25/7/19

The Honourable Curtis Pitt MP
Speaker of the Legislative Assembly
Member for Mulgrave
PO Box 314
GORDONVALE QLD 4865

Dear Mr Speaker

I wish to draw to Mr Speaker’s attention a matter of privilege arising out of a Question without Notice on 12 June 2019 by the Member for Broadwater.

Mr Speaker, I submit that in making the statements in the Question without Notice to which I refer, the Member for Broadwater has deliberately misled the House and is in contempt of the Queensland Parliament, in particular Standing Order 266 of the Standing Rules and Orders of the Legislative Assembly.

There are three elements to be proved 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.

Section 37 of the Parliament of Queensland Act 2001 sets out the meaning of contempt of the Assembly thus:
(1) Contempt of the Assembly means a breach or disobedience of the powers, rights or immunities, or a contempt, of the Assembly or its members or committees.
(2) Conduct, including words, is not contempt of the Assembly unless it amounts, or is intended or likely to amount, to an improper interference with—
(a) the free exercise by the Assembly or a committee of its authority or functions; or
(b) the free performance by a member of the member’s duties as a member.

Standing Order 266 of the Standing Rules and Orders of the Legislative Assembly sets out examples of what might constitute a contempt of the Queensland Parliament and, whilst not limiting the power of the House to the matters contained therein, includes a reference in subparagraph (2), to:
deliberately misleading the House or a committee (by way of submission, statement, evidence or petition).
As outlined, there are three elements to be proven in order to establish that a Member has committed the contempt of deliberately misleading the House. I will address each of these in turn.

1. **The statement must have been misleading**
   I refer to a Question without Notice asked by the Member for Broadwater on 12 June 2019 as recorded at page 1875 of the Record of Proceedings for that day.

   In his question, the Member stated that [the 2019/20 State Budget] 'only allocated another $5 million towards the second M1 studies...' *(the first misleading statement).*

   The Coomera Connector is a proposed second arterial road running north-south between Nerang in the South and Loganholme in the North. It is commonly referred to as 'the second M1' and reference to the second M1 are well understood to be references to the Coomera Connector.

   The Palaszczuk Government gazetted the entire 41-kilometre Coomera Connector corridor in March 2019 and is progressing the planning work which is necessary to inform any future decisions about the use of the corridor. This preliminary work includes options analysis, environmental studies, community consultation, and business case development.

   In the Queensland Transport and Roads Investment Program 2019/20 – 2023/24 (QTRIP), released with the 2019/20 State Budget, the Palaszczuk Government committed $10 million for planning to the Coomera Connector in addition to $10 million committed by the Australian Government under their Major Project Business Case Fund.

   This is clearly shown in QTRIP.¹

   The role of QTRIP and where it can be access is described in detail in the State Budget 2019-2020 Capital Statement.²

   The $10 million investment is in addition to approximately $4 million previously spent by the Palaszczuk Government in carrying out preparatory work and covering costs associated with gazetted in the period up to 30 June 2019.

   Accordingly, the contention of the Member for Broadwater that the Palaszczuk Government has 'only committed an additional $5 million [to the Coomera Connector]' was incorrect at the time the statement was made.

2 The member making the statement must have known, at the time the statement was made, that it was incorrect
   The amount committed by the Palaszczuk Government to the Coomera Connector was publicly known from the release of the 2019/20 State Budget and the associated QTRIP document on

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¹ See page 41.
11 June 2019. This information was readily accessible to the Member for Broadwater in advance of asking his question without notice on 12 June 2019.

Nevertheless, he persisted to rely on that false statement and therefore intentionally misled the House.

3. In making the statement, the Member intended to mislead the House
The information regarding the budget allocation for the Coomera Connector project is contained within the budget papers. The Member for Broadwater should have known where to find this publicly available information, particularly as he is a former Minister and should be aware of the budget process.

I request that these matters be referred to the Ethics Committee.

Yours sincerely

MARK BAILEY MP
Minister for Transport and Main Roads
## National Network

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<th>Queensland Government / Other</th>
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</table>
1.2 Capital planning and prioritisation

The Queensland Government has established a clear and comprehensive infrastructure planning framework to underpin and inform the prioritisation of the State's capital works, thereby ensuring delivery of the capital program reflects the most appropriate, cost-effective approach to address the service needs and infrastructure challenges facing Queensland.

Key elements of the infrastructure planning and prioritisation framework include the State Infrastructure Plan, Building Queensland's Infrastructure Pipeline Report and the Queensland Transport and Infrastructure Program.

State Infrastructure Plan (SIP)

The SIP provides the Government’s vision for infrastructure planning, investment and delivery. The SIP ensures the State is investing in the right infrastructure, in the right place and at the right time. It provides confidence and certainty to industry, local government and the community by confirming the Government’s investment program over the next four years.

Implementation of the SIP is led by the Department of State Development, Manufacturing, Infrastructure and Planning.


Building Queensland (BQ)

BQ, an independent statutory body, provides expert advice on major infrastructure projects to the Queensland Government, including leading or assisting with the development of detailed business cases on major projects. BQ also develops the Infrastructure Pipeline Report to assist in determining the projects that will best address the State's infrastructure priorities.


Queensland Transport and Investment Program (QTRIP)

QTRIP is the Department of Transport and Main Roads’ annually published program of current and planned investments in road and transport infrastructure (including roads, railways, active transport, marine infrastructure and public transport) over the next four years.

The program of works detailed in QTRIP represents a $23 billion\(^1\) investment over the four years from 2019-20, directly supporting an estimated average of approximately 21,500 direct jobs over the life of the program.

The strategic intent of QTRIP is shaped by the SIP and the Transport Coordination Plan 2017-2027. It is developed in accordance with funding allocations identified by the Queensland and Australian Governments.


\(^1\)Total QTRIP investment is inclusive of both non-capital and capital components.
15 August 2019

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

By email: speaker@parliament.qld.gov.au

Dear Mr Speaker

I refer to your letter of 2 August 2019, relating to a submission you have received from the Member for Miller dated 25 July 2019.

I appreciate the opportunity to respond to the matter.

My response is contained in the attached submission and I contend that the statement I made on 12 June 2019, that “only allocated another $5 million towards the second M1 studies” is factually correct.

If you require any further information on this matter, please do not hesitate to contact my office.

Yours sincerely

David Crisafulli MP
Shadow Minister for Environment, Science and the Great Barrier Reef
Shadow Minister for Tourism
Member for Broadwater
SUBMISSION IN RESPONSE TO CLAIM MADE BY THE MEMBER FOR MILLER

BACKGROUND
1. This matter relates to a submission by the Member for Miller that on 12 June 2019 I made a deliberately misleading statement in a Question without Notice when I stated:

"only allocated another $5 million towards the second M1 studies" is factually correct ...

RELEVANT CONSIDERATIONS
2. Section 37 of the Parliament of Queensland Act 2001 defines the meaning of "Contempt" of the Assembly as:

37 Meaning of contempt of the Assembly
(1) Contempt of the Assembly means a breach or disobedience of the powers, rights or immunities, or a contempt, of the Assembly or its members or committees.

3. Standing Order 266 provides examples of Contempt to include, inter alia:

(2) Deliberately misleading the House or a committee (by way of submission, statement, evidence or petition);

4. In order for the allegation of a deliberate misleading of the House to be made out, three elements must be proven:
   a. the statement must, in fact, have been misleading;
   b. it must be established that the member making the statement knew at the time the statement was made that it was incorrect; and
   c. in making it, the member must have intended to mislead the House.

5. In determining whether each element is met, the standard of proof to be met is 'on the balance of probabilities.'

APPLICATION
6. I will deal with each element in turn.
THE FIRST ELEMENT – WAS THE MEMBER’S STATEMENT ACTUALLY MISLEADING?

THE FACTS

7. While the Member for Miller referenced the total state government $10 million allocation referenced in the Queensland Transport and Roads Investment Program 2019/20 – 2023/24 (QTRIP) he has failed to detail how much of the total amount had been carried over from previous QTRIP documents. Therefore, there is only one fact to establish:
   a. A contribution of $5 million from the Queensland Government for Coomera Connector transport planning had previously been allocated.

8. A review of the preceding year’s QTRIP (2018/19 to 2021/22) identifies that the State Government had allocated $5 million for Coomera Connector transport planning (page attached).

9. As the Member for Miller referenced in his letter to you, this year’s QTRIP (2019/20 – 2023/24) identifies a total Queensland Government contribution for Coomera Connector transport planning of $10 million (page attached).

10. Reviewing both QTRIP documents, it is evident that the $10 million referenced by the Member for Miller is comprised of the $5 million that was committed in last year’s QTRIP and an additional $5 million that was allocated in this year’s QTRIP.

THE SECOND ELEMENT – WAS THE MEMBER AWARE AT THE TIME OF MAKING THE STATEMENT THAT IT WAS INCORRECT?

11. At the time I made the statement I believed the statement was correct.

12. In fact, I still believe the statement is correct.

13. The Member for Miller has provided no detail of the funding that was allocated in previous years, instead he has incorrectly asserted that the full $10 million state allocation for the Coomera Connector was committed in this financial year.

14. Analysis of last year’s QTRIP document reveals that $5 million had been previously committed and that only another $5 million was allocated in this year’s QTRIP amounting to a sum of $10 million.

15. The Member for Miller has not provided any credible evidence to prove that half of the $10 million outlined in the 2019/20 – 2023/24 QTRIP document had been previously allocated.
THE THIRD ELEMENT – DID THE MEMBER INTEND TO MISLEAD THE HOUSE?

16. I did not intend to mislead in the House in making my statement as I believed it to be true when I made the statement and still true today.

CONCLUSION

17. Mr Speaker I appeal to your esteemed experience and detailed understanding of the state budget process as the former Treasurer of Queensland in recognising the unsubstantiated statements asserted by the Member for Miller in his letter to you on 25 July 2019.

18. I respectfully submit that this matter does not warrant any further attention by the House including the Ethics Committee.
### State Network

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<th>Local government</th>
<th>Descriptive Code</th>
<th>Category</th>
<th>Major road/Location</th>
<th>Location description</th>
<th>Estimated Total Cost</th>
<th>Estimated expenditure per project (FY 2018-19)</th>
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<td>4253.43</td>
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<td>Gold Coast highway - Pelican Island</td>
<td>Gold Coast Highway</td>
<td>12.285</td>
<td>3.215</td>
<td>3.044</td>
<td>3.044</td>
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<td>Freeway intersection/s</td>
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<td>4253.43</td>
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<td>Gold Coast Highway</td>
<td>12.285</td>
<td>3.215</td>
<td>3.044</td>
<td>3.044</td>
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<td>Construct cycleways</td>
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*Note: Gold Coast City*
### National Network

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<td>South Coast City</td>
<td>19809.01</td>
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<td>Pacific Highway (Pacific Motorway)</td>
<td>Albert River Bridge</td>
<td>6.7</td>
<td>9.7</td>
<td>3.7</td>
<td>4.8</td>
<td>2019-20</td>
<td>2020-21</td>
<td>2021-22</td>
<td>2022-23</td>
<td>2022-23</td>
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<td>5015.87</td>
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<td>Kurnell to Tuggerah</td>
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<td>6.3</td>
<td>3.2</td>
<td>4.8</td>
<td>2019-20</td>
<td>2020-21</td>
<td>2021-22</td>
<td>2022-23</td>
<td>2022-23</td>
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<td>Queens mq - bomina</td>
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<td>25.0</td>
<td>2.9</td>
<td>5.9</td>
<td>2019-20</td>
<td>2020-21</td>
<td>2021-22</td>
<td>2022-23</td>
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<td>275170</td>
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<td>Ormeau and Pimpama (Bris 29 and</td>
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<td>1.0</td>
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<td>2020-21</td>
<td>2021-22</td>
<td>2022-23</td>
<td>2022-23</td>
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<td>Loganholme - Rochedale Rd</td>
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<td>1.8</td>
<td>0.5</td>
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<td>2019-20</td>
<td>2020-21</td>
<td>2021-22</td>
<td>2022-23</td>
<td>2022-23</td>
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#### South Coast Regional

**Table:**

1. **Local Government:**
   - South Coast City
   - South Coast Region
   - South Coast Regional

2. **Investment ($M):**
   - 19809.01
   - 5015.87
   - 7657.93
   - 275170
   - 119567
   - 213001

3. **Government's Measure:**
   - Pacific Highway (Pacific Motorway)

4. **Location Description:**
   - Albert River Bridge
   - Kurnell to Tuggerah
   - Queens mq - bomina
   - Ormeau and Pimpama (Bris 29 and
     East)
   - Loganholme - Rochedale Rd
   - Morayfield - Varley Lakes

5. **Lanium/Consult:**
   - 6.7
   - 9.7
   - 3.7
   - 4.8
   - 2.9
   - 5.9

6. **Australian Government:**
   - 9.7
   - 6.3
   - 3.2
   - 4.8
   - 1.2
   - 1.2

7. **Commonwealth Government:**
   - 3.7
   - 2.9
   - 2.9
   - 5.9
   - 0.5
   - 1.0

8. **External and Regional Organisations:**
   - 4.8
   - 4.8
   - 2.9
   - 4.8
   - 1.0
   - 1.0

9. **Approved 2019-20:**
   - 2019-20
   - 2020-21
   - 2021-22
   - 2022-23

10. **Estimated 2020-21:**
    - 2020-21
    - 2021-22
    - 2022-23
    - 2022-23

11. **Estimated 2021-22:**
    - 2021-22
    - 2022-23
    - 2022-23

12. **Estimated 2022-23:**
    - 2022-23

13. **Indicative Budget 2022-23:**
    - 2022-23

14. **Budget:**
    - 2022-23

15. **Week Description:**
    - Install, improve or replace ITS hardware and field devices;