND

*Encl

Glenys Jenkin

From: Mike Kirton
Sent: Tuesday, 18 January 2011 10:24 AM
To: Glenys Jenkin
Subject: FW: Premier's Disaster Relief Appeal
Attachments: Premier's Certificate - addition of Kirton.pdf

FYI – lucky me! Do you want the original, for file?

From: Cliffe, Bruce [<mailto:Bruce.Cliffe@deedi.qld.gov.au>]
Sent: Tuesday, 18 January 2011 9:56 AM
To: Mike Kirton
Subject: RE: Premier's Disaster Relief Appeal

Hi Mike

Attached is a scanned copy of the new Certificate of Sanction under which you are now a promoter of the appeal and able to authorise appeals for the flood relief appeal.

Please advise if you want someone to come over to our floor and pick up the original (or we can send someone to you)

Regards

Bruce Cliffe
Senior Business Services Officer

Office of Fair Trading
Department of Employment, Economic Development and Innovation Level 2, Executive Annexe
102 George Street, Brisbane Qld 4000
GPO Box 3111, Brisbane Qld 4001

t: +61 7 3405 070519 (internal 61205)
f: +61 7 3405 0731
e: bruce.cliffe@deedi.qld.gov.au

Business Information Centre 13 13 04
www.deedi.qld.gov.au



Form 6C
Collections Act 1966
(Section 13(2) - Collections Regulation 2008)

Sanction Number: CP 5495

CERTIFICATE OF SANCTION FOR A LIMITED TERM

I, THEO HARALAMPOU, Delegate of the Minister under the *Collections Act 1966* for the State of Queensland, hereby sanction, for the purposes of Part 3 of the Act, the **PREMIER'S DISASTER RELIEF APPEAL** for the purpose of raising funds for inclusion in the Premier's Disaster Relief Appeal Fund to assist individuals affected by flooding in Queensland throughout December 2010 and early 2011, tropical cyclone Yasi and flooding in Roma in 2011 as being the charitable purposes for which appeals for support are authorised to be conducted.

The promoters of all appeals for support for this charitable purpose are:

Michael James Kirton, Department of Premier & Cabinet, 100 George Street, Brisbane Qld 4000
Timothy Herbert, Department of Premier & Cabinet, 100 George Street, Brisbane Qld 4000
Annette Sargent, Department of Premier & Cabinet, 100 George Street, Brisbane Qld 4000
Each Trustee of the Premier's Disaster Relief Appeal Fund

This sanction remains in force for the period from 21/04/2011 to 31/03/2012 (both inclusive) or such earlier time as it is surrendered or revoked in accordance with the provisions of the Act.

This sanction is subject to the following conditions:

- Appeals for support can only be made for the purpose mentioned above;
- Any person making an appeal for support on behalf of **PREMIER'S DISASTER RELIEF APPEAL** must be previously authorised in writing by the at least one of the promoters;
- The promoters shall lodge with the chief executive under the Act audited financial statements within 4 weeks of the sanction expiring or being surrendered or revoked;
- Where an appeal for support exceeds 12 months, or appeal proceeds have not been fully expended on the sanction expiring, or being surrendered or revoked, the promoters shall lodge with the chief executive under the Act a copy of the income and expenditure account and a balance sheet, certified by the auditors, of the appeal proceeds within 7 months of 30 June of each year;
- The requirement to lodge annual audited financial statements ceases upon lodging with the chief executive under the Act a copy of the income and expenditure account and a balance sheet, certified by the auditors, showing the appeal proceeds to have been fully expended; and
- This certificate is returned to the chief executive under the Act within 4 weeks of the sanction expiring or being surrendered or revoked.

Dated this Twenty-Third day of December, 2011.

Theo Haralampou
Delegate of the Minister
under the *Collections Act 1966*

mw T/O 6/2 Chou Maxwell

Accuracy of description

PORA ~~is~~ ^{for distribution by the} ~~Red Cross collect~~ ~~An appeal for the~~

Collect → Distribute

admitted ' ~~acceptable~~

PORA
Redcross
both
appeal
for
funds

Released under RTI-DRC

Form 6
Collections Act 1966
(Section 13(2) – Collections Regulation 2008)

Sanction Number: CP5448

CERTIFICATE OF SANCTION

I, THEO HARALAMPOU, Delegate of the Minister for Tourism and Fair Trading, in pursuance of the provisions of the Collections Act 1966 hereby sanction the charitable purposes of **PREMIER'S DISASTER RELIEF APPEAL** being conducted by the Premier's Disaster Relief Fund to assist individuals affected by flooding in Queensland throughout December 2010 and early 2011 being a purpose to which Part 3 of the Act applies, as a purpose for which any appeal or appeals for support may be made.

This sanction is in force for the period from 29/12/2010 to 30/06/2011 (both inclusive).

The promoter or promoters of all appeals for support for these purposes is or are:

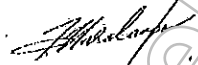
Timothy Herbert – Department Of Premier & Cabinet 100 George Street Brisbane Qld
Bradley Mark Smith – Department Of Premier & Cabinet 100 George Street Brisbane Qld
Annette Sargent – Department Of Premier & Cabinet 100 George Street Brisbane Qld
Michael James Kirton – Department Of Premier & Cabinet 100 George Street Brisbane Qld

This sanction is subject to the following conditions:

The promoter of each and every appeal for support for the purposes herein sanctioned shall be previously authorised in writing to act as such, whether by his/her name appearing herein as such, or by one or all of the persons herein named as promoters or by a trustee of the Premier's Disaster Relief Appeal Fund.

An audited statement of receipts and payments shall be submitted within four (4) weeks from the date of closing of the appeal.

Dated this Eighteenth day of January, 2011.



Theo Haralampou
Delegate of the Minister for Tourism and Fair Trading

Form 6
Collections Act 1966
(Section 13(2) – Collections Regulation 2008)

Sanction Number: **CP5448**

P31389

DOC/14/39338
29/12/10.

CERTIFICATE OF SANCTION

I, THEO HARALAMPOU, Delegate of the Minister for Tourism and Fair Trading, in pursuance of the provisions of the Collections Act 1966 hereby sanction the charitable purposes of **PREMIER'S DISASTER RELIEF APPEAL** being conducted by the Premier's Disaster Relief Fund to assist individuals affected by flooding in Queensland throughout December 2010 and early 2011 being a purpose to which Part 3 of the Act applies, as a purpose for which any appeal or appeals for support may be made.

This sanction is in force for the period from 29/12/2010 to 30/06/2011 (both inclusive).

The promoter or promoters of all appeals for support for these purposes is or are:

Timothy Herbert – Department Of Premier & Cabinet 100 George Street Brisbane Qld
Bradley Mark Smith – Department Of Premier & Cabinet 100 George Street Brisbane Qld
Annette Sargent – Department Of Premier & Cabinet 100 George Street Brisbane Qld

This sanction is subject to the following conditions:

The promoter of each and every appeal for support for the purposes herein sanctioned shall be previously authorised in writing to act as such, whether by his/her name appearing herein as such, or by one or all of the persons herein named as promoters or by a trustee of the Premier's Disaster Relief Appeal Fund .

An audited statement of receipts and payments shall be submitted within four (4) weeks from the date of closing of the appeal.

Dated this Twenty-Ninth day of December, 2010.



Theo Haralampou
Delegate of the Minister for Tourism and Fair Trading

Part 1—Applicant and sanction details continued

Person 2

Preferred title Mr Mrs Ms Miss Other (specify)

Given names BRADLEY MARK Family name SMITH

Address DEPT OF THE PREMIER & CABINET

Suburb BRISBANE State QLD Postcode 4000

Signature [Redacted]

Date signed 29/12/2010

Person 3

Preferred title Mr Mrs Ms Miss Other (specify)

Given names ANNE ANNETTE Family name SARGENT

Address DEPT OF THE PREMIER & CABINET

Suburb BRISBANE State QLD Postcode 4000

Signature [Redacted]

Date signed 29/12/2010

Part 2—Appeal details

Appeals for support
* Tick applicable box.

Appeals for support for these purposes will* / will not* be made continuously.
A sanction for these purposes is desired for an indefinite duration of time* / the period*
29-12-2010 to 29-12-2011 ³⁰⁻⁰⁶⁻²⁰¹¹ (both inclusive).

Banking details
* Check applicable.
At least two names required.

(a) Name of existing/proposed Bank* / Building society* / Credit union*
COMMONWEALTH BANK

Branch: OLD GOVT BANKING CENTRE

(b) Title of existing/proposed account/s: PREMIER'S DISASTER RELIEF APPEAL

(c) Names of existing/proposed people# authorised to operate on the account/s are:
ANNETTE SARGENT
NICHOLS ELLIOTT

Locations

The localities or towns where fund raising activities will occur:
QUEENSLAND

Please note

Where the purpose to be sanctioned comprises the objects of any association Part 3 applies. Part 4 must be signed by the applicant.

Part 3—Association details

Association name

The full name of the association is N/A

Part 3—Association details continued

<p>Purpose of association</p>	<p>What charitable activities will funds raised be directed towards in order to meet the objectives stated in the Association's Constitutional document i.e. Assisting the Disabled?</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>Postal address</p>	<p>Address</p> <p>Suburb State <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/> Postcode <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/></p>
<p>Association members</p>	<p>The present number of members of the association is</p> <p>The total number of members on the governing body is</p>
<p>Governing body Details of all people having control of the association must be provided. A post office box is not acceptable. (Please photocopy extra pages if more space is required)</p>	<p>Position held: <input type="checkbox"/> President <input type="checkbox"/> Secretary <input type="checkbox"/> Treasurer <input type="checkbox"/> Director <input type="checkbox"/> Trustee <input type="checkbox"/> Other</p> <p>Full name</p> <p>Address</p> <p>Suburb State <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/> Postcode <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/></p>
<p>A post office box is not acceptable.</p>	<p>Position held: <input type="checkbox"/> President <input type="checkbox"/> Secretary <input type="checkbox"/> Treasurer <input type="checkbox"/> Director <input type="checkbox"/> Trustee <input type="checkbox"/> Other</p> <p>Full name</p> <p>Address</p> <p>Suburb State <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/> Postcode <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/></p>
<p>A post office box is not acceptable.</p>	<p>Position held: <input type="checkbox"/> President <input type="checkbox"/> Secretary <input type="checkbox"/> Treasurer <input type="checkbox"/> Director <input type="checkbox"/> Trustee <input type="checkbox"/> Other</p> <p>Full name</p> <p>Address</p> <p>Suburb State <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/> Postcode <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/></p>
<p>A post office box is not acceptable.</p>	<p>Position held: <input type="checkbox"/> President <input type="checkbox"/> Secretary <input type="checkbox"/> Treasurer <input type="checkbox"/> Director <input type="checkbox"/> Trustee <input type="checkbox"/> Other</p> <p>Full name</p> <p>Address</p> <p>Suburb State <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/> Postcode <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/></p>

Part 3—Association details continued

Auditor details

Existing or proposed.

First name QLD AUDIT OFFICE Last name

Phone (day time) Mobile

Email

Auditor's qualifications (please tick one of the following):

- A person registered as an auditor under the *Corporations Act 2001*.
- Member of CPA Australia who is entitled to use the letters 'CPA' or 'FCPA'.
- Member of the Institute of Chartered Accountants in Australia who is entitled to use the letters 'CA' or 'FCA'.
- Member of the National Institute of Accountants who is entitled to use the letters 'MNIA', 'FNIA', 'PNA' or 'FPNA'.
- Other—Auditor approval will be required from the Office of Fair Trading.

Financial year conclusion

If applying for an indefinite duration of time, the date of the conclusion of the financial year is

/
D D M M

Part 4—Declaration and checklist for an association

Declaration by an authorised person

* Check whichever is applicable.

I declare that all details provided on this form are true and correct.

Signature [Signature]
s.73 Signature

Signatory's name TIMOTHY HERBERT

Position held: President Secretary Treasurer Director
 Trustee Other A/EXECUTIVE DIRECTOR

Date 29 / 12 / 2010
D D M M Y Y Y Y

STATE AFFAIRS

Checklist

Where the object for fundraising to be sanctioned is conducted by an association.

Accompanying this application are:

- If applicable, an up-to-date copy of the constitution, certified to be an accurate copy by any two members of the governing body of the association.
- A copy of the resolution or minute of the meeting at which the members or the governing body approved the making of this application, certified to be an accurate copy by any two members of the governing body of the association.
- A copy of the last balance sheet or statement of the financial affairs of the association.
- The written consent of the central body of the association (required only if this application is made on behalf of a local or affiliated branch or section of the association).

Lodgement

Please lodge the completed application, any supporting documentation and fees to the Office of Fair Trading at the address below, or at one of our regional offices.

By mail:

Registration Services
Office of Fair Trading
GPO Box 3111
Brisbane QLD 4001.

Visit www.fairtrading.qld.gov.au or call 13 13 04 for information and your nearest Fair Trading Office.

P31389

Matthew Wilkinson

From: Mike Kirton
Sent: Friday, 23 December 2011 1:04 PM
To: Annette Sargent; Tim Herbert; Matthew Wilkinson; Glenys Jenkin
Subject: FW: Premier's Disaster Relief Appeal - Extension of Sanction
Attachments: cp5495.pdf

FYI

From: Amesbury, Caitlin [mailto:Caitlin.Amesbury@deedi.qld.gov.au]
Sent: Friday, 23 December 2011 12:38 PM
To: Mike Kirton
Subject: RE: Premier's Disaster Relief Appeal - Extension of Sanction

Hi Mike,

Thank you for your email and the confirmation from Annette.

Please find attached a copy of the new certificate with extended end date now being 31 March 2012.

Please be aware that the Office will be closed from COB Friday 23 December 2011 and will be re-opening on Tuesday 3rd January 2012.

Kind Regards

Caitlin Amesbury
A/Team Leader
Registration Services
Department of Justice and Attorney-General

From: Mike Kirton [mailto:Mike.Kirton@premiers.qld.gov.au]
Sent: Friday, 23 December 2011 12:10 PM
To: Amesbury, Caitlin
Subject: FW: Premier's Disaster Relief Appeal - Extension of Sanction

Caitlin

Please see below, as requested.

Regards,
Mike

From: Annette Sargent
Sent: Friday, 23 December 2011 12:09 PM
To: Mike Kirton
Subject: RE: Premier's Disaster Relief Appeal - Extension of Sanction

Hi Mike,

Yes, I acknowledge my responsibilities as a promoter under the collections Act,

Many thanks

Annette Sargent

Acting Executive Director

Business Services

Department of the Premier and Cabinet

Phone: 322 44814

Fax: 322 46915

Email: annette.sargent@premiers.qld.gov.au

From: Mike Kirton
Sent: Friday, 23 December 2011 10:56 AM
To: Annette Sargent
Subject: FW: Premier's Disaster Relief Appeal - Extension of Sanction

Annette

Can you please confirm that you acknowledge your responsibilities as a promoter under the Collections Act, and I will advise OFT accordingly.

Thanks,
Mike

From: Amesbury, Caitlin [<mailto:Caitlin.Amesbury@deedi.qld.gov.au>]
Sent: Friday, 23 December 2011 10:34 AM
To: Mike Kirton
Subject: FW: Premier's Disaster Relief Appeal - Extension of Sanction

Good Morning Mike,

I note from your email (below) that one of the promoters of the appeal has changed from Mr Nicolas Elliott to Ms Annette Sargent.

it is a requirement that Ms Annette Sargent provides her consent and acknowledgement to being a promoter of the appeal under the Collections Act 1966. The declaration as per the application for Sanction provides the following:

The persons whose names appear as promoters of the short term Sanction are prepared to act as a promoter of all appeals for support for these purposes, and will be responsible to the Minister under the Collections Act 1966, for the satisfactory conduct of all appeals for support for these purposes, and for the furnishing of all returns and other information required to be furnished.

Please be aware that the Office will be closed from COB Friday 23 December 2011 and will be re-opening on Tuesday 3rd January 2012.

Kind Regards

Caitlin Amesbury
A/Team Leader

Registration Services
Department of Justice and Attorney-General

From: Coles, Tracey
Sent: Friday, 23 December 2011 9:07 AM
To: Amesbury, Caitlin
Subject: FW: Premier's Disaster Relief Appeal - Extension of Sanction

Hi Caitlin

Please attend to the following.

Many thanks.

T. Coles

Tracey Coles
A/Senior Business Services Officer - Registration Services

Office of Fair Trading
Department of Justice and Attorney-General
Level 2, Executive Annexe, 102 George Street Brisbane Qld 4000
GPO Box 3111 Brisbane Qld 4001
T: +61 7 340 50719 (Ext 61219)
F: +61 7 340 50731
E: Tracey.Coles@deedi.qld.gov.au

Customer Call Centre 13 QGOV (13 74 68)
www.deedi.qld.gov.au

From: Mike Kirton [<mailto:Mike.Kirton@premiers.qld.gov.au>]
Sent: Thursday, 22 December 2011 1:04 PM
To: Coles, Tracey
Cc: Tim Herbert; Annette Sargent; Matthew Wilkinson; Glenys Jenkin
Subject: Premier's Disaster Relief Appeal - Extension of Sanction

Dear Tracey

As you will be aware, the current sanction issued by OFT to collect funds for flood/TC Yasi victims under the Premier's Disaster Relief Appeal (Sanction Number CP 5495) is valid up to 31 December 2011.

The Premier has approved that the current PDRA sanction be extended up to 31 March 2012 to accommodate incoming donations that are expected to be received early in 2012. I understand that an e-mail from me, as one of the current authorised promoters of the Appeal, is sufficient to request an extension of the current PDRA sanction.

Accordingly, could you please arrange for the current sanction to be extended until 31 March 2012 and for the following people to be listed as promoters:

Michael Kirton – Director, Executive Services, Department of the Premier and Cabinet
Timothy Herbert – Executive Director, State Affairs, Department of the Premier and Cabinet
Annette Sargent – Acting Executive Director, Business Services, Department of the Premier and Cabinet

It would be appreciated if you could email me a new sanction certificate to this email address.

Thanks for your assistance.

Regards,
Mike

Mike Kirton

Director | Executive Services | Department of the Premier and Cabinet
Phone: 07 3224 6063 | Mobile: S.73 Telephone N | Fax: 07 3229 7494

Tomorrow's Queensland: strong, green, smart, healthy and fair - www.towardQ2.qld.gov.au
Please consider the environment

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Released under RTI - DPC

To: ~~THE PREMIER~~
Date: 19 January 2010
Subject: Queensland Floods Disaster Relief Fund –
Establishment of Trust Deed and Distribution
Committee

Approved / Not Approved / Noted
Premier
Date 19/1/2010
Date Action Required by:
Requested by:
(if appropriate)

• RECOMMENDATION

It is recommended that you:


- sign the Trust Deed (attachment one) to establish the Queensland Floods Disaster Relief Fund (the Fund); and
- endorse the attached Resolutions (attachment two) to establish the Queensland Floods Disaster Relief Fund Distribution Committee, delegate power to the Committee to distribute funds, and ratify related governance mechanisms.

• KEY ISSUES

- The existing Premier's Disaster Relief Appeal Fund only enables money to be transferred to a charitable institution or a body with deductible gift recipient status.
- Creation of the new Fund is required to facilitate payments to individuals. This is the same process that was used for the Cyclone Larry Disaster Relief Fund.
- To expedite payments from the Fund, it is proposed that the Distribution Committee be delegated the power to take necessary action to disburse assistance on behalf of yourself and the other Trustees.
- The attached Resolutions also enables the department's Chief Financial Officer to transfer collections made into the exiting Premiers' Disaster Relief fund into the newly established Fund.
- The Distribution Committee is finalising its proposal for the first funding round to assist people whose principal place of residence has been rendered uninhabitable with flooding above the level of the floor.
- It is anticipated that Centrelink will perform the assessment function for the first round of funding, in consultation with the Department of Communities to confirm inundation above the floor.
- The Committee will report regularly to the Trustees on payments from the Fund.

• CONSULTATION

- Chief Financial Officer, Crown Law and the Australian Taxation Office.


Ken Smith
Director-General

Comments (Premier or DG)

lc

Action Officer: Holly Portley
Area: Flood Relief Appeal Secretariat
Telephone: 383 60901

P31389
DOC/11/179528
11/05/11

TRUST DEED
for
2010/2011 QUEENSLAND FLOODS DISASTER RELIEF
FUND



Crown Law
Queensland Government

Crown Solicitor
State Law Building
50 Ann Street
BRISBANE

Telephone: (07) 322 22678
Facsimile: (07) 3239 6961
Reference: CP5/PRE052/1841/MAC

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Released under RTI/DPC

THIS TRUST DEED is made

- BY** ANNA MARIA BLIGH, the Premier and Minister for the Arts of Queensland
- AND** ANDREW PETER FRASER, the Treasurer and Minister for Employment and Economic Development of Queensland
- AND** NEIL STUART ROBERTS, the Minister for Police, Corrective Services and Emergency Services of Queensland

(in this Trust Deed, each an “**Initial Trustee**”)

BACKGROUND:

- A. The Government of Queensland wishes to establish and maintain a public fund to provide relief (including by way of assistance to re-establish a community) to people who are in distress as a result of the Disaster.
- B. The Trustees propose to solicit and accept gifts, or as the case may be appropriations, of money from the general public, industry, the State of Queensland, the Commonwealth, any other State or Territory of the Commonwealth of Australia, any Commonwealth, State or Territory authority or instrumentality, or any other appropriate sources (including, without limitation, Ancillary Funds), in order to apply that money for the purposes set out in this Trust Deed.

THE TRUSTEES DECLARE AS FOLLOWS:

1. INTERPRETATION

- 1.1 In this Deed, except where the contrary intention appears:

“**Ancillary Fund**” means a public fund that is endorsed as a deductible gift recipient under item 2 of the table in section 30-15 of the *Income Tax Assessment Act 1997* (Cth);

“**Commencement Date**” means the date of execution of this Deed;

“**Deed**” means this Trust Deed, as amended or varied from time to time;

“**Disaster**” means the widespread flooding in Queensland in the areas covered by disaster situations declared under the *Disaster Management Act 2003* (Qld) in December 2010 and January 2011, being a disaster that satisfies the requirements of subsection 30-46(1) of the *Income Tax Assessment Act 1997* (Cth), namely:

- (a) it was declared to be a disaster, or gave rise to a declaration of a state of emergency, by or with the approval of a Minister of a State or Territory under the law of the State or Territory; and
- (b) it developed rapidly; and

- (c) it resulted in the death, serious injury or other physical suffering of a large number of people, or in widespread damage to property or the natural environment;

“Fund” means the public fund known as “2010/2011 Queensland Floods Disaster Relief Fund”, and includes:

- (a) the Original Sum;
- (b) gifts and appropriations of money or property paid or contributed to the Fund, whether pursuant to a specific public appeal or otherwise, and whether paid or contributed before or after the date of this Deed; and
- (c) all accretions to the Fund;
- (d) all accumulations of income; and
- (e) the money, investments and property which from time to time any accumulation of income authorised by this Deed, and includes any monies paid before and after the date of this Deed into the Fund;

“Gift Fund” has the meaning set out in clause 4;

“Objects” means the objects specified in clause 2;

“Original Sum” means the sum of \$10 which constitutes the Fund at the Commencement Date, and which amount has been paid into the Fund by or on behalf of the Director-General of the Department of The Premier and Cabinet on or before the Commencement Date;

“Public Person” means any natural person acceptable to the Australian Taxation Office who, because of their tenure of a public office or their position in the community, has a degree of responsibility to the community as a whole;

“Trust” means the trust as constituted by clause 2 of this Deed;

“Trustees” means:

- (a) subject to clause 10.2, the Initial Trustees; and
- (b) any Trustee appointed pursuant to clause 10.3;

“Trusts Act” means the *Trusts Act 1973* (Qld).

1.2 In this Deed, except where the contrary intention appears:

- (a) words importing a gender include any other gender;
- (b) words in the singular include the plural and vice versa;
- (c) all dollar amounts refer to Australian currency;
- (d) a reference to any legislation includes any subordinate legislation made under it and any legislation amending, consolidating or replacing it;
- (e) a reference to an individual or person includes a corporation or other legal entity;

- (f) the index and clause headings have been included for convenience of reference only and are not intended to affect the meaning or interpretation of this Deed;
- (g) if an expression is defined, other grammatical forms of that expression have a corresponding meaning; and
- (h) if the day on or by which any matter or thing to be done under this Deed is a Saturday, Sunday or public holiday in the place where the matter or thing is to be done, the matter or thing may be done on the next Business Day.

2. OBJECTS OF TRUST

- 2.1 The Trustees declare that they hold the Fund upon trust solely for charitable purposes involving the provision of money for the relief (including relief by way of assistance to re-establish a community) of people in Australia in distress as a result of the Disaster.

3. COMMENCEMENT OF THE TRUST

- 3.1 The Trust will commence on and from the date of execution of this Deed.

4. GIFT FUND

- 4.1 The Trustees will, where both deductible gifts and contributions as well as non-deductible gifts and contributions are made to the Fund, establish and maintain separate gift fund ("Gift Fund").

5. INVESTMENT OF THE FUND

- 5.1 The Trustees have the power to invest all or any part of the Fund in any manner authorised by law for the investment of trust funds and any income which accrues from such investment will be held upon the trusts as set out in this Deed.
- 5.2 The Trustees are not responsible for any loss suffered by the Trust or the Fund as a result of the exercise of the Trustees' powers under clause 5.1.

6. THE FUND

- 6.1 The Fund will include any investment from time to time representing the Fund or any unexpended residue of the Fund and will also include any accumulation of income, which is authorised by this Deed.

7. RECEIPTS

- 7.1 The Trustees will issue tax deductible receipts showing the name of the recipient as "2010/2011 Queensland Floods Disaster Relief Fund".
- 7.2 The Australian Business Number of the Trust or Fund (as applicable) and the fact that the receipt is for a gift will be shown on receipts issued.

8. WINDING-UP OF THE TRUST OR FUND

- 8.1 If the Trustees determine that the Trust has become impracticable or that it is inexpedient to carry on the Trust or that this Deed has failed to accomplish its intention and purposes, the

Trustees may by resolution determine the Trust on and from the termination date specified in such resolution.

- 8.2 In the event of the Trust being wound up or dissolved, any surplus assets remaining after the payment of the liabilities of the Trust will be transferred to a fund, authority or institution which has similar objects to the Objects, and to which income tax deductible gifts can be made.
- 8.3 If the Gift Fund is wound up, or if the endorsement (if any) of the Trust as a deductible gift recipient is revoked, any surplus assets of the Gift Fund remaining after the payment of liabilities attributable to it will be transferred to a fund, authority or institution to which income tax deductible gifts can be made.

9. ADMINISTRATION EXPENSES

- 9.1 The Trustees may, subject to the provisions of the Trusts Act, apply the Fund towards the meeting of expenses incurred in the administration of the Trust.

10. APPOINTMENT AND REMOVAL OF TRUSTEES

- 10.1 The Trustees must be natural persons, numbering not less than three and not more than seven and each of whom must be:

- (a) the Premier of Queensland;
- (b) a Minister in the Government of Queensland; or
- (c) a Public Person.

- 10.2 The position of any Trustee will become vacant if:

- (a) that Trustee:
 - (i) dies;
 - (ii) resigns;
 - (iii) is an uncertificated or undischarged bankrupt;
 - (iv) becomes mentally ill; or
 - (v) ceases to be the Premier of Queensland or a Minister in the Government of Queensland, or to be a Public Person; or
- (b) the Premier of Queensland signs a certificate confirming that the Trustee concerned is removed from office as a trustee of the Trust, which certificate will be conclusive evidence that the Trustee concerned has so been removed from office.

- 10.3 Subject to clause 10.1, the Premier of Queensland from time to time, or a nominee of the Premier of Queensland from time to time (which nominee must be a Minister of the Government of Queensland), may appoint a person:

- (a) to fill any vacancy in the position of Trustee; or

- (b) as an additional Trustee.

11. QUORUM OF THE TRUSTEES

- 11.1 A majority of Trustees will constitute a quorum for the transaction of the business of the Trust.

12. MEETINGS OF THE TRUST

- 12.1 The Trustees may meet together, at such intervals as the Trustees think fit, for the dispatch of business, adjourn and otherwise regulate their meetings and proceedings as they think fit.
- 12.2 If there is more than one Trustee, the Trustees must act jointly.
- 12.3 The Trustees may, in writing, delegate the exercise of all or any of the powers or discretions contained in this Deed on the Trustees (including, without limitation, this power of delegation and including, without limitation, a delegation to any committee appointed by the Trustees, or to any member of the public appointed by the Trustees to assist them in performing their duties under this Deed), and execute any power of attorney or other instrument necessary to give effect to such delegation.
- 12.4 Except as provided otherwise, any exercise by the Trustees of any power, discretion or authority conferred on the Trustees by this Deed may be made:
- (a) in writing signed by all the Trustees for the time being who are in the Commonwealth of Australia (not being less than the quorum for a meeting), which resolution may consist as several documents in like form, each signed by one or more of the Trustees; or
 - (b) by a resolution duly passed by a majority of the Trustees at a meeting of Trustees.
- 12.5 The Trustees must cause proper minutes of all resolutions and meetings to be kept and entered into a book for those purposes. Any minutes purporting to be signed by the chairperson of any meeting will be considered to be prima facie evidence of the matters stated in such minutes.

13. TRUSTEES' POWERS, RESPONSIBILITIES AND INDEMNITY

- 13.1 The Trustees, as regards all the trusts, powers, authorities and discretions vested in them by this Deed have absolute and uncontrolled discretion as to the exercise of them, whether in relation to the manner or as to the mode of and time for the exercise of them, except as expressly provided in this Deed.
- 13.2 The Trustees will manage the Fund and, in addition to and without limiting the Trustees' powers specified in this Deed, have the following powers:
- (a) to seek gifts, donations and other contributions to the Fund;
 - (b) to manage any real and personal property of the Trust (including the Fund);
 - (c) to open and operate such bank and other accounts as the Trustees think fit;
 - (d) to vary, alter, transpose or reinvest any of the investments authorised under this Deed;
 - (e) to institute and defend proceedings at law to proceed to the final end and determination of such proceedings or compromise such proceedings;

- (f) to compromise and settle all matters arising in relation to the Trust;
- (g) to determine in their absolute discretion whether a particular amount received or derived or expense incurred should be considered as capital or income;
- (h) to raise and borrow money either with or without security or secured by mortgage or charge over all or any part of the Fund or other property (if any) of the Trust; and
- (i) to do all such other lawful acts and things as are incidental or conducive to the Objects.

13.3 The Trustees will not be liable for any loss which may be sustained by the Trust, unless that loss is caused by the Trustees' own deceit, neglect or default.

13.4 The Trustees:

- (a) **must** be indemnified out of the Fund from and against any expense and liability that may be incurred in prosecuting or defending any action or suit in respect of the provisions of the Deed;
- (b) are **not** responsible for any loss incurred as a result of any act, deceit, neglect, mistake or default;
- (c) will **not** be liable to account to anyone for any payments made by the Trustees in good faith to any duly empowered fiscal authority for taxes, imposts or other charges made upon or in respect of the Trust or the Fund or with respect to any transaction under this Deed notwithstanding that any such payment ought or need not have been made,
- (d) **may** act upon the opinion or advice obtained from persons who are professionals or experts in relation to the matters upon which they are consulted, and the Trustees are not liable for any loss arising from anything done or suffered by it in good faith in reliance upon any such opinion or advice,

except to the extent that such expense, liability, loss or payment (as the case may be) is attributable to the Trustees' own deceit, neglect or default.

13.5 The Trustees will not incur any liability to anyone in respect of doing or performing or failing to do or perform any act or thing which, by reason of any provision of any present or future law of any place or of any decree, order or judgement of any court of competent jurisdiction the Trustees are required to do or perform or are hindered, prevented or forbidden from doing or performing.

13.6 The powers given to the Trustees are exercisable by them only in a fiduciary capacity in furtherance of the public charitable purposes of the Trust as set out in the Deed and not otherwise.

14. GRANT OF ASSISTANCE BY TRUST

14.1 Grants of assistance to beneficiaries of the Trust will be subject to this Deed, the Trusts Act, and such other conditions as the Trustees may impose, and will be in the absolute discretion of the Trustees.

15. ACCOUNTS AND AUDIT

15.1 As soon as possible after the end of each financial year, the Trustees must prepare, or cause to be prepared, financial statements showing the financial position of the Fund as at the end of the relevant financial year.

15.2 The Trustees must have the financial statements for the Fund audited at the end of each financial year in accordance with the obligations imposed on the Trustees by law.

16. AMENDMENT OF DEED

16.1 Subject to clause 16.3, the Trustees may at any time, by supplemental deed, alter, amend, vary, replace or add to any of the provisions of this Deed.

16.2 The Trustees will give prior notification to the Australian Taxation Office of any changes they propose to make to this Deed.

16.3 This Deed may not be altered, amended, varied or replaced:

(a) in any manner that results in, or may result in:

(i) any part of the Fund or the income from investment of the Fund becoming subject to any trusts other than public trusts having a purpose substantially similar to the purpose of the Trust;

(ii) any part of the Fund being expended for any purpose other than for the carrying out of the Objects; or

(iii) the Trustees being authorised to invest any part of the Fund other than in a manner which trustees are permitted to invest under the laws of Australia or of any State or Territory of Australia; or

(b) so as to permit this Deed to be amended in a manner prohibited by this clause 16.3.

17. FUND TO BE APPLIED SOLELY TO OBJECTS

17.1 The assets and income of the Trust will be applied solely in furtherance of its above mentioned Objects and no portion may be distributed directly or indirectly to the Trustees.

18. GENERAL

18.1 If any questions arise as to the construction or meaning of this Deed, the decision of the Trustees on that question will be conclusive and binding.

18.2 This Deed contains the entire understanding as to the subject matter contained in it. All previous agreements, representations, warranties, explanations and commitments, expressed or implied, affecting this subject matter are superseded by this Deed and have no effect.

18.3 A single or partial exercise or waiver of a right relating to this Deed does not prevent any other exercise of that right or the exercise of any other right.

18.4 This Deed is governed by and is to be construed in accordance with the laws of Queensland.

EXECUTED as a Deed in Brisbane

SIGNED SEALED and DELIVERED by
ANNA MARIA BLIGH, the Premier
and Minister for the Arts of Queensland

this 19th day of Jan 2011

in the presence of



(signature of witness)

SIGNED SEALED and DELIVERED by
ANDREW PETER FRASER, the
Treasurer and Minister for Employment
and Economic Development of Queensland

this 19 day of Jan 2011

in the presence of

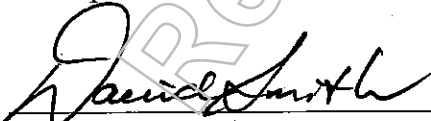


(signature of witness)

SIGNED SEALED and DELIVERED by
NEIL STUART ROBERTS, the
Minister for Police, Corrective Services
and Emergency Services of Queensland

this 19 day of JANUARY 2011

in the presence of



(signature of witness)

(Faint handwritten signatures and a large watermark reading 'DPC' are visible in the right margin.)

**Establishment of a Distribution Committee
Delegation of powers
Distribution of Gifts**

2010 / 2011 Queensland Floods Disaster Relief Fund

MINUTES OF MEETING OF TRUSTEES

Held: 19 January 2011

Resolutions: Resolved unanimously by all the pursuant to Clause 12 (Meeting of the Trust), 13 (Trustees' Powers, Responsibilities and Indemnity), and 14 (Grant of Assistance by Trust) of the 2010 / 2011 Queensland Floods Disaster Relief Fund, that:

- a) the Chief Financial Officer, Department of the Premier and Cabinet is authorised to open and operate a bank account with the Commonwealth Bank of Australia for the 2010 / 2011 Queensland Floods Disaster Relief Fund on behalf of the Trustees;
- b) a Distribution Committee be established to coordinate the distribution of the gifts collected by the Premier's Disaster Relief Appeal Fund to relieve the suffering and distress suffered by those affected by the widespread flooding in Queensland, declared to be disaster situations under the *Disaster Management Act 2003* (Qld) in December 2010 and January 2011.

The establishment of the Committee is in accordance with the Distribution Committee proposal marked "Attachment A";

- c) authority be delegated to the Distribution Committee mentioned in sub-section (b), to take necessary action to distribute all gifts received by the Premier's Disaster Relief Appeal Fund.

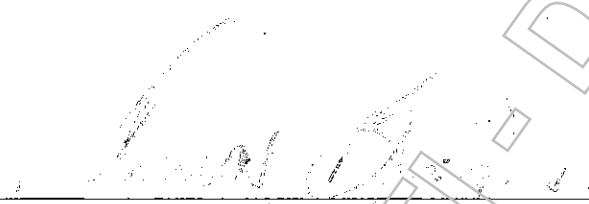
This delegation includes an authority to approve the expenditure of collected funds for the purpose of relieving the suffering and distress suffered by the victims of the widespread flooding in Queensland, declared to be disaster situations under the *Disaster Management Act 2003* (Qld) in December 2010 and January 2011;

- d) the Chief Financial Officer, Department of the Premier and Cabinet be authorised to execute Deeds of Agreement and Undertaking – Access to Personal and Confidential Information, with members of the Distribution Committee established at (b) and any Sub-Committees that may be formed in accordance with the proposal at "Attachment A".

Ratification:

Resolved that the action of the Trustees as outlined in sub-sections (a), (b), (c) and (d), be ratified and confirmed.

Signed as a correct record:



Anna Maria Bligh



Andrew Peter Fraser



Neil Stuart Roberts

Released under the Official Information Act / DPC

19/01/11

P31389

ATTACHMENT A

DCC/14/38795

Distribution Committee Proposal

January 2011

Released under RTI - DPC

Purpose of the Committee

It is proposed that a Distribution Committee undertakes the coordination of the distribution of the gifts collected by the Premier's Disaster Relief Appeal established to relieve the suffering and distress suffered by the victims of the widespread flooding in Queensland declared or to be declared disaster situations under the *Disaster Management Act 2003* (Qld).

The distribution of gifts to victims of this disaster will be pursuant to the 2010/2011 Queensland Floods Disaster Relief Fund.

The role of the Committee will be to oversee the distribution of funds.

The Committee will oversee the proper management and administration of the process, and acquittal of all funds expended.

Composition of the Committee and Sub-Committees (if required)

The Committee would be comprised of the following membership:

- The Honourable Dr David Hamill AM (Chairperson);
- The Honourable Robert Swarten MP, Minister Public Works and Information and Communication Technology and State Member for Rockhampton;
- Mr Vaughan Johnson MP, State Member for Gregory;
- Mr Alan Clayton, State Chairman of the Australian Red Cross, Queensland Branch;
- Cr Paul Bell, Emerald Shire Council and President of the Local Government Association of Queensland;
- Mr Jeff Whalan, Australian Government representative; and
- Mr John Gaskin, Chairman, Queensland Building Services Authority Board (also a member of the Flood Recovery Task Force).

The Committee may be supported by sub-committees, to be established at the discretion of the Committee, in the most affected areas on an as need basis.

The membership of the sub-committees will be determined by the Committee.

The role and function of sub-committees will be determined by the Committee as required.

All representatives on both the main and any sub-committees are expected to donate their services free of charge with reimbursement for actual costs.

Role of Committee

The role of the Committee is to:

- determine the criteria for distribution of funds including the quantum to each application;
- call for applications for relief funds ensuring wide publicity and ease of lodgment;
- determine the means of assessing applications;
- ensure speedy distribution of funds;
- oversee proper accountabilities of funding disbursement;
- report to the Trustees of the fund on the management and distribution of the fund; and
- other functions as determined by the Trustees (the Premier, Treasurer and Minister for Emergency Services).

Timeliness

The timeliness of distribution of funds is critical to the success of the appeal and to meet public expectations.

Successful applicants will be gifted funds as soon as possible following lodgment of an application.

Acquittal of Funds

The Committee would provide an acquittal of funds to the Trustees of the Fund at the conclusion of the process.

Costs

All administration costs associated with the distribution of the Appeal Fund will be met from the operating budget of the Department of the Premier and Cabinet to ensure that the donated funds are applied for their intended purpose of community recovery.

Meeting of the Distribution Committee

The Committee will meet regularly to determine how best to distribute the funds to assist those affected by the Queensland Floods to recover from this natural disaster.

Reporting to the Trustees

The Committee, will report regularly to the Trustees via the Chairperson of the Committee.

Released under RTI - DPC

19/01/11 P31389
DOC/14/39058

Investment of the Fund

Premier's Disaster Relief Appeal Fund

MINUTES OF MEETING OF TRUSTEES

Held: 9 January 2011

Resolutions:

Resolved unanimously by all the Trustees pursuant to Clauses 4 (Investment of the Fund) and 12 (Meeting of the Trust) of the Premier's Disaster Relief Appeal Fund Trust Deed, that:

- a) the Chief Financial Officer, Department of the Premier and Cabinet be authorised to transfer from time to time Appeal Fund monies held with the Commonwealth Bank of Australia to the Queensland Treasury Corporation's Capital Guaranteed Cash Fund, to ensure the prudent management of the Appeal Fund and achieve an improved interest rate for the Appeal Fund; and
- b) the Chief Financial Officer, Department of the Premier and Cabinet be authorised to transfer from time to time on an ongoing basis, Appeal Fund monies held in the Premier's Disaster Relief Appeal Fund bank account held with the Commonwealth Bank of Australia to a bank account established for the 2010 / 2011 Queensland Floods Disaster Relief Fund, to be held with the Commonwealth Bank of Australia.

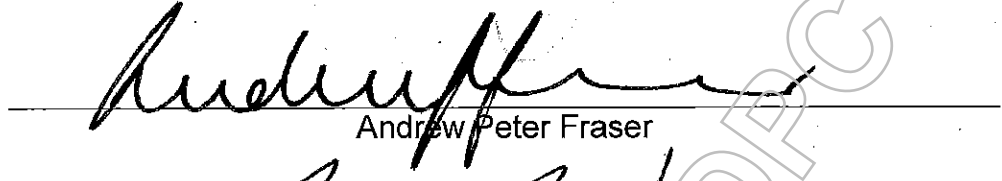
This transfer is to enable the Distribution Committee established to coordinate the distribution of the funds donated to the Premier's Disaster Relief Appeal to make payments to those who have been affected by the widespread flooding in Queensland declared to be disaster situations under the *Disaster Management Act 2003* (Qld) in December 2010 and January 2011.

Ratification: Resolved that the actions of the Trustees as outlined in sub-sections (a) and (b) be ratified and confirmed.

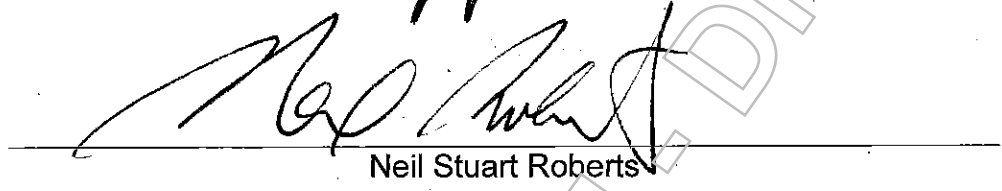
Signed as a
correct record:



Anna Maria Bligh



Andrew Peter Fraser



Neil Stuart Roberts

Released under RTI/DAC

PREMIER'S BRIEFING NOTE

Governance

Tracking Folder No. 11/4873

Document No. 11/17447

To: THE PREMIER
Date: 4 February 2011
Subject: Extension of appeal to assist the victims of Cyclone Yasi

Approved / Not Approved / Noted

Premier *MWB*

Date *4.2.11*

Date Action Required by:

Requested by:
(if appropriate)

• RECOMMENDATION

It is recommended that you sign the attached documents in your capacity as Trustee for the purposes of assisting those affected by Cyclone Yasi.

• KEY ISSUES

- The following documents are attached for signing by you and the other Trustees (the Treasurer and Minister Roberts):
 - o Minutes resolving that the Trustees of the Premier's Disaster Relief Appeal Fund will extend the existing flood appeal to assist those affected by Cyclone Yasi, that an application be made for a sanction under the *Collections Act 1966* and that the Distribution Committee administer and distribute the funds (Attachment 1);
 - o A Deed of Variation that amends the Trust Deed for the 2010/2011 Queensland Floods Disaster Relief Fund so that the money may also be used to assist those affected by Cyclone Yasi (Attachment 2). The Fund will be renamed as the '2010/2011 Queensland Floods and Cyclone Yasi Disaster Relief Fund';
 - o A Deed of Variation that amends the Trust Deed for the Cyclone Larry Disaster Relief Fund so that the remaining money (approximately \$700,000) may be transferred to the 2010/2011 Queensland Floods and Cyclone Yasi Disaster Relief Fund (Attachment 3); and
 - o Minutes resolving that the Trustees for the Cyclone Larry Disaster Relief Fund authorise the transfer of the remaining money to the 2010/2011 Queensland Floods and Cyclone Yasi Disaster Relief Fund (Attachment 4).

- Exempt Sch.3(7) Legal Professional Privilege



- Please note that the Minutes require your signature and a date whereas the Deeds require that you sign and date the Deeds with a witness present. Executive Services will arrange for signing of the documents by the other Trustees.

• CONSULTATION

- Crown Law provided advice and settled the deeds of variation.

Ken Smith
Ken Smith
Director-General

Comments (Premier or DG)

Action Officer: Matthew Wilkinson
Area: Executive Services
Telephone: 44815
Approvals by Director /ED / DDG documented in notes in TRIM
JA *4/2*

EXTENSION OF APPEAL

Premier's Disaster Relief Appeal Fund

MINUTES OF MEETING OF TRUSTEES

Held: 3 February 2011

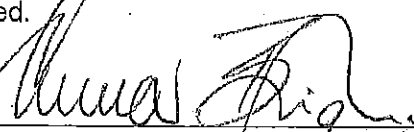
Present: Anna Maria Bligh (Trustee)
Andrew Peter Fraser (Trustee)
Neil Stuart Roberts (Trustee)

Resolution: Resolved by the Trustees under clauses 11 and 12 of the Trust Deed for the Premier's Disaster Relief Appeal Fund (the 'Fund'), that:

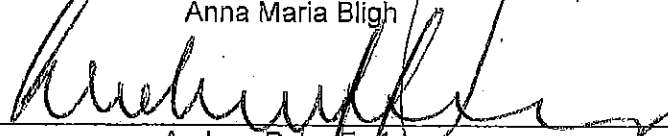
1. The Fund accept gifts of money from the general public, industry, the State of Queensland, the Commonwealth, any State of the Commonwealth of Australia, or any Commonwealth or State authority or instrumentality for the purpose of relieving the suffering and distress of the victims of Cyclone Yasi;
2. The Trustees authorise the obtaining of a sanction under the *Collections Act 1966* for the purposes set out in paragraph 1 and to assist individuals affected by flooding in Queensland throughout December 2010 and early 2011;
3. That any gifts, as mentioned in paragraph 1, be collected by the Commonwealth Bank of Australia, the National Bank of Australia, Westpac Bank, the ANZ Bank, the BoQ, Suncorp or any other bank or third party collector as authorised by a promoter of the Fund and via an existing 1800 telephone number managed by Smart Services Queensland for disaster recovery purposes; and
4. All gifts are to be distributed for the purposes of paragraph 1, and to assist individuals affected by flooding in Queensland throughout December 2010 and early 2011, as administered and determined by the Distribution Committee established by the Trustees of the 2010/2011 Queensland Floods Disaster Relief Fund by resolution on 19 January 2011.

Ratification: Resolved that the action of the Trustees as outlined in paragraphs 1 to 4 be ratified and confirmed.

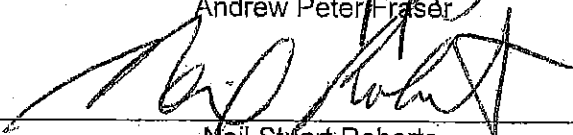
Signed by the Trustees:



Anna Maria Bligh



Andrew Peter Fraser



Neil Stuart Roberts

**DEED OF VARIATION
of the
Trust Deed for the
2010/2011 QUEENSLAND FLOODS DISASTER RELIEF
FUND**



Crown Law
Queensland Government

**Crown Solicitor
State Law Building
50 Ann Street
BRISBANE**

**Telephone: (07) 322 22678
Facsimile: (07) 3239 6961
Reference: CP5/PRE052/1841/MAC**

THIS DEED is made

BY ANNA MARIA BLIGH, the Premier and Minister for the Arts of Queensland
AND ANDREW PETER FRASER, the Treasurer and Minister for Employment and Economic Development of Queensland
AND NEIL STUART ROBERTS, the Minister for Police, Corrective Services and Emergency Services of Queensland

(in this Deed, each a "Trustee")

BACKGROUND:

- A. The Trust was established under the Trust Deed.
- B. The Trustees have decided to vary the Trust Deed to expand the Objects to include the purpose of providing relief (including by way of assistance to re-establish a community) to people who are in distress as a result of Tropical Cyclone Yasi.
- C. The Trustees have also decided to vary the name of the Trust Deed to reflect the expanded Objects.
- D. In accordance with clause 16.2 of the Trust Deed, the Trustees have given prior notification to the Australian Taxation Office of this variation to the Trust Deed.
- E. In accordance with clause 16.3(a)(i) of the Trust Deed, the amended Objects are substantially similar to the original Objects.

THE TRUSTEES DECLARE AS FOLLOWS:

1. INTERPRETATION

1.1 In this Deed, except where the contrary intention appears:

"Trust Deed" means the Trust Deed for the 2010/2011 Queensland Floods Disaster Relief Fund dated 19 January 2011 made by the Trustees;

"this Deed" means this deed of variation; and

terms capitalised in this Deed and not otherwise defined in this Deed have the meaning given in the Trust Deed.

1.2 In this Deed, except where the contrary intention appears:

- (a) words importing a gender include any other gender;
- (b) words in the singular include the plural and vice versa;
- (c) all dollar amounts refer to Australian currency;
- (d) a reference to any legislation includes any subordinate legislation made under it and any

legislation amending, consolidating or replacing it;

- (e) a reference to an individual or person includes a corporation or other legal entity;
- (f) the index and clause headings have been included for convenience of reference only and are not intended to affect the meaning or interpretation of this Deed;
- (g) if an expression is defined, other grammatical forms of that expression have a corresponding meaning; and
- (h) if the day on or by which any matter or thing to be done under this Deed is a Saturday, Sunday or public holiday in the place where the matter or thing is to be done, the matter or thing may be done on the next Business Day.

2. VARIATION

2.1 As from the date of this Deed:

- (a) the title of the Trust Deed on the first page of the Trust Deed is deleted and replaced with:

TRUST DEED
for the
2010/2011 QUEENSLAND FLOODS AND CYCLONE YASI DISASTER
RELIEF FUND

- (b) the definition of "Disaster" in clause 1.1 of the Trust Deed is deleted and replaced with the following:

"Disaster" means:

- (c) the widespread flooding in Queensland in the areas covered by disaster situations declared under the *Disaster Management Act 2003* (Qld) in December 2010 and January 2011; and
- (d) Tropical Cyclone Yasi,
being disasters that satisfy the requirements of subsection 30-46(1) of the *Income Tax Assessment Act 1997* (Cth), namely:
 - (e) they were declared to be disasters, or gave rise to declarations of states of emergency, by or with the approval of a Minister of a State or Territory under the law of the State or Territory; and
 - (f) they developed rapidly; and
 - (g) they resulted in the death, serious injury or other physical suffering of a large number of people, or in widespread damage to property or the natural environment;

3. GENERAL

3.1 If any questions arise as to the construction or meaning of this Deed, the decision of the Trustees on that question will be conclusive and binding.

3.2 This Deed is governed by and is to be construed in accordance with the laws of Queensland.



For reply please quote: ES/MW – TF/11/4873 – DOC/11/ 17574

Department of the
Premier and Cabinet

03 FEB 2011

Mr Theo Haralampou
Executive Manager
Registration Services
Department of Employment, Economic Development and Innovation
GPO Box 1141
BRISBANE QLD 4001

Dear Mr Haralampou

Application for sanction - Premier's Disaster Relief Appeal Fund

Please find attached an application for sanction for the purpose of the Premier's Disaster Relief Appeal Fund.

The Premier's Disaster Relief Appeal Fund was established under a Trust Deed to accept gifts of money for the purpose of relieving the suffering and distress suffered by the residents of Queensland, other Australian States or Territories and developing countries in the South Pacific. This Trust Deed has remained unchanged since coming into effect in February 2000.

As you are aware, Certificate of Sanction number CP5448 is currently in force for the purpose of assisting victims affected by extensive flooding in Queensland throughout December 2010 and early 2011. The Trustees of the Premier's Disaster Relief Appeal Fund have today approved the commencement of a further appeal under the Trust Deed for the purpose of assisting victims of Cyclone Yasi. Accordingly, please find attached an application for sanction pursuant to the *Collections Act 1966* for the purposes of collecting donations for both the Queensland floods appeal and the Cyclone Yasi appeal.

I envisage that donations will be accepted for a period of up to 30 June 2011 and request that the sanction be granted up to 30 June 2012 to allow for collection, disbursement and financial reporting.

Executive Building
100 George Street Brisbane
PO Box 185 Brisbane Albert Street
Queensland 4002 Australia
Telephone +61 7 3224 2111
Facsimile +61 7 3229 2990
Website www.premiers.qld.gov.au
ABN 65 959 415 158

I would appreciate your urgent consideration of this matter. If you require any further information, please contact Matthew Wilkinson, A/Manager (Government Bodies), Executive Services on telephone 322 44815 or by email at matthew.wilkinson@premiers.qld.gov.au.

Thank you for your assistance in this matter.

Yours sincerely

s.73 Signature

Mike Kirton
A/Director
Executive Services

*Encl

Released under RTI - DPC



Application for sanction

Collections Act 1966

This form is effective from 1 July 2010

OFFICE USE ONLY

Date received

No fee payable.

Instructions

Please complete in BLOCK letters. Attach extra pages if needed. All references to dates should be in DD/MM/YYYY. If you need help completing this form please contact the Office of Fair Trading on 13 13 04.

Privacy statement—please read

The Office of Fair Trading is collecting information, including personal information, on this form for the purposes of the *Collections Act 1966* and *Collections Regulation 2008*. In accordance with the Act, some of this information, including personal information may be included on a register which is available for inspection by the public upon payment of a prescribed fee. Where authorised or required by law, information on this form can be disclosed without your consent. **Fundraising may not commence until registration is granted. Anyone undertaking fundraising before registration is granted is committing an offence under the Act and is liable for penalties.**

Part 1—Applicant and sanction details

Applicant and sanction details

Name of association or name of appeal PREMIER'S DISASTER RELIEF APPEAL

MIKE KIRTON
(insert given names and surname in BLOCK letters)

of (full address) DEPARTMENT OF THE PREMIER AND CABINET
PO BOX 12785

Suburb CITY EAST State QLD Postcode 4002

Phone (day time) 3224 6063 Fax 3224 7494
s.73 Telephone Number

Mobile [REDACTED] Email mikekirtan@premier.qld.gov.au

do hereby apply for the grant of a sanction for the making of appeals for support for the following purposes: (state fully the purposes required to be sanctioned) —

Enter reasons for making the application.

TO ASSIST INDIVIDUALS AFFECTED BY FLOODING IN QUEENSLAND THROUGHOUT DECEMBER 2010 AND EARLY 2011 AND ASSISTING VICTIMS OF CYCLONE YASI.

Declaration details

We, whose names, addresses and signatures appear hereunder, being the people prepared to act as promoter of all appeals for support for these purposes, hereby hold ourselves severally and collectively responsible to the Minister for Tourism and Fair Trading, for the satisfactory conduct of all appeals for support for these purposes, and for the furnishing of all returns and other information required to be furnished: **at least three names are required.**

Person 1

Preferred title Mr Mrs Ms Miss Other (specify)

Given names MICHAEL JAMES Family name KIRTON

Address AS ABOVE

Suburb State Postcode

Signature [REDACTED]
s.73 Signature

Date signed 03/02/2011
D D / M M / Y Y Y Y

Part 1—Applicant and sanction details continued

Person 2

Preferred title Mr Mrs Ms Miss Other (specify)

Given names TIMOTHY Family name HELBERT

Address AS ABOVE

Suburb State Postcode

Signature s.73 Signature

Date signed //

Person 3

Preferred title Mr Mrs Ms Miss Other (specify)

Given names NICHOLAS Family name ELLIOTT

Address AS ABOVE

Suburb State Postcode

Signature s.73 Signature

Date signed //

Part 2—Appeal details

Appeals for support
* Tick applicable box.

Appeals for support for these purposes will* / will not* be made continuously.
A sanction for these purposes is desired for an indefinite duration of time* / the period*
03-02-2011 to 30-06-2011 (both inclusive).

Banking details
* Check applicable,
At least two names required.

(a) Name of existing/proposed Bank* / Building society* / Credit union*
COMMONWEALTH BANK
Branch: OLD GOVERNMENT BANKING CENTRE

(b) Title of existing/proposed account/s:
FAMILY DISASTER RELIEF APPEAL

(c) Names of existing/proposed people# authorised to operate on the account/s are:
ANNETTE SARGENT
NICHOLAS ELLIOTT

Locations

The localities or towns where fund raising activities will occur:
QUEENSLAND

Please note

Where the purpose to be sanctioned comprises the objects of any association Part 3 applies, Part 4 must be signed by the applicant.

Part 3—Association details

Association name

The full name of the association is N/A

Part 3—Association details continued

<p>Purpose of association</p>	<p>What charitable activities will funds raised be directed towards in order to meet the objectives stated in the Association's Constitutional document i.e. Assisting the Disabled?</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>Postal address</p>	<p>Address</p> <p>Suburb State <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Postcode <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>
<p>Association members</p>	<p>The present number of members of the association is</p> <p>The total number of members on the governing body is</p>
<p>Governing body Details of all people having control of the association must be provided. A post office box is not acceptable. (Please photocopy extra pages if more space is required)</p>	<p>Position held: <input type="checkbox"/> President <input type="checkbox"/> Secretary <input type="checkbox"/> Treasurer <input type="checkbox"/> Director <input type="checkbox"/> Trustee <input type="checkbox"/> Other</p> <p>Full name</p> <p>Address</p> <p>Suburb State <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Postcode <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>
<p>A post office box is not acceptable.</p>	<p>Position held: <input type="checkbox"/> President <input type="checkbox"/> Secretary <input type="checkbox"/> Treasurer <input type="checkbox"/> Director <input type="checkbox"/> Trustee <input type="checkbox"/> Other</p> <p>Full name</p> <p>Address</p> <p>Suburb State <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Postcode <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>
<p>A post office box is not acceptable.</p>	<p>Position held: <input type="checkbox"/> President <input type="checkbox"/> Secretary <input type="checkbox"/> Treasurer <input type="checkbox"/> Director <input type="checkbox"/> Trustee <input type="checkbox"/> Other</p> <p>Full name</p> <p>Address</p> <p>Suburb State <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Postcode <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>
<p>A post office box is not acceptable.</p>	<p>Position held: <input type="checkbox"/> President <input type="checkbox"/> Secretary <input type="checkbox"/> Treasurer <input type="checkbox"/> Director <input type="checkbox"/> Trustee <input type="checkbox"/> Other</p> <p>Full name</p> <p>Address</p> <p>Suburb State <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Postcode <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>

Part 3—Association details continued

<p>Auditor details Existing or proposed.</p>	<p>First name <u>CHILD AUDIT OFFICE</u> Last name</p> <p>Phone (day time) Mobile</p> <p>Email</p> <p>Auditor's qualifications (please tick one of the following):</p> <p><input type="checkbox"/> A person registered as an auditor under the <i>Corporations Act 2001</i>.</p> <p><input type="checkbox"/> Member of CPA Australia who is entitled to use the letters 'CPA' or 'FCPA'.</p> <p><input type="checkbox"/> Member of the Institute of Chartered Accountants in Australia who is entitled to use the letters 'CA' or 'FCA'.</p> <p><input type="checkbox"/> Member of the National Institute of Accountants who is entitled to use the letters 'MNIA', 'FNIA', 'PNA' or 'FPNA'.</p> <p><input type="checkbox"/> Other—Auditor approval will be required from the Office of Fair Trading.</p>
<p>Financial year conclusion</p>	<p>If applying for an indefinite duration of time, the date of the conclusion of the financial year is</p> <p><input type="checkbox"/><input type="checkbox"/> / <input type="checkbox"/><input type="checkbox"/></p> <p style="text-align: center;">D D / M M</p>

Part 4—Declaration and checklist for an association

<p>Declaration by an authorised person * Check whichever is applicable.</p>	<p>I declare that all details provided on this form are true and correct.</p> <p>Signature <u>s.73 Signature</u></p> <p>Signatory's name <u>MICHAEL KIRBY</u></p> <p>Position held: <input type="checkbox"/> President <input type="checkbox"/> Secretary <input type="checkbox"/> Treasurer <input type="checkbox"/> Director</p> <p><input type="checkbox"/> Trustee <input checked="" type="checkbox"/> Other <u>A DIRECTOR, EXECUTIVE SERVICES DEPARTMENT OF THE PREMIER AND CABINET</u></p> <p>Date <input type="checkbox"/><input type="checkbox"/> / <input type="checkbox"/><input type="checkbox"/> / <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/></p> <p style="text-align: center;">D D / M M / Y Y Y Y</p>
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<p>Checklist Where the object for fundraising to be sanctioned is conducted by an association.</p>	<p>Accompanying this application are:</p> <p><input type="checkbox"/> If applicable, an up-to-date copy of the constitution, certified to be an accurate copy by any two members of the governing body of the association.</p> <p><input type="checkbox"/> A copy of the resolution or minute of the meeting at which the members or the governing body approved the making of this application, certified to be an accurate copy by any two members of the governing body of the association.</p> <p><input type="checkbox"/> A copy of the last balance sheet or statement of the financial affairs of the association.</p> <p><input checked="" type="checkbox"/> The written consent of the central body of the association (required only if this application is made on behalf of a local or affiliated branch or section of the association).</p>
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Lodgement

	<p>Please lodge the completed application, any supporting documentation and fees to the Office of Fair Trading at the address below, or at one of our regional offices.</p> <p>By mail:</p> <p>Registration Services Office of Fair Trading GPO Box 3111 Brisbane QLD 4001.</p> <p>Visit www.fairtrading.qld.gov.au or call 13 13 04 for information and your nearest Fair Trading Office.</p>
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P31389.

Matthew Wilkinson

From: Willis, Chris [Chris.Willis@deedi.qld.gov.au]
Sent: Thursday, 3 February 2011 2:38 PM
To: Matthew Wilkinson
Cc: Haralampou, Theo; Harten, Peter
Subject: RE: Application for sanction
Attachments: 20110203143550105.pdf

Hi Matthew

Please find attached your certificate for the Premier's Disaster Relief Appeal sanctioned under the Collections Act 1966 to assist individuals affected by flooding in Queensland throughout December 2010 and early 2011 and assisting victims of Cyclone Yasi.

I trust this is sufficient, and please let me know if you require further information. I shall call you later today about delivery of the original certificate, but if this is urgent, please let me know.

Best regards

Chris

-----Original Message-----

From: Matthew Wilkinson [mailto:Matthew.Wilkinson@premiers.qld.gov.au]
Sent: Thursday, 3 February 2011 2:11 PM
To: Willis, Chris; Haralampou, Theo
Cc: Mike Kirton; Tim Herbert; Leighton Craig
Subject: Application for sanction

Hi Theo and Chris

Please find attached the application for a sanction and covering letter for your urgent attention.

Thanks very much for your assistance. As discussed, we are seeking a turn around on this today.

Regards

Matthew Wilkinson
Executive Services
Department of the Premier and Cabinet
Ph: 322 44815

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Released under RTI - DPC

Form 6
Collections Act 1966
(Section 13(2) – Collections Regulation 2008)

03/02/11

P31389

DOC/14/38305

Sanction Number: CP5462

CERTIFICATE OF SANCTION

I, THEO HARALAMPOU, Delegate of the Minister for Tourism and Fair Trading, in pursuance of the provisions of the Collections Act 1966 hereby sanction the charitable purposes of the **PREMIER'S DISASTER RELIEF APPEAL** being conducted by the Premier's Disaster Relief Appeal Fund to assist individuals affected by flooding in Queensland throughout December 2010 and early 2011 and assisting victims of Cyclone Yasi being a purpose to which Part 3 of the Act applies, as a purpose for which any appeal or appeals for support may be made.

This sanction is in force for the period from 03/02/2011 to 30/06/2011 (both inclusive).

The promoter or promoters of all appeals for support for these purposes is or are:

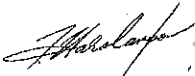
Michael Kirton – Department Of Premier And Cabinet Po Box 15185 City East Qld
Timothy Herbert – Department Of Premier And Cabinet Po Box 15185 City East Qld
Nicholas Elliott – Department Of Premier And Cabinet Po Box 15185 City East Qld

This sanction is subject to the following conditions:

The promoter of each and every appeal for support for the purposes herein sanctioned shall be previously authorised in writing to act as such, whether by his/her name appearing herein as such, or by one or all of the persons herein named as promoters or by a trustee of the Premier's Disaster Relief Appeal Fund.

An audited statement of receipts and payments shall be submitted within four (4) weeks from the date of closing of the appeal.

Dated this Third day of February, 2011.



Theo Haralampou
Delegate of the Minister for Tourism and Fair Trading

Pages 55 through 74 redacted for the following reasons:

Exempt Sch.3(7) Legal Professional Privilege

Released under RTI - DPC

PREMIER'S BRIEFING NOTE

Governance

DOC/11/72129

P31389

Tracking Folder No. TF/11/14287
Document No. DOC/11/69814

To: THE PREMIER
Date: 21 April 2011
Subject: Extension of Premier's Disaster Relief Appeal Fund to assist victims of the Roma floods

Approved / Not Approved / Noted
Premier <i>[Signature]</i>
Date 26 April
Date Action Required by:
Requested by: (if appropriate)

• RECOMMENDATION

It is recommended that the Premier sign the attached documents in her capacity as Trustee for the purposes of assisting those affected by the recent Roma floods.

• KEY ISSUES

- The following documents are attached for signing by the Premier in her capacity as Trustee and the other Trustees (the Treasurer and Minister Roberts):
 - o Minutes resolving that the Trustees of the Premier's Disaster Relief Appeal Fund will extend the existing flood and Cyclone Yasi appeal to assist those affected by the Roma floods, that an application be made for a sanction under the *Collections Act 1966* and that the Distribution Committee administer and distribute the funds (Attachment 1).
 - o A Deed of Variation prepared by Crown Law that amends the Trust Deed for the 2010/2011 Queensland Floods Disaster Relief Appeal Fund so that the money may also be used to assist those affected by the Roma floods (Attachment 2).
- Executive Services will arrange for signing of the documents by the Trustees.
- It is proposed to provide a one-off allocation to a Charity (with Deductible Gift Recipient status) so that emergency payments (in lieu of Round One payments) can be made to those in need.
- The quantum of such a payment will be subject to further advice once the number of households affected has been determined.
- This would also allow eligible households to access Rounds Two and Three structural grants, in line with the previously established criteria.
- Note that households would only be eligible for one payment from Rounds Two and Three.
- As at 21 April, there were no applicants from the Roma community for Rounds Two and Three.

[Signature]
Ken Smith
Director-General

Comments (Premier or DG)

Action Officer: Matthew Wilkinson Area: Executive Services Telephone: 44815	Approvals by Director /ED / DDG documented in notes in TRIM
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Premier's Disaster Relief Appeal Fund

MINUTES OF MEETING OF TRUSTEES

Held: 11 MAY 2011

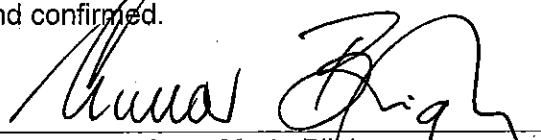
Present: Anna Maria Bligh (Trustee)
Andrew Peter Fraser (Trustee)
Neil Stuart Roberts (Trustee)

Resolution: Resolved by the Trustees under clauses 11 and 12 of the Trust Deed for the Premier's Disaster Relief Appeal Fund (the 'Fund'), that:

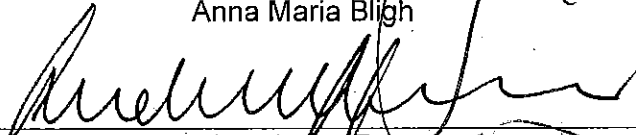
1. The Fund accept gifts of money from the general public, industry, the State of Queensland, the Commonwealth, any State of the Commonwealth of Australia, or any Commonwealth or State authority or instrumentality for the purpose of relieving the suffering and distress of the victims of the 2011 Roma floods;
2. The Trustee's authorise the obtaining of a sanction under the *Collections Act 1966* for the purposes set out in paragraph 1;
3. That any gifts, as mentioned in paragraph 1, be collected by the Commonwealth Bank of Australia, the National Bank of Australia, Westpac Bank, the ANZ Bank, the BoQ, Suncorp or any other bank or third party collector as authorised by a promoter of the Fund and via an existing 1800 telephone number managed by Smart Services Queensland for disaster recovery purposes; and
4. All gifts are to be distributed for the purposes of paragraph 1 as administered and determined by the Distribution Committee established by the Trustees of the 2010/2011 Queensland Floods Disaster Relief Fund by resolution on 19 January 2011.

Ratification: Resolved that the action of the Trustees as outlined in paragraphs 1 to 4 be ratified and confirmed.

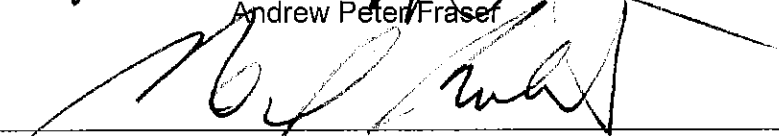
Signed by the Trustees:



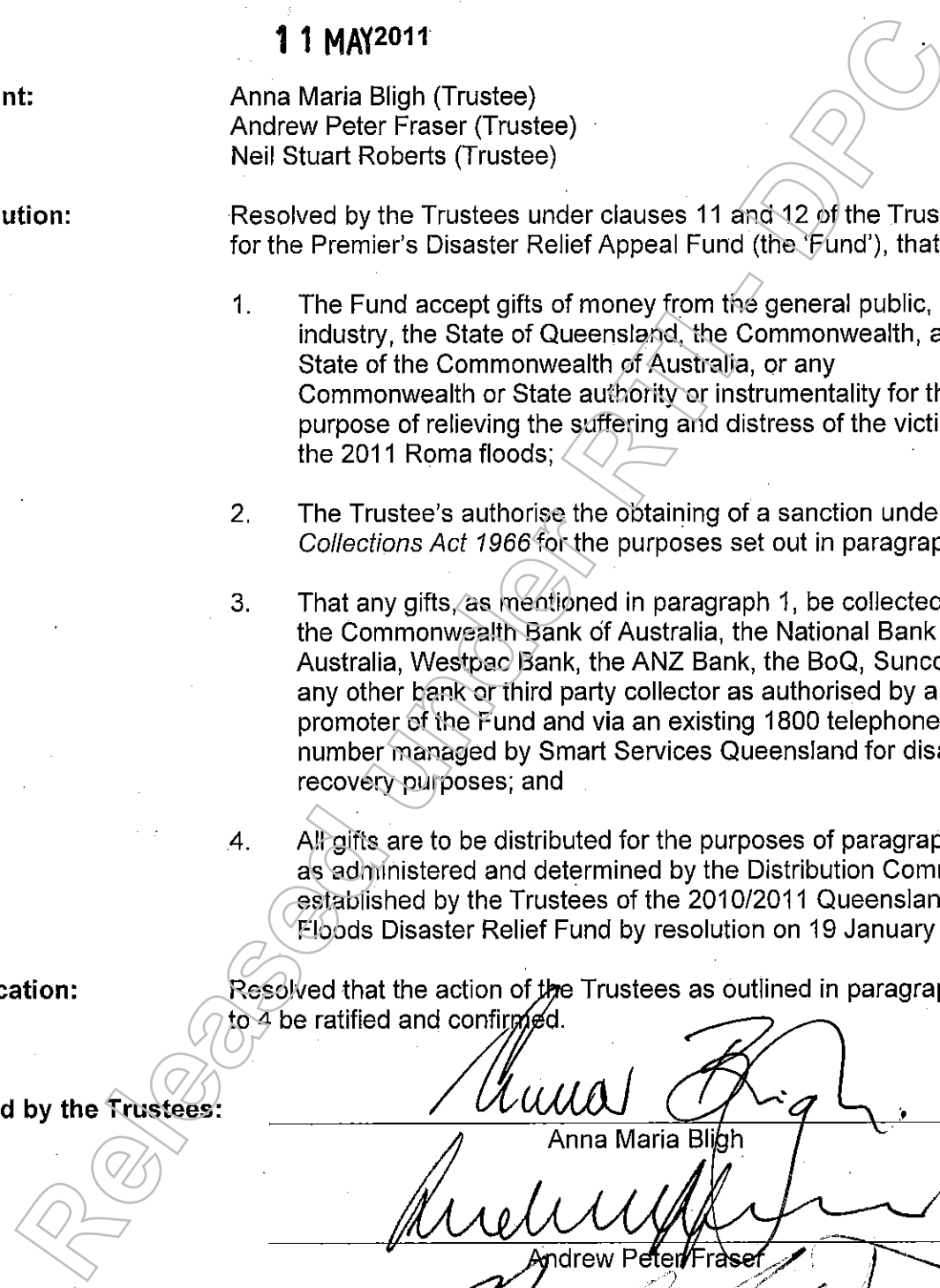
 Anna Maria Bligh



 Andrew Peter Fraser



 Neil Stuart Roberts



**DEED OF VARIATION
of the
Trust Deed for the
2010/2011 QUEENSLAND FLOODS AND CYCLONE YASI
DISASTER RELIEF FUND**



Crown Law
Queensland Government

**Crown Solicitor
State Law Building
50 Ann Street
BRISBANE**

**Telephone: (07) 322 22678
Facsimile: (07) 3239 6961
Reference: CP5/PRE052/1841/MAC**

Document No.: 3077603

THIS DEED is made

- BY** ANNA MARIA BLIGH, the Premier and Minister for Reconstruction of Queensland
- AND** ANDREW PETER FRASER, the Treasurer and Minister for State Development and Trade of Queensland
- AND** NEIL STUART ROBERTS, the Minister for Police, Corrective Services and Emergency Services of Queensland

(in this Deed, each a "Trustee")

BACKGROUND:

- A. The Trust was established under the Trust Deed to provide relief to people who are in distress as a result of the widespread flooding in Queensland in December 2010 and January 2011.
- B. Under the First Deed of Variation the Objects of the Trust Deed were amended to include providing relief to people who are in distress as a result of Tropical Cyclone Yasi.
- C. The Trustees have decided to vary the Trust Deed again to expand the Objects to include the purpose of providing relief (including by way of assistance to re-establish a community) to people who are in distress as a result of the widespread flooding in the Roma district.
- D. In accordance with clause 16.2 of the Trust Deed, the Trustees have given prior notification to the Australian Taxation Office of this variation to the Trust Deed.
- E. In accordance with clause 16.3(a)(i) of the Trust Deed, the amended Objects are substantially similar to the original Objects.

THE TRUSTEES DECLARE AS FOLLOWS:

1. INTERPRETATION

- 1.1 In this Deed, except where the contrary intention appears:

"Trust Deed" means the Trust Deed for the 2010/2011 Queensland Floods and Cyclone Yasi Disaster Relief Fund dated 19 January 2011 as made by the Trustees and as amended by the First Deed of Variation;

"First Deed of Variation" means the Deed of Variation of the Trust Deed for the 2010/2011 Queensland Floods Disaster Relief Fund dated 6 February 2011; and

"this Deed" means this deed of variation; and

terms capitalised in this Deed and not otherwise defined in this Deed have the meaning given in the Trust Deed.

1.2 In this Deed, except where the contrary intention appears:

- (a) words importing a gender include any other gender;
- (b) words in the singular include the plural and vice versa;
- (c) all dollar amounts refer to Australian currency;
- (d) a reference to any legislation includes any subordinate legislation made under it and any legislation amending, consolidating or replacing it;
- (e) a reference to an individual or person includes a corporation or other legal entity;
- (f) the index and clause headings have been included for convenience of reference only and are not intended to affect the meaning or interpretation of this Deed;
- (g) if an expression is defined, other grammatical forms of that expression have a corresponding meaning; and
- (h) if the day on or by which any matter or thing to be done under this Deed is a Saturday, Sunday or public holiday in the place where the matter or thing is to be done, the matter or thing may be done on the next Business Day.

2. VARIATION

2.1 As from the date of this Deed the definition of "Disaster" in clause 1.1 of the Trust Deed is deleted and replaced with the following:

"Disaster" means:

- (a) the widespread flooding in Queensland in the areas covered by disaster situations declared under the *Disaster Management Act 2003* (Qld) in December 2010 and January 2011;
- (b) Tropical Cyclone Yasi; and
- (c) the widespread flooding in the Roma district of Queensland covered by the disaster situation declared under the *Disaster Management Act 2003* (Qld) in April 2011;

being disasters that satisfy the requirements of subsection 30-46(1) of the *Income Tax Assessment Act 1997* (Cth), namely:

- (d) they were declared to be disasters, or gave rise to declarations of states of emergency, by or with the approval of a Minister of a State or Territory under the law of the State or Territory; and
- (e) they developed rapidly; and
- (f) they resulted in the death, serious injury or other physical suffering of a large number of people, or in widespread damage to property or the natural environment;

3. GENERAL

- 3.1 If any questions arise as to the construction or meaning of this Deed, the decision of the Trustees on that question will be conclusive and binding.
- 3.2 This Deed is governed by and is to be construed in accordance with the laws of Queensland.

Released under RTI - DPC

P31389



Queensland
Government

DOC/14/38267

Department of the
Premier and Cabinet

For reply please quote: ES/MW

21 APR 2011

Mr Theo Haralampou
Executive Manager
Registration Services
Department of Employment, Economic Development and Innovation
GPO Box 1141
BRISBANE QLD 4001

Dear Mr Haralampou

Application for sanction - Premier's Disaster Relief Appeal Fund

Please find attached an application for sanction for the purpose of the Premier's Disaster Relief Appeal Fund.

The Premier's Disaster Relief Appeal Fund was established under a Trust Deed to accept gifts of money for the purpose of relieving the suffering and distress suffered by the residents of Queensland, other Australian States or Territories and developing countries in the South Pacific. This Trust Deed has remained unchanged since coming into effect in February 2000.

I note that Certificate of Sanction number CP5462 is currently in force for the purpose of assisting victims affected by flooding in Queensland throughout December 2010 and early 2011 and assisting victims of Cyclone Yasi. The Trustees have approved the commencement of a further appeal under the Trust Deed for the purpose of assisting victims affected by the Roma floods in 2011.

Please find attached an application for sanction pursuant to the *Collections Act 1966* for the purposes of collecting donations for the Queensland floods appeal, the Cyclone Yasi appeal and the Roma floods appeal.

I envisage that donations will be accepted for a period of up to 30 June 2011 and request that the sanction be granted up to 30 June 2012 to allow for collection, disbursement and financial reporting.

Executive Building
100 George Street Brisbane
PO Box 185 Brisbane Albert Street
Queensland 4002 Australia
Telephone +61 7 3224 2111
Facsimile +61 7 3229 2990
Website www.premiers.qld.gov.au
ABN 65 959 415 158

I would appreciate your urgent consideration of this matter. If you require any further information, please contact Matthew Wilkinson, A/Manager (Government Bodies), Executive Services on telephone 322 44815 or by email at matthew.wilkinson@premiersqld.gov.au.

Thank you for your assistance.

Yours sincerely

s.73 Signature

Mike Kirton
Acting Director
Executive Services

*Encl

Released under RTI - DPC

21/04/11

DOC/14/38269

P31389

Collections Act

Form 5



Queensland Government

Application for sanction

Collections Act 1966

This form is effective from 1 July 2010

ABN: 24 830 236 406

Department of Employment, Economic Development and Innovation

OFFICE USE ONLY

Date received

.....

No fee payable.

Instructions

Please complete in BLOCK letters. Attach extra pages if needed. All references to dates should be in DD/MM/YYYY. If you need help completing this form please contact the Office of Fair Trading on 13 13 04.

Privacy statement—please read

The Office of Fair Trading is collecting information, including personal information, on this form for the purposes of the *Collections Act 1966* and *Collections Regulation 2008*. In accordance with the Act, some of this information, including personal information may be included on a register which is available for inspection by the public upon payment of a prescribed fee. Where authorised or required by law, information on this form can be disclosed without your consent. **Fundraising may not commence until registration is granted. Anyone undertaking fundraising before registration is granted is committing an offence under the Act and is liable for penalties.**

Part 1—Applicant and sanction details

Applicant and sanction details

Name of association or name of appeal PREMIER'S DISASTER RELIEF APPEAL

MIKE KIRTON
(insert given names and surname in BLOCK letters)

of (full address) DEPARTMENT OF THE PREMIER AND CABINET
PO BOX 15185

Suburb QTLY EAST State QLD Postcode 4002

Phone (day time) 3224 6063 Fax 3229 7494

Mobile S.73 Telephone Number Email mike.kirtan@premier.qld.gov.au

Enter reasons for making the application.

do hereby apply for the grant of a sanction for the making of appeals for support for the following purposes: (state fully the purposes required to be sanctioned)
TO ASSIST INDIVIDUALS AFFECTED BY FLOODING IN QLD THROUGHOUT DEC 2010 AND EARLY 2011, REPAIR CYCLONE YASI AND FLOODING IN ROMA IN MARCH 2011.

Declaration details

We, whose names, addresses and signatures appear hereunder, being the people prepared to act as promoter of all appeals for support for these purposes, hereby hold ourselves severally and collectively responsible to the Minister for Tourism and Fair Trading, for the satisfactory conduct of all appeals for support for these purposes, and for the furnishing of all returns and other information required to be furnished: **at least three names are required.**

Person 1

Preferred title Mr Mrs Ms Miss Other (specify)

Given names MICHAEL JAMES Family name KIRTON

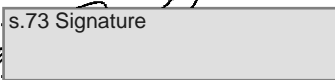

Address AS ABME

Suburb State Postcode

Signature S.73 Signature

Date signed 21/04/2011
D D M M Y Y Y Y

Part 1—Applicant and sanction details continued

Person 2	Preferred title <input checked="" type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss Other (specify) Given names <u>NICHOLAS</u> Family name <u>ELLIOTT</u> Address <u>AS ABOVE</u> Suburb State <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Postcode <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Signature  Date signed <u>21</u> / <u>04</u> / <u>2011</u> <small>D D M M Y Y Y Y</small>
Person 3	Preferred title <input checked="" type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss Other (specify) Given names <u>PATRICK</u> Family name <u>VIDGEN</u> Address <u>AS ABOVE</u> Suburb State <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Postcode <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Signature  Date signed <u>21</u> / <u>04</u> / <u>2011</u> <small>D D M M Y Y Y Y</small>

Part 2—Appeal details

Appeals for support * Tick applicable box.	Appeals for support for these purposes <input checked="" type="checkbox"/> will* / <input type="checkbox"/> will not* be made continuously A sanction for these purposes is desired for <input type="checkbox"/> an indefinite duration of time* / <input checked="" type="checkbox"/> the period* <u>03-02-2011</u> to <u>30-06-2011</u> (both inclusive).
Banking details * Check applicable. # At least two names required.	(a) Name of existing/proposed <input checked="" type="checkbox"/> Bank* / <input type="checkbox"/> Building society* / <input type="checkbox"/> Credit union* <u>COMMONWEALTH BANK</u> Branch: <u>OLD GOVERNMENT BANKING CENTRE</u> (b) Title of existing/proposed account/s: <u>PREMIER'S DISASTER RELIEF APPEAL</u> (c) Names of existing/proposed people# authorised to operate on the account/s are: <u>NICHOLAS ELLIOTT</u> <u>ANNETTE SALGENT</u>
Locations	The localities or towns where fund raising activities will occur: <u>QUEENSLAND</u>
Please note	Where the purpose to be sanctioned comprises the objects of any association Part 3 applies. Part 4 must be signed by the applicant.

Part 3—Association details

Association name	The full name of the association is <u>N/A</u>
-------------------------	--

Part 3—Association details continued

<p>Purpose of association</p>	<p>What charitable activities will funds raised be directed towards in order to meet the objectives stated in the Association's Constitutional document i.e. Assisting the Disabled?</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>Postal address</p>	<p>Address</p> <p>Suburb State <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/> Postcode <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/></p>
<p>Association members</p>	<p>The present number of members of the association is</p> <p>The total number of members on the governing body is</p>
<p>Governing body Details of all people having control of the association must be provided. A post office box is not acceptable. (Please photocopy extra pages if more space is required)</p>	<p>Position held: <input type="checkbox"/> President <input checked="" type="checkbox"/> Secretary <input type="checkbox"/> Treasurer <input type="checkbox"/> Director <input type="checkbox"/> Trustee <input type="checkbox"/> Other</p> <p>Full name</p> <p>Address</p> <p>Suburb State <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/> Postcode <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/></p>
<p>A post office box is not acceptable.</p>	<p>Position held: <input type="checkbox"/> President <input type="checkbox"/> Secretary <input type="checkbox"/> Treasurer <input type="checkbox"/> Director <input type="checkbox"/> Trustee <input type="checkbox"/> Other</p> <p>Full name</p> <p>Address</p> <p>Suburb State <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/> Postcode <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/></p>
<p>A post office box is not acceptable.</p>	<p>Position held: <input type="checkbox"/> President <input type="checkbox"/> Secretary <input type="checkbox"/> Treasurer <input type="checkbox"/> Director <input type="checkbox"/> Trustee <input type="checkbox"/> Other</p> <p>Full name</p> <p>Address</p> <p>Suburb State <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/> Postcode <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/></p>
<p>A post office box is not acceptable.</p>	<p>Position held: <input type="checkbox"/> President <input type="checkbox"/> Secretary <input type="checkbox"/> Treasurer <input type="checkbox"/> Director <input type="checkbox"/> Trustee <input type="checkbox"/> Other</p> <p>Full name</p> <p>Address</p> <p>Suburb State <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/> Postcode <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/></p>

Part 3—Association details continued

Auditor details

Existing or proposed.

First name OLD AUDIT OFFICE Last name

Phone (day time) Mobile

Email

Auditor's qualifications (please tick one of the following):

- A person registered as an auditor under the *Corporations Act 2001*.
- Member of CPA Australia who is entitled to use the letters 'CPA' or 'FCPA'.
- Member of the Institute of Chartered Accountants in Australia who is entitled to use the letters 'CA' or 'FCA'.
- Member of the National Institute of Accountants who is entitled to use the letters 'MNIA', 'FNIA', 'PNA' or 'FPNA'.
- Other—Auditor approval will be required from the Office of Fair Trading.

Financial year conclusion

If applying for an indefinite duration of time, the date of the conclusion of the financial year is

/
D D M M

Part 4—Declaration and checklist for an association

Declaration by an authorised person

* Check whichever is applicable.

I declare that all details provided on this form are true and correct.

Signature [Signature]
s.73 Signature

Signatory's name MICHAEL KIRTON

Position held: President Secretary Treasurer Director
 Trustee Other A/DIRECTOR EXECUTIVE SERVICES DEPT. OF THE PREMIER AND CABINET

Date 21 / 04 / 2011
D D M M Y Y Y Y

Checklist

Where the object for fundraising to be sanctioned is conducted by an association.

Accompanying this application are:

- If applicable, an up-to-date copy of the constitution, certified to be an accurate copy by any two members of the governing body of the association.
- A copy of the resolution or minute of the meeting at which the members or the governing body approved the making of this application, certified to be an accurate copy by any two members of the governing body of the association.
- A copy of the last balance sheet or statement of the financial affairs of the association.
- The written consent of the central body of the association (required only if this application is made on behalf of a local or affiliated branch or section of the association).

Lodgement

Please lodge the completed application, any supporting documentation and fees to the Office of Fair Trading at the address below, or at one of our regional offices.

By mail:
Registration Services
Office of Fair Trading
GPO Box 3111
Brisbane QLD 4001.

Visit www.fairtrading.qld.gov.au or call 13 13 04 for information and your nearest Fair Trading Office.

P31389

Matthew Wilkinson

From: Cliffe, Bruce [Bruce.Cliffe@deedi.qld.gov.au]
Sent: Thursday, 21 April 2011 5:06 PM
To: Mike Kirton; Haralampou, Theo
Cc: Matthew Wilkinson
Subject: RE: PDRA - Expansion of current sanction
Attachments: Premiers Disaster Appeal - Roma.pdf

Hi Mike

Please find attached a copy of the certificate of sanction approving the appeal.

Regards

Bruce Cliffe
Senior Business Services Officer

Office of Fair Trading
Department of Justice and Attorney-General Level 2, Executive Annexe
102 George Street, Brisbane Qld 4000
GPO Box 3111, Brisbane Qld 4001

t: +61 7 3405 0719 (internal 61219)
f: +61 7 3405 0731
e: bruce.cliffe@deedi.qld.gov.au

Business Information Centre 13 QGOV (13 74 68) www.deedi.qld.gov.au

-----Original Message-----

From: Mike Kirton [<mailto:Mike.Kirton@premiers.qld.gov.au>]
Sent: Thursday, 21 April 2011 3:54 PM
To: Cliffe, Bruce; Haralampou, Theo
Cc: Matthew Wilkinson
Subject: PDRA - Expansion of current sanction

Dear Bruce/Theo

Please find attached an application to broaden the current sanction operating for the Premier's Disaster Relief Appeal.

Regards,

Mike

Mike Kirton
A/Director
Executive Services
Department of the Premier and Cabinet
Tel: 322 46063 Fax: 3229 7494

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Form 6C

Collections Act 1966

(Section 13(2) - Collections Regulation 2008)

Sanction Number: CP 5495

CERTIFICATE OF SANCTION FOR A LIMITED TERM

I, THEO HARALAMPOU, Delegate of the Minister under the *Collections Act 1966* for the State of Queensland, hereby sanction, for the purposes of Part 3 of the Act, the **PREMIER'S DISASTER RELIEF APPEAL** for the purpose of raising funds for inclusion in the Premier's Disaster Relief Appeal Fund to assist individuals affected by flooding in Queensland throughout December 2010 and early 2011, tropical cyclone Yasi and flooding in Roma in 2011 as being the charitable purposes for which appeals for support are authorised to be conducted.

The promoters of all appeals for support for this charitable purpose are:

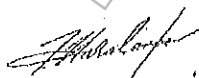
Michael James Kirton, Department of Premier & Cabinet, 100 George Street, Brisbane Qld 4000
Nicholas Elliott, Department of Premier & Cabinet, 100 George Street, Brisbane Qld 4000
Patrick Vidgen, Department of Premier & Cabinet, 100 George Street, Brisbane Qld 4000
Each Trustee of the Premier's Disaster Relief Appeal Fund

This sanction remains in force for the period from 21/04/2011 to 30/06/2011 (both inclusive) or such earlier time as it is surrendered or revoked in accordance with the provisions of the Act.

This sanction is subject to the following conditions:

- Appeals for support can only be made for the purpose mentioned above;
- Any person making an appeal for support on behalf of **PREMIER'S DISASTER RELIEF APPEAL** must be previously authorised in writing by the at least one of the promoters;
- The promoters shall lodge with the chief executive under the Act audited financial statements within 4 weeks of the sanction expiring or being surrendered or revoked;
- Where an appeal for support exceeds 12 months, or appeal proceeds have not been fully expended on the sanction expiring, or being surrendered or revoked, the promoters shall lodge with the chief executive under the Act a copy of the income and expenditure account and a balance sheet, certified by the auditors, of the appeal proceeds within 7 months of 30 June of each year;
- The requirement to lodge annual audited financial statements ceases upon lodging with the chief executive under the Act a copy of the income and expenditure account and a balance sheet, certified by the auditors, showing the appeal proceeds to have been fully expended; and
- This certificate is returned to the chief executive under the Act within 4 weeks of the sanction expiring or being surrendered or revoked.

Dated this Twenty-first day of April, 2011.



Theo Haralampou
Delegate of the Minister
under the *Collections Act 1966*

P31389.

Matthew Wilkinson

From: Chris Maxwell [Chris.Maxwell@CrownLaw.qld.gov.au]
Sent: Thursday, 21 April 2011 4:15 PM
To: duncan.hamilton@ato.gov.au
Cc: Matthew Wilkinson
Subject: 2010/2011 Queensland Floods and Cyclone Yasi Disaster Relief Fund
Attachments: CL_DOCS-#3077603-v1-Deed_of_Variation_of_the_Trust_Deed_for_the_2010_2011_Queensland_Floods_and_Cyclone_Yasi_Disaster_Relief_Fund.DOC

Dear Duncan

In accordance with clause 16.2 of the Trust Deed for the 2010/2011 Queensland Floods and Cyclone Yasi Disaster Relief Fund, the trustees give notice of the proposal to amend the Trust Deed on the terms set out in the attached Deed of Variation.

Regards

Chris Maxwell
Senior Principal Lawyer
Commercial & Corporate Governance Team

Ph: (07) 323 96996 | Fax: (07) 323 96386 | Crown Law, State Law Building, 50 Ann Street, Brisbane Qld 4000
E: Chris.Maxwell@CrownLaw.qld.gov.au | W: <http://crownlaw.govnet.qld.gov.au>

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Pages 92 through 98 redacted for the following reasons:

Exempt Sch.3(7) Legal Professional Privilege

Released under RTI - DPC

Matthew Wilkinson

From: Jones, Trevor [Trevor.Jones@ATO.gov.au]
Sent: Thursday, 3 February 2011 5:55 PM
To: Chris Maxwell
Subject: FW: The Cyclone Larry Disaster Relief Fund [SEC=IN-CONFIDENCE]
Attachments: CL_DOCS-#2960777-v1-
Deed_of_Variation_of_the_Trust_Deed_for_The_Cyclone_Larry_Disaster_Relief_Fund_.DOC

Hi Chris,

As discussed, the ATO agrees that the proposed amendment of the trust deed is acceptable for relevant taxation purposes.

Regards

Trevor Jones
Assistant Commissioner (Senior Tax Counsel) | Tax Counsel Network | Corporate Services and Law Australian Taxation Office
Phone: 03 9285 1039 | Mobile: S.73 Telephone Num | Facsimile: 03 9285 1943

ATO Working for all Australians

-----Original Message-----

From: Chris Maxwell [mailto:Chris.Maxwell@CrownLaw.qld.gov.au]
Sent: Thursday, 3 February 2011 14:42
To: Hamilton, Duncan
Cc: Leighton Craig
Subject: The Cyclone Larry Disaster Relief Fund

Dear Duncan

I refer to our telephone discussion on 2 February 2011.

In accordance with clause 16.2 of the Trust Deed for The Cyclone Larry Disaster Relief Fund, the trustees give notice of the proposal to amend the Trust Deed on the terms set out in the attached Deed of Variation of the Trust Deed for The Cyclone Larry Disaster Relief Fund.

Regards

Chris Maxwell
Senior Principal Lawyer
Commercial & Corporate Governance Team

Ph: (07) 323 96996 | Fax: (07) 323 96386 | Crown Law, State Law Building, 50 Ann Street, Brisbane Qld 4000
E: Chris.Maxwell@Crownlaw.qld.gov.au | W: <http://crownlaw.govnet.qld.gov.au>

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Exempt Sch.3(7) Legal Professional Privilege

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Matthew Wilkinson

From: Glenys Jenkin
Sent: Monday, 27 June 2011 3:47 PM
To: Mike Kirton; Matthew Wilkinson
Cc: Sue Orreal
Subject: FW: Advice - Trust Deed for 2010/11 Qld Floods and Cyclone Yasi Disaster Relief Fund - Round 3 Assistance payments (23.06.11)
Attachments: SKMBT_C451 11062313310.pdf

Hi Mike and Matt

I need to come and talk to you guys this afternoon about this advice, and a way forward. We need to have advice to the Premier's office by 11am tomorrow.

Regards,
G

Glenys Jenkin
Principal Project Officer
Premier's Disaster Relief Appeal Secretariat

Phone: 3836 0902

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-----Original Message-----

From: Sue Orreal
Sent: Monday, 27 June 2011 2:22 PM
To: Glenys Jenkin
Subject: FW: Advice - Trust Deed for 2010/11 Qld Floods and Cyclone Yasi Disaster Relief Fund - Round 3 Assistance payments (23.06.11)

FYI

Regards

Sue
Sue Orreal
Director
Secretariat - Premier's Disaster Relief Appeal Department of the Premier & Cabinet ' (07)
383 60908

sue.orreal@premiers.qld.gov.au

Executive Building | Level 5 | 100 George Street | Brisbane PO Box 15185 | City East | Queensland 4002 | P Please consider the environment before printing this email Tomorrow's Queensland: strong, green, smart, healthy and fair - www.towardQ2.qld.gov.au

-----Original Message-----

From: Linda Apelt (DG Communities)
Sent: Monday, 27 June 2011 1:20 PM
To: Kathy A Dunning; Sue Orreal
Subject: Fw: Advice - Trust Deed for 2010/11 Qld Floods and Cyclone Yasi Disaster Relief Fund - Round 3 Assistance payments (23.06.11)

Kathy FYI linda

----- Original Message -----

From: Philip Reed [<mailto:Philip.Reed@justice.qld.gov.au>]

Sent: Thursday, June 23, 2011 02:23 PM
To: Linda Apelt; john.bradley@premiers.qld.gov.au <john.bradley@premiers.qld.gov.au>
Subject: FW: Advice - Trust Deed for 2010/11 Qld Floods and Cyclone Yasi Disaster Relief Fund - Round 3 Assistance payments (23.06.11)

Hi - sorry about the delay - I think this provides a way forward.

Kind regards

Philip Reed
Director-General
Department of Justice and Attorney General
Telephone: (07) 3239 3543
Facsimile: (07) 3239 3474
email: philip.reed@justice.qld.gov.au
web: www.justice.qld.gov.au
"A fair, safe and just Queensland"

-----Original Message-----

From: Sally Carter
Sent: Thursday, 23 June 2011 1:37 PM
To: Philip Reed
Cc: Helen Freemantle; Brent Manning
Subject: Advice - Trust Deed for 2010/11 Qld Floods and Cyclone Yasi Disaster Relief Fund - Round 3 Assistance payments (23.06.11)

Good afternoon

Please find enclosed the Crown Solicitor's advice regarding the Trust Deed for 2010/11 Qld Floods and Cyclone Yasi Disaster Relief Fund - Round 3 Assistance payments.

The original will be delivered shortly.

Kind regards

Sally Carter
A/Executive Officer
Crown Solicitor's Office

Ph: (07) 323 96159 | Fax: (07) 323 96382 Crown Law, State Law Building, 50 Ann Street, Brisbane Qld 4000
E: sally.carter@crownlaw.qld.gov.au | W: <http://crownlaw.govnet.qld.gov.au>

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Released under RTI/ODC

Pages 114 through 137 redacted for the following reasons:

Exempt Sch.3(7) Legal Professional Privilege

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**Establishment of a Distribution Committee
Delegation of powers
Distribution of Gifts**

2010 / 2011 Queensland Floods Disaster Relief Fund

MINUTES OF MEETING OF TRUSTEES

Held: 19 January 2011

Resolutions: Resolved unanimously by all the pursuant to Clause 12 (Meeting of the Trust), 13 (Trustees' Powers, Responsibilities and Indemnity), and 14 (Grant of Assistance by Trust) of the 2010 / 2011 Queensland Floods Disaster Relief Fund, that:

- a) the Chief Financial Officer, Department of the Premier and Cabinet is authorised to open and operate a bank account with the Commonwealth Bank of Australia for the 2010 / 2011 Queensland Floods Disaster Relief Fund on behalf of the Trustees;
- b) a Distribution Committee be established to coordinate the distribution of the gifts collected by the Premier's Disaster Relief Appeal Fund to relieve the suffering and distress suffered by those affected by the widespread flooding in Queensland, declared to be disaster situations under the *Disaster Management Act 2003* (Qld) in December 2010 and January 2011.

The establishment of the Committee is in accordance with the Distribution Committee proposal marked "Attachment A";

- c) authority be delegated to the Distribution Committee mentioned in sub-section (b), to take necessary action to distribute all gifts received by the Premier's Disaster Relief Appeal Fund.

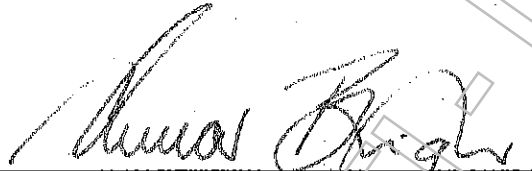
This delegation includes an authority to approve the expenditure of collected funds for the purpose of relieving the suffering and distress suffered by the victims of the widespread flooding in Queensland, declared to be disaster situations under the *Disaster Management Act 2003* (Qld) in December 2010 and January 2011;

- d) the Chief Financial Officer, Department of the Premier and Cabinet be authorised to execute Deeds of Agreement and Undertaking – Access to Personal and Confidential Information, with members of the Distribution Committee established at (b) and any Sub-Committees that may be formed in accordance with the proposal at "Attachment A".

Ratification:

Resolved that the action of the Trustees as outlined in sub-sections (a), (b), (c) and (d), be ratified and confirmed.

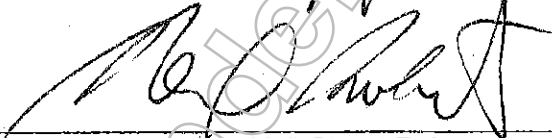
**Signed as a
correct record:**



Anna Maria Bligh



Andrew Peter Fraser



Neil Stuart Roberts

Released under the Official Information Act /
Released under the Access to Information Act /
DPC

Distribution Committee Proposal

January 2011

Released under RTI - DPC

Purpose of the Committee

It is proposed that a Distribution Committee undertakes the coordination of the distribution of the gifts collected by the Premier's Disaster Relief Appeal established to relieve the suffering and distress suffered by the victims of the widespread flooding in Queensland declared or to be declared disaster situations under the *Disaster Management Act 2003* (Qld).

The distribution of gifts to victims of this disaster will be pursuant to the 2010/2011 Queensland Floods Disaster Relief Fund.

The role of the Committee will be to oversee the distribution of funds.

The Committee will oversee the proper management and administration of the process, and acquittal of all funds expended.

Composition of the Committee and Sub-Committees (if required)

The Committee would be comprised of the following membership:

- The Honourable Dr David Hamill AM (Chairperson);
- The Honourable Robert Swarten MP, Minister Public Works and Information and Communication Technology and State Member for Rockhampton;
- Mr Vaughan Johnson MP, State Member for Gregory;
- Mr Alan Clayton, State Chairman of the Australian Red Cross, Queensland Branch;
- Cr Paul Bell, Emerald Shire Council and President of the Local Government Association of Queensland;
- Mr Jeff Whalan, Australian Government representative; and
- Mr John Gaskin, Chairman, Queensland Building Services Authority Board (also a member of the Flood Recovery Task Force).

The Committee may be supported by sub-committees, to be established at the discretion of the Committee, in the most affected areas on an as need basis.

The membership of the sub-committees will be determined by the Committee.

The role and function of sub-committees will be determined by the Committee as required.

All representatives on both the main and any sub-committees are expected to donate their services free of charge with reimbursement for actual costs.

Role of Committee

The role of the Committee is to:

- determine the criteria for distribution of funds including the quantum to each application;
- call for applications for relief funds ensuring wide publicity and ease of lodgment;
- determine the means of assessing applications;
- ensure speedy distribution of funds;
- oversee proper accountabilities of funding disbursement;
- report to the Trustees of the fund on the management and distribution of the fund; and
- other functions as determined by the Trustees (the Premier, Treasurer and Minister for Emergency Services).

Timeliness

The timeliness of distribution of funds is critical to the success of the appeal and to meet public expectations.

Successful applicants will be gifted funds as soon as possible following lodgment of an application.

Acquittal of Funds

The Committee would provide an acquittal of funds to the Trustees of the Fund at the conclusion of the process.

Costs

All administration costs associated with the distribution of the Appeal Fund will be met from the operating budget of the Department of the Premier and Cabinet to ensure that the donated funds are applied for their intended purpose of community recovery.

Meeting of the Distribution Committee

The Committee will meet regularly to determine how best to distribute the funds to assist those affected by the Queensland Floods to recover from this natural disaster.

Reporting to the Trustees

The Committee, will report regularly to the Trustees via the Chairperson of the Committee.

Released under RTI - DPC

Pages 144 through 147 redacted for the following reasons:

Exempt Sch.3(7) Legal Professional Privilege

Released under RTI - DPC

Matthew Wilkinson

From: Glenys Jenkin
Sent: Tuesday, 28 June 2011 12:24 PM
To: Sue Orreal
Cc: Mike Kirton; Matthew Wilkinson; Kathryn Zahran
Subject: FW: Trust Deed for the 2010/2011 Queensland Floods and Cyclone Yasi Disaster Relief Fund - Round 3 Assistance Payments
Attachments: Letter of Advice .pdf

FYI

Kathryn - FYI for invoicing purposes and for your legal advice register.

Regards,
G

Glenys Jenkin
Principal Project Officer
Premier's Disaster Relief Appeal Secretariat

Phone: 3836 0902

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-----Original Message-----

From: Sharon Booth [<mailto:Sharon.Booth@crownlaw.qld.gov.au>]
Sent: Tuesday, 28 June 2011 12:21 PM
To: Glenys Jenkin
Cc: Brent Manning
Subject: Trust Deed for the 2010/2011 Queensland Floods and Cyclone Yasi Disaster Relief Fund - Round 3 Assistance Payments

Dear Ms Jenkin,

Please see attached letter of advice sent on behalf of Brent Manning.

Yours sincerely

Sharon Booth
Legal Secretary
Commercial and Infrastructure Branch

Ph: (07) 323 90985 Fax: (07) 323 96386 | Crown Law, State Law Building, 50 Ann Street, Brisbane Qld 4000
E: sharon.booth@crownlaw.qld.gov.au | W: <http://crownlaw.govnet.qld.gov.au>

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Exempt Sch.3(7) Legal Professional Privilege

Released under RTI - DPC

Matthew Wilkinson

From: Glenys Jenkin
Sent: Tuesday, 28 June 2011 2:32 PM
To: Mike Kirton; Sue Orreal
Cc: Matthew Wilkinson
Subject: RE: Trust Deed for the 2010/2011 Queensland Floods and Cyclone Yasi Disaster Relief Fund - Round 3 Assistance Payments

Thanks Mike

Yes, we have a way forward with a couple of issues to sort out still.

Sue has discussed this proposal with Nick Elliott today. Nick has raised no issues as we have a way forward.

Awaiting formal advice from the ATO. I understand that this matter is on hold until we get the advice/endorsement from ATO.

Sue has advised that she will also liaise with the QAO in relation to this proposal.

The Deed Poll will also include a strengthened liaison authority with the applicant providing consent for the Department of Communities to liaise with their insurer and the Financial Ombudsman in relation to the outcome of the insurance dispute matter. I understand that Department of Communities will actively manage these matters.

Happy to discuss further.

Kind regards,
Glenys

Glenys Jenkin
Principal Project Officer
Premier's Disaster Relief Appeal Secretariat

Phone: 3836 0902

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-----Original Message-----

From: Mike Kirton
Sent: Tuesday, 28 June 2011 1:48 PM
To: Glenys Jenkin, Sue Orreal
Cc: Matthew Wilkinson
Subject: RE: Trust Deed for the 2010/2011 Queensland Floods and Cyclone Yasi Disaster Relief Fund - Round 3 Assistance Payments

Thanks Glenys

In short, it sounds as if you can go ahead and enable the Distribution Committee to operate on the basis that payments can be made, but can also be recouped at a later date should insurance money come through. A Deed Poll will be required to be signed by all applicants entering such agreements. A Minute to ratify these decisions is recommended for

the Trustees of the Fund, which we (Executive Services) can sort out when the Premier returns.

However, a few questions:

Have you discussed the proposals with Finance (Nick Elliott) to confirm they have no issues in terms of future audit requirements?

Given the concerns of the ATO - is this matter being put on hold pending confirmation that the ATO does not have any issues with the proposed course of action?

What measures will be put in place to ascertain whether payments have been made by insurers, and therefore who is required to remit their donated money back to the Appeal Fund? Is it enough for us to rely on a Deed Poll and then follow-up documentation that the insurer has refused an appeal against a pay-out decision?

Can you please advise who will be responsible for chasing applicants who have not returned the funds but have received insurance payments. Will the Distribution Committee have been disbanded by the time all cases have been settled? If so, will DoC be required to take on the role of debt collection agents?

Thanks,
Mike

-----Original Message-----

From: Glenys Jenkin

Sent: Tuesday, 28 June 2011 12:24 PM

To: Sue Orreal

Cc: Mike Kirton; Matthew Wilkinson; Kathryn Zahran

Subject: FW: Trust Deed for the 2010/2011 Queensland Floods and Cyclone Yasi Disaster Relief Fund - Round 3 Assistance Payments

FYI

Kathryn - FYI for invoicing purposes and for your legal advice register.

Regards,
G

Glenys Jenkin
Principal Project Officer
Premier's Disaster Relief Appeal Secretariat

Phone: 3836 0902

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-----Original Message-----

From: Sharon Booth [mailto:Sharon.Booth@crownlaw.qld.gov.au]

Sent: Tuesday, 28 June 2011 12:21 PM

To: Glenys Jenkin

Cc: Brent Manning

Subject: Trust Deed for the 2010/2011 Queensland Floods and Cyclone Yasi Disaster Relief Fund - Round 3 Assistance Payments

Dear Ms Jenkin,

Please see attached letter of advice sent on behalf of Brent Manning.

Yours sincerely

Sharon Booth
Legal Secretary
Commercial and Infrastructure Branch

Ph: (07) 323 90985 Fax: (07) 323 96386 | Crown Law, State Law Building, 50 Ann Street, Brisbane Qld 4000

E: sharon.booth@crownlaw.qld.gov.au | W: <http://crownlaw.govnet.qld.gov.au>

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Release under the Information Access Act 2009 - DPC

Matthew Wilkinson

From: Glenys Jenkin
Sent: Tuesday, 28 June 2011 2:33 PM
To: Mike Kirton
Cc: Matthew Wilkinson
Subject: FW: Summary

Please also find below a summary I have provided to Sue.

Glenys Jenkin
Principal Project Officer
Premier's Disaster Relief Appeal Secretariat

Phone: 3836 0902

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From: Glenys Jenkin
Sent: Tuesday, 28 June 2011 1:17 PM
To: Sue Orreal
Cc: Pamela Richardson
Subject: Summary

Hi Sue

As requested, below are the points that may be of interest to QAO in considering the proposal:

Background:

It has come to the Distribution Committee's attention that there is a group of up to 750 potential *Structural Damage Assistance – Damaged Home* (Damaged Home) applicants, who are engaged in the internal or external dispute resolution process with their insurer, challenging their ineligible insurance claim decision. A number of these claimants are being assisted by Legal Aid or another community legal group.

The maximum payment amount under the Damaged Home funding round is \$85 000 (a payment of \$5 000 for structural damage and \$10 000 for contents is made up front to all eligible applicants regardless of the status of their insurance claim, with the balance of funds paid at the conclusion of the insurance process).

All eligible insured applicants receive a payment of \$15 000 regardless of the outcome of their insurance claim.

Generally, the payment amount would reduce by the amount of insurance or other assistance (such as the Natural Disaster Relief and Recovery Arrangements being administered by the Department of Communities). Eg, if an eligible applicant received an insurance payment of \$50 000 then the additional benefit would decrease by this amount. If a payment of \$100 000 was received, then the applicant would not be eligible for any funds additional to the \$15 000 payment base payment.

Legal Aid has indicated that they may advise their clients to abandon their insurance resolution matters in order to be able to be eligible for the full payment (\$85 000) from the appeal up front. However, it is acknowledged that all applicants would not agree to this approach as some would be seeking payment of sums from their insurer far in excess of \$85 000.

The original position of the Distribution Committee was the sufficient appeal funds would be put aside to accommodate these identified claims at the resolution of their insurance resolution process.

It is unknown how long it may take to resolve these insurance resolution matters. However, it is acknowledged that these may be long term matters.

The Proposal:

There is a proposal to make an upfront payment of \$85 000 to all those applicants who identify as being engaged in the internal or external dispute resolution process with their insurer /Financial Ombudsman and to recoup any excess payment identified at the conclusion of the insurance resolution process.

The Mechanism:

Advice has been received that indicates that the proposal can be put into action by Distribution Committee resolution and the execution of a Deed Poll signed by the eligible applicant to provide for the recovery of any excess payments from the applicant as well as strengthening the liaison powers between the Government and the insurer and to include liaison with the Financial Ombudsman in relation to the outcome of external dispute resolution matters.

The Risks:

The ATO has not confirmed its position on this proposal. It is anticipated that formal ATO advice will be received by COB today.

This may be seen to disadvantage other insured applicants who are not involved in the internal / external dispute resolution process, as these applicants must follow due process and receive full payment (if appropriate) at the conclusion of their insurance claim.

Advice on the outcome of the insurance resolution process will need to be obtained from the insurer /Financial Ombudsman in a timely manner.

Should an applicant be successful in having their original insurance decision overturned, they may not agree to return the excess payment from the appeal in which case legal action would be required to pursue the refund.

Some insurers do not provide a cash benefit to successful applicants, but hold funds in trust and case manage repairs to the person's home, in which case there would be no tangible cash pay out to the applicant from the insurer, to be returned to the appeal.

Should the applicant have their original insurance decision overturned and receive payment on their claim, the applicant may still in financial distress and it would be difficult to recoup the excess payment from the appeal.

Excess payments would be returned to the appeal for an unidentified period of time. It is envisaged that these excess funds would be directed to the disaster affected communities to aid their recovery.

Sue let me know if you want to discuss.

Thanks,
G

Glenys Jenkin
Principal Project Officer
Premier's Disaster Relief Appeal Secretariat

Phone: 3836 0902

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Matthew Wilkinson

From: Glenys Jenkin
Sent: Wednesday, 29 June 2011 1:04 PM
To: Sue Orreal
Cc: Matthew Wilkinson; Mike Kirton; Pamela Richardson
Subject: FW: Deed Poll - Round 3 Funding Assistance
Attachments: CL_DOCS-#3178948-v1A-Deed_Poll_-_Round_3_Funding_Assistance.DOC

FYI

Glenys Jenkin
Principal Project Officer
Premier's Disaster Relief Appeal Secretariat

Phone: 3836 0902

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From: Brent Manning [mailto:Brent.Manning@crownlaw.qld.gov.au]
Sent: Wednesday, 29 June 2011 1:02 PM
To: Glenys Jenkin
Subject: Deed Poll - Round 3 Funding Assistance

Dear Glenys

Exempt Sch.3(7) Legal Professional Privilege

Released under RTI - DPC

Kind regards

Brent

Brent Manning
Senior Principal Lawyer
Commercial & Corporate Governance Team

Ph: (07) 323 93436 | Fax: (07) 323 96386 | Crown Law, State Law Building
50 Ann Street, Brisbane Qld 4000
E: brent.manning@crownlaw.qld.gov.au | W: <http://crownlaw.govnet.qld.gov.au>

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<<CL_DOCS #3178948-v1A-Deed_Poll_-_Round_3_Funding_Assistance.DOC>>

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Pages 165 through 167 redacted for the following reasons:

Exempt Sch.3(7) Legal Professional Privilege

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Matthew Wilkinson

From: Glenys Jenkin
Sent: Wednesday, 6 July 2011 10:58 AM
To: Matthew Wilkinson; Mike Kirton
Cc: Sue Orreal
Subject: Insurance resolution process matters

Hi Matt and Mike

Just thought I would let you know that the Committee is still considering the Insurance dispute matters and the implementation of a Deed Poll to potentially recoup funds.

At this stage Trustee Minutes are not required.

I will keep you informed if there is any change.

Regards,
G

Glenys Jenkin
Principal Project Officer
Premier's Disaster Relief Appeal Secretariat

Phone: 3836 0902

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PREMIER'S DISASTER RELIEF APPEAL DISTRIBUTION COMMITTEE MEETING — 4 July 2011

Insurance Dispute Resolution – Deed Poll

Issue

- Caxton Legal Centre Inc, the Queensland Law Society and Legal Aid are united in lobbying Government on behalf of their clients who are in dispute with their insurers over denied flood cover. The legal representatives argue that clients locked in dispute resolution are disadvantaged because Government is withholding potential appeal funds from them pending the outcome of the dispute.
- This is not correct, as eligible applicants who declare that their insurer has declined their insurance application are paid their maximum phase two entitlement.

The Proposal

- The legal representatives propose that *Structural Damage Assistance—Damaged Home* applicants, who are in the Internal or External Dispute Resolution process with their insurers, be immediately paid the maximum payment under the Premier's Disaster Relief Funding Round prior to the resolution of their insurance claim.

Background / Action Taken

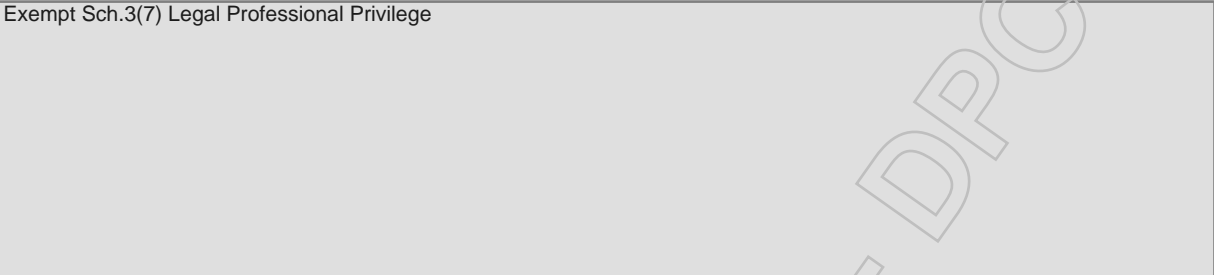
- The Chair of the PDRA Distribution Committee wrote to Legal Aid urging them to encourage all of their clients to apply for funds regardless, pointing out that phase one funds may be paid to eligible claimants irrespective of insurance status.
- In addition, the Acting Premier, the Honourable Paul Lucas MP, met with Legal Aid last week to discuss their concerns further.
- Legal Aid and Caxton Legal Centre have previously suggested the number of clients adversely affected by insurance dispute processes were in the hundreds and these hundreds of clients had not applied to the appeal for fear of being deemed fraudulent should their insurance dispute be overturned in their favour.
- As a result of the meeting with Legal Aid, Government provided eight (8) Department of Communities staff to assist Legal Aid in phoning all clients reported to be affected.
- The results of the phone calls by government staff are:

Outcome of phone calls to clients of Legal Aid Queensland	No. of Clients
Has submitted an application	266
In the process of applying	80
Ineligible	73
Unsure but will consider applying	5
Not successful in contacting client	26
TOTAL contact numbers provided	450

- The majority of clients have either applied, in the process of applying or are ineligible.
- This shows that the majority of applicants who have been denied insurance cover, whether represented by a legal firm or not, have indicated in their appeal application that their

insurer has declined their insurance application. Eligible applicants are then granted their phase two entitlement.

- The Department of Communities is aware of two (2) cases only, who have been denied insurance cover, but have also declared in their application that they will be entering into a dispute resolution process with their insurer. On this basis, we ask the Distribution Committee to endorse the attached Deed Poll be provided to all applicants who fit this category.
- Exempt Sch.3(7) Legal Professional Privilege



Risks

- The ATO has not confirmed in writing its position on this proposal.
- Advice on the outcome of the insurance resolution process from the insurer /Financial Ombudsman may take months or years.
- Legal action would be required to be pursued by Government against the applicant (not the insurer) should an applicant be successful in having their original insurance decision overturned but not agree to return the excess payment.
- Some insurers do not provide a cash benefit to successful applicants, but hold funds in trust and case manage repairs to the person's home, in which case there would be no tangible cash pay out to the applicant from the insurer, to be returned to the appeal.
- Should the applicant have their original insurance decision overturned and receive payment on their claim, the applicant may still be in financial distress and it would be difficult to recoup the excess payment from the appeal.
- Excess payments would be returned to the appeal for an unidentified period of time. It is envisaged that these excess funds would be directed to the disaster affected communities to aid their recovery.

Recommendation

- On balance, it is recommended that the Committee resolve that the Deed Poll be provided to applicants who have declared they will / or have entered into dispute resolution with their insurer.

Pages 171 through 174 redacted for the following reasons:

Exempt Sch.3(7) Legal Professional Privilege

Released under RTI - DPC

FLOOD APPEAL DISTRIBUTION COMMITTEE MEETING MINUTES

MONDAY 4 JULY 2011 – 10:00AM – 11.10AM
 CABINET COMMITTEE ROOM, LEVEL 13, EXECUTIVE BUILDING

Members:

- Hon Dr David Hamill AM, Chairman;
- Mr John Gaskin, Chairman, Queensland Building Services Authority Board of Directors;
- Hon Robert Schwartz MP, State Member for Rockhampton; (via teleconference);
- Mr Vaughan Johnson MP, State Member for Gregory (via teleconference);
- Mr Alan Clayton, Chairman, Australian Red Cross Queensland Division (via teleconference);
- Mr Jeff Whalan, Australian Government representative (via teleconference);

Attendees:

- Mr John Bradley, Director-General, Department of the Premier and Cabinet;
 - Mr Ian Jennings, General Manager, Queensland Building Services Authority;
 - Ms Bette Kil, A/Director-General, Department of Communities;
 - Ms Kathy Dunning, Deputy Director-General, Department of Communities;
 - Ms Ann Downey, Director, Office of the Director-General, Department of Communities;
- Secretariat:**
- Ms Sue Orreal, Department of the Premier and Cabinet;

Apologies:

- Cr Paul Bell AM, Emerald Shire Council and President of the Local Government Association of Queensland.

Agenda Item	Discussion
<p>1. Minutes of Meeting of 21 June 2011</p>	<p><i>Resolution: It was agreed that the Committee adopt the Minutes of the Meeting held on 21 June 2011 from 2.00pm – 3.15pm.</i></p> <p>The Committee acknowledged the Chair's role in recent media forums and thanked him for representing the Committee and reporting the progress of funds distribution fully and accurately.</p>
<p>2. Update on Appeal</p>	<p>Sue Orreal reported that as at 4 July 2011, the appeal has raised approximately \$271.4 million, with a total</p>

Fund balance	<p>of \$169 million paid out across all funding rounds (including the \$10 million allocation to SVDP). It was noted that as disbursements increase, interest accrued reduces leading to a slowing of fund accumulation.</p> <p>Resolution: It was agreed the Department of the Premier and Cabinet would pursue outstanding third party fundraising donations.</p>
<p>3. Update on disbursements</p> <p>• Closure of Fund.</p>	<p>Kathy Dunning reported that 38% of the fund remained, with \$169 million paid out on claims to date. The number of applications rose to 638 on 30 June 2011 with indications that another 200 may arrive by mail and approximately 300–350 by email and fax. The Committee noted that between \$2–2.7 million is being paid out daily. Measures are in place to assess, prioritise and action all applications well in advance of the announced date for finalisation of 31 August 2011.</p> <p>Two issues arose for discussion, (1) the closing date for applications and (2) insurance matters impacting on processing claims.</p> <p>(1) The Chair acknowledged the volume of applications received on and before the closing date of 30 June 2011, including those still arriving by mail. The Committee affirmed its position to process as many applications as possible while funds were available. The Chair briefed the Committee on the projected balance once all applications are processed.</p> <p>The Chair asked the Committee to consider scenarios regarding the balance of the fund. The Committee agreed that given the significant spike in new applications last week it was appropriate that:</p> <p>(a) the Committee defer consideration of the BSA proposals pending the finalisation of claims and (b) the Chair and the A/Director-General, Department of Communities, would have a preliminary discussion with the CEO of St Vincent de Paul regarding the \$10 million allocated to St Vincent de Paul.</p> <p>Resolution: The Department of Communities to organise a meeting with Mr Peter Maher, CEO, St Vincent de Paul, A/DG Communities and the Chairperson.</p>

<ul style="list-style-type: none"> Insurance Dispute Resolution 	<p>(2) The Insurance Dispute Resolution issue was discussed in detail. The Committee agreed the matter was complex and required further discussion once formal ATO advice was obtained. The Committee noted that only two applicants had indicated they would pursue dispute with their insurer.</p> <p>Resolution: The Department of Premier and Cabinet to pursue formal advice from the ATO regarding the Insurance issue and report back to the Committee and its next meeting.</p>
<p>4. St Vincents de Paul report.</p>	<p>The Committee noted the report and acknowledge the role St Vincent de Paul was playing in providing support to people in need throughout Queensland.</p>
<p>5. Other business</p>	<p>Resolution: The Secretariat to provide a progress report to the Committee in the week beginning 11-15 July 2011.</p>
<p>6. Next Meeting</p>	<p>The next meeting date to be determined. Meeting closed at 11.10am</p>

PREMIER'S BRIEFING NOTE

Policy

Tracking Folder No. *TF/11/23 644*
Document No.

To: **THE PREMIER**
Date: **4 August 2011**
Subject: **Policy position on treatment of retrospective insurance payments to recipients of Premier's Disaster Relief Appeal Funds**

Approved / Not Approved / Noted	
Premier
Date
Date Action Required by:
Requested by:
<i>(if appropriate)</i>	

• RECOMMENDATION

It is recommended that you:

- **Approve** that insurance payments received by applicants to the Premier's Disaster Relief Appeal (PDRA) subsequent to their claim being assessed, paid and finalised do not affect their payment from PDRA

• KEY ISSUES

- RACQ announced on Tuesday 2 August 2011 that they would now accept claims from residents affected by damage from rainfall in the Bremer River catchment.
- At the time of assessment, 150 applicants affected by this decision by RACQ had their insurance claim rejected and received a payment from PDRA.
- It is possible that other insurance companies may make similar announcements in the future
- In addition, a number of people who have had insurance claims rejected and received payments from PDRA may be in dispute with their insurers. These cases may take months, or even years, to settle.
- People in receipt of funds from PDRA have suffered greatly as a result of the natural disasters last summer and they need certainty to rebuild their lives.
- These people have received funds and been notified that their application is finalised and it is untenable in the circumstances to request that these funds be repaid if they receive subsequent payments from their insurers.
- Application forms for the PDRA state that "any insurance payment, or ex gratia payment received, for example from your bank or insurance company ... will be deducted from the amount you are assessed to be eligible for"; and applicants submit a signed Statutory Declaration stating that I/we understand that any overpayment from the PDRA will have to be returned.
- However, this policy interprets the statement as applying to the assessment of the actual application, and not to a reassessment at a later date on the basis of changed circumstances.
- Indeed, the application form does not provide sufficient clarity to strongly defend a position that applicants had sufficient forewarning that they would be required to repay funds from the PDRA in cases where they later received an insurance payout.

• ELECTION / CABINET / PUBLIC COMMITMENTS

- The Premier and Minister for Reconstruction released a media statement on 4 August 2011 pledging that people who have won a victory over their insurers will not have to repay any grants received from the Appeal (attachment 1).

Action Officer: Ann Downey	Approvals by Director / ED / DDG
Area: Dept of Communities	documented in notes in TRIM
Telephone: S.73 Telephone	



Leighton Craig

From: Mary Weaver
Sent: Friday, 5 August 2011 8:38 AM
To: Bronwyn Edmeades
Subject: FW: premier's brief
Attachments: Premiers insurance brief.docx

Hi Bron

Can you TRIM and leave open at the moment in case the signed final filters down. We can revisit in a few days and then close at that time.

Thanks

Mary

From: Ann Downey [mailto:Ann.Downey@communities.qld.gov.au]
Sent: Friday, 5 August 2011 8:29 AM
To: Mary Weaver
Subject: premier's brief

Hello Mary – s.73 - Personal Information. I've attached a Premier's Brief that Linda and John Bradley signed off last night. John has the hard copy but thought you would need this for TRIM.
Regards
Ann

Ann Downey | Director
Office of the Director-General | Department of Communities
T: 07 322 78599 | M: S.73 Telephone | F: 07 323 54327

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PREMIER'S BRIEFING NOTE

Policy

Tracking Folder No.

Document No.

To: THE PREMIER
Date: 4 August 2011
Subject: Policy position on treatment of retrospective insurance payments to recipients of Premier's Disaster Relief Appeal Funds

Approved / Not Approved / Noted

Premier

Date/...../.....

Date Action Required by:/...../.....

Requested by:
(if appropriate)

• RECOMMENDATION

It is recommended that you:

- **Approve** that insurance payments received by applicants to the Premiers Disaster Relief Appeal (PDRA) subsequent to their claim being assessed, paid and finalised do not affect their payment from PDRA

• KEY ISSUES

- RACQ announced on Tuesday 2 August 2011 that they would now accept claims from residents affected by damage from rainfall in the Bremer River catchment.
- At the time of assessment, 150 applicants affected by this decision by RACQ had their insurance claim rejected and received a payment from PDRA.
- It is possible that other insurance companies may make similar announcements in the future.
- In addition, a number of people who have had insurance claims rejected and received payments from PDRA may be in dispute with their insurer. These cases may take months, or even years, to settle.
- People in receipt of funds from PDRA have suffered greatly as a result of the natural disasters last summer and they need certainty to rebuild their lives.
- These people have received funds and been notified that their application is finalised and it is untenable in the circumstances to request that these funds be repaid if they receive subsequent payments from their insurers.
- Application forms for the PDRA state that "any insurance payment, or ex gratia payment received, for example from your bank or insurance company ... will be deducted from the amount you are assessed to be eligible for"; and applicants submit a signed Statutory Declaration stating that "we understand that any overpayment from the PDRA will have to be returned.
- However, this policy interprets the statement as applying to the assessment of the actual application, and not to a reassessment at a later date on the basis of changed circumstances.
- Indeed, the application form does not provide sufficient clarity to strongly defend a position that applicants had sufficient forewarning that they would be required to repay funds from the PDRA in cases where they later received an insurance payout.

• ELECTION / CABINET / PUBLIC COMMITMENTS

- The Premier and Minister for Reconstruction released a media statement on 4 August 2011 pledging that people who have won a victory over their insurers will not have to repay any grants received from the Appeal (attachment 1).

Action Officer: Ann Downey
Area: Dept of Communities
Telephone: S.73 Telephone

Approvals by Director / ED / DDG
documented in notes in TRIM

PREMIER'S BRIEFING NOTE

Policy

Tracking Folder No.
Document No.

• BACKGROUND

- Eligible applicants receive a payment of \$40 000 in Round 2 or \$15 000 in Round 3, regardless of their insurance status.
- Insurance and ex-gratia payments are then deducted from the maximum Phase 2 amount of \$140 000 in Round 2 and \$75 000 in Round 3 prior to calculation of the final payment. In many cases this means that applicants receive no Phase 2 payment (Attachment 2).

Comments (<i>Premier or DG</i>)
--

John Bradley
Director-General

Released under RTI - DPP

Action Officer: Ann Downey	Approvals by Director / ED / DDG
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Telephone: S.73 Telephone	



PREMIER'S BRIEFING NOTE

Policy

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Attachment 1

Premier and Minister for Reconstruction
The Honourable Anna Bligh
04/08/2011

PREMIER PLEDGE ON APPEAL FUND RECIPIENTS

Premier Anna Bligh has pledged that people who have won a victory over their insurers will not have to repay any grants they received from the Premier's Disaster Relief Appeal.

"These people have suffered enough and I will not be asking them to repay money they received from the Appeal," Ms Bligh said.

"The donors who gave so generously to the Appeal wanted the money to go to people who really needed it the most - and it has.

"It has gone to people whose homes were completely destroyed or severely damaged in the natural disasters that befell our State over summer.

"The Appeal was set up to help people rebuild their lives and that's what we want to see it do.

"This money is vital for so many Queenslanders.

"I won't be asking them to return it and I make no apology for that."

Media contact: Kate Van Poelgeest

Released under RTI/DPIC

Action Officer: Ann Downey	Approvals by Director / ED / DDG
Area: Dept of Communities	documented in <i>notes</i> in TRIM
Telephone: <input type="text"/>	

PREMIER'S BRIEFING NOTE

Policy

Tracking Folder No.

Document No.

Attachment 2

Round 2					
Scenario 1		Scenario 2		Scenario 3	
House Value*	300,000	House Value*	300,000	House Value*	300,000
Damage	300,000	Damage	300,000	Damage	300,000
Insurance	\$0	Insurance	200,000	Insurance	300,000
Maximum Payment	180,000	Payment	40,000^	Payment	40,000^
*Not used in calculation of payout					
^Because insurance is more than the \$140,000 Premier's Disaster Relief payment					

Round 3					
Scenario 1		Scenario 2		Scenario 3	
House Value*	1,000,000	House Value*	1,000,000	House Value*	1,000,000
Damage	300,000	Damage	300,000	Damage	300,000
Insurance	0	Insurance	200,000	Insurance	1,000,000
Payment	90,000	Payment	15,000^	Payment	15,000^
*Not used in calculation of payout					
^Because insurance is more than the \$75,000 Premier's Disaster Relief payment					

Payments from PDRA

Round 2	
Phase 1 payment	\$40 000
Phase 2 payment	Up to \$140 000
Total	Up to \$180 000
Round 3	
Phase 1 payment	\$15 000
Phase 2 payment	Up to \$75 000
Total	Up to \$90 000

Action Officer: Ann Downey
 Area: Dept of Communities
 Telephone: S.73 Telephone

Approvals by Director / ED / DDG
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