



Estimates Committee D

2005

Report to the Legislative Assembly

INTRODUCTION

Pursuant to Standing Order 167(3) the Legislative Assembly by Order, as amended on 12 May 2005, referred to Estimates Committee D for examination and report certain proposed expenditures contained in the *Appropriation Bill 2005*. The organizational units and portfolios allocated to the committee were:

- Minister for Health
- Attorney-General and Minister for Justice

The committee held a public hearing on 8 July 2005. A verbatim transcript of the committee's hearing can be accessed free of charge on the Internet at: <http://www.parliament.qld.gov.au/Hansard/>

Prior to the public hearing, the committee put 20 questions on notice to each minister. Written responses to all of the questions were received.

The committee has considered the estimates referred to it by examining information contained in:

- budget papers and Ministerial Portfolio Statements (MPS) for 2005-2006;
- written responses provided by the Ministers to pre-hearing questions on notice;
- oral evidence taken at the hearing;
- documents tabled at the hearing;
- answers to questions taken on notice at the hearing; and
- additional information given in relation to answers.

Answers to questions on notice and questions taken on notice at the hearing, together with minutes of the committee's meetings, are included in a volume of additional information tabled with this report.

MINISTER FOR HEALTH

QUEENSLAND HEALTH

Queensland Health provides a wide range of health services aimed towards achieving its identified mission of promoting a healthier Queensland. These services are delivered through a network of acute care facilities, non-inpatient services including mental health, oral health, community health, pathology services and State Government residential aged care facilities.¹

The total appropriation for the Health portfolio in 2005-06 is \$3,249,790,000.

The following table² sets out details of the appropriation for 2005-06 compared to the previous financial year:

	2004-05 Budget \$'000	2005-06 Estimate \$'000
Departmental Outputs	2,964,861	2,983,733
Equity Adjustment	76,490	266,057
Vote Total	3,041,351	3,249,790

Key elements in the Budget include funding for the following in 2005-06:

- \$10 million towards preventing chronic diseases and their key risk factors.
- \$5.8 million to improve secondary and tertiary cardiac care including a new Cardiac Catheter Laboratory at the Gold Coast Hospital, funding for multi-disciplinary management of heart failure, extra cardiac rehabilitation programs and additional early intervention procedures.

¹ 2005-06 State Budget – Ministerial Portfolio Statement – Minister for Health, Departmental Overview p 1-1.

² 2005-06 State Budget – Ministerial Portfolio Statement – Minister for Health, Appropriations, p 1-10.

- \$4.5 million to enhance the multi-strategy tobacco control initiative.
- Funding for the State-wide Positron Emission Tomography (PET) scanner service and cyclotron.
- \$5 million to improve access to renal services including low dependency, acute and self-care dialysis services at locations across the State, completion of telehealth links between low-dependency remote services and senior clinicians at major centres and improved access to surgery.
- \$8.2 million towards staffing of clinical and community health professionals.
- \$9.6 million allocated to a joint funding agreement with the Australian Government Department of Health and Ageing to provide transition care to older Queenslanders being discharged from acute care, who would be eligible to receive residential aged care outside hospital.
- Implementation of *Queensland Health's Directions for Aged Care 2004-2011*, to address unnecessary hospitalisation of older Queenslanders, maximise their functionality, and provide community placements and care.
- \$7.6 million to improve the health of indigenous Queenslanders and to implement Queensland's response to the National Strategic Framework for Aboriginal and Torres Strait Islander Health.
- \$5.6 million to develop 5 multi-disciplinary homelessness intervention teams across the State and 30 transitional accommodation places for people with a mental illness.
- Continued support of the Drug Court Pilot Project by providing a range of alcohol and drug assessment treatments and rehabilitation services
- \$0.9 million to the Suspected Child Abuse and Neglect (SCAN) inter-agency teams.
- Training of mental health clinicians to work with police and ambulance officers in Mental Health Crisis Intervention Teams to assist in preventing and safely resolving mental health crisis situations.
- Funding to target public hospital elective surgery waiting times.
- \$5 million to commence a Health Hotline to provide 24 hour access to health information and advice about health services.
- \$0.8 million for a birthing centre service at the Gold Coast Hospital.
- \$146.2 million for major hospital, rural and metropolitan centre redevelopments and emergency department upgrades.
- \$61.7 million for the Residential Aged Care Facilities Program.
- Expansion of Caloundra Hospital services.

Issues canvassed in questions on notice and at the hearing included:

Questions on Notice

- Cancer Medical Directors and Nursing Directors
- Benefits of health care delivery via health hubs.
- The Gold Coast hospital birthing centre.
- Community mental health services.
- *School Based Youth Health Nurse Programme*.
- Capital works at Mackay Hospital.
- Gold Coast Hospital emergency department.
- Health impacts of new anti-smoking legislation.
- The State-wide *Health Hotline* initiative.
- Palliative care initiatives.
- Departmental audit processes.
- Departmental employee grievances.
- Number and cost of departmental conferences, workshops, training sessions, seminars etc.
- Expenditures from reserve or contingency funds.
- Operational allocation of corporate employees.
- Increases in user charges.
- Reimbursements under the PBS.
- Funding and evaluation of Indigenous Health projects directed at alcohol and substance abuse.
- Administrative structures and responsibilities for Hospitals, Health Districts and Health Zones.
- Staff separations from Queensland Health.
- Allegations of incentive payments to Hospitals.

At the Hearing

- Shortage of doctors in rural and regional areas.
- Recruitment and retention of staff in regional and rural Queensland.
- Waiting lists for surgery.
- Outsourcing of dental care.
- Shortage of qualified medical staff.
- The Forster Review.
- Recruitment of overseas trained doctors (OTDs).
- Proficiencies and competencies of OTDs.
- The screening of the qualifications of OTDs.
- OTDs acting in positions above their Medical Board approved competency levels.
- Issues of cost recovery from Medicare including allegations of illegal provider number use and Medicare fraud.
- The Bundaberg and Townsville Health Districts.
- The *Healthy Hearing Program* for newborns.
- Queensland Bone Bank.
- The multi-strategy *Tobacco Control Initiative*.
- Antismoking and quit-smoking media campaigns
- Secondary and tertiary cardiac care.
- Telehealth links for rural/remote renal patients.
- Toowoomba Oral Health Service and travelling dental team.
- Investment for cancer services.
- Public hospital services and referral pathways.
- The Commission of Inquiry into Bundaberg Base Hospital ('the Morris Inquiry').
- The granting of private practice rights to public hospital staff specialists.
- *National Mental Health Strategy* reforms.
- Renal dialysis and services to rural/remote areas.
- Self-care haemodialysis machines and satellite haemodialysis units.
- Management of elective surgery waiting lists.
- New multidisciplinary preadmission clinics.
- *New Fit for Surgery Program* to focus on patients pre-surgery fitness helping reduce post-operative complications and improve recovery.
- Oral Health – clinics, networks and call centres.
- Skills assistance to internationally trained doctors via the Skills Development Centre to screen, assess and prepare permanent resident international medical graduates for employment in Queensland public hospitals.
- New registration requirements for doctors.
- New penalties for giving false or misleading information to the Medical Board of Queensland
- Coordinated radiation oncology services in Townsville.
- Multi-strategy approach to tobacco control in 8 North Queensland indigenous communities.
- Investments in health technology in Toowoomba
- Funding for 60 extra intern positions Statewide.
- Creation of the Chief Nursing Adviser position.
- RBWH campus Herston-Block 7 refurbishment.
- Extra funding to expand fast track services at Gold Coast Hospital Emergency Department.
- The potential for compensation claims arising from problems at Bundaberg Base Hospital.
- Ministerial visits to Bundaberg Base Hospital.
- Indemnities for Queensland Health staff appearing before the Morris Inquiry.
- Enhanced prevention initiatives for chronic disease through key risk factors of alcohol, nutrition, physical activity and tobacco control.
- Strategies to minimise the risk of unnecessary hospitalisation of older people, maximise their functionality and provide appropriate community placements and care.
- Adopting models of acute and subacute care and delivery in non-hospital settings.
- Implementation of the *Transition Care Program*.
- PET (positron emission tomography) scanner and cyclotron at the RBWH.
- Investment in lithotripsy services.
- Provision of residential aged care services especially in rural communities.
- Continuation of the drug court pilot project.
- The Riverton Early Parenting Centre.
- The health inflation rate for Queensland.
- Recurrent health expenditure.
- Funding to non-government mental health sector.
- Funding for elective surgery.
- Weighted separations and surgical funding.

- Usage of the *BreastScreen Queensland* service in Brisbane CBD by working women.
- Start of new illicit drug diversion program (the *Queensland Magistrates Early Referral into Treatment Program*) for offenders where problematic drug use has led to the commission of minor offences and that program's integration with existing diversion programs.
- Early intervention procedures for cardiac care, eg. coronary angiogram and stent procedures.
- Dental outreach services in rural/remote areas.
- The *Taking Big Steps Program* for primary school students in rural and remote areas.
- The number of service providers giving HACC (Home and Community Care) services Statewide.
- New appointment of a specialist clinical haematologist for the Gold Coast region.
- Health services for the homeless.
- July 2004 review of the mental health services at Bundaberg Hospital.
- Management issues at Bundaberg Hospital.
- Delays and backlogs in testing of DNA and other samples at the John Tonge centre.

ATTORNEY-GENERAL & MINISTER FOR JUSTICE

DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL

The department is responsible for a range of services to promote and protect human rights and for strategies to provide greater access to the justice system for Queenslanders. Key activities of the department include prosecuting people who commit criminal offences; developing strategies to help reduce and prevent crime; resolving disputes; and developing and reforming the law.

The total appropriation for the Justice portfolio in 2005-06 is \$318,734,000.

The following table³ sets out details of the appropriation for 2005-06 compared to the previous financial year:

	2004-05 Budget \$'000	2005-06 Estimate \$'000
Controlled Items		
Departmental Outputs	205,451	209,827
Equity Adjustment	17,241	20,043
Administered Items	96,591	88,864
Vote Total	319,283	318,734

Key elements in the 2005-06 Budget include:

- \$8.4 million over four years to enable the Guardianship and Administration Tribunal and the Office of the Adult Guardian to hire additional highly skilled staff.
- \$4.1 million over four years to the Children Services Tribunal, Childrens Court and State Coroner's Office.
- \$2.9 million over four years to expand support for child witnesses or victims of abuse.
- \$0.6 million to the Legal Services Commission.
- Two new major information systems to underpin the work of the courts and the Office of the Director of Public Prosecutions (ODPP) –
 - \$2 million over four years for a Sentencing Database containing judgments, case summaries, legislation, as well as sentencing principles, practices and statistics, accessible by all judicial officers throughout Queensland.
 - \$4.2 million over four years (\$0.57m in 2005-06) to implement a new case management system for the ODPP.

³ 2005-06 State Budget – Ministerial Portfolio Statement – Attorney-General and Minister for Justice, Appropriations p 1-6.

- \$5.7 million in 2005-06 for courthouse infrastructure – new courthouses at Sandgate and in the Pine Rivers Shire, a new courthouse complex (including courthouse, watch house and police station) at Ipswich, and refurbishment of the historic Bowen courthouse.
- \$1 million in 2005-06 for employment of extra security officers and installation of electronic security equipment in 10 courthouses.
- \$0.2 million in 2005-06 for continued training of indigenous JPs in remote ATSI communities.
- \$0.56 million over two years to pilot a court support program in the Brisbane Magistrates Court which will refer homeless people to accommodation and other services.
- Grants and investment schemes/programs administered.
- The operation of Murri Courts in the Magistrates Courts and Childrens Courts –process, findings, sentences and imprisonments.
- The qualification profiles of staff of the ODPP.
- Sittings of the Caloundra Magistrates Court.
- The contract of employment of the Director of Public Prosecutions.
- The time frame for implementing the new case management system in the ODPP, key elements of that system and the criteria for the “reporting performance” in regard to that system.

Issues canvassed in questions on notice and at the hearing included:

Questions on Notice

- Fitting out of Courts with closed circuit television (CCTV) and/or video conferencing facilities to reduce stress on witnesses.
- The *JPs in the Community Program*.
- Visits to regional Queensland in 2004-05 by SPER enforcement officers.
- The referral of disciplinary matters regarding legal practitioners from the Legal Services Commission to the Legal Practice Committee and/or the Legal Practice Tribunal.
- The provision of legal support services to indigenous communities in remote and regional areas.
- Funding and role of Community Legal Centres.
- Strengthening capacity of the Magistrates Court.
- Community promotion practices of the Office of the Adult Guardian.
- Review of, and amendments to, output structure and related performance measures in 2004-05.
- The new Caloundra Courthouse.
- Departmental audit processes.
- Departmental employee grievance issues.
- Conferences, workshops, training sessions, seminars and symposiums conducted in 2004-05
- Expenditures from reserve or contingency funds.

At the Hearing

- Funding to enable the Guardianship and Administration Tribunal and the Office of the Adult Guardian to hire additional staff.
- Funding for the Children Services Tribunal, Childrens Court and State Coroner’s Office.
- New sentencing database.
- New case management system for ODPP.
- Court modernisation program.
- Upgrade/modernisation of Bowen courthouse.
- New courthouses in Sandgate and in the Pine Rivers Shire.
- Court support program to address homelessness.
- The process for the reappointment of the Director of Public Prosecutions (DPP).
- The reputation of the ODPP and justice system.
- Criticisms by the CMC of the DPP.
- The prosecutions, convictions and quashing of convictions of Pauline Hanson and Di Fingleton.
- The conduct of prosecutions.
- The work of Community Legal Centres.
- Establishment of a Mackay Regional Community Legal Centre.
- Recent review and reorganisation of the ODPP.
- Funding to implement the new children’s evidence regime.
- Funding of a support program for child victims and witnesses by the ODPP.

- Legislative changes to how courts receive evidence from affected child witnesses.
- The Criminal Assets Confiscation Unit and the criminal confiscation scheme.
- Pecuniary penalties and forfeiture orders.
- The prosecution process and its inherent costs.
- The work of the Legal Services Commission.
- The Legal Practice Tribunal and Legal Practice Committee and claims against legal practitioners
- Operation of the drug court program.
- Extension to all Queensland magistrates courts of the Brisbane drug diversion trial, for people pleading guilty to possession of a small amount of illicit drugs for personal use.
- Issues of compensation and ex gratia payments.
- The new Brisbane Magistrates Court complex.
- Upgrades to security measures in key courthouses throughout Queensland.
- The expansion of facilities in courthouses for vulnerable witnesses.
- Changes to jury fees, the new jury counselling service and the computerised jury system.
- Legal Aid's *Regional Solicitor Program*.
- Compensation related to miscarriages of justice.
- Functions and immunities of judicial officers.
- Legal Aid funding for the disabled to improve their access to the justice system – *the disability law pilot project*.
- Indemnities for legal costs to public servants appearing before commissions of inquiry.
- Reimbursements to/legal representation costs for other witnesses appearing to testify before a commission of inquiry.
- The possibility of an ex gratia payment being made to Di Fingleton.
- Client surveys in the Magistrates Courts.

RECOMMENDATION

The committee recommends that the proposed expenditure, as detailed in the *Appropriation Bill 2005* for the organisational units and portfolios allocated to it, be agreed to by the Legislative Assembly without amendment.

Bonny Barry MP
Chair

August 2005

Committee Members

Mrs Bonny Barry MP, Chair
Mr Stuart Copeland MP, Deputy Chair
Dr Bruce Flegg MP
Mrs Jan Jarratt MP
Mr Mark McArdle MP
Mr Kerry Shine MP
Mrs Christine Smith MP

Secretariat

Ms Renée Easten (Research Director)
Ms Carolyn Heffernan (Executive Assistant)

STATEMENT OF RESERVATIONS

ESTIMATES COMMITTEE D

submitted by

**STUART COPELAND MP
MEMBER FOR CUNNINGHAM**

JULY 2005

ATTORNEY-GENERAL AND MINISTER FOR JUSTICE:

With reference to the Report of Estimates Committee D in relation to its consideration of the Estimates for the Portfolio of the Attorney-General and Minister for Justice, I would express Reservations in relation to the following matters:

- The failure of the Attorney-General and Minister for Justice to permit the Director of Public Prosecutions, Ms Leanne Clare, to be present before the Estimates Committee to be questioned in relation to her office.
- The failure by the Attorney-General and Minister for Justice to properly explain the reasons why no effective action was undertaken to recruit the best person for appointment as Director of Public Prosecutions when Ms Clare's previous appointment expired.
- The failure by the Attorney-General and Minister for Justice to adequately outline and explain the level of consultation which he undertook prior to the reappointment of Ms Clare as Director of Public Prosecutions.
- The failure of the Attorney-General and Minister for Justice to give any consideration to the appointment of any person other than Ms Clare as Director of Public Prosecutions.
- The failure of the Attorney-General and Minister for Justice to hold to account the Director of Public Prosecutions, Ms Leanne Clare, in relation the performance of her duties.
- The failure of the Attorney-General and Minister for Justice to adequately account for the performance of the Office of Director of Public Prosecutions, particularly in relation to matters involving Scott Volkens, Pauline Hanson and Di Fingleton.

- The failure of the Attorney-General and Minister for Justice to adequately satisfy community concerns in relation to the efficiency, effectiveness and impartiality of the Queensland Criminal Justice System.
- The failure of the Attorney-General and Minister for Justice to adequately explain his refusal to consider any other person other than Ms Leanne Clare for reappointment to the position of Director of Public Prosecutions.
- The failure of the Attorney-General and Minister for Justice to adequately explain his motivation in reappointing Ms Clare as Director of Public Prosecutions.
- The failure of the Attorney-General and Minister for Justice to adequately explain comments made by the Premier in relation to the reappointment of Ms Clare as the Director of Public Prosecutions and her role in considering possible charges against Speaker Hollis prior to the reappointment.
- The failure of the Attorney-General and Minister for Justice to adequately explain what consultation he had with the Premier and any other Minister in relation to the reappointment of Ms Leanne Clare as Director of Public Prosecutions.
- The failure of the Attorney-General and Minister for Justice to adequately explain his failures to take into account judicial criticisms of the actions of the Director of Public Prosecution, Ms Leanne Clare.
- The failure of the Attorney-General and Minister for Justice to adequately explain the change process to which the Office of the Director of Public Prosecutions is currently being subject and to provide an explanation of progress made therein.
- The failure of the Attorney-General and Minister for Justice to adequately explain his discussions with Ms Di Fingleton in relation to her seeking compensation in respect of her wrongful conviction.
- The failure of the Attorney-General and Minister for Justice to adequately explain why compensation is not provided to Ms Pauline Hanson in a similar way as is being contemplated in relation to Ms Di Fingleton.
- The failure of the Attorney-General and Minister for Justice to confirm that he would require Ms Fingleton to undergo training in workplace behaviour including anti-bullying prior to considering her for reappointment as a Magistrate.
- The failure of the Attorney-General and Minister for Justice to adequately address the impact of Section 21A of the Magistrates Act 1991 as interpreted by the High Court in Fingleton's case.

MINISTER FOR HEALTH:

In relation to the Estimates Committee's examination of the Ministerial Program Statement – Minister for Health and the subsequent Report, the following reservations are submitted: –

- The Ministerial Program Statement highlighted strategic intents which included "*Healthier hospitals*" and "*Healthier Staff*". When a question was posed to the Minister for Health Minister relating to overseas trained doctors, the Minister responded inaccurately. The Minister gave evidence to the

Estimates Committee that he stood by and reaffirmed previous statements that he did not know about widely held concerns over the proficiency of overseas trained doctors or any lack of screening of them as nobody, including specifically his Director General Dr Steve Buckland nor his Head of Health Services Dr John Scott nor any of their underlings, had told him.

- Dr John Scott, Senior Executive Director Health Services, Queensland Health specifically stated that Minister Nuttall had been briefed on these matters by himself on a number of occasions. The Minister then prevented Dr Buckland the Director-General, Queensland Health responding to questions as to whether he would support the statements made by Dr Scott. Subsequent public statements by Dr Buckland have confirmed the evidence of Dr Scott.
- From the media comment and admissions by Minister Nuttall following the Estimates Committee hearing it would seem that Minister Nuttall has attempted to explain away the evidence given by Dr Scott to the Estimates Committee which leaves open the question that the Minister gave a false answer to Estimates Committee D when questioned on this issue.
- The provisions of Section 57 of the *Queensland Criminal Code* provides as follows:

57 False evidence before Parliament

(1) Any person who in the course of an examination before the Legislative Assembly, or before a committee of the Legislative Assembly, knowingly gives a false answer to any lawful and relevant question put to the person in the course of the examination is guilty of a crime, and is liable to imprisonment for 7 years.

(2) The offender cannot be arrested without warrant.

(3) A person cannot be convicted of the offence defined in this section upon the uncorroborated testimony of 1 witness.

In relation to this provision it is clear that -

- Estimates Committee D is a committee of the Legislative Assembly.
- Minister Nuttall was in the course of an examination before that committee in connection with the Estimates of Queensland Health for which he has ministerial responsibility as a member of the Queensland Cabinet and Government.
- The answer given by Minister Nuttall was false, based on the evidence of Dr Scott that has been subsequently confirmed by Dr Buckland and which would certainly be able to be supported by the further evidence discoverable during the course of a criminal investigation.
- The answer given by Minister Nuttall was knowingly given as it was established by the number of times the question was posed during the hearing to Minister Nuttall, his persistence in his answer, and his failure to allow Dr Buckland to give evidence on the issue to the Estimates Committee.
- The question was lawful and relevant (a) arising directly from the statement of Minister Nuttall to the Estimates Committee and dealing with matters contained in the Ministerial Program Statement of the Minister for Health

which was the lawful responsibility of Estimates Committee D to examine (b) being permitted to be asked and pursued by Estimates Committee D itself and its chair.

- The evidence of Dr Scott is corroborated by the subsequent statements of Dr Buckland and would no doubt be the subject of further corroborative evidence discoverable during the course of a criminal investigation.

The seriousness with which the Queensland Parliament regards the offence is, I submit, evidenced by making the offence punishable by up to 7 years imprisonment. A complaint regarding this serious matter has been lodged with the Queensland Police Service in order to determine if a charge of a breach of the Queensland Criminal Code should be laid against Minister Nuttall under Section 57 or any other provision in relation to which admissible evidence might be discovered during the course of such investigation.

Accordingly, this matter cannot be disregarded and the seriousness of the issue demands the attention of the Parliament.

In addition to these matters I also note that the whole process of Estimates Committee Hearings suffers from the following weaknesses as a mechanism for scrutinizing Government Departments:

- The limit on the number of Questions on Notice able to be asked as part of the Estimates process.
- The receipt of replies to Questions on Notice less than 24 hours prior to the actual hearing meeting of the Committee
- The limited time available for the conduct of the hearings for individual Departments thus limiting the capacity of Parliament to explore issues of concern to finality
- The limit on each questioning session generally to 20 minutes thus inhibiting the capacity of Committee members to pursue issues of interest too finality
- The use by Ministers and Government Members of questions to provide a basis for propaganda statements, grandstanding and media stunts rather than genuinely exploring issues relating to Departmental expenditures.

I trust these Reservations will be noted.

STUART COPELAND
Member for Cunningham

Statement of Reservation

Estimates Committee D

Submitted by

Mr Mark McArdle MP

Liberal Shadow Attorney-General and Liberal Shadow Minister for Justice,
State Development, Innovation, Local Government, Planning, Emergency
Services, Seniors & Liberal Party Whip
Member for Caloundra

July 2005

Attorney General & Minister for Justice

The Liberal Party firmly believes in the principle that a modern society must function under cogent and realistic legal principles. The Liberal Party however is very concerned that the re-appointment of the Director of Public Prosecutions is clouded in secrecy and the Attorney's reluctance to discuss in an open forum the process by which he assessed the performance of and the re-appointment of the Director. The Attorney stipulated that in his opinion the Director of Public Prosecutions was very good at her job and that she had other tasks that needed completing. In the Liberal Party's opinion they are insufficient grounds, without detail, to re-appoint such a senior legal officer when one considers the role the Office the Director of Public Prosecutions plays in our criminal justice system.

The Liberal Party notes in particular the Minister refused to discuss who he had spoken to, to obtain their independent views on the actions of the Director, prior to the re-appointment. This leads the Liberal Party to question the process undertaken by the Attorney and recommends consideration of a formal process of re-appointment for such a senior official be implemented. This would provide a mechanism of accountability and transparency particularly when the Office of the Director of Public Prosecutions has of recent times been under severe scrutiny.

The matter involving the former Chief Magistrate Di Fingleton raises serious questions and the Liberal Party is concerned as to the process that took place in regard to her prosecution. As a consequence of the

High Court of Australia determining that Miss Fingleton could not have been prosecuted a serious question arises as to whether compensation should be paid to her. The Attorney acknowledges that there may well be unusual features in this matter and compensation of some form or another may be paid. The Liberal Party is of the opinion that in these circumstances some form of payment, whether it be compensatory or otherwise, is warranted and urges the government to consider seriously any proposal lodged by Miss Fingleton. The Liberal Party is concerned that this issue is one that may have wider implications throughout the community particularly in relation to the Pauline Hanson and David Etteridge matters. The Liberal Party is concerned that the issue of compensation not lead to the opening of the flood gates but there needs to be a rationalisation of the question of compensation in the circumstances of the three cases mentioned.

Health

I have had the opportunity to read the dissenting report of the Member for Moggill Dr Bruce Flegg and endorse the comments therein.

Mark McArdle MP
Liberal Party Whip
Member for Caloundra

DISSENTING REPORT
ESTIMATES COMMITTEE D – HEALTH
DR BRUCE FLEGG – DEPUTY LEADER OF THE LIBERAL PARTY
LIBERAL SHADOW MINISTER FOR HEALTH, ENVIRONMENT,
TRANSPORT & MAIN ROADS

This report is for Estimates Committee D – Health, and is a statement of my views of proceedings that took place at the public hearing for the Committee on Friday 8 July 2005

At the beginning of the proceedings the Minister for Health requested to table a document to be incorporated into Hansard which was according to records*purely a statement around the operations of the Department and a future direction of the Department*..... called ‘Overview’

Criticism has been levelled at Non-Government members for getting away from the intent of Estimates. Yet the rules of Estimates call for an introductory statement. It is not reasonable that this is incorporated without Non-Government members being able to read and refer to it. Further it got away from the budget examination to introduce a political issue to deflect attention from the matters intended for examination.

This in my view was an overview report of Departmental Operations that would allow him to avoid answering certain questions personally and concisely as he had a document that he could refer to if needed. e.g. this question has been answered in my initial statement.

As a request of the Minister for Health to incorporate the document the Member for Caloundra (to me personally) and the Member for Cunningham (on the record) along with myself verbally objected to this incorporation into Hansard on the following grounds.

The concerns that I raise is that we (meaning the Member for Caloundra, Member for Cunningham & myself) had no prior knowledge of the document that the Minister wanted incorporated into Hansard and we were unable to view the document before the Public Hearing of Estimates Committee D.

This request that the Minister put on the table resulted in a vote to disallow the incorporation of this statement into Hansard. The Committee voted with the results of the vote allowing for the Minister’s request to be fulfilled even though this sort of request is not usually part of the Estimates process.

Although the Estimates Committee’s process enables documents to be incorporated into Hansard, it is not the process of the Committee to incorporate material which can be used by the Minister so as not to answer questions.

The next matter I would like to raise which is of a very serious nature is the situation that arose when the Minister for Health was questioned by the Member for Cunningham regarding his knowledge of issues relating to Overseas Trained Doctors. Below is the exact words that the Member for Cunningham used in his question to the Minister for Health followed by the Courier Mail report.

Member for Cunningham.....*Minister, do you stand by that statement that you were never ever advised by your Department of the issues relating to Overseas Trained Doctors.....*

*(extract from Courier Mail on 30 AprilNuttall's position is that he did not know about the widely held concerns over the proficiency of overseas trained doctors streaming in Queensland, nor did he know, he says about the worries over the lack of screening of their qualifications because he said nobody, not his Director-General, Dr Steve Buckland, his Head of Health Services, Dr John Scott, not any of their underlyings had told him. 'In all the briefings given to me when I became Minister, all the briefs were by the way of senior management coming in and talking to me about their issue. **The issue of overseas trained doctors was never raised- never ever raised***

The Minister's response was*I stand by the statement I made.....*

This issue became of grave concern when Dr John Scott responded to a question from the Member of Cunningham on whether the Minister for Health had been briefed on the overseas trained doctor issue.

Dr Scot replied.....*certainly, my understanding is that in discussions that I had had with the Minister's office and with the Minister in the past, either on the basis of one to one or in concert with other officer's of Queensland Health, **the issues had been raised** . But I think also that there have been other meetings in the past with outside agencies like the AMA or the Rural Doctors where I understood that those issues had been raised as well.....*

Based on the evidence on Hansard the Minister for Health has grossly mislead the Estimates Committee and should be accountable for his actions.

What the Minister claims that he was never briefed is misleading, not only was he briefed by his senior staff such as Dr John Scott, apparently he was briefed by the AMA, the Rural Doctors and also it was raised in Parliament by myself in many Question Without Notices in May 2004.

In a letter to the Estimates Committee by the Minister dated 11 July 2005 he refers, '*that comments made at Estimates were in relation to Patel-Like Issues*'. This is irrelevant to what happened in the public hearing and needs to be addressed by the Committee.

I call on the committee to investigate this issue further

Briefly I would also like to touch on one of the main issues that I raised

Budget Decline

I would like the Minister to seriously consider the implications of a declining real health budget. The Liberal Party is concerned about the implications. As I stated in my question to the Minister*recurrent expenditure is only 2.7 per centthat is a very substantial reduction in recurrent health spending in real terms. That has happened now three years in a row, and the real spending on recurrent health expenditure has dropped back by \$450*

million over the last three years. **How in this environment, and with health expenditure and population growth increasing the way they are, can we possibly justify reducing the real amount of recurrent health expenditure**

The Minister's response was inadequate as he seemed to not address whether the Government can justify this reduction in recurrent health expenditure in this current environment of substantial increase in costs with healthcare services and the dramatic growth of our population in Queensland.

Dr Bruce Flegg
Deputy Leader of the Liberal Party
Member For Moggill