



Minister for Transport and Main Roads

Queensland Legislative Assembly	
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MP: <i>Mr Speaker</i>	By Leave <input type="checkbox"/>
Clerk's Signature: <i>[Signature]</i>	

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7 December 2018

The Hon Curtis Pitt MP
Speaker of the Legislative Assembly
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Speaker

Thank you for your letter dated 23 November 2018 forwarding correspondence received from the Member for Coomera, Mr Michael Crandon MP, in which he alleges I deliberately misled the Parliament regarding funding for the Pacific Motorway (M1) and progress of the Regional Transport Corridor (IRTC) during the Newman LNP Government.

I respectfully submit that for the reasons set out below, no element of contempt can reasonably be established in this matter, and that accordingly the matter does not warrant the further attention of the House.

Further, I note your statements – along with those of previous Speakers - that complaints regarding conduct in the House should be made in a timely manner. In that respect conduct sought to be relied on by the Member for Coomera in his letter of 19 November 2018 mostly dates back to 2017, with two statements having been made in 2016, during the previous session of Parliament. I therefore submit that this complaint is neither accurate, nor timely.

There are three elements to be proven in order to establish that a Member has committed the contempt of deliberately misleading the House:

1. The statement must have been misleading;
2. The Member making the statement must have known, at the time the statement was made, that it was incorrect; and
3. In making the statement, the Member intended to mislead the House.

It is my submission, that the Member for Coomera has failed to make out any of those elements.

M1

The Member for Coomera provided Service Delivery Statements which he alleges is evidence showing investment and works on the M1 (Pacific motorway) over the period.

The appropriate document to which to refer is the Budget Capital Statement (BP3), as it documents funding decisions taken by Government and, specifically, reflects new funding. Any decisions taken to provide new funding to M1 upgrades under the Newman Government would have been included in BP3 in either the 2012-13, 2013-14 or 2014-15 budgets.

The following links provide the references for M1 funding in each of the relevant BP3 documents for the financial years 2012-13 to 2014-15:

<https://s3.treasury.qld.gov.au/files/bp3-2012-13.pdf> - pages 111-112

<https://s3.treasury.qld.gov.au/files/bp3-2013-14.pdf> - pages 114-115

<https://s3.treasury.qld.gov.au/files/bp3-2014-15.pdf> - pages 102-103

There is only one project in any of these budget papers which is specific to M1 funding, which is contained in the 2012-13 budget. This is an upgrade to the Pacific Motorway between Fitzgerald Avenue and Aranda Street.

BP3 properly reflects that funding for this project commenced in the 2011-12 financial year. Further, the attached media statement of 11 March 2012 clearly shows that the decision was taken by the Bligh and Gillard Governments to reinvest savings from other M1 projects into this upgrade: <https://www.projectlink.com.au/news/savings-pave-the-way-for-even-more-m1-upgrades>

I have also attached a letter from the Australian Government's Department of Infrastructure and Transport dated 20 February 2012 which clearly states that the then Federal Minister Anthony Albanese had approved a change of project scope to include the upgrade to the Pacific Motorway between Fitzgerald Avenue and Aranda Street. This is prior to the election of the Newman Government on 24 March 2012.

The Member for Coomera also refers to the 2013-14 Service Delivery Statement for the Department of Transport and Main Roads, which references the funding for the widening of the Pacific Motorway to six lanes between Worongary and Mudgeeraba, funding which was reprioritised by the Bligh and Gillard Governments from the 2011-12 budget.

None of the budget documents refer to any new funding provided for any projects on the M1 between 2012-13 and 2014-15.

Further, as stated in response to Question on Notice 64 (asked on 5 May 2015), which the Member for Coomera has relied on in his complaint, the Australian Government did not make any funding commitment to the M1 in the National Partnership Agreement (2014-15 to 2018-19), and it was not until the 2015 federal budget that any funding was committed – being \$10 million towards the Exit 54 interchange project at Coomera.

As shown in the attached media releases, construction of the Exit 54 interchange upgrade commenced in 2015 and was completed in 2016. The upgrade did not get done under the previous Newman LNP Government.

IRTC

The Member for Coomera summarises this aspect of his complaint as relating to statements *“that the Newman LNP Government blocked the Intra Regional Transport Corridor (IRTC) from progressing”*.

The fact that the previous Newman LNP Government blocked the IRTC from progressing is supported by the very evidence that the Member has sought to rely on.

In particular, in the email sent 5 September 2014 from Paul Noonan, Regional Director South Coast, Department of Transport and Main Road to the Member for Coomera, Mr Noonan states;

“In April 2014, the Honourable Jeff Seeney MP, Minister for State Development, Infrastructure and Planning advised council that the IRTC cannot be reference in council’s Draft 2015 Gold Coast City Plan until it is a gazetted future state-controlled road.”

Further in the email sent 7 May 2014 from Carrie Hall, Assistant Policy Advisor, Deputy Premier, Minister for State Development, Infrastructure and Planning, the Hon. Jeff Seeney to the Coomera Electorate Office, Ms Hall states;

“...Integrated Regional Transport Corridor (IRTC) has yet to be named/registered as a gazetted corridor. Whilst DTMR may have intent for the corridor to proceed and eventually be registered as a State controlled land, we cannot anticipate this change until it is actually gazetted.”

These extracts provide evidence that the then Deputy Premier, the Jeff Seeney, did ask for the reference to the corridor not be included in the 2015 Gold Coast City Plan, and secondly that the corridor was yet to be gazetted.

This is further confirmed by the attached letter from the then Deputy Premier to Councillor Tom Tate, Mayor Gold Coast City Council dated 25 June 2014, which is on the public record.

These matters were also the subject of public reporting – see for example report titled “End of the road for traffic relief plan as road corridor quietly scrapped” dated 24 April 2014, which is attached.

This is in contrast to the Palaszczuk Labor Government which has formally gazetted 2 parts of the corridor – now known as the ‘Coomera Connector’:

- on 18 March 2016 between Nerang and Coomera section; and
- on 12 May 2017 from Coomera to Stapylton (see <https://www.tmr.qld.gov.au/Projects/Name/C/Coomera-Connector>)

Conclusion

For the reasons set out above, I submit that my statements, upon which the Member for Coomera has sought to base his allegations, are in fact accurate and therefore cannot properly be characterised as misleading.

The element requiring that the member knew, at the time the relevant statement was made, that it was incorrect, cannot be made out. As already submitted, they were not incorrect; and it follows that I did not "know" they were incorrect.

Further, Mr Speaker, please be assured that it was not my intention to mislead the House in making the statements referred to by the Member for Coomera.

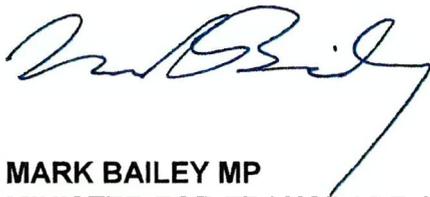
I therefore submit, Mr Speaker, that the elements of a contempt of the Parliament have not been made out by the Member for Coomera, and there is no evidence provided by the Honourable Member that I have made any statement to the House that was misleading, or that was intended to mislead the House.

Finally, I note that the Member for Coomera's allegations in respect of the M1 are substantially consistent with those made by the Member for Chatsworth, Mr Steve Minnikin MP of the Premier and Minister for Trade, The Hon Annastacia Palaszczuk MP in August this year. In that matter, you gave your ruling in the Legislative Assembly on 16 October 2018 that the complaint did not warrant the further attention of the House via the Ethics Committee.

Thank you for the opportunity to respond to these allegations.

Should you require any further information, or any clarification of matters contained herein, please do not hesitate to contact me.

Yours sincerely



MARK BAILEY MP
MINISTER FOR TRANSPORT AND MAIN ROADS

Savings pave the way for even more M1 upgrades

Source: **Queensland Government**

News Date: **11 Mar 2012**

Category: **Roads**

Hon Anthony Albanese MP
Minister for Infrastructure and Transport
Leader of the House

Hon Craig Wallace
Queensland Main Roads Minister

The multimillion dollar upgrade of the Pacific Motorway will come in well under-budget with the savings to be used to deliver a more extensive upgrade than originally planned, including widening the road to six lanes between Worongary and Mudgeeraba.

Federal Infrastructure and Transport Minister Anthony Albanese said savings of nearly \$160 million are expected and every one of those dollars will be reinvested back into the Motorway to make it even better, safer and less congested.

"Together, the Gillard and Bligh Labor governments are delivering above and beyond what we initially promised, news which will no doubt be welcomed by the tens of thousands of motorists and truck drivers who use this road every day," said Mr Albanese.

"It is also a great outcome for the Australian taxpayer and a tribute to the proper planning process undertaken by the Queensland Government as well as the expertise of the contractors and workers involved.

"Only Labor has a plan to keep the South East Corner moving, one which recognises that the task of renewing and expanding the region's transport infrastructure requires a partnership between governments. Already Federal Labor has committed a record \$5.7 billion more than what the former Howard Government spent across the entire State over a similar period of time."

The \$910 million Pacific Motorway Upgrade is being jointly funded by the Gillard and Bligh Labor governments, with four of the original seven projects already completed.

Queensland Main Roads Minister Craig Wallace said the additional projects will further improve driving conditions, ease congestion and improve safety along this vital road connecting Brisbane to the Gold Coast.

"As well as widening yet another section of the Motorway, we will also construct an auxiliary lane between Fitzgerald Avenue and Aranda Street in Springwood to make it easier and safer for motorists to merge," said Mr Wallace.

"And we will use the remaining savings to undertake the land acquisitions and planning work necessary to get the future widening of the road between Daisy Hill and the Logan Motorway 'shovel-ready'."



Australian Government

Department of Infrastructure and Transport

File Reference: 12/1929

Mr Ken Beattie
General Manager Program Development and Management
Queensland Department of Transport and Main Roads
GPO Box 2595
BRISBANE QLD 4001

Dear Mr Beattie

**Nation Building Program - Pacific Motorway - Gateway to Logan
Section, Queensland**

I refer to your letter of 2 September 2011 including the Project Proposal Report (PPR) for the Auxiliary Lane - Fitzgerald Avenue to Aranda Street project seeking scope and funding variations for projects on the Gateway to Logan section of the Pacific Motorway.

I am pleased to advise that the Hon Anthony Albanese MP, Minister for Infrastructure and Transport, has approved the following variations:

- a variation to increase funding on the Gateway Motorway to Springwood South (Section A) project by \$17.5 million, from \$20 million to \$37.5 million, and to vary the scope to include construction of an auxiliary lane from Fitzgerald Avenue to Aranda Street;
- a variation to reduce the approved funding on the Springwood South to Daisy Hill (Section B) project by \$27.5 million, from \$210 million to \$182.5 million to capture cost savings; and
- a variation to increase funding on the Daisy Hill to Logan Motorway (Section C) project by \$10 million, from \$15 million to \$25 million to allow for additional property acquisitions.

The approvals are in accordance with the *Nation Building Program (National Land Transport) Act 2009* (the Act). Enclosed is a copy of the Project Approval Instruments No. QTP34255, QTP34263 and QTP34264.

Projects approved under the Act must comply with the mandatory conditions imposed under the Act and any other State/Territory laws where applicable. This includes the Building and Construction Industry Occupational Health and Safety Accreditation Scheme. The funding conditions, reporting requirements and performance indicators set out in the National Partnership Agreement and Notes on Administration (NoA) apply to this project.

Within six months of the physical completion of the project, the Queensland Department of Transport and Main Roads (Main Roads) is to provide a post completion report (refer Appendix J in the NoA) including performance indicators identified in the PPR for the Auxiliary Lane - Fitzgerald Avenue to Aranda Street project of the extent to which the project has achieved the following:

- reduced travel times;
- improved travel reliability; and
- increased productivity through transport efficiency.

Main Roads is to have arrangements in place for capturing and reporting on project performance to assist in any future joint project evaluation as described in Section 7 of the NoA.

I draw your attention to the requirements of the *Environment Protection and Biodiversity Conservation Act 1999*, and the need for Main Roads to liaise with the relevant environmental agencies to identify any environmental and/or heritage issues that need to be addressed. Any matters of national environmental or heritage significance must be referred to the Australian Government Minister for Sustainability, Environments, Water, Population and Communities.

I would also like to take this opportunity to remind you of the Queensland Government's agreement to adhere to the National Code of Practice for the Construction Industry and the associated Australian Government Implementation Guidelines for all applicable Nation Building Program projects. Main Roads is to ensure that, where applicable, this requirement is met.

Yours sincerely



Roland Pittar
General Manager
North West Roads
Infrastructure Investment Division

20 February 2012

Enclosure: Approval Instrument No. QTP34255, QTP34263 and QTP34264.



Hon Jeff Seeney MP

Deputy Premier

Minister for State Development, Infrastructure and Planning

Our ref: MC14/2132
TT100614

Your ref: MS#43853173

25 JUN 2014

Councillor Tom Tate
Mayor
Gold Coast City Council
PO Box 5042
GOLD COAST MAIL CENTRE QLD 9729

Dear ~~Councillor~~ Tate

I refer to your letter of 5 May 2014 to the Honourable Scott Emerson MP, Minister for Transport and Main Roads, about my requirement to remove the Intra Regional Transport Corridor (IRTC) from the draft Gold Coast City Plan 2015. As this matter falls within my portfolio responsibilities, your correspondence was forward to my office for response.

As you may be aware, the IRTC is not a gazetted future state controlled road and, as such, is not a state interest matter.

In order for local government planning schemes to promote confidence in the planning system, they must accurately reflect state interest matters in a clear and transparent manner.

Until such time as the IRTC has been fully investigated, approved by the Queensland Government for protection, and gazetted accordingly, it will not be considered a relevant state interest. It would be inappropriate for it to be included within council's draft city plan until that has occurred.

If you require any further assistance, please do not hesitate to contact my office.

Yours sincerely

JEFF SEENEY MP
DEPUTY PREMIER
Minister for State Development, Infrastructure and Planning

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End of the road for traffic relief plan as road corridor quietly scrapped

April 24, 2014 8:46pm
Kathleen Skene GoldCoastBulletin

WELCOME to 2031 on the Gold Coast — home to 789,000 people and millions more visitors, all of whom are still stuck in the gridlocked hell that is the Pacific Motorway.

That choking vision could become reality as the State Government works to dissolve a major transport corridor that had been preserved to take the pressure off the M1 through the expanding northern suburbs.

In a letter tabled at a planning meeting this week, Deputy Premier Jeff Seeney asked for 10 amendments to the Gold Coast City Council's draft City Plan 2015 before his department would allow its release for public consultation.

Among the amendments was a requirement to “remove the Integrated Regional Transport Corridor — IRTC” from the council’s map and another requiring the council to rezone the corridor to “align with adjoining properties”, effectively deleting it from the city plan.

Traffic around the Gold Coast doesn’t look to improve in the future with road corridor plan scrapped.

The change opens the door for the Government to sell its share of the land, although a statement from Mr Seeney’s office said land sales were not the reason for the request.

The IRTC runs parallel to the M1 for 40km, beginning at Stapylton and running south through Comera, Helensvale and Parkwood before merging with Nerang-Broadbeach Rd west of Surfers Paradise.

Councillors at the meeting resolved that Mayor Tom Tate write to Transport and Main Roads Minister Scott Emerson asking for the amendments to be reconsidered.

Planning chair Cameron Caldwell said the corridor was considered a “critical north-south link” for the city.

Questions to Mr Seeney’s office from the *Bulletin* were answered with a statement from Assistant Planning Minister Rob Molhoek, who said the council was welcome to retain the corridor on its maps for use as a regional road, but not as a state road.

He said that the IRTC was originally set aside as a second Gold Coast-Brisbane connection, a prospect that was quashed by the Bligh government, which was lobbied by protesters in the Logan area.

That part of the road — which became known as the “koala road” – had since been sold off, Mr Molhoek said, meaning the remaining section was “a road to nowhere”.

But councillors at this week’s meeting disagreed, with Cr William Owen-Jones imagining future residents battling the transport problems and blaming the previous governments.

“They’ll say ‘what about that council 20 years ago that didn’t think about the future?’,” he said.

Planning and Environment director Gail Connolly told the meeting she understood the Transport Minister “was not happy” with the amendments and that senior bureaucrats in his department had not been aware of them.

Mr Emerson’s office declined to answer the *Bulletin*’s questions on the loss of the transport corridor, its potential impacts, or his support or otherwise of Mr Seeney’s required zoning changes.

The State Government is reviewing its South East Queensland Regional Plan, which includes a policy to identify and protect future transport corridors that it describes as “critical” to support land use and development.



Media release

Minister for Main Roads, Road Safety and Ports and
Minister for Energy and Water Supply
The Honourable Mark Bailey

Construction to begin on Coomera Interchange upgrade

Construction is set to begin on the Coomera Interchange Exit 54 on the Pacific Motorway, with Seymour Whyte awarded the contract.

Minister for Main Roads and Road Safety Mark Bailey said the \$74.7 million project on the Gold Coast would help reduce congestion through the busy interchange and create 163 jobs.

"The widening of the off-ramp in both directions is expected to be completed in time for the opening of Scentre Group's new Coomera Town Centre," he said.

"Work on the Exit 54 upgrade is expected to begin on Sunday, with the building of a new bridge likely to be completed next year.

"It demonstrates the Australian and Queensland governments' commitment to delivering enhanced transport infrastructure that will serve the Gold Coast for decades to come."

Deputy Prime Minister and Minister for Infrastructure and Regional Development Warren Truss said the upgrade would ease the pressure of rapid residential and commercial growth along the motorway.

"In the past 10 years, the area's rapid growth has led to the current interchange reaching capacity," he said.

"This upgrade will improve pedestrian and cycle safety, reduce the number of rear-end crashes at the end of the exit ramps and provide better access to the new Coomera Town Centre."

Federal Member for Forde Bert van Manen said a new bridge will be built to the north of the existing bridge over the Pacific Motorway for eastbound traffic.

"Both existing roundabouts will also be upgraded to signalised intersections to reduce the risk of queuing on the motorway ramps," he said.

Federal Member for Fadden Stuart Robert said the upgrade will benefit local residents.

"This project means Coomera's huge population growth will be matched with better infrastructure and more local jobs," he said.

The upgrade project is jointly funded with \$47.4 million from the Queensland Government, \$10 million from the Australian Government and \$17.3 million from Scentre Group.

Media Contacts

For Mr Bailey: Stephen Johnson 0410 578 131

For Mr Truss: Brett Heffernan 0467 650 020



Media release

Minister for Main Roads, Road Safety and Ports and
Minister for Energy, Biofuels and Water Supply
The Honourable Mark Bailey

Pacific Motorway Exit 54 southbound back to speed

The reduced speed limit, southbound on the Pacific Motorway through the Coomera Interchange roadworks, will return to 110km/h this week.

Queensland Main Roads and Road Safety Minister Mark Bailey said all work close to the motorway on the eastern side of the \$74.7 million upgrade had finished.

"This is great news for motorists as we can now remove the roadwork speed limit and reinstate 110km/h for the southbound lanes," Mr Bailey said.

"The northbound speed limit will remain at 80km/h until the end of the year, as there is still a fair bit of work happening in that area.

"We are making headway, but extensive construction work is ongoing at both the northbound on and off-ramps.

"The upgrade is supporting 163 direct jobs over the life of the project."

Federal Member for Forde Bert van Manen said construction would also start next week on the Whitewater Way and Dreamworld Parkway roundabout on the eastern side of the interchange.

"We'll be increasing capacity through the roundabout by building a dedicated left-turn slip lane to Dreamworld, separating that traffic from the roundabout traffic," Mr van Manen said.

"This will also improve access to the roundabout with one right-turn only lane and the other giving the option to go through or turn right.

"The new layout will use both sides of the centre median to create a wider footprint, meaning a section of Whitewater Way will be reduced to one lane day and night until November."

Federal Member for Fadden Stuart Robert thanked motorists for their patience while the works were carried out.

'The completion of the Exit 54 upgrade will mean shorter travel times for local families, particularly on the school run. I'm also looking forward to the Coomera Town Centre becoming the latest addition to our northern Gold Coast community,' Mr Robert said.

Motorists are being urged to consider alternative routes whenever possible or expect lengthy delays.

The State Government has contributed \$47.4 million towards the upgrade, with the Australian Government funding \$10 million and developers contributing \$17.3 million.

For more information, and to subscribe to the free SMS and email traffic alert systems for the Pacific Motorway Coomera Interchange (Exit 54) upgrade, visit the project page at www.tmr.qld.gov.au (<http://www.tmr.qld.gov.au/>).

Media Contact: Minister