

Report No. 6 November 2010

Brisbane Supreme Court and District Court Complex

Legislative Assembly of Queensland

Public Accounts and Public Works Committee

Brisbane Supreme Court and District Court Complex

November 2010

Report No. 6

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52nd Parliament

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Glossary of terms and abbreviations

BCC	Brisbane City Council
BDC	Brisbane District Court
BLL	Bovis Lend Lease – the Managing Contractor
BMC	Brisbane Magistrates Court
BMS	Building Management System
BREEAM	BRE Environmental Assessment Method. BRE is an international, UK based, company specialising in building and building product research
BSC	Brisbane Supreme Court
BSCDC	Brisbane Supreme Court and District Court
CBRC	Cabinet Budget Review Committee
CCTV	Closed Circuit Television
DDA	<i>Disability Discrimination Act 1992</i> (Cwlth)
DJAG	Department of Justice and Attorney General
DPW	Department of Public Works
ESD	Environmentally sustainable design
GCS	Guaranteed Construction Sum
GOC	Government Owned Corporation
GST	Goods and Services Tax
IAS	Impact assessment study
ICN	Industry capability network
LCD	Liquid crystal display
LIP	Local Industry Policy
MOG	Machinery of government
NABERS	National Australian Built Environment Rating System
MOG	Machinery of government
PAC	Public Accounts Committee (52 nd Parliament)
PAPWC	Public Accounts and Public Works Committee (53 rd Parliament)
PWC	Public Works Committee (52 nd Parliament)
QCS	Queensland Corrective Services
VOC	Volatile organic compound
The committee	Public Works Committee/Public Accounts and Public Works Committee

Role of the Public Accounts and Public Works Committee

The Public Accounts and Public Works Committee is a statutory committee of the Queensland Parliament, established by the *Parliament of Queensland Act 2001*.

The committee's area of responsibility as described in section 95 of the Act is:

- (a) *the assessment of the integrity, economy, efficiency and effectiveness of government financial management by —*
 - (i) *examining government financial documents; and*
 - (ii) *considering the annual and other reports of the auditor-general.*
- (b) *works (public works) undertaken by an entity that is a constructing authority for the works if the committee decides to consider the works.*
- (c) *Any major GOC works if the committee decides to consider the works.*

In deciding whether to consider public works, the committee may have regard to:

- (a) *the stated purpose of the works and the apparent suitability of the works for the purpose; and*
- (b) *the necessity for, and the advisability of, the works; and*
- (c) *value for money achieved, or likely to be achieved, by the works; and*
- (d) *revenue produced by, and recurrent costs of, the works or estimates of revenue and costs for the works; and*
- (e) *the present and prospective public value of the works, including, for example, consideration of the impact of the works on the community, economy and environment; and*
- (f) *procurement methods for the works; and*
- (g) *the balance of public and private sector involvement in the works; and*
- (h) *the performance of —*
 - (i) *the constructing authority for the works; and*
 - (ii) *the consultants and contractors for the works;*

with particular regard to the time taken for finishing the works and the cost and quality of the works; and
- (i) *the actual suitability of the works in meeting the needs and in achieving the stated purpose of the works.*

Government financial documents are defined in section 79 of the Act as:

- a document tabled in the Legislative Assembly under the *Financial Accountability Act 2009*
- the annual financial statements and annual reports of a government owned corporation
- a document that would be a government financial document if it had been tabled in the Legislative Assembly as required by law.

The term does not include estimates of receipts for the proposed expenditure under an Annual Appropriation Act.

The committee may also refer issues within its area of responsibility to the Auditor-General for consideration.

An entity is a constructing authority for works if the entity is the State or a department. An entity is also a constructing authority for works if:

- the entity is established under an Act, or under State or local government authorisation, for a public, State or local government purpose; and
- the works are funded from the consolidated fund or the proceeds of a financial arrangement within the meaning of the *Statutory Bodies Financial Arrangements Act 1982*.

A GOC is a constructing authority for works if the works are undertaken specifically or substantially for a community service obligation of the GOC or for major GOC works referred to the committee by the Assembly.

An entity (a commercial entity) is a constructing authority for works if, under an agreement for the works:

- (a) the state or another entity representing the State -
 - (i) has, or will or may have, a financial liability or interest; or
 - (ii) has granted, or will or may grant land, or an interest in land or another right, privilege, monopoly, concession, franchise or interest; or
 - (iii) has contributed, or will or may contribute, resources of any kind; and
- (b) the works have become, or will or may become, the absolute property of the State or another entity representing the State.

Major GOC works means works (other than public works) undertaken as part of a major infrastructure investment outlined in a GOC's statement of corporate intent.

If the committee makes a recommendation in a report that a minister should take particular action about an issue, the minister must table a response within three months after the report is tabled.

Chair's foreword

This inquiry was commenced by the Public Works Committee of the previous Parliament. That committee issued an Inquiry Information Paper seeking public submissions and held a public hearing in February 2009. The Public Accounts and Public Works Committee of the 53rd Parliament resolved to complete the inquiry.

The new \$600 million Brisbane Supreme Court and District Court Complex is being constructed on the site bounded by George, Roma, Turbot and Herschel Streets, Brisbane. The balance of the site is occupied by the Brisbane Magistrates Court which was completed in late 2004. It will replace the existing Supreme Court and District Court buildings, currently located at 304 George Street, Brisbane. The complex is scheduled for completion by December 2011, in time for the 150th anniversary of the Supreme Court.

The committee is satisfied that the project is necessary, will be suitable for its purposes and will meet functional, technical and environmental requirements. The committee is also satisfied with the procurement method and process and with the balance of public and private sector involvement in the work.

Whilst the committee has agreed that the detailed budget information is currently commercial-in-confidence, it believes that in order to satisfy accountability obligations, this information should be made available to the public at the completion of the project. To this end, the committee has recommended that the upon completion of the Brisbane Supreme Court and District Court building, the Department of Justice and Attorney-General table in the Parliament a detailed schedule providing actual and budgeted costs for the BSCDC project.

On behalf of both the former Public Works Committee and the current committee, I would like to thank all those that took the time to provide submissions and the management and staff of the organisations who met with us during the course of this inquiry.

Finally, I would like to thank the other Members of the committee for their continuing hard work and dedication to the work of the committee.

Wayne Wendt MP

Chair

1. Introduction

1.1 Recommendations in this report

1. The recommendations in this report are addressed to the Attorney-General and Minister for Industrial Relations, as the responsible minister¹.

1.2 Terms of Reference of the Inquiry

2. The committee resolved to conduct an inquiry into the construction of the new Brisbane Supreme Court and District Court Complex. The terms of reference for the inquiry were to examine and report on the project with particular reference to:
 - a) the purpose of the work
 - b) the necessity for, and the advisability of, the work
 - c) the suitability of the work for its purpose
 - d) the cost, recurrent costs, revenue and value for money of the work
 - e) the impact of the work on the community, economy and environment
 - f) procurement methods for the work
 - g) the balance of public and private sector involvement in the work
 - h) the performance of the constructing authority and the consultants and contractors for the work

1.3 Conduct of the Inquiry

3. The committee advertised the inquiry and called for submissions in *The Courier-Mail*, on Saturday, 29 November 2008. The committee also released a media statement and wrote to a variety of interested persons and organisations advising them of the inquiry and inviting them to make a submission. A copy of the Inquiry Information paper is provided in Appendix 1.
4. In response to the Information paper, the committee received four submissions including a joint submission from the Department of Justice and Attorney General and Department of Public Works. A list of those who made submissions is provided in Appendix 2.
5. On Friday, 13 February 2009 the committee inspected the existing Law Courts on George Street and the project site for the new Brisbane Supreme Court and District Court Complex. At the completion of the inspection, the committee returned to Parliament House and conducted a public hearing. The names of the witnesses at the hearing are detailed in Appendix 3.
6. Copies of the submissions and transcript of evidence are available from the committee secretariat.

¹Parliament of Queensland Act 2001 (Qld), s.107 ministerial response to committee report

7. In February 2009 the 52nd Parliament was dissolved for the State Election to be held on 21 March 2009. Subsequent to the election, the government implemented a number of machinery of government (MOG) changes which resulted in significant changes to the departmental structure. Submissions for this inquiry were received prior to the MOG changes and as such the previous departments have been quoted in this report where required.
8. The Public Works Committee (PWC) for the 53rd Parliament was appointed on 23 April 2009. On 19 May 2009, the Legislative Assembly passed the Parliament of Queensland Amendment Bill which merged the Public Accounts Committee and the Public Works Committee to form the Public Accounts and Public Works Committee (PAPWC). This bill was assented to and commenced on 28 May 2009.
9. The PAPWC reviewed the work of the former PWC and progressed other matters since dissolution of the previous committee.
10. On Monday, 26 October 2009 the committee inspected the Brisbane Magistrates Court on George Street and the project site for the new Brisbane Supreme Court and District Court Complex.
11. This report draws on the views presented at the hearing together with the submissions, inspections and other information sources.

2. Key Facilities

2.1 Building background

12. The Brisbane Supreme Court and District Court (BSCDC) building is being constructed in the area bounded by George, Roma, Turbot and Herschel Streets, Brisbane. The balance of the site is occupied by the Brisbane Magistrates Court (BMC).² It will replace the existing District Court built in 1973 and the Supreme Court built in the early 1980's.³
13. The project budget of \$600 million (excluding GST) will result in one of the largest court buildings in Australia. The co-location of the Supreme and District courts in one building is unique in Australia and will provide substantial building and operational efficiencies. The building will have a net area of approximately 38,120 m².⁴ The department has stated that the building will meet the needs of the courts for the foreseeable future.⁵
14. The Chief Justice and the Chief Judge have strongly supported the need for a new court building and were consulted on the site and design of the building. A committee of judges has been closely involved in the design process.⁶ The Queensland Law Society confirmed that they were consulted as part of the planning process for the complex.⁷

² Submission 4: 10

³ Mr Robinson, Transcript, 13 February 2009: 3

⁴ Correspondence from Ms R Hunter, Director-General, DJAG, to PAPWC dated 6 November 2009: 12

⁵ Submission 4: 8

⁶ Submission 4: 8

⁷ Submission 3: 1

15. The new building's primary structural elements will be reinforced concrete with post tensioned floors. External finishes will predominantly feature shaded high performance glass.⁸
16. The building will have two underground floors extending partly under the public square. This will provide parking and service access to the building.⁹ Above ground, the building will have 18 floors for criminal and civil courts, the Supreme Court library, judges chambers, court support and administrative functions and will include two floors of plant rooms.¹⁰
17. The BSCDC complex and public square will be owned by DJAG on behalf of the State of Queensland.¹¹
18. An artist's illustration of the completed building is detailed below:



Source: DJAG and DPW Submission

⁸ Submission 4: 12

⁹ Submission 4: 10

¹⁰ Submission 4: 10

¹¹ Submission 4: 24

2.2 Building/energy management systems

19. The building management system (BMS) will log and analyse energy usage and load characteristics to reduce energy consumption to the absolute minimum under normal operation. The air conditioning systems will be controlled by a direct digital control system provided as part of the integrated BMS. Control and/or monitoring of other building services including lighting, water usage, lift services, fire services and hydraulic services will also be via the BMS.¹²

2.3 Car parking and vehicle access

20. One hundred car parks will be provided in the building for the judiciary and senior staff. Due to the security requirements of courthouses, there will be no public parking under the building. Basement car parking for security and servicing vehicles will be provided. Externally, there will be a provision for pedestrian drop off points, parking for custodial vehicles awaiting entry, and police vehicles.¹³

2.4 Court rooms

21. The building will have 39 courtrooms consisting of one ceremonial courtroom, one Court of Appeal, 23 criminal courtrooms and 14 civil courtrooms.¹⁴ There is a capacity to add another four criminal courtrooms and two civil courtrooms to meet future demand. This area will be initially used for office accommodation and mediation rooms.¹⁵ Each criminal courtroom will have a jury retiring room which will include a kitchenette.¹⁶

2.5 Detention facilities

22. The BSCDC does not have residential detention facilities. Queensland Corrective Services (QCS) will manage the transfer in, holding facilities and transfer out of persons in custody during the court proceedings. At no time will persons in custody remain in the BSCDC overnight.¹⁷
23. The detention facilities will include¹⁸:
- 40 single person cells;
 - One bulk holding secure cell and two soft walled secure holding room;
 - Six transit secure holding rooms for the management of people in and out of the vehicles;
 - Vehicle locks and secure vehicle parking areas;
 - Contact and non-contact interview rooms for legal practitioners to interview clients;
 - Control room, administration and staff areas secured from prisoner circulation;
 - Search, medical and fingerprint rooms;

¹² Submission 4: 16

¹³ Submission 4: 22

¹⁴ Correspondence from Ms R Hunter, Director-General, DJAG, to PAPWC dated 6 November 2009: 5

¹⁵ Submission 4: 11

¹⁶ Submission 4: 11

¹⁷ Submission 4: 13

¹⁸ Submission 4: 13 and Correspondence from Ms R Hunter, Director-General, DJAG, to PAPWC dated 6 November 2009: 5

- Two dedicated persons in custody lifts to service the custodial courtrooms;
 - Secure holding cell adjacent to each criminal courtrooms; and
 - Natural light to some cells and staff areas through the use of skylights.
24. Acoustic engineers have been involved in the design of the detention cells in the BSCDC to ensure that echoing and sound seepage into the common area outside the cells have been addressed. The new rooms are modelled on the ones in the Magistrates Court, which have no problems with sound seepage because of the acoustic rating of the walls between the cells.¹⁹
25. The Queensland Law Society indicated their concern that the Magistrates Court interview rooms, despite the installation of screening to dull the sound, have problems with echo due to the hard surfaces within the rooms. They also noted that it is possible to hear that a conversation is taking place inside a room from the common area outside the rooms. They conceded that it is difficult to make out what is being said.²⁰ The department advised that they have acoustic engineers involved in the building and they will make sure that these problems do not exist in the new building.²¹

2.6 Information technology and communications systems

26. The BSCDC will have fibre optic and copper cable installed for internal communications and for connection to the State Law Building and BMC central computing facilities. Public information on matters being heard at the BSCDC will be provided via LCD screen displays.²²
27. Court proceedings will be digitally recorded with courtrooms having one of three levels of audio visual capacity.²³ The lowest category (Audio) will have sound recording and some basic video display facilities for evidence. The middle level (Audio-Visual) will have sound recording and video recording, and more sophisticated display mechanisms for evidence. The top level (Video-Conferencing) will have full audiovisual capacity, which has external links to other places (for example Corrective Services facilities), links back to the vulnerable witness room and the full ability to record all proceedings and display all evidence.²⁴ All courtroom cabling will be in an accessible under floor zone allowing for upgrading to another capacity or for future technology changes.²⁵ The BSCDC will initially have five Audio, 16 Audio-Visual and 18 Video-Conferencing courtrooms.²⁶
28. Provision has been made for an interview room (external to the courtroom) to have separate video conferencing capacity. This will allow counsel to privately discuss matters with their client who may be in prison and not in court. Court proceedings can therefore continue while these discussions take place.²⁷
29. The issue of separate video conferencing capacity was highlighted by Legal Aid Queensland in their submission to the inquiry. They advised that there is a real need for confidential communication arrangements external to court rooms so that legal representatives can confer with incarcerated clients in a confidential environment prior to and/or during any video-linked appearances and without the need for the relevant court to be vacated.²⁸

¹⁹ Mr Robinson, Transcript, 13 February 2009: 6

²⁰ Submission 1: 4

²¹ Mr Robinson, Transcript, 13 February 2009: 6

²² Submission 4: 16

²³ Submission 4: 16

²⁴ Mr Robinson, Transcript 13 February 2009: 5

²⁵ Submission 4: 16

²⁶ Correspondence from Mr G Robinson, Director Property Services, D JAG to PAPWC dated 26 March 2009: 1

²⁷ Mr Robinson, Transcript 13 February 2009: 5

²⁸ Submission 1: 2

30. Staff areas, judges chambers, toilet facilities and jury areas will be excluded from CCTV monitoring.²⁹
31. The courtrooms and public space will be equipped with WiFi wireless access points to allow counsel and clients to connect with the internet using their own laptops. All jury rooms will have audio video display capacity and jurors in the courtroom will have individual or shared screens.³⁰

2.7 Landscaping

32. The BSCDC site will enable mature trees to be planted on three frontages to enhance the streetscape. Landscaping will be provided in courtyards throughout the building for public and staff use. Hard landscaping elements including paving and seating will be chosen to enhance the building and comply with BCC city design where located on the footpath.³¹

2.8 Public areas

33. A public square with lawn, seating and shade trees will be available at all times outside the BSCDC with access being via the existing ramp at the side of the BMC.³² Within the building, adjacent to the ground floor lifts, a large, secure garden will be available for public use.³³
34. Extensive public waiting areas will be provided on the ground floor and court floors. On level three, adjacent to the Ceremonial Court (Banco Court) there will be a reception area that will be used for public functions.³⁴ Level one will contain a family lounge for people with children in their care.³⁵
35. A range of catering facilities will be available for use by the judiciary, staff and general public. A small coffee shop will be located within the building on the ground floor serving drinks and a small range of pre-prepared foods, such as sandwiches and cakes. In a separate building within the public square area, opposite the BSCDC entrance, there will be a full service café. The above facilities will be in addition to the existing Magistrates Courts café.³⁶

2.9 Public art consultancy

36. A preliminary budget of \$3.0 million (excluding GST) has been allocated to public art and \$0.5 million (excluding GST) allocated to public art related consultancies. The Art+Place³⁷ policy framework will be followed in selecting art works.³⁸

²⁹ Submission 4: 17

³⁰ Submission 4: 16

³¹ Submission 4: 22

³² Submission 4: 12

³³ Submission 4: 12

³⁴ Submission 4: 12

³⁵ Submission 4: 12

³⁶ Correspondence from Mr G Robinson, Director Property Services, DJAG to PAPWC dated 16 February 2010: 1

³⁷ 'Art+place' is a centralised funding model administered by Arts Queensland to allow for effective planning and commissioning capacity for high-quality public art projects.

³⁸ Submission 4: 46

37. A Public Art Committee has been formed and a curator appointed in accordance with the Art + Place policy. Potential sites for and types of artworks have been identified. The works will include a large sculpture in the public square, two sculptures in the building, a wall painting in the Ceremonial Court and a ceiling painting in the main entrance hall. Artwork will be located in the public spaces in both the building and the public square.³⁹
38. An 'expression of interest' process has been used to select artists to provide concept designs for artworks.⁴⁰ Paintings and other artworks currently located in the Supreme Court will be relocated into the new building. These include the portraits of previous Chief Justices and other distinguished judges and the Statue of Themis.⁴¹

2.10 Registry, State Reporting Bureau and Supreme Court Library

39. The major part of the main court registry will be located on the ground floor. Those areas primarily dealing with criminal matters within the main court registry will be located on level two.⁴²
40. The State Reporting Bureau will be located on level ten. Court file storage will be available in the basement areas.⁴³
41. The Supreme Court Library will have their main reception, public access collection, training room and office areas on level 12. Support, storage functions and an archive standard rare books store will be located on part of level 11.⁴⁴

2.11 Support spaces

42. Provision has been made on various court floors for day rooms for the Director of Public Prosecutions and Legal Aid staff and robing rooms for Barristers.⁴⁵ There will be interview rooms adjacent to the courtrooms for legal practitioners to meet with their clients.⁴⁶
43. A separate jury circulation system consisting of four dedicated lifts will enable empanelled jurors to travel to and from courtrooms without going through public areas. Each criminal courtroom will have a jury retiring room with male and female toilets and tea facilities. A jury assembly area, a jury lounge and jury dining rooms will also be included.⁴⁷
44. A vulnerable witness suite with four video rooms will be provided to allow witnesses to be recorded and give evidence without being in the courtroom. Other specialist court support areas will include offices for self represented litigants and a court volunteer dayroom.⁴⁸

³⁹ Joint DJAG and DPW Correspondence, p 17

⁴⁰ Correspondence from Ms R Hunter, Director-General, DJAG, to PAPWC dated 6 November 2009: 17

⁴¹ Submission 4: 46

⁴² Submission 4: 12

⁴³ Submission 4: 12

⁴⁴ Submission 4: 13

⁴⁵ Submission 4: 14

⁴⁶ Submission 4: 12

⁴⁷ Submission 4: 12

⁴⁸ Submission 4: 13

45. Sixty-eight judges chambers will be provided over four floors, including associates rooms, secretarial support areas and conference/meeting rooms and public waiting/reception areas. Other functions, such as bailiffs, court administration, information technology support and security, will have accommodation provided for within the building. A number of small media rooms will also be located throughout the building.⁴⁹
46. Legal Aid Queensland highlighted to the committee that the continued provision of a Public Defender's Room in the new complex was vital to their organisation in the delivery of legal services to their legally-aided clients.⁵⁰ The committee was advised that Legal Aid will be provided with a large day room in the building. There will also be a room for the director of prosecutions and private practitioners to use in the building.⁵¹ The department confirmed that they have held discussions with the Criminal Law Committee of the Law Society and they signed off a plan that is satisfactory to them in regard to the rooms that will be available to them.⁵²

2.12 Toilets, showers and changing facilities

47. Separate staff and public toilets will be provided from ground floor to level ten in those areas where there is a direct interface between staff and public. The number of toilets provided is in accordance with code requirements based on the estimated number of public and staff on each floor. The cycle parking area will provide separate male and female showers and changing areas.⁵³
48. There will be toilets for persons with disabilities on basement two (staff and public), ground floor (staff and public), level one (staff), level two (staff, vulnerable witnesses and jurors), levels three to ten (public and staff), level 11 (staff), level 12 (staff and public) and level 13 to 16 (Judiciary, staff and public). Baby changing facilities will be provided within these facilities.⁵⁴
49. Disabled jurors will be accommodated for on all court floors. One criminal courtroom on each court floor will have an associated secure holding room with facilities for persons with disabilities.⁵⁵
50. Each judges chamber will have an ensuite toilet and basin. Heads of jurisdictions will also have showers in their ensuite. Four showers will be included on each floor for general use.⁵⁶
51. Each secure holding room within the detention area will have a toilet pedestal. Provision has been made for some secure holding rooms to have facilities for persons with disabilities. Two separate showers will be provided for detainees to use if taken into custody from the court. Change facilities and showers will also be provided for custodial officers.⁵⁷

2.13 Plant and related equipment

52. Proven currently available technologies will be incorporated into the building to meet the energy aims of the project.⁵⁸

⁴⁹ Submission 4: 12-14

⁵⁰ Submission 1: 1

⁵¹ Mr Robinson, Transcript, 13 February 2009: 5

⁵² Mr Robinson, Transcript, 13 February 2009: 6

⁵³ Submission 4: 15

⁵⁴ Submission 4: 15

⁵⁵ Submission 4: 15

⁵⁶ Submission 4: 15

⁵⁷ Submission 4: 15

⁵⁸ Submission 4: 17

2.13.1 Communications services

53. A wide range of communication systems will be installed throughout the complex. These systems include Telstra lead-in cables and a structured cabling system that will distribute voice, data, video, imaging and other information. Other systems include:
- Centralised CCTV recording;
 - Computer generated information display;
 - Data network equipment;
 - Digital court recording;
 - Electronic audio visual systems in courtrooms;
 - Free to air television;
 - Personal assistance alarms for disabled facilities;
 - Telephone services including telephone conferencing; and
 - 2-Way radio system.⁵⁹

2.13.2 Electrical services

54. The building will be equipped with advanced electrical engineering systems for power and lighting systems in order to meet the high operational demands of the BSCDC.⁶⁰
55. The power supply will consist of a seven transformer substation with cabling from the substation to the main switchboard which will be located adjacent to each other. The main switchboard will distribute essential and non-essential power. Standby generators will provide full emergency power for all essential services together with ventilation systems.⁶¹
56. A proven, dedicated, reliable and versatile programmable lighting control system, servicing all areas of the building, will utilise time limited lighting, movement sensors and day light sensitivity. Reduced energy costs will result from light dimming, switching and the use of occupancy sensors in appropriate areas.⁶²

2.13.3 Fire services

57. The BSCDC will have a dedicated Fire Control Centre located on the ground floor with access directly to the footpath and to inside the building foyer. The following fire and lift safety systems will be provided:
- Aspirated smoke detection system to sensitive areas such as the persons in custody area, rare books and primary file server room;
 - Automatic fire sprinklers, including a pre-action system in the persons in custody area and some minor drencher systems;
 - Automatic and manual fire alarm systems;
 - Emergency warning and intercommunication system;

⁵⁹ Submission 4: 19

⁶⁰ Submission 4: 18

⁶¹ Submission 4: 18

⁶² Submission 4: 19

- Fire extinguishers; and
- Gas suppression to the rare book room and the primary file server room.⁶³

2.13.4 Hydraulic services

58. The BSCDC will have a grade one water connection via the water service connections to the BCC water mains in Roma Street and George Street. Water meters will be provided at the boundary, cooling towers, detention area, hot water plant and irrigation supply.⁶⁴
59. All roof stormwater will be captured and stored for landscape watering and use in toilet cisterns. At roof level a water storage tank will provide back up water for the sprinkler system.⁶⁵
60. All stormwater downpipes shall either gravity or siphonically feed to the stormwater storage tank under the square with overflow to the BCC stormwater system in George Street. The public square/ground level surface water shall gravitate through to Gross Pollutant traps prior to discharging. Basement carpark drainage will flow through a gross pollutant/oil/sediment trap and pump to the stormwater connection. This will minimise the environmental impact on the BCC stormwater system.⁶⁶
61. Sanitary drainage from all levels above basement will independently gravity drain directly into the sewer in Herschel Street. Gravity sanitary drainage from the Basement Two level (primarily the detention area) will be adopted, then pumped from the basement pump station to the BCC sewer.⁶⁷
62. Solar hot water units will provide hot water offering long term energy savings.⁶⁸

2.13.5 Lift and escalator services

63. There will be seventeen lifts and no escalators in the BSCDC. Seven lifts will be provided for public use, four for jurors, three for the judiciary, two for moving persons in custody, and one for vulnerable witnesses. This design was selected as a result of the anticipated traffic loads and movement patterns throughout the building.⁶⁹

2.13.6 Mechanical services

64. The air conditioning, heating, smoke exhaust and ventilation mechanical services will provide both optimum energy efficiency and reliable operational building control. Air conditioning will be by a central chilled water system located in Basement Two with cooling towers located on the roof. These will provide chilled water to on floor air handling systems.⁷⁰
65. Each floor will be divided into perimeter and interior zones. Each courtroom will be provided with dedicated air handling units to allow the court units to be turned off when not in use. Heating will be provided by duct mounted electric elements. Underfloor air distribution and displacement air conditioning will be incorporated to achieve maximum energy savings.⁷¹

⁶³ Submission 4: 20-21

⁶⁴ Submission 4: 21

⁶⁵ Submission 4: 21

⁶⁶ Submission 4: 21

⁶⁷ Submission 4: 21

⁶⁸ Submission 4: 21

⁶⁹ Submission 4: 15

⁷⁰ Submission 4: 17

⁷¹ Submission 4: 18

66. All car parking, toilet and plant areas will be provided with mechanical ventilation systems to comply with code requirements.⁷²

2.13.7 Security services

67. All persons entering the BSCDC will be required to pass through electronic screening similar to that used at airports. Two x-ray machines and three magnetometers will be installed and this screening will be supplemented by hand held screening devices. A high level of video surveillance will be used in public areas and entrances. All cells will be under both electronic and visual surveillance.⁷³
68. Movement within the building will be by means of electronically controlled, swipe card operated doors. Other security features include separate vehicle entries for the custodial vehicles and judiciary, single point of entry for all pedestrians, and controlled pedestrian access to the detention facility.⁷⁴

3. Project Time Frames

69. The project time frames are detail in the table below⁷⁵:

Stage	Time
Prepare Client Design Brief	Completed
Design Competition, including review and recommendation of Preferred Design	Completed
Approval of Preferred Design and Project Implementation Plan	Completed
Preferred Design Concept and Project Brief Review Period including DJAG Sign-Off	Completed
CBRC and Executive Council Approval Process	Completed
Schematic Design and preparation of Managing Contractor Tender Documents	Completed
Managing Contractor Tender Process, including review, recommendation and approval	Completed
Stage 1 of Managing Contract, Developed Design including review and acceptance of the Developed Design	Completed
Early Site Works	Completed
Managing Contract Stage 2, Trade Package Documentation, Tendering and Construction	April 2009 to the target completion date, currently late December 2011

⁷² Submission 4: 17

⁷³ Submission 4: 18

⁷⁴ Submission 4: 18

⁷⁵ Correspondence from Ms R Hunter, Director-General, DJAG, to PAPWC dated 6 November 2009: 10

Committee comments

70. Construction on site commenced on 6 October 2008.⁷⁶ The Tower structure is scheduled for completion by the end for 2010 and the internal fit out will be undertaken progressively throughout late 2010 and 2011.⁷⁷ The committee is advised that there has been successful transitions through a number of critical phases including delivery of major air-conditioning and electrical transformer plant.⁷⁸
71. The committee is satisfied that the project construction is on target for scheduled completion date of December 2011.
72. The following photograph illustrates construction, viewed from the Roma Street end of the site, as at September 2010:



Source: Brisbane Supreme Court and District Court Bovis Lend Lease Project Update, Issue 4, October 2010

4. Terms of Reference

4.1 Purpose of the work

73. The purpose of the work is to provide the Supreme Court and District Court in Brisbane with purpose built accommodation to meet the future operational needs of the courts.⁷⁹

⁷⁶ Brisbane Supreme Court and District Court Bovis Lend Lease Project Update, Issue 1, November 2008: 2

⁷⁷ Brisbane Supreme Court and District Court Bovis Lend Lease Project Update, Issue 3, April 2010: 1

⁷⁸ Brisbane Supreme Court and District Court Bovis Lend Lease Project Update, Issue 4, October 2010: 1

⁷⁹ Submission 4: 25

74. The design objectives of the project included⁸⁰
- a) The building to be a major public building in the city of Brisbane, a focus for the legal precinct and reflect:
 - i. The importance of the administration of justice,
 - ii. Constitutional status of the Supreme Court, and
 - iii. Openness and accessibility of court proceedings,
 - b) To provide:
 - i. accommodation for the Supreme Court and District Court for a minimum of the next 30 years,
 - ii. separate circulation systems for the judiciary, the public, jurors and prisoners,
 - iii. high quality public space and work areas including court rooms and jury rooms with the maximum possible use of natural light,
 - iv. quality facilities for vulnerable witnesses,
 - v. highest standard of disability access,
 - vi. flexibility to cope with changing information technology and communication needs, and
 - vii. maximum possible safety and security for those who use the building,
 - c) To meet high standards of environmental sustainability, and
 - d) Provide value for money for both capital and whole of life building cost.
75. The building will be used exclusively by the Supreme Court and District Court for conducting court cases, providing judicial accommodation and the provision of accommodation for associated support functions.⁸¹

4.2 The necessity for, and the advisability of, the work

76. Currently, both the Supreme Court of Queensland and the District Court of Queensland operate from the Law Courts Complex at 304 George Street, Brisbane and are supplemented by additional courtrooms in Tank Street, Brisbane. The Supreme Court building is circa 1981 and the District Court building is circa 1970.⁸² The new building will replace this complex.
77. The department identified that the need for the new building arises because the existing buildings:
- are being fully utilised and cannot accommodate any further growth in courts;
 - cannot meet the standards of functionality and service required by the court and court users;
 - have major age related defects that cannot be cost-effectively rectified.⁸³
 - do not allow for cross-use of court rooms between the Supreme Court and the District Court due to movement of judges.⁸⁴

⁸⁰ Submission 4: Attachment 2, 88

⁸¹ Submission 4: 25

⁸² Submission 4: Brisbane Higher Courts Options Study 2005, Volume 1, 1 and 4

⁸³ Mr McKay, Transcript, 13 February 2009: 2

78. The department confirmed that the workload of both the Brisbane Supreme Court and Brisbane District Court has grown significantly in recent years and it is expected that it will continue to grow as the population of the State grows.⁸⁵ The committee was advised that a study conducted in 1997 by PricewaterhouseCoopers forecast a future growth rate of 2% for criminal matters and a 1% growth for civil matters and concluded an additional 45 to 50 courts would be required over the next 25 years.⁸⁶
79. Legal Aid Queensland, in their submission to the inquiry, confirmed that the current complex no longer meets the needs of court users and they believe that the new complex will deliver state of the art facilities for members of the public, victims of crime, witnesses, jurors and members of the legal fraternity.⁸⁷
80. The Queensland Law Society also supported the development of a new Supreme and District Court complex in Brisbane. They noted that the architectural design of the complex embodies the notion of open, accessible and transparent contemporary justice and they are of the opinion that the building will become an iconic centrepiece for Queensland's justice system.⁸⁸
81. The committee was advised that the nature of court operations in Australia has changed over the last ten years. There is now a greater emphasis on public accessibility and appropriate standards of accommodation for court users, including the general public, the legal profession, parties to cases, witnesses and jurors. There is also an increased reliance on information technology in the conduct of court cases and the number of large cases has increased. There has also been an increased emphasis on security in court operations.⁸⁹
82. There has been significant adaptation of the existing buildings to meet the changing court needs as identified above and the growth of the two courts. Changes include the conversion of administrative areas into a Court of Appeal, the re-organisation of large parts of the registry, the establishment of a jury assembly area in public waiting space, the construction of a vulnerable witness suite and the installation of IT cabling to various parts of the building. This adaptive approach is no longer feasible as such changes are inevitably compromises between the limits placed by the old and the needs of the new.⁹⁰
83. It will therefore be necessary to achieve further efficiencies in order to accommodate future court requirements. The 2004 DJAG Strategic Asset Plan identified that a major upgrade of the Brisbane Law Courts complex would be required to address identified deficiencies throughout the complex⁹¹ They advised that the design of the existing buildings makes it difficult to achieve further efficiencies of the joint use of all the courtrooms. These inefficiencies included security services, public accessibility, management of juries, movement of prisoners, movement of judges, filing of court documents, lack of mediation rooms and information technology.⁹²

⁸⁴ Mr Robinson, Transcript, 13 February 2009: 2

⁸⁵ Submission 4: 26

⁸⁶ Mr McKay, Transcript, 13 February 2009: 3

⁸⁷ Submission 1: 1

⁸⁸ Submission 3: 1

⁸⁹ Submission 4: 26

⁹⁰ Submission 4: 26

⁹¹ Submission 4: 28

⁹² Mr Robinson, Transcript, 13 February 2009: 2

84. The committee was advised that the combining of the Supreme Court and the District Court is unique to Queensland. In all other state capitals the two courts occupy separate buildings. The combination of the courts in one building provides better service to the public and provides significant operational efficiencies. The two courts have developed a joint administration and all non-judicial support services such as registry, jury administration, management of persons in custody, IT support and vulnerable witness support are combined, resulting in significant operational efficiencies. There are also advantages in capital expenditure.⁹³ The configuration of the new building will also enable the direct movement of judges and enable any courtroom to be used by any judge.⁹⁴
85. The committee was advised that major rectification and restoration works would be required to the façade and building services of the existing buildings should they continue to be occupied. Both existing buildings, which were built at different times in the 1970's and 1980's, have significant faults in the spoiling of concrete and rusting of supports. The department has expert advice that they can maintain the façade safely for the period that the court will occupy the buildings.⁹⁵
86. The committee was advised that the renovation costs of old buildings, especially specialist buildings like court buildings, is very high. The department advised that no definite plans have been made regarding the future use of the existing buildings. An economic analysis will be undertaken whether it is cost-effective to renovate the buildings or to demolish them.⁹⁶

4.2.1 Options Study

87. The Department of Justice and Attorney General commissioned Project Services (Department of Public Works) to undertake the Brisbane Higher Courts Option Study to identify, analyse and evaluate future accommodation needs for the Supreme and District Courts.⁹⁷
88. Options were to consider the renovation and refurbishment of the buildings on the existing site, as well as considering constructing a facility on a new site with particular reference to Queensland Place.⁹⁸
89. The seven options considered and evaluated in the Options Study were:
- a) Existing Site > "Best Fit" – Retain both Supreme and District Courts on their existing site with the necessary alterations to solve circulation, functional, security and amenity issues within the footprints of the existing buildings.
 - b) Existing Site > Extend, Modify and Refurbish – Retain both the Supreme and District Courts on the existing site with the necessary alterations to solve circulation, functional, security and amenity issues. The facility's capacity would be increased by adding two floors of light-weight construction enabling the forecast accommodation needs, including courtroom numbers and judicial chambers, to be achieved. This option involved some compromise in net functional area.

⁹³ Mr McKay, Transcript, 13 February 2009: 1

⁹⁴ Mr Robinson, Transcript, 13 February 2009: 2

⁹⁵ Mr Robinson, Transcript, 13 February 2009: 3

⁹⁶ Mr Robinson, Transcript, 13 February 2009: 3

⁹⁷ Submission 4: 28

⁹⁸ Submission 4: 29

- c) Existing Site > New and Refurbished Buildings – Demolish the existing District Court building and replacing it with a new, larger building, refurbishing the existing Supreme Court building, adding two levels to a portion of the existing Supreme Court building and making the necessary alterations to fully integrate the new and refurbished buildings.
- d) Split Jurisdictions (New Supreme Court Building) – Building of a new Supreme Court Building on the Queensland Place site. On its completion, the District Court would decant into the new building as temporary accommodation while the existing complex was refurbished. The existing buildings would be altered and refurbished for the District Court. The District Court would return to the refurbished Law Courts complex.
- e) New Site > Queensland Place – Construction of a purpose built facility to accommodate both the Supreme and District Courts and incorporating “best practice” principles, on the Queensland Place site.
- f) New Site > Corner of Turbot and George Streets – Construction of a purpose built facility to accommodate both the Supreme and District Courts and incorporating “best practice” principles, on the vacant site on the corner of Turbot and George Streets.
- g) Split Jurisdictions (New District Court Building) – Building of a new District Court building on the Queensland Place site. On its completion, the Supreme Court would decant into the new building as temporary accommodation while the existing Supreme Court building was refurbished and the existing District Court building would be demolished. The Supreme Court would return to the refurbished Supreme Court building.⁹⁹

4.2.2 Selected Option

- 90. The options study assessed all options against 14 weighted criteria and the option of a new building adjacent to the Magistrates Court was ranked the highest.¹⁰⁰
- 91. The single new building on a new site was preferred, as without major modification and expansion, the existing buildings could not provide sufficient future space. To enlarge and renovate the existing buildings would require the rental and construction of substantial temporary premises and the movement of court operations to those premises. The construction of suitable temporary premises would be both logistically difficult and cost prohibitive. In effect, it would be necessary to construct two court buildings: the temporary building and the refurbished/expanded building. As a result, the expansion and modification of the existing premises would be at a higher cost than a totally new building with a substantial proportion of that cost being “wasted” on temporary accommodation.¹⁰¹
- 92. The new building has been designed with a forecasted future growth in demand for courts over the next 25 years. This range may be influenced in the future by elements outside the control of the courts, for example, approaches to mediation and dispute resolution, changes in legislation, court jurisdiction and changes in the manner in which the legal profession operate.¹⁰²

⁹⁹ Submission 4: 30-31

¹⁰⁰ Submission 4: 31

¹⁰¹ Submission 4: 31

¹⁰² Mr McKay, Transcript, 13 February 2009: 3

93. The then Minister for Public Works, Housing and Information and Communication Technology and the then Deputy Premier agreed with the selection of this option, with the inclusion of the public square on the remaining land. This option was also supported by the then Premier in December 2006.¹⁰³
94. The committee was advised that at all stages of the project the judiciary from both the Supreme Court and District were closely involved and were highly supportive of the project. The Chief Justice of Queensland championed the project from the beginning and provided strong advocacy for a building befitting the importance of the Supreme Court and identified the 150th anniversary of the Supreme Court in 2011 as an opportunity to deliver a new building.¹⁰⁴

Committee comments

95. The committee considers that the work is necessary.

4.3 The suitability of the work for its purpose

4.3.1 Location

96. The BSCDC building will be located within the legal precinct area in the Brisbane Central Business District. This area is bounded by George Street, the Brisbane River, Queen Street and Herschel Street and contains the key buildings of the BMC, the Central Courts Building and the Commonwealth Courts. Legal practitioners are strongly represented with chambers in the surrounding buildings (for example, Inns of Court and the Hitachi Building) and potential chambers in new buildings under construction in George and Turbot Streets.¹⁰⁵
97. The BSCDC project completes the proposed integrated courts development within the 'Queensland Place Precinct'. The 'Queensland Place Precinct' consists of Queensland Place bounded by George, Turbot and Roma Streets, vacant land on the northern side of Roma Street adjoining the Transit Centre, Roma Street Forum and air-rights over the railway to the Roma Street Parkland. Queensland Place includes the existing BMC building at its eastern end which is owned by DJAG and the remaining vacant land owned by DPW and due to be transferred to DJAG.¹⁰⁶
98. The site selected is close to major public transport hubs and commercially operated parking stations.¹⁰⁷

¹⁰³ Submission 4: 31

¹⁰⁴ Mr McKay, Transcript, 13 February 2009: 2

¹⁰⁵ Submission 4: 32

¹⁰⁶ Submission 4: 36

¹⁰⁷ Submission 4: 32

99. The following illustrates the proposed site plan for the project as at January 2009:



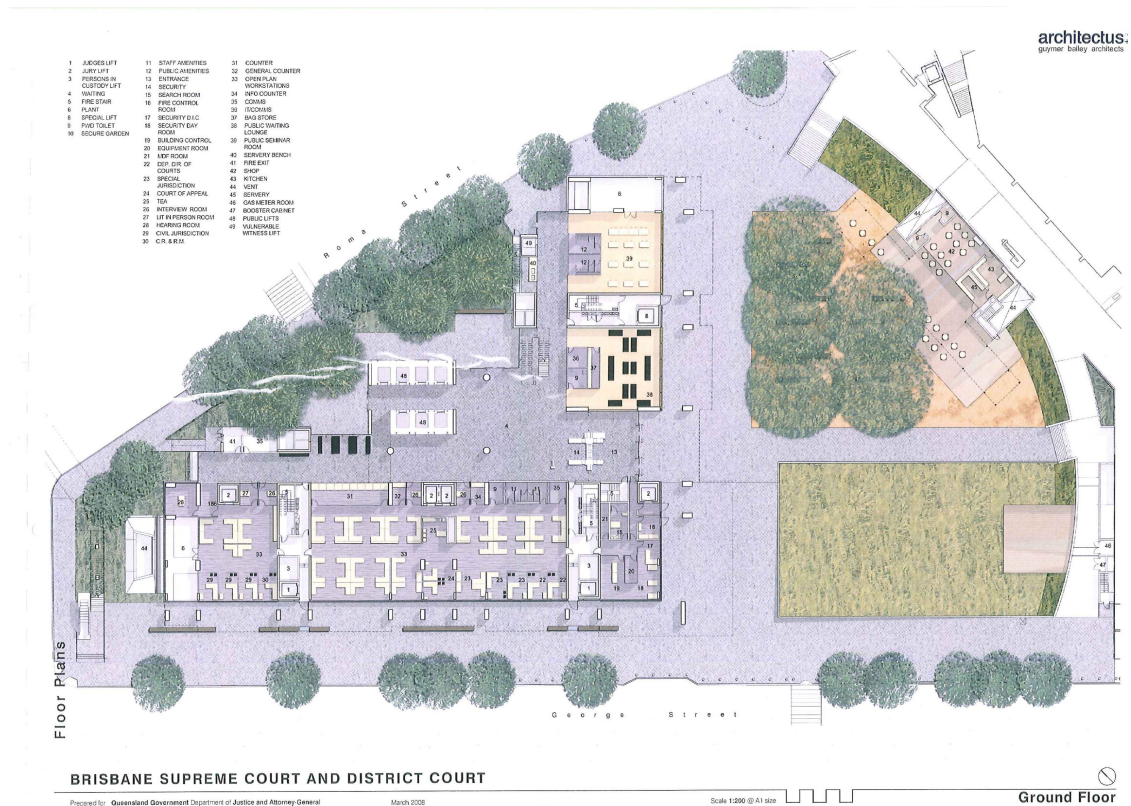
Source: DJAG and DPW Submission, Volume 2, January 2009

100. The following photograph illustrates the site prior to commencement of construction in September 2008:



Source: Brisbane Supreme Court and District Court Bovis Lend Lease Project Update, Issue 4, October 2010

101. The following illustrates the ground floor plan and the buildings' situation on the site.



Source: DJAG and DPW Submission, Volume 2, January 2009

4.3.2 Size

102. The size of the building is the result of the brief prepared by DJAG following consultation with the judiciary and user groups, together with the statutory requirements of service areas such as lifts, fire escapes and toilets.¹⁰⁸ Initially, there will be 39 courtrooms in the building.¹⁰⁹
103. The building will have a net total floor area of approximately 38,683m².¹¹⁰ This increase over the competition design brief net area of 28,894m² is principally due to the inherent strategy in the winning design of increased public space.¹¹¹ One of the significant features of this design is the single-sided public space being an important element of this building to let in natural light.¹¹²
104. The committee was advised that there are principally three reasons why there was increase in floor area:
- in formulating a design brief, you have the net areas of the building which are just principally the rooms. To make up a gross floor area, you add the factors of plant room and circulation. The higher figure includes a factor of circulation in the public space that the previous area did not.

¹⁰⁸ Submission 4: 32

¹⁰⁹ Correspondence from Ms R Hunter, Director-General, DJAG, to PAPWC dated 6 November 2009: 5

¹¹⁰ Submission 4: 11

¹¹¹ Submission 4: 11

¹¹² Mr Bennett, Transcript, 13 February 2009: 4

- the library area of the building needed to increase significantly because of DDA requirements where the height of shelving had to be lowered from six shelves high down to an accessible height which has virtually doubled the area of library floor required.
- There is some increase in the car parking area due to driveways, but principally the area is in the public space.¹¹³

4.3.3 Design

105. The design of the building was awarded to Architectus Brisbane following a review of three submissions from local architects. The key elements of the winning competition design included the use of the site, the shape and exterior design of the building and the use of natural light.¹¹⁴
106. The building shape incorporates two wings to provide separation between criminal and civil courts. The design of the public square allows future completion of the pedestrian and cycle link from the Kurilpa Bridge to the future pedestrian traffic link proposed over Roma Street to the Roma Street Parkland.¹¹⁵

4.3.4 Accommodation of groups with special needs

107. Vulnerable witnesses (principally child witnesses) will be provided with a completely separate entrance, a dedicated lift and a specific area within a private wing of the building for their exclusive use. The vulnerable witness area will have six interview rooms with audiovisual facilities.¹¹⁶ Four of those rooms will be equipped for child witnesses to give evidence by means of closed circuit television.¹¹⁷
108. There will be small ante rooms ('cuddle rooms') available for the children and their carer. There will also be three lounges for support people, a dedicated room for the Protect All Children Today organisation, who supports all child witnesses in the courthouse, and a dedicated kitchenette.¹¹⁸
109. No crèche is available within the building, however, a separate parent's room will be provided to allow children to be cared for away from general public areas.¹¹⁹
110. The courts have recently developed services for persons attending courts without legal representation. Offices and interview rooms will be provided for these services.¹²⁰ Self-represented litigants will also have a private specialist room, for their use, located on the ground floor. The room will be equipped with computer and photocopying facilities.¹²¹

4.3.5 Vehicular and pedestrian access

111. Sufficient car parking will be provided for the maximum number of departmental, judicial, service, custodial and specialist police vehicles expected to be on the site at any time. Externally, there will be on street lay-bys for QCS vehicles and police vehicles.¹²²

¹¹³ Mr Bennett, Transcript, 13 February 2009: 4

¹¹⁴ Submission 4: 32

¹¹⁵ Submission 4: 33

¹¹⁶ Mr Robinson, Transcript, 13 February 2009: 4

¹¹⁷ Submission 4: 34

¹¹⁸ Mr Robinson, Transcript, 13 February 2009: 4

¹¹⁹ Submission 4: 34

¹²⁰ Submission 4: 34

¹²¹ Mr Robinson, Transcript, 13 February 2009: 4

¹²² Submission 4: 35

112. Short term passenger set down areas will be provided in Roma Street. The BCC currently has designated parking for persons with disabilities in George Street. This may change in the future as BCC finalises its traffic management strategies for George Street.¹²³

113. Public access to the building will be via the public entrance on the ground floor on the square.

4.3.6 Disability access

114. The current statutory requirements for disability access have been incorporated into the planning. To ensure full compliance, an access consultant has been commissioned to advise on all aspects of the requirements.¹²⁴

115. If, in the future, replanning of traffic flows in George Street prevent drop off of passengers in front of the building, access can be provided from a drop off on the Roma Street side of the building within the north-east corner of the public square.¹²⁵

116. The committee was advised that care has been taken to ensure that the footpath gradient from the footpath areas to the front of the building is in accordance with equitable access requirements.¹²⁶

4.3.7 Fire protection

117. The building has been designed to meet the requirements of the Building Code of Australia. All fire protection requirements are being coordinated by the consulting building surveyor, fire engineer and the Queensland Fire and Rescue Service.¹²⁷

4.3.8 Maintainability

118. Internal and external finishes will be selected for their robustness, suitability, ease of cleaning and resistance to vandalism. Equipment which provides essential building services, such as air conditioning and lifts, have been specified for quality of performance and ease of maintenance.¹²⁸

4.3.9 Occupational health and safety

119. The current requirements for ensuring a safe working environment are being implemented globally in services areas such as amenities and air-conditioning and specifically in areas such as lighting and control of glare in the office environment.¹²⁹

120. An occupational plan has been prepared and includes a period of venting of the building before occupation to allow for 'off-gassing' which may occur from adhesives, paints, carpets and soft finishes. The tender specifications for furniture also specify for materials which have low volatile organic compound (VOC) emissions.¹³⁰

4.3.10 Prevention of self-harm and deaths in custody

121. QCS has been extensively involved in the design process with the architects and the managing contractor. All custodial areas have been designed to prevent people from inflicting self harm. All cells will have continuous CCTV monitoring.¹³¹

¹²³ Submission 4: 35

¹²⁴ Submission 4: 33

¹²⁵ Submission 4: 33

¹²⁶ Submission 4: 35

¹²⁷ Submission 4: 34

¹²⁸ Submission 4: 35

¹²⁹ Submission 4: 34

¹³⁰ Submission 4: 34

¹³¹ Submission 4: 33

122. Whilst the majority of the secure holding areas have no external views, provision has been made for some secure holding rooms to have visual access to sky lit areas, with green planted walls, to enable a psychological connection to the exterior. It should be noted that the holding facility will not be used for holding persons overnight.¹³²

4.3.11 Security

123. The BSCDC building will have multi-layered security in the form of:

- a) Layer 1 – the basic design has limited and segregated accesses,
- b) Layer 2 – the electronic scanning of all persons entering the building,
- c) Layer 3 – the discrete circulations for public, judiciary, jurors and persons in custody, and
- d) Layer 4 – the electronic surveillance of public spaces and the detention facility.¹³³

124. Security management within the new complex will enable efficiency gains to be made due to the reduced number of entrances. The same number of security staff will be able to provide a higher level of security even though the new building is significantly larger in size.¹³⁴

4.3.12 Flexibility of internal reconfiguration of spaces

125. Within the major office areas, hard walled rooms will be kept to a minimum and an open plan, using workstations will be used wherever possible.¹³⁵

126. On the court floors, there will be a raised floor in the courtrooms allowing for flexibility and accommodating any future operation revision, for example, relocation of witnesses or bar tables.¹³⁶

127. Floor 10 will initially be fitted out for office functions and mediation rooms. However, this floor has been designed to allow for conversion to courtrooms at a future date.¹³⁷

128. Due to design constraints, it was not possible to incorporate the ability to alter the size of courtrooms. These design constraints included:

- the need to provide secure access for judges, persons in custody and jurors;
- the requirement to provide disability access;
- fire safety requirements;
- essential soundproofing requirements; and
- preferable large span structural considerations for courtrooms.¹³⁸

¹³² Submission 4: 34

¹³³ Submission 4: 33

¹³⁴ Mr Robinson, Transcript, 13 February 2009: 2

¹³⁵ Submission 4: 35

¹³⁶ Submission 4: 35

¹³⁷ Submission 4: 35

¹³⁸ Submission 4: 35

4.3.13 Consideration to future development of the building and site

129. The BSCDC project will complete the proposed integrated courts development within the Queensland Place Precinct.
130. It is unlikely that the size of the building could be increased in the future. However, floors have been designed to allow both the clerical and court aspects to be increased in the short to medium term, with the ultimate intention of that floors can be adjusted to be utilised as courts when the workload demands.¹³⁹

Committee comments

131. The committee considers that the work will be suitable for its purpose.

4.4 The cost, recurrent costs, revenue and value for money of the work

4.4.1 Project cost

132. The project will cost \$600 million (excluding GST and land transfer costs). It is being funded as part of the State Budgets for DJAG.¹⁴⁰
133. DJAG and DPW have advised that at this point in time they are unable to release detailed budget information for the BSCDC project due to commercial-in-confidence reasons. The reasons cited by department for this request was the fact that whilst the main contract had been awarded, there are further and significant trade packages which fall under the main contract which are yet to be let. The state will very likely continue to be engaged in contractual negotiations, including the pricing of variations, with the contractor until near completion of the project.¹⁴¹
134. The contract is a fixed lump sum fee and a guaranteed construction sum and therefore is not subject to adjustment for cost escalation (ie rise and fall). If construction costs escalate beyond the guaranteed construction sum allowances, there is no risk of additional costs. If costs do not escalate above the accepted allowances, the savings are returned to the client through the construction bonus (share of savings) provisions.¹⁴²

4.4.2 Recurrent costs

135. An indicative assessment of the operational and maintenance costs based on the current schematic design for the BSCDC building are estimated at:¹⁴³
- Operational costs – \$2.950 million per annum
 - Maintenance costs – \$1.680 million per annum
136. Estimated operational costs are for cleaning, electricity, local government charges and security services. Maintenance costs are primarily for statutory maintenance.¹⁴⁴

¹³⁹ Submission 4: 36

¹⁴⁰ Submission 4: 38

¹⁴¹ Correspondence from Mr P Clarke, Acting Director-General, DJAG, to PAPWC, dated 19 January 2010: 1

¹⁴² Correspondence from Ms R Hunter, Director-General, DJAG, to PAPWC dated 6 November 2009: 15

¹⁴³ Submission 4: 38

¹⁴⁴ Submission 4: 38

137. The final detailed assessment of recurrent operational and maintenance costs will be completed when service inclusions within the building are concluded and detailed documentation is finalised.¹⁴⁵
138. The recurrent operating costs of the BSCDC building will be met by DJAG through a combination of:
- a) operating costs saved when the department vacates the existing Law Courts Complex buildings,
 - b) rental and operating costs saved when the department vacates the leased Tank Street premises; and
 - c) new recurrent budget funding for the balance of costs.¹⁴⁶
139. Comparisons of recurrent costs with other buildings is difficult because of the unique design of courthouses, the high level of electronic security in the building and other significant variations such as climatic factors.¹⁴⁷
140. Recurrent costs for building maintenance and energy usage are expected to be comparatively low given the selection of low maintenance materials/finishes and the energy saving initiatives which have been incorporated into the design to achieve the targeted 4.5 NABERS rating and 5 star environmentally sustainable design rating. Some recurrent operating costs (eg, cleaning and lift maintenance) will be comparable to other buildings on a unit basis.¹⁴⁸

4.4.3 Revenue

141. The BSCDC building complex will provide only minimal revenue, which will come from the tenants of the small coffee shop on the ground floor of the building and the tenants of the full service café in the public square.¹⁴⁹

4.4.4 Value for money

142. The following table shows the comparative construction costs for the new Brisbane Supreme Court and District Court building and other court buildings. Costs have been indexed to June 2008 and presented as a construction cost rate per m² of Gross Floor Area.¹⁵⁰

Brisbane Magistrates Courts	\$4,321/m ²
Ipswich Courthouse*	\$4,441/m ²
Brisbane Supreme Court and District Court	\$4,945/m ²

* Note: Ipswich Courthouse building is 5 levels.

143. The BSCDC comparable cost is higher than the other court buildings because of the building's status as the major court building in the State and the resulting high standard of finish required, the complexity created by specialist functions such as the Supreme Court Library, jury accommodation and circulation and a higher level of audio visual services.¹⁵¹

¹⁴⁵ Correspondence from Ms R Hunter, Director-General, DJAG, to PAPWC dated 6 November 2009: 15

¹⁴⁶ Correspondence from Ms R Hunter, Director-General, DJAG, to PAPWC dated 6 November 2009: 16

¹⁴⁷ Submission 4: 43

¹⁴⁸ Submission 4: 43

¹⁴⁹ Correspondence from Mr G Robinson, Director Property Services, DJAG, to PAPWC dated 16 February 2010: 1

¹⁵⁰ Submission 4: 43

¹⁵¹ Submission 4: 43

144. The Department has taken steps to ensure that value for money has and will continue to be achieved. These include:

- Commissioning external planning and costing consultants to assist with initial project feasibility and cost studies which set the project parameters including project facilities/brief, size and budget;
- The design competition submission criteria including a detailed costing of each design to confirm compliance with budget requirements;
- Further detailed cost checks on the accepted design. A cost monitoring and value review process has been employed during the Concept Refinement and Schematic Design stages prior to the acceptance of a Managing Contractor upon completion of the Schematic Design stage. During these stages, formal Value Management workshops were held involving all members of the project team, including appropriate DJAG officers;
- The Managing Contractor tender selection being based on price and non-price selection criteria of various weightings. A tender weighting of 40% was used for the non-price criteria 'Project Methodology to Achieve Maximum Value for Money Outcomes';
- The selection of a Managing Contractor Stage One with option of Stage Two form of contract which required the Managing Contractor to prepare an acceptable Guaranteed Construction Sum (GCS) and GCS Project brief before Stage Two could be accepted;
- The Managing Contractor performing detailed regular cost monitoring which is audited by the Principal's Consultant Audit Quantity Surveyor;
- The Managing Contractor having conducted formal Value Engineering and Relationship workshops during the Developed Design stage and continuing to conduct these during the Documentation/Construction Stages involving all members of the project team including sub-contractors. Extensive Value Engineering of all aspects of the project's design and construction has occurred; and
- A Materials Analysis (Life Cycle Costing) Study being carried out by the project team during the Developed Design Stage. This study includes a systematic review of all materials proposed, life cycle costing and maintenance analysis. The resultant Materials Analysis Study Report will be included in the Managing Contractors Developed Design submission.¹⁵²

145. Other key measures to ensure ongoing value for money include:

- Ongoing reviews of services design and equipment selection by independent auditors who provide comment to the client for mechanical, electrical security and environmentally sustainable design (ESD) provisions;
- DPW (Project Services) reviewing documents and providing advice to the client on maintenance issues in relation to building's design and on materials selections;
- The project having an environmental ratings tool with accepted targets to be achieved. The Managing Contractor is required to ensure these targets are achieved. Benchmarking will ensure an appropriate standard of recurrent cost expenditure is achieved for many key recurrent cost targets (eg energy consumption); and

¹⁵² Submission 4: 38-39

- Continued monitoring of trade package documentation to ensure that tender specifications match the GCS offer standards.¹⁵³
146. The committee was advised that ongoing trade letting process further ensures competitive trade tendering will continue to provide value for money outcomes and the opportunity to achieve further savings.¹⁵⁴
147. During the project's design process the whole-of-life costs implications are being reviewed. The project Design Brief nominates a design life of at least 50 years and requires materials and services to be selected and designed to minimize maintenance costs over the design life of the building.¹⁵⁵
148. The selection and review processes chosen by the project team will ensure operational and maintenance costs are minimised and provide value for money through the employment of various strategies including ESD initiatives to achieve energy efficiencies, the ability to programme and manage building services and the selection of low maintenance materials and finishes.¹⁵⁶
149. The project will support current government objectives which include:
- a) Creating a diverse economy powered by bright ideas – encouraging innovation in the construction industry to meet nationally sustainable benchmarks;
 - b) Protecting our lifestyle and environment – improving building sustainability and reduce greenhouse gas emissions through targeting Australian best practice benchmarks in NABERS and Green Star ratings. The project will incorporate a minimum 5 star sustainability rating as measured against the project's rating tool and a 4.5 NABERS energy efficiency rating for office areas of the building;
 - c) Delivering world class education and training – providing apprenticeships and training opportunities in the construction industry and developing, in addition to the 10% training guarantee, a project specific indigenous training initiative for incorporation when construction of Stage Two is approved;
 - d) Making Queenslanders Australia's healthiest people – encouraging alternative transport methods through the inclusion of cycle storage and end of trip facilities for staff and the provision of cycle racks for visitors and providing some persons in custody detention areas with access to natural light and vision to outside planting screens; and
 - e) Supporting safe and caring communities – specific design inclusions have been included in the BSCDC project. These include consideration of the particular needs of distressed witnesses, provision of parenting rooms with family friendly facilities, major public space amenity and a publicly accessible seminar space on the ground floor.¹⁵⁷

¹⁵³ Correspondence from Ms R Hunter, Director-General, DJAG, to PAPWC dated 6 November 2009: 16

¹⁵⁴ Correspondence from Ms R Hunter, Director-General, DJAG, to PAPWC dated 6 November 2009: 16

¹⁵⁵ Submission 4: 39

¹⁵⁶ Submission 4: 40

¹⁵⁷ Submission 4: 41-42

Committee comments

150. The committee agrees that the detailed budget information should remain commercial-in-confidence until completion of the project.
151. The committee is satisfied that the department is taking all steps necessary to ensure that the project will provide value for money.

Recommendation 1

The committee recommends that upon completion of the Brisbane Supreme Court and District Court building, the Department of Justice and Attorney-General table in the Parliament a detailed schedule providing actual and budgeted costs for the BSCDC project.

4.5 The impact of the work on the community, economy and environment

152. When investigating public works, the committee believes it is essential to listen to the views of end users, as well as those held by people and organisations either affected by or with an interest in a particular project.

4.5.1 Community

153. The site had been designated under the *Integrated Planning Act 1997* for community infrastructure. Details of the project were advertised in the local press in order to inform the community of the site proposal and to provide an opportunity to comment. An Impact Assessment Study (IAS) Report, Project Design Report and schematic design drawings were available for public review at DPW and BCC.¹⁵⁸
154. Submissions were received from BCC and Queensland Transport with all issues raised being resolved to the satisfaction of the BCC, DPW and DJAG. Some matters remain ongoing with the BCC (for example, final footpath design) and regular meetings are in place to resolve these matters.¹⁵⁹
155. The Managing Contractor has produced a community consultation document for the construction period of the project. The Managing Contractor together with representatives from DJAG, DPW Project Services form the Community Communications Committee and meet monthly to review community and promotional issues.¹⁶⁰
156. The Chief Justice and other members of the judiciary from the Supreme Court and District Court have been closely involved in all stages of the project, (examination of options through to the development of requirements and the selection and development of the design) and are highly supportive of the project.¹⁶¹

¹⁵⁸ Submission 4: 44

¹⁵⁹ Submission 4: 44

¹⁶⁰ Submission 4: 44

¹⁶¹ Mr McKay, Transcript, 13 February 2009: 2

157. The committee has been advised that the community response to the building has been positive and no community concerns have been expressed. It was also advised that the Chief Justice intends that the building will be able to be used for public functions principally related to the legal system – eg public lectures and exhibitions and this has been taken into consideration in the design.¹⁶²

4.5.2 Catering facilities

158. The committee received a submission from the directors of Court Terrace Restaurant and Catering Pty Ltd who have operated the catering and café facilities in the existing court facilities at 304 George Street for the past 25 years. They considered that the design of the facilities does not provide sufficiently for the requirements of the community and occupants due to there being no internal catering provisions.¹⁶³

159. They considered that the existence of commercial kitchen facilities within the court complex to be crucial to timely and cost-effective provision of catering services to the legal fraternity, the general public and jurors.¹⁶⁴

160. The committee queried what provision had been made for food catering in the building and was advised that at a very early stage of working out the requirements with the judges it was decided that a full restaurant capacity in the building was not necessary nor justified on the basis that the area had a large number of commercial food outlets and there was a café outside the Magistrates Court. They advised that there were also difficulties in keeping a functioning commercial enterprise inside the secure environment of a court building.¹⁶⁵

161. They advised that the existing restaurant in the Supreme Court was created when juries were locked up for long periods and one of the main functions of the restaurant and kitchen was to supply jurors with lunch and dinner. Courts have moved away from this and jurors now receive a lunch allowance and are able to go out themselves.¹⁶⁶ The provision of the café/restaurant within the court precinct is now more of a convenience for court users than a necessity for court operations.¹⁶⁷

162. In developing the brief for the building, it was therefore decided, in conjunction with the judiciary, that a café within the building was not essential to the operation of the courts. The competition design brief mentioned the provision of a café but it was not rated as mandatory, highly desirable or desirable. It was left to the architects in their design submission and the design process after the design competition to finalise. It was stated in the design brief that some method of moving food to the jury assembly floor without going through public areas was desirable.¹⁶⁸

¹⁶² Submission 4: 44

¹⁶³ Submission 2: 3

¹⁶⁴ Submission 2: 3

¹⁶⁵ Mr Robinson, Transcript, 13 February 2009: 6

¹⁶⁶ Mr Robinson, Transcript, 13 February 2009: 6

¹⁶⁷ Correspondence from Mr G Robinson, Director Property Services, DJAG to PAPWC dated 18 November 2009: 1

¹⁶⁸ Correspondence from Mr G Robinson, Director Property Services, DJAG to PAPWC dated 18 November 2009: 1

163. As part of the design process a study was commissioned of the commercial potential of the square. This study concluded that because of the proliferation of commercial outlets adjacent to the court in George and Tank Streets and the existing Magistrates Court café there would be intense commercial competition for any business. Therefore the square either needed a number of outlets to generate activity or one simple café outlet. It was decided by the architects and representatives of the of DJAG and DPW on the design committee that a single outlet in the square was preferred and that this, in conjunction with a small coffee outlet and seating area inside the building would be sufficient to meet the needs of court users.¹⁶⁹ The operation of the coffee point and the café will be put out to tender. However, it is likely that the internal coffee point and the external café will be tendered as one operation.¹⁷⁰
164. The proposed café will have an approximate area of 200m² and will be a stand alone building containing only the café. Whilst ultimately the seating capacity of the business will be a decision of the lessee it is expected that it will accommodate approx 50 people inside and 100 people outside. The hours of operation and whether it caters for functions will be a decision for the lessee.¹⁷¹ It is expected that the facility will provide lease income to the department of approximately \$100,000pa. However, this is dependant on the final degree of fitout decided upon.¹⁷²
165. The committee was advised that the department will call for expressions of interest for an operator of these facilities. The existing operators will be given an opportunity to compete for this business on a commercial basis.¹⁷³
166. Catering for jury lunches will be provided by external caterers and provision is contained in the building for moving food brought into the building by caterers vehicles from the service area in the basement by lift to the jury areas without moving through public areas. These arrangements were agreed to by the judiciary design advisory group.¹⁷⁴
167. The committee queried what consultation had taken place with both the current tenants and users of existing catering facilities of the Supreme Court building. The committee was advised that in the consultation process the judges have not required catering facilities as part of running a courthouse but did require a permanent coffee facility. The committee was advised that there is no agreed model regarding the necessity of having full catering services within court buildings.¹⁷⁵
168. Court Terrace Restaurant and Catering Pty Ltd subsequently advised the committee that there was no consultation with them whatsoever.¹⁷⁶

4.5.3 Economy

169. It is anticipated that the expenditure on this project will generate approximately 244,000 person weeks of employment with the majority being provided locally. Peak site employment is expected during Stage Two.¹⁷⁷

¹⁶⁹ Correspondence from Mr G Robinson, Director Property Services, DJAG to PAPWC dated 18 November 2009: 1

¹⁷⁰ Correspondence from Mr G Robinson, Director Property Services, DJAG to PAPWC dated 16 February 2010: 1

¹⁷¹ Correspondence from Mr G Robinson, Director Property Services, DJAG to PAPWC dated 16 February 2010: 1

¹⁷² Correspondence from Mr G Robinson, Director Property Services, DJAG to PAPWC dated 16 February 2010: 1

¹⁷³ Mr Robinson, Transcript, 13 February 2009: 7

¹⁷⁴ Correspondence from Mr G Robinson, Director Property Services, DJAG to PAPWC dated 18 November 2009: 1

¹⁷⁵ Mr Robinson, Transcript, 13 February 2009: 6-7

¹⁷⁶ Correspondence from Mr G Jones, Director, Court Terrace Restaurant and Catering Pty Ltd to PAPWC dated 5 October 2009: 2

¹⁷⁷ Submission 4: 46

170. The bulk of the raw building materials for the project will be sourced locally, as will manufactured items and equipment where possible. Queensland industries, however, do not manufacture much of the equipment associated with lift machinery, chillers, emergency generators and high performance glass facades.¹⁷⁸
171. The Managing Contractor has prepared the final BSCDC Local Industry Policy (LIP) Plan having regard to the draft plan from Industry Capability Network (ICN) consultants.¹⁷⁹
172. The resources of ICN were utilised by the Managing Contractor to identify those Queensland and Australian companies able to supply goods and services required for the building to ensure those companies had and have the opportunity to tender. In most instances, local and national subcontractors have been successful.¹⁸⁰
173. The BSCDC Managing Contractor contract conditions include a requirement for the Managing Contractor to comply with the 10% trainee policy. A report on training hours being achieved is tabled by the Managing Contractor at the monthly Project Advisory Group meeting.¹⁸¹
174. The BSCDC project team developed an indigenous training policy specifically for this project. The Department of Employment and Industrial Relations (DEIR) and DPW Project Services are involved with the Managing Contractor to facilitate the opportunity to create training opportunities for indigenous youth during the construction period.¹⁸²

4.5.4 Environment

175. The Impact Assessment Study (IAS) report incorporated investigations on environmental issues including Legislation, Building and Urban Design Considerations, Site Contamination, Air Quality, Water Quality, Noise, Waste Management, Energy Efficiency, Flora and Fauna, Infrastructure (including road/traffic) and Construction.¹⁸³
176. The Final Assessment Report indicated that potentially adverse impacts of the development could be avoided or mitigated and that the BSCDC would overwhelmingly have a favourable impact on the site and its surrounds.¹⁸⁴
177. The following table outlines some of the significant environmental issues, potential impacts and mitigation measures raised in the Final Assessment Report and the current status of these issues:¹⁸⁵

Issue	Potential Impacts/Risk	Mitigation/Status
Environmentally Sustainable Design	<ul style="list-style-type: none"> ▪ Increased operational costs due to inefficient energy usage 	<ul style="list-style-type: none"> ▪ Design brief required the facility to achieve a 4.5 star NABERS (previously ABGR) energy rating. ▪ ESD consultants were included in design team. ▪ Continual review of ESD during design process. ▪ Through implementation of numerous design features including building orientation, façade sun shading, and energy efficient building services, the current design aims to achieve the targeted Green Star rating.

¹⁷⁸ Submission 4: 46

¹⁷⁹ Submission 4: 45

¹⁸⁰ Submission 4: 45

¹⁸¹ Submission 4: 45

¹⁸² Submission 4: 45

¹⁸³ Submission 4: 47

¹⁸⁴ Submission 4: 47

¹⁸⁵ Submission 4: 47-49

Issue	Potential Impacts/Risk	Mitigation/Status
Visual Design	<ul style="list-style-type: none"> ▪ Visual impact of building, given status of building and site's prominence 	<ul style="list-style-type: none"> ▪ A striking contemporary design; the result of a design competition, with short-listed submissions from three of Queensland's leading architectural firms.
Urban Design	<ul style="list-style-type: none"> ▪ Urban impact of major new CBD facility 	<ul style="list-style-type: none"> ▪ Ensuring design complies with BCC urban design requirements and good design practices. ▪ Detailed reviews have been carried out by architectural, town planning/urban design, landscaping, traffic and wind consultants to ensure compliance. ▪ Significant consultation and formal submissions to BCC has occurred. ▪ Formal BCC approval on all urban planning issues through the Community Infrastructure Designation process has been obtained.
Traffic and Parking	<ul style="list-style-type: none"> ▪ On-street parking potential for vehicle site access to conflict with traffic in Turbot Street. ▪ Unknown future street parking in George Street 	<ul style="list-style-type: none"> ▪ Further traffic engineering reviews carried out on capacity of existing slip lane on western side of Turbot Street incorporated into BSCDC design/work to address potential conflict. ▪ All traffic/parking changes to Turbot, Roma and George Streets incorporated into BSCDC work approved by BCC. ▪ Future George Street traffic outcomes are difficult to design for at this time.
Site Contamination	<ul style="list-style-type: none"> ▪ Initial geotechnical investigations indicated site was contaminated by previous use and backfilling with building rubble, potential for some construction delays and associated costs 	<ul style="list-style-type: none"> ▪ Extensive site geotechnical and contamination investigations carried out. ▪ Reports included in Managing Contractor tender documentation resulting in no additional claims for latent ground conditions and delays during ground works. ▪ The Environmental Protection Agency (EPA) required submissions and approvals obtained. ▪ Implications of site contamination on construction workers and building occupants reviewed and mitigated by measures incorporated into site specific construction environmental management plan and building design.
Pedestrian Protection	<ul style="list-style-type: none"> ▪ BCC requested pedestrian protection along George Street 	<ul style="list-style-type: none"> ▪ A site setback of 3.5m has been dedicated by the State Government to BCC for future alterations to George Street traffic planning. The State Government has a preference for this setback to remain a pedestrian boulevard. As BCC has not finalised planning for the George Street traffic planning, no pedestrian protection was provided due to the site boundary location remaining unresolved.
Cycling and Pedestrian way	<ul style="list-style-type: none"> ▪ QT requested review of cycleway 	<ul style="list-style-type: none"> ▪ Meetings were held with QT and a Brisbane City cycle group to understand cycling issues and have them addressed by the developing design.

178. The BSCDC is aiming for a five-star Green Star environmental sustainability rating. However, there is currently no NABERS (National Australian Built Environment Rating System) rating tool specifically applicable to courthouses. Therefore, to enable the environmental assessment of the BSCDC, a building rating tool was developed by the project's environmental consultant, Steensen Varming.¹⁸⁶ In developing the BSCDC rating tool, existing tools, such as the education tool, the office tool and the BREEAM¹⁸⁷ tool, were reviewed.¹⁸⁸
179. Building features will include photovoltaics to light the public square at night to reduce energy consumption, a water tank facility (thermal energy storage tank) to chill the water at night using off-peak energy and the large use of natural light.¹⁸⁹

Committee comments

180. The committee is concerned that the operators of the existing catering facilities have not been kept informed of proposed developments. Whilst the department may not be legally obliged to consult with existing tenants, given the long standing symbiotic nature of the relationship of the business with the courts, the committee considers that common courtesy dictates that this should have occurred and that the operators of this business should be given appropriate consideration in regard to advice on future opportunities in the new premises.
181. The committee is satisfied that the work will have a positive impact on the community, economy and the environment.

4.6 The procurement methods for the work

182. The enhanced Managing Contractor form of contract (ie. Managing Contractor Stage One with Option for Stage Two Design and Construction Management Contract) is being used in the procurement this project.¹⁹⁰ This form of contract is considered most appropriate to producing a high quality design outcome and has historically provided a high degree of certainty of the end cost.¹⁹¹

4.6.1 Key features of the contract

183. The procurement strategy is an Early Contractor Involvement (ECI) contract incorporating relationship principles (working to common goals) and incentivises contractor innovation and efficiencies.¹⁹²
184. The State (the Principal) engages a Managing Contractor to manage and be ultimately responsible to the Principal for, the design, documentation and construction of a major or complex project, to be completed for a guaranteed (capped) construction cost.¹⁹³

¹⁸⁶ Submission 4: 50

¹⁸⁷ BREEAM (BRE Environmental Assessment Method) is an international environmental assessment method for buildings which has established a tool for British courthouses.

¹⁸⁸ Mr Bennett, Transcript, 13 February 2009: 9

¹⁸⁹ Mr Bennett, Transcript, 13 February 2009: 9

¹⁹⁰ Submission 4: 52

¹⁹¹ Submission 4: 55

¹⁹² Submission 4: Attachment 6, 1

¹⁹³ Submission 4: Attachment 6, 1

185. Stage one (the Design Phase) – the Managing Contractor engages consultants to design and document the works, carries out construction planning, cost planning, programming and value-adding activities (such as value management workshops) and provides expert advice on constructability issues.¹⁹⁴
186. At the end of Stage One the Managing Contractor must submit a ‘GCS Offer’ which typically includes a guaranteed construction sum, an amended project brief outlining the scope of the works to be delivered (GCS Offer Project Brief), a proposed trade package break up, a time for undertaking the works and may include adjustments to the tendered fees in accordance with the Contract to reflect any agreed significant changes to scope or delivery program. The agreed GCS is worked up collaboratively.¹⁹⁵
187. Stage two (the Construction Phase) – the Managing Contractor engages subcontractors to construct the works. Early works may be directed to be carried out during Stage One if the project needs to be fast tracked.¹⁹⁶
188. This form of contract focuses on establishing collaborative relationships with all project participants to ensure the best possible project outcomes. This involves enhancing the standard procurement methods and using:
- relationship-driven contractual arrangements that will help create an environment of cooperation between parties;
 - maximising scope of works within a fixed budget;
 - making available monetary incentives to underpin efficient and exceptional performance; and
 - an ‘open book’ process to facilitate a ‘No surprises GCS outcome’ to expedite the GCS negotiation and approval process.¹⁹⁷

4.6.2 Design competition

189. Design competitions have been used on other significant projects in Queensland, particularly where the aesthetic design element is a significant contribution to the outcomes of the building.¹⁹⁸
190. The BSCDC design competition was initiated in 2006 through calling for expressions of interest from design consultants across Australia. Nine architectural companies with experience submitted an expression of interest. These expressions of interest were assessed and reduced to three experienced court designers – Cox Rayner Architects, Hassell Architects and Architectus Brisbane.¹⁹⁹
191. The competition required the preparation of a concept design, which was assessed against the selection criteria by a panel, which included the Chief Justice of Queensland, Government Architect, senior officers from DPW and DJAG and a Probity Officer.²⁰⁰

¹⁹⁴ Submission 4: Attachment 6, 1

¹⁹⁵ Submission 4: Attachment 6, 1-3

¹⁹⁶ Submission 4: Attachment 6, 1

¹⁹⁷ Submission 4: 52

¹⁹⁸ Mr Rivers, Transcript, 13 February 2009: 4

¹⁹⁹ Mr Rivers, Transcript, 13 February 2009: 3-4

²⁰⁰ Mr Rivers, Transcript, 13 February 2009: 4

192. The competition was awarded to Architectus Brisbane who then completed the schematic design under the control of DPW Project Services and DJAG.²⁰¹

193. All consultants were required to be prequalified under the DPW Pre-qualification System.²⁰²

4.6.3 Selection criteria

194. Both price and non-priced selection criteria were used in the tender evaluation process. Consideration was given to other factors including methodologies and the experience of the team of the tenderers.²⁰³ Tenderers were required to focus the main body of their proposals on how their experience, capability and team members would achieve the project objectives.²⁰⁴

195. A range of selection criteria and a new evaluation process were developed and adopted for the BSCDC contract with a weighting break-up of 60% for price criteria and 40% for non-price criteria.²⁰⁵ The criteria and weightings used were as follows:²⁰⁶

Price Criteria

<i>Managing Contractor Fee Amounts</i>	<i>60%</i>
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Non-Price Criteria:

<i>Resource strategy</i>	<i>14%</i>
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<i>Project methodology to achieve maximum value for money outcomes</i>	<i>20%</i>
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<i>Value adding strategies</i>	<i>6%</i>
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4.6.4 Tenders

196. The three selected Managing Contractor tenderers for the BSCDC project were:

- Boulderstone Hornibrook Queensland Pty Limited;
- Thiess Pty Limited; and
- Bovis Lend Lease Pty Limited.²⁰⁷

197. All tender submissions were broken into Price and Non-price Criteria in accordance with the tender review selection criteria requirements. Tenders were received for Stage One and Two fees and evaluated for both stages.²⁰⁸

198. Prices were tendered for the Total Management and Design Fees (includes Managing Contractors design, documentation and construction management fees and project Consultants design, documentation and construction fees).²⁰⁹

²⁰¹ Submission 4: 54

²⁰² Submission 4: 54

²⁰³ Submission 4: 52

²⁰⁴ Submission 4: 53

²⁰⁵ Submission 4: 52

²⁰⁶ Submission 4: 53

²⁰⁷ Submission 4: 53

²⁰⁸ Submission 4: 53

²⁰⁹ Submission 4: 53

199. The adjusted tender prices as a result of the Quality Premium Price tender (Stage One and Two) process:²¹⁰

Bovis Lend Lease Pty Limited	\$75,619,731.50
Boulderstone Hornibrooke Pty Limited	\$84,289,304.50
Thiess Pty Limited	\$87,854,685.00

200. Detailed Price and Non-price Criteria submissions were received from all tenderers. The outcome of the combined Tender Assessment (ie. based on written submissions and interviews) incorporated the outcomes of both the Price and Non-price Criteria assessments.²¹¹
201. Bovis Lend Lease Pty Limited (BLL) was recommended by the Tender Assessment Panel, endorsed by the Chief Executive Officer's Steering Committee and approved by the Principal under the contract.²¹²

Committee comments

202. The committee considers that the procurement method selected and process being followed to be satisfactory.

4.7 The balance of public and private sector involvement in the work

203. The vast majority of the BSCDC project is being delivered by the private sector. The Principal Consultant and Architect, the majority of sub-consultants and managing contractor are private sector companies and it is anticipated that the majority of, if not all, trade package contractors will be sourced from the private sector.²¹³ The committee was advised that the scale of the project necessitated the involvement of a private sector construction firm.²¹⁴
204. Public sector involvement will include DJAG as representative of the building owner and occupier, DPW as the design and construction authority and DPW Project Services undertaking project management and limited project auditing roles.²¹⁵
205. The committee was advised that DPW's experience in major project management, procurement and contract administration is considered integral to the successful completion of the project.²¹⁶
206. The following table details the cost breakdown (by percentage) expected for the project budget for work to be undertaken by the public and private sectors:²¹⁷

<i>Public sector work approximate value</i>	<i>2.5%</i>
<i>Private sector work approximate value</i>	<i>97.5%</i>

²¹⁰ Submission 4: 53

²¹¹ Submission 4: 53

²¹² Submission 4: 54

²¹³ Submission 4: 55

²¹⁴ Submission 4: 56

²¹⁵ Submission 4: 57

²¹⁶ Submission 4: 56

²¹⁷ Submission 4: 56

207. Consideration was given to the appropriateness of entering into a Public Private Partnership (PPP) for the delivery of the project. However, as the project had advanced sufficiently to remove much of the risk from government, it was considered that the consideration of a PPP arrangement may delay the project unnecessarily and the best financial result for funding was through Queensland Treasury.²¹⁸

Committee comments

208. The committee is satisfied with the balance of public and private sector involvement in the works.

4.8 The performance of the constructing authority, the consultants and contractors for the work

209. The committee was advised that DJAG and DPW are satisfied with the performance of each of the consultants and contractors involved with the project. The department advised that early construction works have generally been constructed in accordance with specifications.²¹⁹

210. The department advised that they have placed a significant emphasis on relationship building and achieving outcomes and they have been able to accomplish a better than 'business as usual' result on the project to date.²²⁰

211. The performance of the project team can be measured by the significant efforts and input by all members to meet the challenge of the current construction market and its impact on project construction costs during the initial phase of the Managing Contractor involvement. The concerted and ongoing review, rationalisation and innovation of all aspects of the project by all team members, including client officers and sub-contractors when engaged, should ensure a successful outcome for all stakeholders.²²¹

212. The Managing Contractor remains confident that the project can be completed on program. The project remains within budget.²²²

Committee comments

213. The committee is satisfied that the performance of the constructing authority, the consultants and contractors is progressing well.

²¹⁸ Submission 4: 56

²¹⁹ Correspondence from Ms R Hunter, Director-General, DJAG, to PAPWC dated 6 November 2009: 18

²²⁰ Submission 4: 57

²²¹ Submission 4: 57

²²² Correspondence from Ms R Hunter, Director-General, DJAG, to PAPWC dated 6 November 2009: 19

5. Other Issues

214. During the course of this inquiry the committee became aware of a dispute about payments to subcontractors on the site. The committee sought additional information from the department.
215. The committee is satisfied that both the department and the managing contractor acted in the best interests of both the project and the subcontractor's employees in the actions that it took in regard to these payments.

Appendix 1 – Copy of Inquiry Information Paper



PUBLIC WORKS COMMITTEE

Inquiry Information Paper

BRISBANE SUPREME AND DISTRICT COURT COMPLEX PROJECT

BACKGROUND

The Queensland Parliamentary Public Works Committee has decided to examine the Brisbane Supreme and District Court Complex project.

The committee is calling for written submissions from interested persons and organisations to be sent by Friday, 30 January 2009 to:

The Research Director
Public Works Committee
Parliament House
George Street
Brisbane QLD 4000

This paper has been produced to provide basic information to interested persons and organisations on the inquiry, the project, the committee, and how to make a submission.

THE PROJECT

Cost: \$600 million

Location: Queensland Place, cnr of George, Hershel and Roma Streets, Brisbane

Constructing Authority: Department of Justice and Attorney-General

Project Description:

The \$600 million building will feature:

- 19 storeys
- 47 courtrooms at full capacity
- dedicated wings for civil and criminal trials
- separate lifts and pathways for the security of judges, jurors, prisoners and members of the public
- videoconferencing
- closed-circuit television facilities to enable child witnesses and vulnerable witnesses and victims to give evidence in a private and secure environment.

The design includes a large public square between the new complex and Brisbane Magistrates Court. It will also link the Tank Street pedestrian and bicycle bridge with the Roma Street Parklands.

Project time-frames:

June 2008	Appointment of managing contractor
October 2008	Construction commencement
2011	Project completion

TERMS OF REFERENCE

The terms of reference for the inquiry are to examine the Brisbane Supreme and District Court Complex project and report to the Parliament on:

- a) the purpose of the work
- b) the necessity for, and the advisability of, the work
- c) the suitability of the work for its purpose
- d) the cost, recurrent costs, revenue and value for money of the work
- e) the impact of the work on the community, economy and environment
- f) procurement methods for the work
- g) the balance of public and private sector involvement in the work
- h) the performance of the constructing authority and the consultants and contractors for the work

THE PUBLIC WORKS COMMITTEE

The Public Works Committee is an all-party committee of the Queensland Parliament. The committee is established under the *Parliament of Queensland Act 2001*, which gives the committee its powers and functions.

The committee's areas of responsibility under the Act are to examine and report on (a) public works undertaken by a constructing authority for the work if the committee decides to consider the work, and (b) any major Government Owned Corporation (GOC) work if the committee decides to consider the work.

The committee endeavours to ensure that Queenslanders receive value from the government's capital works program. To this end it routinely conducts inquiries into a range of projects throughout the state at different stages from inception to post completion, of various costs and in all portfolio areas.

The Act gives the committee certain powers to ensure it can fulfil its responsibilities. These include the power to call for persons, documents and other things and powers dealing with entry to and inspection of a public work.

The committee is not part of the formal project approval process and it is not involved in the tendering process or the awarding of contracts. Inquiries on these matters should be directed to the constructing authority or GOC.

GUIDELINES FOR MAKING A SUBMISSION

By asking for public submissions the committee provides an opportunity for interest groups, private citizens and others to contribute to an important review and evaluation process. Submissions can add greatly to the knowledge the committee has about a project. Often the public is aware of specific issues and impacts of which the committee is unaware. Public participation is an important and necessary ingredient in the committee's investigations and is an opportunity for the public to see, and take part in, the operation of Parliament.

Form

While there is no prescribed form for written submissions to a committee it is helpful to structure your submission using the inquiry terms of reference.

The best submissions are to the point, supported by evidence and use plain English.

The committee will only consider written submissions. Typed or printed text is preferable, though legible hand-written submissions are acceptable.

All submissions must include (i) the name, (ii) a postal address and (iii) a daytime contact telephone number of the person who makes the submission.

Number the pages and, if the submission is over twenty pages long, provide a brief summary at the front and include a table of contents.

Relevance

The submission must be relevant to the inquiry; otherwise the committee may not accept it. The committee will inform you of its decision to accept your submission or otherwise.

Confidential submissions

The committee will not consider anonymous submissions though it may direct that a submission be treated confidentially. The Public Works Committee attempts to run its inquiries in the most open way possible. However, if you believe that your submission (or part of it) should not be made public clearly write 'confidential' on each page and, in a brief covering letter explain why your submission should be treated confidentially.

Lodgement of submissions

Please send your submission to:

The Research Director
Public Works Committee
Parliament House
George Street
Brisbane QLD 4000

SUBMISSIONS CLOSE ON FRIDAY, 30 JANUARY 2009

Extensions to the closing date may be given. If you need more time to make a submission contact the committee secretariat. Do not assume that a late submission will be accepted.

Unauthorised release

Once the committee receives a submission it becomes the property of the committee and must not be published or released without its permission.

Unless you have requested that the submission remain confidential, it is normally published after the committee has received and examined it and authorised its publication.

Once a committee has authorised the release of a submission, subsequent publication of it is protected by parliamentary privilege.

The content of a submission may be published in another form or for another purpose before the submission is released by the committee, but this publication will not be protected by parliamentary privilege.

Further information

Contact the committee secretariat on:

- Phone: (07) 3406 7689
- Fax: (07) 3210 0128
- Email: pwc@parliament.qld.gov.au

This paper and other Public Works Committee publications are on the committee's Internet site at:

<http://www.parliament.qld.gov.au/PWC>

COMMITTEE MEMBERSHIP

Ms Barbara Stone MP, Chair
Member for Springwood



Hon Kev Lingard MP, Deputy Chair
Member for Beaudesert



Mr Stuart Copeland MP
Member for Cunningham



Mr Ray Hopper MP
Member for Darling Downs



Mr Jason O'Brien MP
Member for Cook



Mr Phil Weightman MP
Member for Cleveland



Mr Wayne Wendt MP
Member for Ipswich West

Appendix 2 – Submissions Received

1. Legal Aid Queensland
2. Court Terrace Restaurant and Catering Pty Ltd
3. Queensland Law Society
4. Department of Justice and Attorney-General / Department of Public Works

Appendix 3 – Public hearing held Friday 13 February 2009

<u>Name</u>	<u>Title</u>	<u>Organisation</u>
Mr Don Rivers	General Manager, Project Services	Department of Public Works
Mr Jeff Bennett	Principal Project Manager, Brisbane Supreme and District Court Complex Project	Department of Public Works
Mr Peter Mckay	Assistant Director-General, Business Support Division	Department of Justice and Attorney- General
Mr Garry Robinson	Director, Property Services Branch, Business Support Division	Department of Justice and Attorney- General

