



# ESTIMATES COMMITTEE F

## REPORT – 2006

### 1. INTRODUCTION

Estimates Committee F was appointed on 21 April 2006 to examine and report on the proposed expenditure set out in the *Appropriation Bill 2006* for the organisational units within the portfolios of:

- the Attorney-General and Minister for Justice;
- the Minister for Communities, Disability Services and Seniors;
- the Minister for Small Business, Information Technology Policy and Multicultural Affairs.

The committee conducted a public hearing on Wednesday, 19 July 2006 to take evidence from these Ministers.

For the purposes of examining the proposed expenditure for the organisational units allocated to it, the committee considered information obtained at the hearing, in conjunction with:

- budget papers and the relevant ministerial portfolio statements;
- written responses provided by Ministers to questions on notice prior to the public hearing; and
- Ministers' written answers to questions taken on notice at the public hearing.

During the inquiry the committee examined a wide range of issues, including those listed in this report.

Accompanying this report is a volume of 'Additional Information' presented by the committee to the Legislative Assembly.

The additional information includes the Ministers' answers to questions on notice asked before or during the public hearing, documents tabled at the hearing and the minutes of the committee's meetings.

### 2. ATTORNEY-GENERAL AND MINISTER FOR JUSTICE

#### 2.1 Department of Justice and Attorney-General

##### Introduction

The total appropriation for the Department of Justice and Attorney-General for 2006-07 is \$417,942,000.

The Ministerial Portfolio Summary for the Department provides the following output summary for 2006-07:

Output	Total Cost \$'000
Justice Services	189,430
Law and Justice Reform	9,326
Legal and Government Services	68,441
<b>Total</b>	<b>267,197</b>

Source: MPS, Attorney-General and Minister for Justice 2006-07, page 1-9.

### Issues considered by the committee

During the course of its inquiry the committee examined a range of issues including:

- The process for appointing judicial officers;
- The provision of the CCTV link to enable witnesses to better produce and give evidence in trials;
- Proportion of formal decisions that are overturned in judicial review proceedings;
- Criteria, policies and guidelines to ensure the independence of the Office of the Information Commissioner;
- Decisions made by the Information Commissioner under the FOI Act since her appointment;
- Civil confiscation activities carried out by the the Crime and Misconduct Commission and the Office of the Director of Public Prosecutions;
- Preparations by the Queensland Electoral Commission for the next Queensland state election;
- Steps the Queensland Electoral Commission has taken to encourage Queenslanders to register as voters and to keep their enrolment details current;
- Outcomes of the strategic review of the Ombudsman's office and the strategic management review of the Office of the Information Commissioner;
- How the Crime and Misconduct Commission is combating organised crime, including drugs, in Queensland.

## 3. MINISTER FOR COMMUNITIES, DISABILITY SERVICES AND SENIORS

### 3.1 Department Of Communities, Disability Services and Seniors

#### Introduction

The 2006-07 appropriation for the Department of Communities, Disability Services and Seniors is \$527,501,000.

The Ministerial Portfolio Summary for the Department provides the following output summary for 2006-07:

<b>Output</b>	<b>Total Cost \$'000</b>
Community Policy and Services	216,148
Child Care Policy and Services	33,044
Seniors Policy and Services	11,497
Youth Policy and Services	128,552
Smart Service Queensland	34,022
Shared Information Solutions	48,830
<b>Total</b>	<b>472,093</b>

Source: MPS, Minister for Communities, Disability Services and Seniors, 2006-07, page 1-8.

#### Issues considered by the committee

During the course of its inquiry the committee examined a range of issues including:

- Funding for the Down Syndrome Association of Queensland Inc;
- Rehabilitation units for people with acquired brain injury;
- The advertising campaign on the Disability Services Act;
- Development of balanced responses for people with intellectual or cognitive disabilities;

- Review of the Accommodation Support and Respite Services;
- Disability Action Week;
- Cost to the government of the Seniors Card subsidies;
- Timeliness concerning community service orders;
- Youth justice conferencing;
- Naming of violent juvenile offenders;
- Initiatives to assist people who are homeless;
- Early years service centres;
- Initiatives undertaken by the Department of Communities in the area of prevention and early intervention;
- Blueprint for the Bush;
- 13HEALTH hotline;
- Whole-of-government early years strategy;
- Assistance for the victims of Cyclone Larry;
- Safety and wellbeing of children using child-care services;
- Safety measures for Gold Coast Schoolies.

#### **4. MINISTER FOR SMALL BUSINESS, INFORMATION TECHNOLOGY POLICY AND MULTICULTURAL AFFAIRS**

##### **Introduction**

The Ministerial Portfolio Summary for the Minister for Small Business, Information Technology Policy and Multicultural Affairs provides the following output summary for 2006-07:

<b>Output</b>	<b>Total Cost \$'000</b>
Business and Market Development Services and Innovation	209,143
Multicultural Affairs Queensland	7,188

<b>Total</b>	<b>216,331</b>
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Source: MPS, Minister for Small Business, Information Technology Policy and Multicultural Affairs, 2006-07, page 1-10 and 2-5.

##### **Issues considered by the committee**

During the course of its inquiry the committee examined a range of issues including:

- The scope of the Minister's responsibility;
- The benefits to businesses of the Small Business Accelerator Program;
- The purpose of Small Business Week;
- Assistance to the ICT industry;
- The effect of the proposed Traveston dam on the business community in the Mary Valley;
- Programs which promote the use of other languages in business in Queensland;
- The Red Tape Reduction Task Force and resultant savings for business;
- Funding for community and cultural festivals.

#### **5. RECOMMENDATION**

Estimates Committee F recommends that the proposed expenditures, as set out in the *Appropriation Bill 2006*, for the organisational units within the portfolios allocated to the committee, be agreed to by the Legislative Assembly without amendment.

#### **6. ACKNOWLEDGMENTS**

The committee thanks the Ministers and their departmental officers for their cooperation and assistance throughout the estimates process.

**Michael Choi MP**  
Chair

1 August 2006

## **MEMBERS**

Mr Michael Choi MP (Chair)

Mr Howard Hobbs MP (Deputy Chair)

Ms Liddy Clark MP

Mr Paul Hoolihan MP

Mr Mark McArdle MP

Miss Fiona Simpson MP

Hon Dean Wells MP

## **SECRETARIAT**

Miss Ali de Jersey, Research Director

Ms Carolyn Heffernan, Executive Assistant

The transcript of the committee's public hearing is available on the Hansard web page at:

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

Mr Michael Choi MP  
Chairman  
Estimates Committee F

Dear Mr Choi

I refer to the report of Estimates Committee F.

I would express the following general reservations in relation to the Estimates Committee Process that led to that Report.

- The whole Estimates Committee process does not enable the detailed scrutiny of the expenditures provided for in the Queensland Budget
- The inappropriate grouping of Departments for each Estimates Committee limits the capacity to pursue whole of government issues
- Insufficient time is devoted by each Committee to the performance of its allocated task of reviewing expenditures
- Insufficient time is devoted by each Estimates Committee to the consideration of Individual Ministerial Program Statements
- The limit on the Number of Questions on Notice able to be asked on each Ministerial Program Statement prevents the pursuit of important issues
- The receipt of replies to Questions on Notice less than 24 hours prior to the actual commencement of Committee hearings limits the capacity to understand the answers and research their failure to provide adequate answers to the questions posed.
- The Capacity of Ministers to answer questions in such a manner as to avoid the issue being investigated
- The inability of Estimates Committees to ask questions directly of senior public service administrators
- The use by Government Members of questions to Ministers that enable those Ministers to utilise the time of the Committee to make propaganda statements , grandstand and undertake media stunts instead of addressing issues in relation to proposed expenditures

Whilst noting the Report that has been prepared I would also express the following Specific Reservations in relation to that Report

- ◆ The Answers to the Questions on Notice did not provide the information which was clearly requested (NGQON03). Given that this information is often released to the media it makes a mockery of the Departments protection of this expenditure and raises the question of “what are they trying to hide”.
- ◆ The Opposition contends that the processes surrounding the on-going monitoring of the effectiveness of grant payments to community organizations and individuals needs to be a rigorous one in which meets the expectations of taxpayers, and the Estimates Hearings are one of the rare opportunities available for the full exploration of this issue in detail.

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- ◆ The Ministers reluctance to answer questions and his statement that it is “courtesy to abide by the rules set down for these Estimates” is an insult to the Committee has he presided over a Department who broke the rules by providing Answers to Questions on Notice late.
- ◆ The Ministers inability to answer specific questions in the hearing without quoting from a prepared briefing note was disappointing and demonstrated that the Minister does not have solid grasp on his Department’s core business.

Howard Hobbs MP

Member for Warrego

Shadow Minister for Local Government, Planning and Communities.

Mr Stephen Finnimore  
Estimates Committee F  
Parliament House  
BRISBANE 4000

Dear Mr Finnimore

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- The limit on the Number of Questions on Notice able to be asked on each Ministerial Program Statement prevents the pursuit of important issues
- The receipt of replies to Questions on Notice less than 24 hours prior to the actual commencement of Committee hearings limits the capacity to understand the answers and research their failure to provide adequate answers to the questions posed
- The structured nature of Committee proceedings into blocks of questions from Government and Non Government Members which prevent Members being able to follow a line of questioning in a logical and consistent manner to finality
- The limiting of each block of questions to 20 to 30 minutes generally thus preventing detailed consideration of particular issues because of time constraints
- The break-up of time within particular Ministerial Program statements to particular areas of Departments of Agencies thus limiting consideration of particularly important elements of a particular Department or agency
- The Capacity of Ministers to answer questions in such a manner as to avoid the issue being investigated
- The inability of Estimates Committees to ask questions directly of senior public service administrators
- The use by Government Members of questions to Ministers that enable those Ministers to utilise the time of the Committee to make propaganda statements , grandstand and undertake media stunts instead of addressing issues in relation to proposed expenditures

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## Delivery of Questions by Myself to the Research Director of Committee F

The commencement of the examination of the Appropriation Bill 2006 raised the point that the Attorney General had failed to comply with Standing Order 181 (3) in that she did not provide the answers to the Questions on Notice asked by myself in the time period required with the last answer being delivered at 5.06pm on 10 July with every answer being received after the time required under the Standing Order.

The Attorney General then made the following comment;

“Mr Chairman, can I advise the committee that the questions from non government members of the committee – the Member for Caloundra – were due to be tabled by 10am on Monday 10 July. These were not received until 4.49pm on Monday 10 July.”

The Attorney General’s statement implies the following;

- a. I failed to comply with this Committees own resolution that Questions on Notice be received by the Research Director by 10am Monday 10 July 2006.
- b. That government members questions were received in accordance with the resolution of the committee; and
- c. That the non government questions were not forwarded to the Research Director until 4.49pm on Monday 10 July 2006.

Pursuant to a resolution passed on Thursday 27 July the committee determined the Research Director could release information concerning receipt of Questions on Notice from the government and non government members to the Research Director and subsequently to the Attorney General’s department and such information could be used in either a dissenting report or statement of reservation.

As a consequence it has now been established as follows;

- a. Non government members Questions on Notice were received by the Research Director at 7.36am on 10 July 2006.
- b. Government Members Questions on Notice were received at the Research Director at 12.18pm on 10 July 2006.
- c. All questions were sent by the Research Director to the relevant department contact (Attorney General and Minister for Justice at 4.49pm on 10 July 2006.

This Statement is not to question the role of the Research Director of Estimates Committee F or indeed the process that took place after the receipt of the questions by the Research Director. It is clearly a requirement that the questions be received prior to 10am 10 July 2006 and the process subsequent to that is, initially, outside the determination of the non government or government members.

The salient points here are that the Attorney failed to identify the following;

- a. That her statement related to the time at which her department received the Questions on Notice as opposed to the Research Director.

- b. That she was referring to a time stipulated in the directions of the committee that Questions on Notice were to be received by the Research Director by 10am on 10 July 2006.
- c. That the time of 4.49pm was the time the Research Director forwarded the Questions on Notice to the Attorney General's department.
- d. That the Attorney failed to state that the Questions received at 4.49pm on Monday 10 July were from the non government members and the government members and in fact she stated quite categorically that it only related to the "Questions from non government members of the committee".

The Attorney General thus portrayed myself as being in breach of the directions of Estimates Committee F when in fact on the timeline produced as a consequence of the resolution that is not the case. In fact on the question of receipt by the Research Director of Questions on Notice I fully complied with the directions whilst it was the government Members Questions on Notice that were received 2 hours and 18 minutes late. The Attorney General needs to clarify her statement and in the process correct the record so that it accurately reflects what occurred.

#### Appointment Process of Candidates for Judicial Office

Throughout the process I asked the Attorney a series of questions in relation the appointment of candidates for judicial office. The questions I posed were never intended to be seen as a personal attack on an individual but rather as I stated initially;

"Attorney I want to talk to you about your process for appointing judicial officers."

The Attorney General in answering a question stated it was "a courtesy" that she consult with "The Bar Association and the Queensland Law Society" in relation to the nomination of candidates for judicial appointments.

I must of course acknowledge the Attorney Generals right to a "process" she is satisfied with. It is disappointing to see in these circumstances the use of the word "courtesy" whereas in reality it is a very important and principled convention as part of the overall process to select candidates for appointment. The Attorney Generals response shows a lack of sufficient consideration of the role of those two bodies irrespective of whether the Attorney General follows their recommendations and highlights a deficiency in the process employed by this government.

#### Crime and Misconduct Commission

The Attorney General when asked about the telephone tapping powers of the CMC made this comment;

"At this point in time, the CMC does not have access to telephone interception for intrastate investigations. This is because the Beattie government has taken a position that we have in this State a Public Interest Monitor. As the Member would agree with me, I am sure, telephone interception powers and telephone tapping are very intrusive powers. It's a gross invasion of ones privacy to have someone listening in on your telephone conversations as those devises in houses."

The CMC undertakes a very critical role in this State and criminals act, believe it or not, intra and interstate in their activities. It is of real concern that the Beattie Labor government does not empower the CMC under the appropriate judicial or other scrutiny, to telephone intercept criminals that act within Queensland. Criminals are, these days, well versed in technology and on many occasions rely on sophisticated techniques to achieve their aims. It is somewhat ludicrous to have the CMC allow telephone tapping in conjunction with the Federal Police but when crime moves within the boundaries of Queensland it seems they are hamstrung. Of course it is intrusive to have telephones tapped however, under appropriate and skilled watchful eyes the instance of abuse is greatly reduced if not eliminated. I would have thought that in this day and age the role of the appropriate judicial or other body to monitor such a powerful tool would exist.

Capital Acquisition Statement

It is noted that in 2005/06 there was a shortfall of \$2.673 million between budgeted and actual expenditure, 2004/05 the shortfall was \$2.658 million and 2003/04 the shortfall was some \$14.775 million. In the last three financial years it is clear that capital expenditure has not met the needs of the people of Queensland.

A further example of this is the Integrated Justice Information Strategy that has since 2003/04 not met budget on one occasion. In 2004/05 there was a shortfall of some \$4.8 million and in 2005/06 the shortfall was \$3.5 million. This system is to integrate the various components of the justice system and provide a quicker and more effective method of delivering justice throughout the State. The government has failed to meet the criteria set by its own budget documents and as a consequence we are now required to spend \$17.1 million in the 2006/07 year to catch up with the shortfall that has occurred.

A prime example of this is the backlog in the criminal jurisdiction of the District Court. The Annual Report (2004/05) of the department showed that the backlog in 2002/03 was 1798, 2003/04 was 1874, 2004/05 was 2039, and at 31 May 2006 2171. The continual delay in relation to these matters being dealt with cannot enhance the reputation of the justice system here in Queensland.

Dated this 28 Day of July 2006

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Mark McArdle MP

## **Statement of Reservations – Small Business, Information Technology Policy and Multicultural Affairs**

The Ministerial Portfolio Statement (MPS) for the Minister for Small Business, Information Technology Policy and Multicultural Affairs is misleading. After Coalition questioning in the estimates process it is now clear that the Minister is not responsible for all of these financial statements and that his area of responsibility is substantially less than the \$210 million budget presented.

This is despite on Page One of his MPS where it states that, “The MPS includes financial and performance output information for the Department of State Development, Trade and Innovation, Business Market Development and ICT initiatives. These initiatives report to the Minister for Small Business, Information Technology Policy and Multicultural affairs. Information relating to these outputs also appears in the MPS for the Deputy Premier, Treasurer and Minister for Department of State Development, Trade and Innovation.”

Minister Cummins’ MPS statement “Output Income Statement” on page 1-11 is identical to the statement in the Deputy Premier’s MPS on page 3-19 with \$50 million of employee expenses and \$119.6 million of grants and subsidies.

However, in reality most of these budget items are not administered by Minister Cummins but by Deputy Premier and Minister for State Development. Furthermore, Minister Cummins’ MPS does not provide a breakdown of the cost of the items he administers.

When questioned about whether the Minister was in fact responsible for the \$50 million employee expenses in his MPS in the State Development Department in his MPS, the Minister took the question on notice and only answered at the closing of the hearing to confirm that he was not but that his staff expenses were a “sub set” of the \$50 million. He did not provide any information as to the quantum of that “sub set”. However, it had been confirmed earlier that he was only responsible for 44 staff in that Department and 21 in Premiers, a total of 65 staff.

Also when questioned about the quantum of the grants and subsidies he was responsible for, given that his MPS mentioned \$119.6 million, the Minister confirmed that he was only responsible for the grants referred to in an answer to a Coalition question in notice, totalling about one million dollars.

The State Coalition believes these policy areas of Small Business, ICT and Multicultural Affairs are of great importance to the State, however, their presentation in the MPS is poor and amounts to window dressing given the Minister’s inability to be able to explain his area of responsibility.

Fiona Simpson MP  
Member for Maroochydore