



# Estimates Committee E

2010

## REPORT TO THE LEGISLATIVE ASSEMBLY

### Introduction

On 20 May 2010, the Legislative Assembly referred to Estimates Committee E the proposed expenditure in the Appropriation Bill 2010 for the following portfolios for examination and report:

- The Attorney-General and Minister for Industrial Relations;
- The Minister for Primary Industries, Fisheries and Rural and Regional Queensland; and
- The Minister for Infrastructure and Planning.

The committee questioned the ministers about their portfolio budgets at a public hearing at Parliament House on 20 July 2010. This was in addition to written questions the committee put to the ministers prior to the hearing in accordance with the Standing Orders. A transcript of the hearing is available from the Parliament's website at: [http://www.parliament.qld.gov.au/view/committees/EC.asp?SubArea=2010\\_transcripts](http://www.parliament.qld.gov.au/view/committees/EC.asp?SubArea=2010_transcripts)

This report summarises the estimates referred to the committee and highlights some of the issues the committee examined. The report also makes a recommendation to the Legislative Assembly. Ministers' answers to the committee's pre-hearing questions, documents tabled during the hearing, answers provided by ministers after the hearing and minutes of the committee's private meetings are included in a volume of additional information tabled with this report.

### Portfolio of the Attorney-General and Minister for Industrial Relations

The Minister's portfolio comprises the following organisational units:

- Department of Justice and Attorney-General;
- Anti-Discrimination Commission Queensland;
- Crime and Misconduct Commission;
- Legal Aid Queensland;
- Office of the Information Commissioner;

- Electoral Commission of Queensland;
- Office of the Ombudsman;
- Public Trust Office.

### Department of Justice and Attorney-General

The department delivers a range of services to Queensland, including:

- Courts and tribunals;
- Legal and advocacy services;
- Community programs, policies and services, including services to protect vulnerable people; and
- Services aimed at improving productivity, equity and safety in Queensland workplaces.

The following table compares the appropriations for the department for 2009-10 and 2010-11.

Appropriations	2009-10 \$'000	2010-11 \$'000
<i>Controlled Items</i>		
Departmental Services	361,033	342,035
Equity Adjustment	126,527	297,782
<i>Administered Items</i>	200,411	221,687
<b>Vote</b>	<b>687,971</b>	<b>861,504</b>

Source: Appropriation Bill 2010, p. 9.

The following is a service summary for 2010-11.

2010-11 Service Summary	\$'000
<b>Justice and Attorney-General</b>	
Criminal and Civil Justice	283,669
Legal	46,351
Human Rights Protection	37,465
<b>Industrial Relations</b>	
Fair and Safe Work	121,636
<b>Total</b>	<b>489,121</b>

Source: State Budget 2010-11, Service Delivery Statements Book 1, p. 1-169.

Priorities highlighted in the Service Delivery Statement (SDS) for 2010-11 include:

- Recurrent funding of \$1.5 million in 2010-11 to continue to develop the Queensland Civil and Administrative Tribunal (QCAT);
- Continued support to victims of crime through Victim Assist Queensland (VAQ). From 1 July 2010, the department, via VAQ, will administer \$1.6 million grant funding to Non-Government Organisations delivering services to victims of crime;
- Funding of \$0.3 million to continue to support the work of Judicial Registrars at Southport and Townsville to improve efficiency of these courts. Consultation will be undertaken with the Chief Magistrate to refine the work of the Judicial Registrars in conjunction with a potential enhanced workload following the *Review of the civil and criminal justice system in Queensland* (the Moynihan Review);
- Continuation of the Moynihan Review Implementation Project:
  - subject to its passage, the *Civil and Criminal Jurisdiction Reform and Modernisation Amendment Bill 2010*, containing the first stage of reforms in response to the Moynihan Report, will commence; and
  - a bill for the second stage of reforms stemming from the Report will be developed.
- Ongoing construction of the new Supreme Court and District Court. Due for completion in 2011-12, the new \$600 million Supreme and District Court complex and the Brisbane Magistrates Court will form a new centre for Brisbane's legal precinct;
- Completion of upgrades to Southport Courthouse complex with the addition of three new courtrooms available for use late 2010. The \$4 million upgrade includes new magistrates chambers, additional public seating and the installation of state-of-the-art audiovisual equipment;
- Additional funding of \$1.8 million over the next four years for the provision of additional professional legal staff at Ipswich, Brisbane and Cairns;
- Funding of \$1.3 million has been provided in 2010-11 (\$6.7 million over four years) for the establishment of a Sentencing Advisory Council in Queensland. The Council will promote consistency in sentencing, stimulate balanced public debate on sentencing issues, and incorporate informed public opinion into the process, thereby enhancing public confidence in the sentencing system. Its functions will be to advise, inform, educate and consult on sentencing matters;
- Continuation of the Remote Justices of the Peace (JP) Court program to provide Aboriginal and Torres Strait Islander people with training and to expand the number of JP Courts conducted in remote Indigenous communities. In 2010-11, an independent evaluation will assess the scope of JP functions including the types and appropriateness of sentences imposed given the offences committed;
- A total of 152 operational community signing sites involving up to 2,700 volunteer JPs as part of its "JPs in the Community" program;
- Further development of intervention and diversionary strategies that deal with the contribution to crime of drugs and alcohol including the Special Circumstances Court, Murri Courts, Queensland Indigenous Alcohol Diversion Program (QIADP), the Queensland Magistrates' Early Referral into Treatment (QMERIT) program and the Illicit Drug Court program;
- Continuation of the 12-month trial of vehicle immobilisation and a two-year trial of Seizure and Sale in the Brisbane Metropolitan area to enhance State Penalties Enforcement Registry (SPER) fine recovery. From 1 July 2010, SPER will commence the use of SMS technology to support enhanced collection of outstanding fines;
- Additional recurrent funding of \$1 million for the Crime and Misconduct Commission (CMC) to support the work of the CMC. Funding will assist with resourcing, training and development and the increased activity in Proceeds of Crime;
- Funding of \$2 million for the Murri Courts and QIADP to maximise flexibility and explore greater efficiencies including the amalgamation of administrative functions;
- Additional funding of \$4.7 million (\$20.3 million over four years) to address the increasing demand on services and strengthen the guardianship system, including support for privately appointed guardians;
- As part of the introduction of a National Licensing Body to commence from 1 January 2011, proposed model occupational licensing legislation will be introduced into Parliament, with consequential amendments to the *Electrical Safety Act 2002*;
- Funding of \$2 million as part of ongoing reforms to workers compensation in Queensland for the implementation of an initiative to reduce the number of work-related fatalities, injuries and disease occurring in Queensland. The initiative will focus on high risk businesses and will involve advice on how to improve injury prevention and rehabilitation and return to work processes;

- New model Occupational Health and Safety Electrical Safety Regulations, as part of a national commitment to electrical safety. Amendments to the *Electrical Safety Regulation 2002* will be drafted as part of this process;
- Continued leadership of the national electrical equipment safety system review by implementing legislative change, developing a National Registration Database and finalising development of the Scheme Rules governing the pre-market certification processes for the new system;
- Through the Electrical Regulatory Authorities Council (ERAC), national consistency in electrical safety through harmonisation of legislation, consistent implementation of policies and sharing of operational and strategic knowledge. In addition, the department participates with overseas regulators as a member and chair of the Asia Pacific Economic Cooperation (APEC) for industry consistency; and
- Implementation of the Workplace Partnership and Productivity Pilot Project which aims to engage with workplace stakeholders, principally employers and unions, to provide cooperative and productive workplaces. The project will involve the participation of a number of workplaces and an evaluation of pilot outcomes will be undertaken. The department will also continue development of the Work Life Balance Strategy in the private and public sectors specifically part-time work and flexible working arrangements.

#### **Anti-Discrimination Commission Queensland**

The Anti-Discrimination Commission Queensland (ADCQ) is an independent statutory authority created by the Queensland *Anti-Discrimination Act 1991* (the Act). The Act prohibits discrimination on the basis of a number of attributes across a range of areas of public life. The ADCQ has adopted an integrated approach to ensure alignment of its resources to deliver its core function of promotion of human rights through complaint resolution and determination as well as community education. Estimated expenditure for 2010-11 is \$4.956 million.<sup>1</sup>

Priorities highlighted in the SDS for 2010-11 include:

- Enhanced engagement with industries experiencing a high level of interaction with communities that are more likely to experience discrimination; and

- Renewal of promotional materials and education courses to improve their effectiveness.

#### **Crime and Misconduct Commission**

Established under the *Crime and Misconduct Act 2001*, the CMC is an independent specialist agency that strives to protect Queenslanders from major crime and enhance public sector integrity.

The CMC's three main areas of activity of combating major crime, reducing misconduct and improving public sector integrity, and protecting witnesses are supported by the CMC's research and prevention, intelligence and operational support functions. Estimated expenditure for 2010-11 is \$48,564 million.<sup>2</sup>

Priorities highlighted in the SDS for 2010-11 include:

- Evaluate and enhance the effectiveness of CMC's proceeds of crime capacity;
- Implement the CMC's permanent enhanced telephone intercept capabilities;
- Progress the implementation of devolved accountability systems in the public sector; and
- Address significant misconduct matters, particularly in the police service and local government.

#### **Legal Aid Queensland**

Legal Aid Queensland (LAQ) is an independent statutory authority under the *Legal Aid Queensland Act 1997*, which provides legal help to financially disadvantaged Queenslanders. LAQ provides free legal information and advice in criminal, civil and family law matters and represents people eligible for aid before Queensland's courts and tribunals. Estimated expenditure for 2010-11 is \$122.003 million.<sup>3</sup>

Priorities highlighted in the SDS for 2010-11 include:

- Develop and implement strategies to assist with the implementation of the Moynihan reforms regarding jurisdiction change;
- Implement a wide ranging business improvement program to enhance the efficiency of LAQ service delivery;
- Commence implementation of an electronic document and records management system (eDRMS); and

<sup>1</sup> *State Budget 2010-11, Service Delivery Statements Book 1*, p. 1-192.

<sup>2</sup> *State Budget 2010-11, Service Delivery Statements Book 1*, p. 1-200.

<sup>3</sup> *State Budget 2010-11, Service Delivery Statements Book 1*, p. 1-218.

- Funding of \$10.5 million in 2010-11 (\$61 million over four years) to support the provision of legal aid services to vulnerable Queenslanders and to reduce the variability associated with funding these services from interest on solicitor's trust accounts.

### **Office of the Information Commissioner**

The Office of the Information Commissioner fosters openness and accountability of public sector agencies by promoting access to government held information and protecting people's personal information. Estimated expenditure for 2010-11 is \$5.955 million.<sup>4</sup>

Priorities highlighted in the SDS include:

- The Office will explore the feasibility of improving the quality and timeliness of original decisions by providing access to internal knowledge management resources; and
- The Office will implement an electronic case management system to improve the performance of the external review function.

### **Electoral Commission of Queensland**

The Electoral Commission Queensland (ECQ) is an independent statutory authority. The Attorney-General and Minister for Industrial Relations has responsibility for the Commission.

The following table compares the appropriations for the ECQ for 2009-10 and 2010-11.

<b>Appropriations</b>	<b>2009-10 \$'000</b>	<b>2010-11 \$'000</b>
<i>Controlled Items</i>		
Departmental Services	9,829	13,631
Equity Adjustment	(76)	(76)
<i>Administered Items</i>	-	-
<b>Vote</b>	<b>9,753</b>	<b>13,555</b>

Source: Appropriation Bill 2010, p. 10.

Priorities highlighted in the SDS include:

- Continued delivery of a Community Awareness Program;
- Continued planning and preparation for future parliamentary and local government elections;
- Continued administration of the party registration and financial disclosure schemes;

- Further investigation into potential vision impaired voting systems and processes;
- Conduct of industrial elections for employer and employee organisations; and
- Continued pursuit of the Commission's role in joint management of the electoral roll for Queensland and participation on the Electoral Council of Australia.

### **Office of the Ombudsman**

The statutory role of the Office of the Ombudsman is to investigate administrative actions of agencies and to assist agencies to improve their practices and procedures. The following table compares the appropriations for the Office of the Ombudsman for 2009-10 and 2010-11.

<b>Appropriations</b>	<b>2009-10 \$'000</b>	<b>2010-11 \$'000</b>
<i>Controlled Items</i>		
Departmental Services	6,819	6,869
Equity Adjustment	(228)	-
<i>Administered Items</i>	-	-
<b>Vote</b>	<b>6,591</b>	<b>6,869</b>

Source: Appropriation Bill 2010, p. 10.

Priorities highlighted in the SDS include:

- Having reported to Parliament on its assessment of the complaint systems of State agencies in 2009-10, the Office will focus this year on assisting local councils to improve their complaint systems;
- The Office will continue to deliver training to State and local government agencies, such as its Good Decisions training program, to help officers make fair and soundly based decisions and improve the way they deal with complaints;
- The Office will also continue to:
  - assess and investigate complaints from members of the public in a timely manner;
  - conduct own initiative investigations, where appropriate;
  - report publicly on systemic maladministration, where it is in the public interest to do so; and
  - publish newsletters and other resources containing advice for agencies on good administrative practice, including a searchable library of cases the Office has investigated over

<sup>4</sup> State Budget 2010-11, Service Delivery Statements Book 1, p. 1-218.

the past five years, to be added to the Office's website ([www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au)).

### **Public Trust Office**

The Public Trust Office supports the Public Trustee of Queensland in carrying out functions for the Queensland Government including:

- Administering deceased estates and trusts, making Wills and Enduring Powers of Attorney, and providing financial management for people with a decision-making disability;
- Acting as trustee of philanthropic trusts such as the Queensland Community Foundation, the Forde Foundation, the Queensland Aboriginal and Torres Strait Islander Foundation and the Lady Bowen Trust; and
- Providing community service obligations, at no cost to government, budgeted at \$22.3 million in 2010-11, which includes \$15.4 million for managing the commercially uneconomical affairs of people with a disability and funding for the Office of the Adult Guardian of \$1 million.

Priorities highlighted in the SDS include:

- Maintain a steady growth of core business activities. The focus is increasing core business activities through a planned approach to increase Public Trust Queensland appointments as the preferred executor of Wills and financial attorney under Enduring Powers of attorney, and increase the management of Trusts and private executor services. Regional Offices will also focus on an increased program of community engagement;
- Continue ongoing process of reviewing and improving work processes to enhance will-making, deceased estates, private executor services and disability services;
- Implement Client Service Centres to enhance service standards and decrease work processing and overhead costs; and
- Reviewing information systems that support the investment operations with the view to centralising and automating functions.

### **Issues raised at the public hearing**

Issues the committee raised with the Minister at the public hearing on 20 July 2010 include:

- Matters relating to the CMC's Review of the Queensland Police Service's *Palm Island Review*;
- Matters relating to the appointment of the Police Commissioner;

- The State Penalties Enforcement Registry and the new measures taken to ensure that offenders pay their fines;
- Victims of Crime assistance under the establishment of Victim Assist Queensland;
- Construction progress in relation to the new Supreme and District Courts in the Brisbane CBD and new court houses at Sandgate, Pine Rivers, Mareeba and Ipswich;
- Matters relating to the Justice Connect program;
- Matters relating to internal complaints within the Crime and Misconduct Commission;
- The establishment of the Queensland Civil and Administrative Tribunal;
- Matters relating to the proceeds of crime and its benefit to the State;
- Funding arrangements for Legal Aid;
- Issues relating to the Right to Information laws;
- Wage complaints under the *Industrial Relations Act 1999* regarding the Queensland Health payroll system;
- The role of the Queensland Workplace Rights Ombudsman;
- Matters relating to Workplace Health and Safety Queensland;
- Recent amendments to the *Workers' Compensation and Rehabilitation Act 2003*;
- Matters relating to the Industrial Relations Commission; and
- The electrical safety pilot program.

### **Portfolio of the Minister for Primary Industries, Fisheries and Rural and Regional Queensland**

The Department of Primary Industries, Fisheries and Rural and Regional Queensland (DPIF&R&RQ) is administered by the Department of Employment, Economic Development and Innovation (DEEDI).

In 2009-10, DPIF&R&RQ comprised four outputs. Those outputs were Primary Industries Development, Biosecurity, Fisheries, and Rural and Regional Communities Services.

In 2010-11, DPIF&R&RQ is comprised of one service being Agriculture, Food, Tourism and Regional Services which drives industry development in agriculture, food and tourism and provides services to regional

Queensland. It also manages fisheries resources and biosecurity threats.<sup>5</sup>

The following table compares DPIF&R&RQ estimated actual expenditure for 2009-10 with appropriations for 2010-11.

<b>Appropriations</b>	<b>2009-10 \$'000</b>	<b>2010-11 \$'000</b>
<i>Controlled Items</i>		
Departmental services	311,817	301,044
Equity adjustment	1,567	(4,769)
<i>Administered Items</i>	24,485	23,790
<b>Vote</b>	<b>337,869</b>	<b>320,065</b>

Source: Departmental advice on the breakdown of appropriations for the Minister's portfolio within DEEDI.

Priorities highlighted in the SDS for DPIF&R&RQ in 2010-11 include:

- Accelerating the revitalisation of agri-science and agricultural extension in the horticulture, sheep and wool, and beef industries;
- Developing an innovative food policy, to strengthen value chain development, and cement the links between rural economies and consumers;
- Modernising and networking DEEDI service delivery by expanding regional services to reflect their comparative advantages of each region; integrating mobile service delivery and implementing the department's own business improvement projects for ebusiness and online application, renewal and payment processes;
- Investing \$3.8 million over three years in the Smart Futures Fellowships;
- Helping businesses expand their domestic and international markets by an integrated approach to trade and investment. A new in-market trade representative will be established in Santiago, Chile;
- Further developing trading relationships with Papua New Guinea, South Africa, North Asia, China, Africa, and Eastern Europe where food and agricultural exports will be promoted; and strengthening closer relationships with the United Arab Emirates;
- Improving the productivity of agriculture and food businesses, which together employ one in eight Queenslanders, through investment in research

and adoption of farm management systems and other steps to grow the associated value chains;

- Designing and implementing an agri-science, extension and skills strategy focussed on accelerated adoption and change management;
- Developing policies to facilitate the launch of bio-based industrial enterprises, including advanced bio-fuels;
- Providing \$7.5 million over four years to support economic development projects across six regions through the Queensland Regional Development Initiative; and
- Aligning regional service delivery with regional needs and opportunities reflective of regional economies.

### **Issues raised at the public hearing**

Issues the committee raised with the Minister at the public hearing on 20 July 2010 include:

- The Reconnecting Agricultural Educational Plan;
- The Shark Control Program to reduce entanglement of non-target species;
- The trial of fire ant remote-sensing technology to identify fire ant infestations from the air;
- Matters relating to the Health and Food Sciences Precinct at Coopers Plains and the Ecosciences Precinct at Boggo Road;
- Issues relating to the project Tomorrow's Regions;
- Matters relating to Green Zones;
- Matters relating to coal seam gas and the underground gasification method;
- The stocked impoundment permit system in relation to the restocking program;
- Matters relating to the Queensland Alliance for Agriculture and Food Innovation;
- The Queensland Timber Plantation Strategy 2020;
- Sustainability of fisheries in Queensland under the Fisheries Strategy;
- The Biosecurity Strategy and funding for research into infectious diseases;
- Issues surrounding Hendra virus research;
- The eradication of fire ants;
- The Queensland Regionalisation Strategy with regards to the challenges faced from sustained and continuing population and economic growth; and
- The eradication of Asian honey bees.

<sup>5</sup> State Budget 2010-11, Service Delivery Statements Book 2, p. 2-9.

## Portfolio of the Minister for Infrastructure and Planning

The Department of Infrastructure and Planning delivers two services that are the responsibility of the Minister for Infrastructure and Planning:

- Infrastructure and Economic Development; and
- Planning.

### **The Urban Land Development Authority**

The ULDA was established under the *Urban Land Development Act 2007* to facilitate the availability of land and a greater range of housing options, including affordable housing.

Priorities highlighted in the SDS for 2010-11 include:

- Consideration of further regional Urban Development Areas, including in resource towns;
- Expected declaration of SEQ greenfield Urban Development Areas for Greater Flagstone, Yarrabilba and Ripley Valley; and
- Determination of the RNA development application for the \$3 billion redevelopment of the RNA showgrounds.

The following table compares the Department of Infrastructure and Planning's estimated actual expenditure for 2009-10 with appropriations for 2010-11.

<b>Appropriations</b>	<b>2009-10 \$'000</b>	<b>2010-11 \$'000</b>
<i>Controlled Items</i>		
Departmental services	120,331	123,472
Equity adjustment	20,945	116,412
<i>Administered Items</i>	272,600	52,500
<b>Vote</b>	<b>413,876</b>	<b>292,384</b>

*Source: Departmental advice on the breakdown of appropriations for the Minister's portfolio within the Department of Infrastructure and Planning.*

Priorities highlighted in the SDS for 2010-11 include:

- Progressing the Government's growth management agenda arising from the Queensland Growth Summit;
- Coordinating the South East Queensland Infrastructure Plan and Program (SEQIPP) and the new Queensland Infrastructure Plan;
- Enabling infrastructure arrangements for growth areas in South East Queensland;

- Releasing the Wide Bay Burnett Regional Plan; the Draft Whitsunday Hinterland and Mackay Regional Plan;
- Implementing the SEQ Regional Plan; the Action Plan for the Far North Queensland Regional Plan; Maranoa-Balonne Regional Plan; Central West Regional Plan; and South West Regional Plan;
- Coordinating with North Queensland Bulk Ports on the proposed multi-cargo facility to expand commodity exports and aid large scale industrial development in the Abbot Point State Development Area, delivering on the Northern Economic Triangle Strategic Plan;
- Facilitating Transit Orientated Development (TOD) outcomes in key regional centres through the continuation of partnership projects in Brisbane, Moreton Bay, Logan and the Gold Coast;
- Releasing initial land parcels to market for the Yeerongpilly TOD, a demonstration project being undertaken in partnership with Brisbane City Council;
- Finalising the Strategic Cropping Land Framework;
- Developing the Growth Management Program for South East Queensland;
- Completing the Surat Basin Regional Development Strategy;
- Progressing Stage 1 of the subdivision for the Aerospace and Defence Support Centre at Amberley;
- Completing the Structure Plan for the Ebenezer Regional Industrial Area and Maryborough Regional Industrial Area including Moonaboola Industrial Estate;
- Completing region wide industrial land demand studies for the Whitsunday Hinterland and Mackay (WHAM) Region and the Wide Bay Burnett Region as part of an economic and industrial land planning program;
- Completing availability and suitability assessments of identified sites for future industrial development at Mackay;
- Completing the Far North Queensland Industrial Land Study;
- Finalising corridor routes within the Gladstone State Development Area to facilitate the emerging LNG industry;
- Progressing Airport Link and Northern Busway Upgrade projects for completion by mid 2012 and Airport Roundabout Upgrade by end 2011;

- Continuing construction of Northern Pipeline Interconnector (Stage 2) from Eudlo to Lake MacDonald which is due for completion by end 2011;
- Completing design and construction of Whitsunday Coast Airport Upgrade by end 2010;
- Continuing to undertake Environmental Impact Statements on behalf of the Coordinator-General under the *State Development and Public Works Organisation Act 1971*;
- Coordinating stakeholder forum to identify common infrastructure and skills requirements associated with the development of the Galilee Basin;
- Completing CoalPlan 2030 which identifies likely growth path for Queensland's coal industry over the next 20 years and outlines infrastructure requirements to support this growth;
- Continuing implementation of remaining actions in Northern Economic Triangle Infrastructure Plan and complete review of the Plan;
- Coordinating delivery of infrastructure and planning initiatives under the Surat Basin Future Directions Strategy;
- Implementing the State's obligations under the Exclusive Mandate for Surat Basin Railway;
- Continuing the North West Queensland Energy Review;
- Progressing the Gateway Process whereby significant programs or projects are reviewed at six key decision points in their lifecycle;
- Continuing to facilitate the delivery of the Gold Coast University Hospital;
- Progressing delivery of the Gold Coast Health and Knowledge Precinct, surrounding and integrated with the Gold Coast University Hospital and Griffith University in coordination with the Gold Coast Commonwealth Games Bid in terms of planning for the Games Village;
- Requiring new homes and major renovations meet 6 star or equivalent energy efficient standards and codify requirements of 'end of trip' facilities for major developments by end of 2010;
- Implementing Stage 2 of the Government's Pool Safety Improvement Program;
- Continuing to work towards target of protecting 50 per cent more land for nature conservation and public recreation including implementation of the SEQ Greenspace Strategy; and Network and Urban Open Space and opening the Maroochy River Trail and 100km of the Brisbane Valley Rail Trail;
- Progressing the Koala State Planning Policy and State Planning Regulatory Provisions;
- Completing Stage 2 of the Land Management Plan for the Environmental Management Precinct, Curtis Island and Gladstone State Development Area; and
- Establishing an Environmental Management Precinct for the Kaili Valley Wetlands within the Abbot Point State Development Area.

#### **Issues raised at the public hearing**

Issues the committee raised with the Minister at the public hearing on 20 July 2010 include:

- The South East Queensland Infrastructure Plan and Program 2009-26;
- The Growth Management Summit;
- The Temporary Accommodation Code;
- Regional planning across the State to manage growth and change in regions;
- The sustainability of Queensland buildings;
- Issues relating to the Smart eDA initiative;
- Housing affordability and the role of the Urban Land Development Authority;
- The review of the Iconic *Queensland Places Act 2008*;
- Matters relating to the Queensland Housing Affordability Strategy 2007;
- The South East Queensland Regional Plan and the Queensland Greenspace Strategy;
- Matters relating to the Alpha Coal Project;
- Issues relating to the Callide Infrastructure Corridor;
- The Northern Economic Triangle Infrastructure Plan;
- The Land Acquisition Program;
- Issues relating to priority infrastructure plans;
- Regional recreational trails.

## Recommendation

The committee recommends that the proposed expenditure, as detailed in the *Appropriation Bill 2010*, for the portfolios of the Attorney-General and Minister for Industrial Relations; the Minister for Primary Industries, Fisheries and Rural and Regional Queensland; and the Minister for Infrastructure and Planning, be agreed to by the Legislative Assembly without amendment.



Jo-Ann Miller

**Chair**

28 July 2010

### **Committee Members**

Mrs Jo-Ann Miller MP (Chair)  
Member for Bundamba

Mr Lawrence Springborg MP (Deputy Chair)  
Member for Southern Downs

Mr David Gibson MP  
Member for Gympie

Mr Ray Hopper MP  
Member for Condamine

Ms Lindy Nelson-Carr MP  
Member for Mundingburra

Mrs Desley Scott MP  
Member for Woodridge

Mr Murray Watt MP  
Member for Everton

### **Secretariat**

Kellie Moule (Research Director)

Kym Christensen (Research Officer)

Narelle Robinson (Executive Assistant)

**Estimates Committee E**  
**STATEMENTS OF RESERVATIONS**

**GENERAL OBSERVATIONS**

There are a number of general reservations that need to be made in relation to the Queensland Estimates Committee process:

- The structure of the Budget Papers, and in particular the Service Delivery Statements, do not provide sufficient detailed information to enable proper scrutiny of activities and expenditures undertaken by Government.
- Insufficient time is allocated for hearings by Estimates Committees when considering particular portfolios.
- Insufficient opportunities are provided for hearings by Estimates Committees throughout the year.
- Opposition Members are provided with insufficient time during Estimates Committees Hearings to pursue issues.
- There is a continued failure by Government Ministers to allow Public Servants and Statutory Officials who exercise direct responsibility for the conduct of activities to directly answer questions posed by Members.
- No mechanism exists to require full, direct and honest answers to Questions on Notice.
- No mechanism exists to require Ministers to fully, directly and honestly answer questions posed during Hearings.

**Observations specific to the portfolio of the Attorney General and Justice and Industrial Relations**

**Questioning Departmental heads directly**

During the examination of the Justice portfolio questions were posed to the Minister that should have been directly answered by the head of the Crime and Misconduct Commission.

The questions sought specific information regarding operational and jurisdictional issues of the Commission. In these instances the Attorney General deliberately and directly blocked the Chair of the CMC from responding to the questions which clearly undermined the ability to properly examine the application of budgetary issues to the operational nature of a particular area in the Justice portfolio.

The Ministers approach in stopping the Chair of the CMC from directly answering questions stands in stark contrast to former Premier Beattie who, as minister responsible for the CMC, routinely allowed questions to the CMC Chair and had the Chair at the top table alongside the Premier during questioning.

**The role of the CMC**

Under the administrative reporting arrangements, the Attorney General is the responsible Minister for the Crime and Misconduct Commission, yet when asked direct questions about him being furnished with draft reports there was an absence of a direct answer.

Of grave concern to this Estimates examination, is that, despite the Attorney General claiming to respect the CMC as an important part of the Fitzgerald architecture, the Government has by-passed a critical element in the Police Commissioner appointment process by not gaining the approval of the Chair of the CMC before announcing the appointment of the Police Commissioner.

The failure to allow direct questions to the Chair of the CMC can only be seen as a deliberate attempt to silence the Chair and casts serious doubt on the long term Labor government's commitment to an open and accountable Estimates process. It also gives rise to the suspicion of abuse of process by the government.

It was also revealed that the Chair of the CMC made an appointment of an Executive Officer with a salary of \$110,000 where the position was not advertised through normal public service processes.

### **Refusal to answer questions directly**

This year's Estimates process saw the Attorney General refuse to answer directly questions posed to him. Instead, he chose to ignore them and read from prepared statements that had little relevance to the questions being asked.

### **Refusal to properly address Questions on Notice**

As part of the Estimates process the Non-Government members are afforded 10 questions per portfolio being examined. In the Justice and Attorney General portfolio the Attorney General was asked a very specific question on the budget breakdown for each program being delivered under the Courts Innovation Program yet refused to provide a response and when questioned during the committee stage of the Estimates he stated *"I have answered questions on notice which have then been misrepresented to the community. So I want to avoid that"*.

It is the duty, indeed the responsibility of the government, to provide information to Queensland Taxpayers through the Estimates process, as it is their money which affords the government its latitude in program delivery and policy rollout. Discretion does not exist for the government to pick and choose what information it should release based on its concern over the level of political embarrassment it may receive as a consequence of the mismanagement of these funds.

### **Workplace Health and Safety issues in the Crime and Misconduct Commission**

The CMC is currently facing issues in management with two senior directors stood down on full pay and indications that the Commission is having difficulties recruiting and retaining key staff. Despite the significant impact on morale in the Commission the Estimates questioning revealed that the Attorney was not concerned with the turmoil and would not address either of the cases involving the directors or the general effects of these cases on the overall service delivery within the Commission.

### **Legal Aid Funding**

Budget analysis conducted during this year's Estimates hearing shows that, despite significant increases in funding through State contributions, there will be a significant cut to the delivery of services provided by Legal Aid.

### **Industrial action against government over health payroll issues**

Queensland Health workers will get no prosecution action from the Industrial Relations Minister for unpaid wages. This is despite the Industrial Relations Commission stating that employers not paying employees is a very serious offence. Estimates questioning revealed that despite staff going unpaid or under paid for months, and the likelihood that this situation will go on for as much as another 12 months, the Attorney has no timeframe which he or his department has set for when prosecutions will be commenced.

### **Workplace Health and Safety issues**

Queensland's WorkSafe Office does not conduct client satisfaction surveys with businesses on how they feel the Office is delivering support services to help business reduce injury and harm in Queensland workplaces. The Attorney refused to answer why this wasn't done. Instead he chose to reinforce the view held by business that the only time they hear from WorkSafe Queensland is when there is a complaint and/or are being fined.

### **Workplace Rights Ombudsman**

The Ombudsman office costs taxpayers more than \$1 million a year to operate yet there is not a single line item reporting on its functions. Estimates questioning has shown that the Office has no real function or direction and was only ever designed to be a political office in response to the Former Federal Coalition Government's work place reforms. With no Industrial Relations functions now resting with the State outside of the public service and the clear intent of the Minister to quarantine the public sector from scrutiny, serious reservations are held as to the continuation of the Workplace Ombudsman, given there is already such an office at the federal level.

### **Concluding remarks**

Overall, the 2010 Estimates process for the Justice and Attorney General and Industrial Relations portfolio highlighted why there needs to be a significant overhaul of the entire committee structure to ensure a proper examination of the budgetary issues within each portfolio area.

SIGNED

A handwritten signature in black ink, appearing to read 'L. J. Springborg', written in a cursive style.

LAWRENCE SPRINGBORG MP  
Deputy Leader of the Opposition

## **STATEMENT OF RESERVATIONS**

I refer to the draft report for Estimates Committee E and submit a statement of reservations on the report and some general comments on the process of Estimates Committees hearings.

### **General comments on the Estimates Process**

The structure of the Budget Papers, and in particular the Service Delivery Statements, do not provide sufficient detailed information to enable proper scrutiny of activities and expenditures undertaken by Government.

Insufficient time is allocated for hearings by Estimates Committees when considering particular portfolios.

Insufficient opportunities are provided for hearings by Estimates Committees throughout the year.

Opposition Members are provided with insufficient time during Estimates Committees Hearings to pursue issues.

There is a continued failure by Government Ministers to allow Public Servants and Statutory Officials who exercise direct responsibility for the conduct of activities to directly answer questions posed by Members.

No mechanism exists to require full, direct and honest answers to Questions on Notice.

No mechanism exists to require Ministers to fully, directly and honestly answer questions posed during Hearings.

### **Primary Industries, Fisheries Rural and Regional Queensland –**

With consideration complete for the Primary Industries, Fisheries and Rural and Regional Queensland portfolio the following reservations are held -

#### **Biosecurity**

The Minister's attitude towards funding for research into Hendra Virus was disappointing. The Minister's belief that the \$1.5million funding announced over three years for the establishment of the Queensland Centre for Emerging Infectious Diseases is adequate, demonstrates an inability to address the immediate issue of the dangers of the virus, and the ramifications to human health and the future of Queensland's equine industry due to insufficient funding for a Hendra Virus vaccine for horses.

#### **Fresh Approach**

It is disappointing to find the Minister has not recognised that the 'reinvest to deinvest' policy will have large, damaging and enduring ramifications on rural training. The increase of delivery sites will not alter the fact that many of the skills learnt as part of agricultural and rural courses require 'practical demonstration' and practice of these skills to obtain a certain amount of proficiency. The Minister has little concern for the loss of a significant number of senior researchers and scientists from the department formerly known as Primary Industries and Fisheries. A decrease in the number

of agricultural graduates to replace these researchers and lack of mentoring within the department is a failure by the Minister to promote agriculture as a career.

#### **Staffing**

The Minister's failure to answer any questions asked about staffing levels was unsatisfactory. On all occasions the Minister avoided the questions on staffing and did not give a definitive or adequate answer.

#### **Fisheries**

It was disappointing to find the Minister continually passing on responsibility to other departments when asked questions about fisheries issues. This occurred on several occasions when the Minister was questioned about the Fisheries Strategy 2009-14, a strategy under the portfolio the Minister is responsible for.

#### **Expenditure**

The Minister was repeatedly asked to accurately detail the dollar value of expenditure within the department. On each occasion the Minister hid behind the 'mega-department' DEEDI, with the answers provided. The Minister's referral to other departments within DEEDI was meant to distract rather than give an exact answer to the question asked.

**Signed**



**RAY HOPPER MP**

Member for Condamine

Shadow Minister for Primary Industries, Fisheries and Rural and Regional Queensland

## **Statement of Reservations**

**David Gibson MP Member for Gympie  
Shadow Minister for Infrastructure and Planning**

### **INTRODUCTION**

This Statement of Reservations is to record those matters on which I have concerns from the majority of the members of Estimates Committee E (the Committee) with regards to the organisational units and portfolios allocated to the Minister for Infrastructure and Planning.

Last year the Minister's inability to provide answers during Estimates highlighted how poorly prepared and inept this Minister was. The establishment of a 'crisis room' this year to assist the Minister in responding to questions saw some improvement in the Ministers performance. However it is clear we have a culture of obstruction when the answers to Questions on Notice in preparation for Estimate hearings are designed to restrict openness and transparency in examining departmental expenditure.

The formal details about the establishment and operations of the Committee are set out in the report by the Committee to the Legislative Assembly.

This Statement of Reservations will deal with these major areas of concern which reveal the extent to which, under the Bligh Government, there is an apparent absence of concern about the spending of public funds and complete lack of process in implementing decisions.

The areas of concerns are:

- Deficiencies in the Estimates Committee process
- Poor Infrastructure Planning
- Failure to adhere to timelines
- Failure to answer questions taken on notice properly
- Attempt to alter a document

### **DEFICIENCIES IN THE ESTIMATES COMMITTEE PROCESS**

There are a number of general reservations that need to be made in relation to the Queensland Estimates Committee process:

- The structure of the Budget Papers, and in particular the Service Delivery Statements, do not provide sufficient detailed information to enable proper scrutiny of activities and expenditures undertaken by Government.
- Insufficient time is allocated for hearings by Estimates Committees when considering particular portfolio.
- Insufficient opportunities are provided for hearings by Estimates Committees throughout the year.
- Opposition Members are provided with insufficient time during Estimates Committees Hearings to pursue issues.
- There is a continued failure by Government Ministers to allow Public Servants and Statutory Officials who exercise direct responsibility for the conduct of activities to directly answer questions posed by Members.
- No mechanism exists to require full, direct and honest answers to Questions on Notice.
- No mechanism exists to require Ministers to fully, directly and honestly answer questions posed during Hearings.

## **ANSWERS TO QUESTIONS ON NOTICE**

In particular, the refusal by the Minister to provide appropriate detail in his answers to Questions on Notice highlights a culture of arrogance and obstruction by this Minister.

An example of this is that last year in answer to a Question on Notice the Minister provided over 11 pages of detail that was not publicly available. This year in response to the same question for the updated budget period he refers to websites which did not provide any of the detail sought in the question. When asked specifically regarding this answer at the hearing he seemed unaware of the issue.

Likewise, in relation to Non-Government Question on Notice 4 regarding the blatant lack of business cases for the \$9 billion water-grid, the Minister directed the questioner to a two year old Question on Notice that did not answer the question, or even mention the words "business case", and included an incomplete list of projects funded under this Government initiative. The LNP members of the Committee again ask that this question be properly answered.

Similarly, the Minister refused to answer Non-Government Questions on Notice 6 & 9 regarding the actual expenditure of projects under the budget, leading to the only conclusion that the Minister doesn't understand the difference between actual and estimated.

Also Non-Government Question on Notice 10 referred to meetings the Minister held with lobbyists. It is noted with disappointment that the Minister didn't even attempt to answer this important question for the transparency of government.

Also see below for more discussion on the highly unsatisfactory answer to Non-Government Question on Notice 3 regarding sources of funding for SEQIPP.

## **SOUTH EAST QUEENSLAND INFRASTRUCTURE PLAN AND PROGRAM 2009-26**

It appears that the timing of the release of such an important document as SEQIPP has been made to avoid any detailed examination by the Estimates Committee process.

A document of such as significance as SEQIPP requires a suitable level of examination which is not possible when it is released to the Committee on the hearing day.

Previous Ministers were able to table SEQIPP well ahead of this deadline, enabling full and proper consideration.

Under this Minister this has not occurred, again showing the continued disregard this government places on open and transparent public administration, and the Minister's unwillingness to allow the Parliament to properly consider his portfolio performance.

2005 – Tabled 10 May

2006 – Tabled 24 May

2007 – Tabled 5 June

2008 – Tabled 3 June

2009 – Tabled at Estimates Committee

2010 – Tabled at Estimates Committee

It is no wonder that the best that the private sector industry can describe SEQIPP as is an "aspirational document". The 2010 SEQIPP has moved to remove project costs and timelines from projects, particularly in the out years, making it impossible to consider the government's claim that this document is really worth the \$134 billion proposed expenditure.

In addition, the government claims that this program will create 930,000 jobs. However the Minister confirmed in Non-Government Question on Notice 1 that that is actually cumulative jobs, with less than 50,000 jobs per year being associated with this program. This is an employment sleight of hand and not

something this government should be proud of in an environment where they are unable to create the 100,000 jobs they promised.

The LNP is concerned about the inability of the Minister to answer the non-Government Question on Notice 3, where he was unable to provide a breakdown of sources of funding for SEQIPP by local, State, Federal, GOC and private sector contributions, despite having fully answered the question in the previous year. This is an obvious abuse of the parliamentary process and the LNP calls on the Minister to immediately revise his answer to provide this information.

With the move to the Queensland Infrastructure Plan, the LNP is concerned this will be another excuse to lower the transparency in this government's infrastructure program.

### **POOR INFRASTRUCTURE PLANNING**

The LNP draws to Parliaments attention that each year the Infrastructure Department is facing damning Auditor-General reports.

Most recently the Auditor-General's Report to Parliament no. 8 found, among other criticisms:

#### *3.2.4 Audit findings*

##### *Key procurement decisions and delivery options*

*. . . Audit's assessment is that in some instances the delivery method would appear to have been decided prior to undertaking the business case, resulting in limited effort being spent on this aspect of the business case*

This is a damning indictment of the process undertaken by this government and, building on a series of other documents critical of the planning processes undertaken by the Department of Planning and Infrastructure, is an indication there is a real need for reform in this department.

### **FAILURE TO ADHERE TO TIMELINES**

The following is a list of just some of the projects or reports previously announced by the Minister which have not been delivered in accordance with announced timelines. The Minister failed to provide to the Estimates Committee any explanation for these failures.

<b><i>Project/Report</i></b>	<b><i>Announced date</i></b>	<b><i>Actual Date</i></b>
Rural Futures Action Plan Critical Rural Infrastructure Project	12 months from release of report (28/7/2010)	<b>No actions reported to date</b>
Rural Futures Action Plan Transferable Development Rights Pilot	12 months (28/7/2010)	<b>No actions reported to date</b>
South East Queensland (SEQ) Metropolitan Development Program (MDP) Annual Report	Annual Report	<b>No report ever completed</b>
Green Door Policy Sustainable Development Case Managers	To be in place by December 2009	<b>No actions reported to date</b>
Southern Moreton Bay Marine Infrastructure Master Plan	To be completed by August 2009	<b>Not completed by date indicated</b>
South East Queensland Regional Outdoor Recreation Strategy by November 2009	To be completed by November 2009	<b>Not completed by date indicated</b>

## **FAILURE TO ANSWER QUESTIONS TAKEN ON NOTICE PROPERLY**

I refer to the Answers provided by the Minister to Questions Taken on Notice during the Estimates Committee Hearings. Neither written answer provides comprehensive information [e.g. listing those projects, or even one, in SEQIPP that will be completed in 1-3 years as a result of the Governments Growth summit] which could only be the basis of the Minister requesting time from the Committee to answer the Question.

This provides a further example of arrogance displayed by the Minister in relation to providing information during the whole Estimates Committee process.

## **ATTEMPT TO ALTER DOCUMENT**

I refer the Committee to page 78 of the Hansard Proof of the Estimates Committee Hearing where I alleged an attempt by the Minister to alter a document in the process of being tabled before the Committee. This again is another example of the attitude of the Minister in relation to carrying out his responsibilities and accountabilities through the Estimates Committee process.

## **SUMMARY**

In summary I must in the strongest terms state my reservations with regards to the actions of this Minister with regards to the matters listed in this Statement which could almost constitute contempt of a Committee of the Parliament, especially with regards to such matters discussed as the:

1. Misrepresenting an Answer to a Question on Notice to the Estimates Committee by referring to websites that did not contain the detail requested;
2. Appearing to alter a document before it was tabled to the Committee; and
3. Timing the release of SEQIPP in such a way as to diminish the ability of the Committee to properly examine the document.

These matters do raise deep concerns over the culture and attitude displayed towards the Committee and the Estimates process by this Minister and the Bligh Labor Government.



David Gibson MP  
Member for Gympie  
Shadow Minister for Infrastructure and Planning