

PREMIER'S BRIEFING NOTE

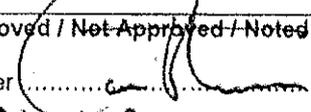
Governance

Tracking Folder No. TF/12/9199

Document No. DOC/12/72091

To: **THE PREMIER**
 Date: 18 April 2012
 Subject: **Delegations under the *Right to Information Act 2009* and *Information Privacy Act 2009***

Approved / Not-Approved / Noted

Premier 

Date 29 April 2012

Date Action Required by:/...../.....

Requested by:
 (if appropriate)

• RECOMMENDATION

It is recommended that you:

- sign the delegations (**Attachment 1**) authorising:
 - the Manager, Administrative Law Services, Department of the Premier and Cabinet (DPC), to deal with applications made to your Office under the *Right to Information Act 2009* and *Information Privacy Act 2009* (the RTI&IP Acts)
 - Executive Directors, within DPC, to deal with Internal Review applications made to your office under the RTI&IP Acts, and
- sign the letter to the Honourable Jarrod Bleijie MP, Attorney-General and Minister for Justice (**Attachment 2**) requesting that he write to Ministers informing them to do the same.

• KEY ISSUES

- At the recent Ministerial induction on the administration of the RTI&IP Acts, you indicated a preference for the decision making power, in relation to ministerial offices, to be delegated to Right to Information and Privacy officers within departments, as opposed to ministerial staff.
- Accordingly, the instruments (at **Attachment 1**) provide for you to delegate this power, with respect to the Office of the Premier, to the Manager, Administrative Law Services, for access applications and to Executive Directors for Internal Review applications.
- I have signed similar delegations in relation to applications made to the department.
- A letter has also been prepared to the Attorney-General and Minister for Justice (**Attachment 2**), who is the Minister responsible for the administration of the RTI&IP Acts, requesting he advise the other members of the Cabinet to do the same.

• BACKGROUND

- Section 31 of the *Right to Information Act 2009* and section 51 the *Information Privacy Act 2009* provide that a Minister may direct, either generally or in a particular case, the power to deal with an access application.

Comments (Premier or DG)



Jon Grayson
 Director-General

Action Officer: Daniel Smith Approvals by Director /ED / DDG
 Area: RTIP / CALS documented in notes in TRIM
 Telephone: 322 44808

Right to Information 2009 (Qld)

DEED OF DIRECTION AND AUTHORISATION

THIS DEED is made this 25th day of April 2012 by CAMPBELL KEVIN THOMAS NEWMAN MP, the Premier of Queensland, Executive Building, 100 George Street, Brisbane in the State of Queensland.

BACKGROUND

Under section 31 of the Right to Information Act 2009 (Qld) (RTI Act), an access application, including an application for internal review in relation to the access application, under the RTI Act addressed to me as a Minister may be dealt with by the person that I direct, either generally or in a particular case.

NOW THIS DEED WITNESSES AS FOLLOWS:

- 1. Pursuant to section 31 of the RTI Act, I, CAMPBELL KEVIN THOMAS NEWMAN, the Premier of Queensland:
(a) direct the officers from time to time occupying the position of Manager, Administrative Law Services within the Department of the Premier and Cabinet, to deal with access applications made to me as a Minister under the RTI Act and authorise those officers to exercise all powers vested in me under the RTI Act to deal with access applications and to do all things necessary and incidental to deal with those access applications; and
(b) direct the officers from time to time occupying the position of Executive Director within the Department of the Premier and Cabinet to deal with internal review applications made to me as Minister under the RTI Act and authorise those officers to exercise all powers vested in me under the RTI Act to deal with internal review applications and to do all things necessary and incidental to deal with those internal review applications.
2. The officer referred to in clause 1(b) of this Deed is to be determined for each internal review application by the person from time to time occupying the position of Deputy Director-General (Governance), to whom I delegate this power.
3. Where the title of a position referenced in clause 1 of this Deed changes, but the duties, functions and responsibilities of the position remain substantially unchanged, then a reference to the position referenced in clause 1 of this Deed is a reference to the changed title of that position.

EXECUTED AS A DEED

SIGNED, SEALED AND DELIVERED by CAMPBELL KEVIN THOMAS NEWMAN MP, the Premier of Queensland, in the presence of:

[Handwritten signature of witness]

(signature of witness)

A.S. CRACK

(print name of witness)

[Handwritten signature of Campbell Kevin Thomas Newman]

(Signature of Campbell Kevin Thomas Newman)

Information Privacy Act 2009 (Qld)

DEED OF DIRECTION AND AUTHORISATION

THIS DEED is made this 29th day of April 2012 by CAMPBELL KEVIN THOMAS NEWMAN MP, the Premier of Queensland, Executive Building, 100 George Street, Brisbane in the State of Queensland.

BACKGROUND

Under section 51 of the Information Privacy Act 2009 (Qld) (IP Act), an access or amendment application, including an application for internal review in relation to the access or amendment application, under the IP Act addressed to me as a Minister may be dealt with by the person that I direct, either generally or in a particular case.

NOW THIS DEED WITNESSES AS FOLLOWS:

1. Pursuant to section 51 of the IP Act, I, CAMPBELL KEVIN THOMAS NEWMAN MP, the Premier of Queensland:
 - (a) direct the officers from time to time occupying the position of Manager, Administrative Law Services within the Department of the Premier and Cabinet, to deal with access and amendment applications made to me as a Minister under the IP Act and authorise those officers to exercise all powers vested in me under the IP Act to deal with access and amendment applications and to do all things necessary and incidental to deal with those access and amendment applications; and
 - (b) direct the officers from time to time occupying the position of Executive Director within the Department of the Premier and Cabinet to deal with internal review applications made to me as Minister under the IP Act and authorise those officers to exercise all powers vested in me under the IP Act to deal with internal review applications and to do all things necessary and incidental to deal with those internal review applications.
2. The officer referred to in clause 1(b) of this Deed is to be determined for each internal review application by the person from time to time occupying the position of Deputy Director-General (Governance), to whom I delegate this power.
3. Where the title of a position referenced in clause 1 of this Deed changes, but the duties, functions and responsibilities of the position remain substantially unchanged, then a reference to the position referenced in clause 1 of this Deed is a reference to the changed title of that position.

EXECUTED AS A DEED

SIGNED, SEALED AND DELIVERED by CAMPBELL KEVIN THOMAS NEWMAN MP, the Premier of Queensland, in the presence of:

(Handwritten signature of witness)

(signature of witness)

A S GRACE

(print name of witness)

(Handwritten signature of Campbell Kevin Thomas Newman)

(Signature of Campbell Kevin Thomas Newman)



Premier of Queensland

For reply please quote: *CALS/DS - TF/12/8444 - DOC/12/71183*

24 APR 2012

The Honourable Jarrod Bleijie MP
Attorney-General and
Minister for Justice
GPO Box 149
BRISBANE QLD 4001

Executive Building
100 George Street Brisbane
PO Box 15185 City East
Queensland 4002 Australia
Telephone +61 7 3224 4500
Facsimile +61 7 3221 3631
Email ThePremier@premier.qld.gov.au
Website www.thepremier.qld.gov.au

Dear Attorney-General Jarrod,

As you are aware, the *Right to Information Act 2009* (RTI Act) and *Information Privacy Act 2009* (IP Act) provide persons with rights of access and amendment to certain documents of agencies and Ministers.

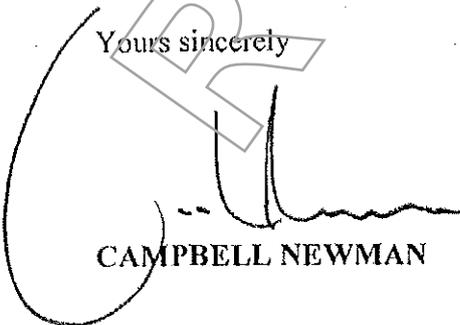
Under section 31 of the RTI Act and section 51 of the IP Act, Ministers may direct and authorise delegates to deal with applications made to ministerial offices. Similar provisions exist for departmental chief executives to delegate their decision making powers to officers within their agency, in relation to applications made to agencies.

Consistent with my election commitment to restore accountability in Government, I expect Ministers to delegate their decision making powers to Right to Information and Information Privacy officers within their departments, and not to ministerial staff within their offices. Additionally, the power to deal with Internal Reviews under the Acts should also be delegated to an appropriate departmental officer.

I consider that having these decisions made by independent public service officers will ensure that the government's administration of this scheme is, and is perceived to be, of the highest consistency, transparency and impartiality. Additionally, it is my expectation that ministerial staff will provide these departmental officers with their full cooperation and assistance in the processing of applications under the Acts.

I request that, as the Minister responsible for these Acts, you write to the remainder of the Cabinet advising them to delegate these powers accordingly.

Yours sincerely


CAMPBELL NEWMAN



Queensland
Government

Barbara Tollenaere

From: Jon Grayson
Sent: Tuesday, 31 July 2012 10:09 AM
To: Campbell Newman; kate.winter@ministerial.qld.gov.au
Cc: Anthony Crack
Subject: Fwd: Radio comment about release of cabinet documents

Premier - as requested, below is the email correspondence between the Cabinet Secretary and the office of the Opposition Leader.

Regards

Jon Grayson

Begin forwarded message:

From: Anthony Crack <Anthony.Crack@premiers.qld.gov.au>
Subject: Radio comment about release of cabinet documents
Date: 31 July 2012 9:03:55 AM AEST
To: Craig Evans <Craig.Evans@premiers.qld.gov.au>, Jon Grayson <Jon.Grayson@premiers.qld.gov.au>

Jon and Craig

I just caught part of the Opposition Leader on 612 saying that he hands were tied about the release cabinet documents because of the rules set by the cabinet secretariat and the cabinet handbook. She said she had written advice from me on this. Below is an email I sent a couple of weeks ago to her chief of staff (at her request and in response to a general rather than specific inquiry about our procedures). I refer to the standard form of words we use (which does not include anything about attending in person to view documents) and note that she could vary any of these conditions if she wishes.

regards

Anthony Crack
Cabinet Secretary
Department of the Premier and Cabinet
Telephone: (07) 303 30670 Mobile: CTPI

From: Anthony Crack
Sent: Tuesday, 17 July 2012 10:42 AM
To: 'Angela MacDonagh'
Subject: release of Cabinet documents

Angela

As discussed, the standard form of words used when I release a copy of cabinet material following approval from the premier or Leader of the Opposition includes the following:

"these documents are released for the purposes stated in your letter and on that basis they must not be copied, released or disclosed to any other party.

Please arrange for the secure return of these documents to Cabinet Services within 28 days of receipt by your office, unless prior approval has been sought, in writing, for an extended period of access"

In my view the Leader of the Opposition can vary any of these terms up to and including allowing public disclosure of documents if she wishes.

Regards

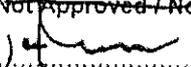
Anthony

Anthony Crack
Cabinet Secretary
Department of the Premier and Cabinet
Telephone: (07) 303 30670 Mobile: CTPI

RTI RELEASE

PREMIER'S BRIEFING NOTE

Governance

| |
|--|
| Tracking Folder No. TF/12/22313 |
| Document No. DOC/12/161942 |
| Approved / Not Approved / Noted Premier  |
| Date 29.8.12 |
| Date Action Required by:/...../..... |
| Requested by: (if appropriate) |

To: THE PREMIER
Date: 22 August 2012
Subject: Right to Information and Information Privacy Delegations

• RECOMMENDATION

It is recommended that you **sign** the attached Deeds of Direction and Authorisation for the following departmental officers within Constitutional and Administrative Law Services (CALs) to deal with applications made to your Office under the *Right to Information Act 2009* and *Information Privacy Act 2009* ("the RTI&IP Acts"):

- Manager, Administrative Law Services;
- Principal Legal Officer, Legal Services;
- Senior Legal Officer, Legal Services;
- Legal Officer, Legal Services; and
- Executive Directors (to deal with Internal Review applications).

• KEY ISSUES

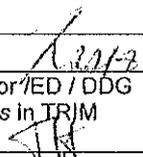
- On 24 April 2012, you signed Deeds of Direction and Authorisation for the Manager, Administrative Law Services within CALs to deal with applications, and for Executive Directors to deal with Internal Review applications, under the RTI&IP Acts.
- There has been a significant increase in applications received by the Department and your Office over the previous few months. For the three-month period of June to August 2012, 31 applications have been received. This contrasts with 26 applications received in the preceding 12 months from June 2011 to May 2012.
- To allow the Department to effectively manage this increase in workload, it is proposed that as an initial measure the Deeds of Direction and Authorisation be issued for the Legal Services Unit within CALs to assist the Right to Information and Privacy Unit.
- This arrangement will be reviewed as required to ensure statutory timeframes for RTI applications continue to be met.
- The attached Deeds also reissue the delegation to the Manager, Administrative Law Services and Executive Directors so that all delegations are contained in the same document.
- I have signed similar delegations in relation to applications made to the department.

• BACKGROUND

- Section 31 of the *Right to Information Act 2009* and section 51 the *Information Privacy Act 2009* provide that a Minister may direct, either generally or in a particular case, the power to deal with an access application.

Comments (Premier or DG)


Jon Grayson
Director-General

| | |
|--|--|
| Action Officer: Daniel Smith Area: RTI&P / CALS Telephone: 322 44808 | Approvals by Director / ED / DDG documented in notes in TRIM  |
|--|--|

Right to Information 2009 (Qld)

DEED OF DIRECTION AND AUTHORISATION

THIS DEED is made this 29th day of August, 2012 by CAMPBELL KEVIN THOMAS NEWMAN MP, the Premier of Queensland, Executive Building, 100 George Street, Brisbane in the State of Queensland.

BACKGROUND

Under section 31 of the Right to Information Act 2009 (Qld) (RTI Act), an access application, including an application for internal review in relation to the access application, under the RTI Act addressed to me as a Minister may be dealt with by the person that I direct, either generally or in a particular case.

NOW THIS DEED WITNESSES AS FOLLOWS:

- 1. Pursuant to section 31 of the RTI Act, I, CAMPBELL KEVIN THOMAS NEWMAN, the Premier of Queensland:
(a) direct the officers from time to time occupying or acting in the following positions within the Constitutional and Administrative Services Unit of the Department of the Premier and Cabinet (DPC): Manager, Administrative Law Services, Principal Legal Officer, Senior Legal Officer, and Legal Officer; to deal with access applications made to me as a Minister under the RTI Act and authorise those officers to exercise all powers vested in me under the RTI Act to deal with access applications and to do all things necessary and incidental to deal with those access applications; and
(b) direct the officers from time to time occupying the position of Executive Director within DPC to deal with internal review applications made to me as Minister under the RTI Act and authorise those officers to exercise all powers vested in me under the RTI Act to deal with internal review applications and to do all things necessary and incidental to deal with those internal review applications.
2. The officer referred to in clause 1(b) of this Deed is to be determined for each internal review application by the person from time to time occupying the position of Deputy Director-General (Governance), to whom I delegate this power.
3. Where the title of a position referenced in clause 1 of this Deed changes, but the duties, functions and responsibilities of the position remain substantially unchanged, then a reference to the position referenced in clause 1 of this Deed is a reference to the changed title of that position.

EXECUTED AS A DEED

SIGNED, SEALED AND DELIVERED by CAMPBELL KEVIN THOMAS NEWMAN MP, the Premier of Queensland, in the presence of:

[Signature of witness]
(signature of witness)

BEN MYERS
(print name of witness)

[Signature of Campbell Kevin Thomas Newman]
(Signature of Campbell Kevin Thomas Newman)

Information Privacy Act 2009 (Qld)

DEED OF DIRECTION AND AUTHORISATION

THIS DEED is made this 29th day of August 2012 by CAMPBELL KEVIN THOMAS NEWMAN MP, the Premier of Queensland, Executive Building, 100 George Street, Brisbane in the State of Queensland.

BACKGROUND

Under section 51 of the Information Privacy Act 2009 (Qld) (IP Act), an access or amendment application, including an application for internal review in relation to the access or amendment application, under the IP Act addressed to me as a Minister may be dealt with by the person that I direct, either generally or in a particular case.

NOW THIS DEED WITNESSES AS FOLLOWS:

- 1. Pursuant to section 51 of the IP Act, I, CAMPBELL KEVIN THOMAS NEWMAN MP, the Premier of Queensland:
(a) direct the officers from time to time occupying or acting in the following positions within the Constitutional and Administrative Services Unit of the Department of the Premier and Cabinet (DPC): Manager, Administrative Law Services, Principal Legal Officer, Senior Legal Officer, and Legal Officer; to deal with access and amendment applications made to me as a Minister under the IP Act and authorise those officers to exercise all powers vested in me under the IP Act to deal with access and amendment applications and to do all things necessary and incidental to deal with those access and amendment applications; and
(b) direct the officers from time to time occupying the position of Executive Director within DPC to deal with internal review applications made to me as Minister under the IP Act and authorise those officers to exercise all powers vested in me under the IP Act to deal with internal review applications and to do all things necessary and incidental to deal with those internal review applications.
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EXECUTED AS A DEED

SIGNED, SEALED AND DELIVERED by CAMPBELL KEVIN THOMAS NEWMAN MP, the Premier of Queensland, in the presence of:

Witness signature: BEN MYERS
(print name of witness)

Signature of Campbell Kevin Thomas Newman

PREMIER'S BRIEFING NOTE
Policy

To: THE PREMIER
Date: 22 August 2012
Subject: People with a disability inappropriately accommodated in Queensland Health (QH) facilities – response to correspondence following a 14 April 2012 *Courier Mail* article about Jacana Acquired Brain (ABI) Injury Centre (Jacana)

Tracking Folder No. TF/12/9727

Document No. DOC/12/112351

Approved / Not Approved / Noted

Premier *[Signature]*Date *19/8/2012*

Date Action Required by:/...../.....

Requested by:
(if appropriate)

• **RECOMMENDATION**

It is recommended that you:

- sign the letters responding to Mr Neal Lakshman, Advocate, Speaking Up For You Inc (SUFY) (Attachments 1), and CTPI (Attachments 2) about the Jacana media article
- note the high cost of meeting the intensive support needs of people with a disability seeking to transition from QH facilities to the community makes it difficult for these clients to successfully compete for prioritisation for a housing and disability support package and, furthermore, people with a disability in less than desirable but stable care arrangements such as QH facilities, are *less likely to be prioritised* for community based support, simply because they are receiving some form of supported accommodation
- sign the letter (Attachment 3) to the Honourable Tracy Davis MP, Minister for Communities, Child Safety and Disability Services, requesting she consider the issues raised about people with a disability in QH facilities as part of the revised 10 year plan for supporting Queenslanders with a disability.

• **KEY ISSUES**

- On 17 and 19 April 2012 respectively, Mr Lakshman and CTPI wrote regarding the Jacana media article which discussed five people with a disability unable to be discharged from Jacana due to difficulties accessing social housing and ongoing disability supports (Attachments 4 and 5).
- Details of the specific cases referenced in the article are outlined in Attachment 6.
- QH advises that 53 people with an ABI are currently accommodated in Jacana. There are also (based on 2010–11 data) approximately 131 people with a disability residing in seven other non-acute QH facilities, including 10 in Casuarina Lodge, 46 in four mental health facilities — Baillie Henderson Hospital (BHH), the Park Centre for Mental Health, Kirwan Rehabilitation Extended Treatment Service, and Charters Towers Hospital — and 78 in residential facilities — the Halwyn Centre, and Birribi Disability and Residential Day Care Facility.
- The article highlights concerns repeatedly raised by statutory and non-government advocacy bodies about the inappropriateness of accommodating people with a disability in health-based institutions. The Honourable W.J. Carter's report, *Challenging Behaviour and Disability – A Targeted Response*, and the Honourable Brendan Butler's review of the *Mental Health Act 2000*, both specifically recommended developing more appropriate options for people with a disability residing in BHH.
- A de-institutionalisation program was undertaken in the 1980s and 1990s, but currently there is no policy to transition people with a disability from QH facilities into the community. Transitions only occur now on an individual needs basis or as facilities become financially or operationally unviable.
- People with a disability in QH facilities must participate in standard processes to identify eligibility and need, before competing against the broader cohort of people seeking housing and/or disability support for prioritisation within the capacity of the Department of Housing and Public Works (DHPW) and Department of Communities, Child Safety and Disability Services (DCCSDS).
- QH estimates seven Jacana residents could be transitioned to live in the community with ongoing housing and disability support. QH also indicated that while DHPW frequently endeavours to meet the housing needs of people with a disability, this is contingent on the allocation by DCCSDS of a disability care package *before* the accommodation is provided.

PREMIER'S BRIEFING NOTE

Policy

Tracking Folder No. TF/12/9727

Document No. DOC/12/112351

- However, when recurrent disability support funding becomes available, the high cost of meeting the intensive support needs of people with a disability seeking to transition from QH facilities makes it difficult for these clients to successfully compete for prioritisation for a DCCSDS package.
- This difficulty is further compounded by the significant competition for ongoing disability support, the high level of demand for crisis funding for people with a disability, and a finite budget. As such, people with a disability in less than desirable but stable care arrangements such as QH facilities, are *less likely to be prioritised* for community based support, simply because they are receiving some form of supported accommodation.
- In response to stakeholder concerns, the former Premier wrote to the then Minister for Disability Services in November 2010, January 2011, and July 2011, requesting a plan be developed to more appropriately address the needs of people with a disability in QH facilities, and explore the feasibility of transferring management of their care to DCCSDS (in its former incarnation).
- On 25 July 2011, the former Premier was advised that DCCSDS and QH were developing a strategic framework for the long-term support and transition of people with a disability residing in QH facilities for Queensland Government consideration.
- To progress this work, QH undertook a survey of people with a disability in its acute, non-acute, and aged care facilities on 31 March 2012. Survey results are still being compiled and will be provided to DCCSDS when finalised.
- In May 2012, DCCSDS advised that the planned approach would not proceed due to financial constraints, but individuals would continue to be assisted on an *ad hoc* basis as funds become available. DCCSDS further advised that two BHH clients are expected to transition in 2012-13 and community access for 78 individuals in BHH, Haiwyn and Birribi, will continue at a cost of \$733 000 per annum.
- The media article also discusses legal action being pursued by SUFY and the Australian Centre for Disability Law against the Queensland and Australian Governments through the Australian Human Rights Commission (AHRC). The article alleges both governments are in breach of the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), as well as anti-discrimination legislation.
- DHPW is leading the Queensland Government's response to this action and is currently preparing submissions to the AHRC about the State being named as a respondent in the alleged breach of the UN CRPD.

• **CONSULTATION**

- DCCSDS, QH

• **BACKGROUND**

- Significant competition for recurrent disability support in Queensland exists due to historical underfunding, high demand for support and the lifetime nature of most funding allocations.
- As at 29 June 2012, more than 4000 people were registered as in need of support at an estimated cost of \$176 million. A further 3635 people were registered as having undermet support needs, at an estimated cost of \$287.8 million.
- *Absolutely Everybody*, the 10 year plan (2011-21) to support participation by Queenslanders with a disability in the community, commits DCCSDS and QH to develop a planned approach to assist people with a disability residing in QH facilities, and who wish to transition to community living.

Comments (Premier or DG)



Jon Grayson
Director-General



Premier of Queensland

For reply please quote: SHP/BB -- TF/12/9727-- DOC/12/106654

04 SEP 2012

Mr Neal Lakshman
Speaking Up For You Inc
PO Box 5649
WEST END QLD 4101

Executive Building
100 George Street Brisbane
PO Box 15185 City East
Queensland 4002 Australia
Telephone +61 7 3224 4500
Facsimile +61 7 3221 3631
Email ThePremier@premiers.qld.gov.au
Website www.thepremier.qld.gov.au

Dear Mr Lakshman

Thank you for your email of 17 April 2012 about the Jacana Acquired Brain Injury Rehabilitation and Residential Care Centre. I apologise for the delay in responding.

I am well aware of the problems with the current disability support and social housing systems in Queensland, and agree that major improvements are needed. The newspaper article you enclosed highlights the devastating impact of the current lack of disability services and alternative accommodation on individuals and their families.

As the article points out, a National Disability Insurance Scheme has the potential to improve disability support services in the longer term. However, in the meantime, please be assured that the Queensland Government is doing all we can within our means to revitalise existing front-line services and deliver immediate improvements for Queenslanders with a disability, their carers, and their families.

The Government is hard at work implementing the \$38.7 million package of support initiatives announced during the election campaign and is examining ways to deliver more efficient and cost-effective services that provide individuals with greater choice and control. In the coming months, we will also be working with the private sector, community organisations and local governments, to explore different options for improving access to social housing.

As you may know, the previous Government released a 10-year plan for supporting Queenslanders with a disability in late 2011. The Honourable Tracy Davis MP, Minister for Communities, Child Safety and Disability Services, is currently reviewing this plan and the first three-year whole-of-Government action plan in light of the Government's pledges, policies and election commitments. I have asked Minister Davis to consider the issues you raise and ways to improve access to services within the current system as part of this work.

Again, thank you for alerting me to your concerns and for your continued advocacy on behalf of Queenslanders with a disability.

Yours sincerely

CAMPBELL NEWMAN



Queensland
Government



Premier of Queensland

For reply please quote: SHP/EB - TF/12/9727-DOC/12/106637

04 SEP 2012

CTPI

ARANA HILLS QLD 4054

Executive Building
100 George Street Brisbane
PO Box 15185 City East
Queensland 4002 Australia
Telephone +61 7 3224 4500
Facsimile +61 7 3221 3631
Email ThePremier@premier.qld.gov.au
Website www.thepremier.qld.gov.au

Dear CTPI

Thank you for your email of 19 April 2012 about the newspaper article on the Jacana Acquired Brain Injury Rehabilitation and Residential Care Centre. I apologise for the delay in responding.

I am well aware of the problems with the current disability support and social housing systems in Queensland, and agree that major improvements are needed. The newspaper article you enclosed highlights the devastating impact of the current lack of disability services and alternative accommodation on individuals and their families.

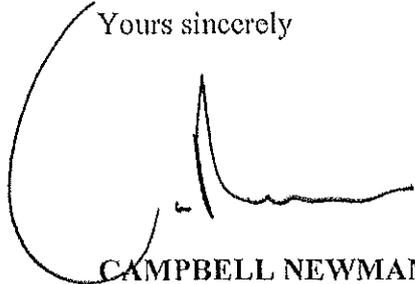
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Again, thank you for writing to me with your concerns.

Yours sincerely



CAMPBELL NEWMAN



Queensland
Government



Premier of Queensland

For reply please quote: SHP/EB – TF/12/9727 – DOC/12/112780

04 SEP 2012

The Honourable Tracy Davis MP
Minister for Communities, Child Safety
and Disability Services
GPO Box 806
BRISBANE QLD 4001

Executive Building
100 George Street Brisbane
PO Box 15185 City East
Queensland 4002 Australia
Telephone +61 7 3224 4500
Facsimile +61 7 3221 3631
Email ThePremier@premiers.qld.gov.au
Website www.thepremier.qld.gov.au

Dear Minister *Tracy,*

I am writing to you about people with a disability who are residing in the Jacana Acquired Brain Injury Rehabilitation and Residential Care Centre (Jacana).

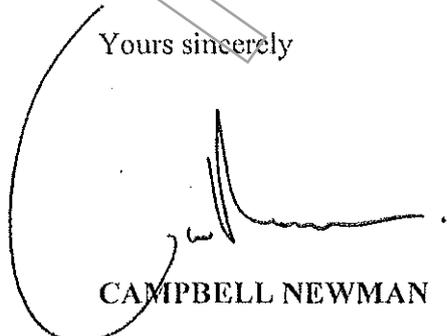
I have received correspondence from Mr Neil Lakshman, Advocate, Speaking Up For You, and from regarding a *Courier Mail* newspaper article of 14 April 2012, which highlights the difficulties that people with a disability living at Jacana face in accessing the support services and accommodation they need to transition to community living. I understand these Jacana residents are part of the broader cohort of Queenslanders with a disability who are living in Queensland Health facilities across the state.

While a National Disability Insurance Scheme has the potential to improve support for these clients in the longer term, I am interested in what can be done to improve support for these clients under the current arrangements. I am aware you are reviewing the 10-year plan for supporting Queenslanders with a disability and the first three-year whole-of-Government action plan, and intend to bring revised plans to Cabinet for consideration before the end of 2012. I understand the whole-of-Government action plan currently includes a commitment to develop a planned approach to working with people residing health facilities and who indicate a desire to move to community living.

I have enclosed the correspondence from Mr Lakshman and for your consideration and ask that you investigate the issues raised as part of your review and include options for improving access to services within the current system as part of the revised plan. I also request that you provide direct replies to Mr Lakshman and to and that you forward a copy of these responses to me.

Thank you for assistance with this matter. I look forward to receiving your advice.

Yours sincerely


CAMPBELL NEWMAN

*Encls



Queensland
Government

Ashleigh Edwards

From: Premiers Master
Sent: Monday, 23 April 2012 12:04 PM
To: The Premier
Subject: FW:
Attachments: ABl.pdf

Daniel
App Team, Department of the Premier and Cabinet
+61 7 303 30608

From: Neal Lakshman [<mailto:neal@sufy.org.au>]
Sent: Tuesday, 17 April 2012 1:14 PM
Subject:

Newspaper Article regarding Human Rights and people with acquired brain injury in Health institutions in Brisbane, lack of access to Disability Services and Housing

Sincerely

Neal Lakshman
Advocate
Speaking Up For You Inc.
Ph. 32551244
Fax. 32551266
www.sufy.org.au

The Precinct
Unit F2, 1st Floor
12 Browning Street
P O Box 5649
West End Q 4101

CAUTION: This email may contain information that is confidential. If you are not the intended recipient, you are notified that any use, dissemination, distribution or copying of this email is prohibited. If you have received this email in error, please notify us immediately and destroy all copies of the message and attachments. Thank you.

The Courier-Mail

CM iPad section Front Page

Jacana 5's plight highlights wider issue

- by: Margaret Wenham
- From: The Courier-Mail
- April 14, 2012 12:00AM



Source: The Courier-Mail

BARBARA Douglass has paused to collect her thoughts so she can sum up the difficulties facing her severely brain-damaged grandson, Ryan, and his family as they try to secure him disability support funding and somewhere to live.

"A lot of people get worn down by it," the 71-year-old says finally. "Tell you what - there's worse things than death and that's the perpetual grief for families."

She's not saying, you understand, that it would be better if her beloved Ryan had died when his car hit a power pole more than four years ago, or that she would rather be dead than continue to play her role in the family's watchful and loving guardianship of him.

It's just that, for all of them, being stuck in an unsatisfying, unedifying, frustrating and upsetting limbo where none of them - Ryan, Barbara, Deb, who is Ryan's mother, his father, siblings, all of them - can move an inch and certainly not forward, is like a kind of death.

Barb continues. "On the one hand, I think to myself we're lucky Ryan's not in a nursing home.

"What were we told?" she looks inquiringly over at daughter-in-law Deb. "That there were thousands of these young guys waiting for a bed in the Jacana Acquired Brain Injury Centre when we got in?"

"Well, you'll hear from the good staff there that the idea is to get these people - like Ryan - through their therapy and out. These are the staff who want the best for them, that's their dream. But there's no funding and there's nowhere to go.

"Every single person you speak to that has been in this position from head injury will tell you and even the doctors say to you, when they come out of ICU, 'Look, you've got nothing, you'll never have anything, put them in a nursing home and forget about them'.

"And some families have no choice and they just have to do that. So we thought we were the lucky ones, and we were in lots of ways."

But Ryan has been in Jacana, one of only three Queensland Health-administered ABI recovery centres in the state, since January 2008 (after spending four months in the Princess Alexandra Hospital after his accident).

He's just 26 and was a butcher. A fit and happy young man in the prime of his life before his injury, he has received no compensation because Queensland lacks a no-fault accident compensation scheme, and so must rely on underfunded government medical and disability support services.

The "slow stream therapy" program Ryan was admitted to Jacana to receive, ostensibly before moving back into the community, has long since finished and applications by Jacana staff to the Communities Department for disability support funding and public housing have so far not resulted in him being offered suitable funding or community accommodation.

Ryan isn't alone in this situation. There are many people with ABI living long-term in Jacana, which appears to have become, in this age of deinstitutionalisation, a de facto long-term residential facility. And among them are many who want to leave but cannot because they have been denied a funding package and/or alternative accommodation.

In some cases, people are faced with a dishonest Catch 22. Disability Services say they won't supply support funding as the applicant has no social housing; Housing says they can't allocate premises as the applicant has no support funding.

Disability advocates with the community-based Speaking Up For You agency, who have been working to help Ryan and four others at Jacana obtain funding and accommodation, have had enough and have now sought and received weighty reinforcement in the form of the Sydney-based Australian Centre for Disability Law, which has launched a landmark human rights case in the Australian Human Rights Commission.

In addition to alleging state and federal governments are in breach of anti-discrimination legislation, the centre is also alleging both jurisdictions are in breach of the UN Convention on the Rights of Persons with Disabilities, Article 19 of which sets out the responsibilities of signatories relating to people's rights to live independently and in the community.

Solicitor Phillip French explains.

"There are two processes we will pursue in a staged way," he says. "All of these matters are before the AHRC as complaints under the Australian Disability Discrimination Act and also the Australian Human Rights Commission Act. The DDA complaint attacks this issue of not being eligible for housing unless you have a support package. The other alleges various violations of human rights under the UN convention. In law they are two separate complaints being dealt with together. We are probably going to attempt to resolve this in conciliation with the Queensland agencies (Disability Services and Housing) and, failing that, with the Australian authorities - the Departments of Families, Housing, Community Services and Indigenous Affairs, and Health and Ageing.

"If that fails, we will go to the UN Committee on the Rights of Persons with Disabilities alleging Australia is in breach of the convention."

While Ryan cannot speak - though Deb and Barbara say he communicates with his eyes and by small hand movements - the other four Jacana residents being represented by Speaking Up For You do talk about their unhappiness.

Mark Ricci is 51 and a father of two. He acquired his brain injury in 1982 as a result of a motorcycle accident. He lived for some years in social housing with family support - mainly from his ageing mother Alwyn - but in 2008 he was hospitalised with faltering mental health and concerns about his self-care. After a hip replacement, he was sent to Jacana's Brighton campus - where his only companions are severely mentally incapacitated, mostly elderly patients - and is still there.

In 2010, his application for social housing was refused on the basis he had no disability support funding, an application for which had failed the previous year. At Jacana, he has a small hospital-style room and shares a bathroom.

"I can't talk to anyone," he says. "Some are too sick. Some are crazy. I've got no friends there at all. I sit by myself all day in my room, or in the courtyard, playing my CD player."

SUFY disability advocate Neal Lakshman says Mark's isolation is "acute" and he relies heavily on visits from Alwyn but she now has significant health issues. He rarely sees his children.

Neil Lanser, 47 also has two children. He was injured in an assault in August 2009 and was admitted to Jacana two months later. He was assessed for disability support at the end of 2010 but has received no offer of any funding or accommodation.

In Jacana, he shares a room with three other people. His only privacy is supplied by a curtain, which he can draw around his bed.

Asked how he feels, Neil says he's frustrated, angry and depressed.

"Why don't they just give me a bullet? At least I'd have someone I know up there," he says, pointing skywards.

His sister and guardian Polly shares his frustration.

"What's frustrating is how slow the process is. Everyone understands Neil has gone as far as he can go in Jacana. There just shouldn't be this huge wait. There should be steps in place so Neil or anyone else, once they reach the end stage in Jacana, the next stage can start. As it is, Neil is taking space there others who need slow stream recovery therapy could be using," she says.

And then there's Derek Rogers and Steven Kendall, whose situations seem proof Jacana is being used as a long-term, residential institution.

Derek's been at Jacana since 1998. His recovery therapy ceased 13 years ago. None of his many applications for disability support or housing has been successful.

Nor have Steven's, who has been in the facility since 2003.

They are not the only ones who have been in Jacana for 10 years or longer. Of Jacana's 53 residents - 37 housed at its Bracken Ridge campus and 16 at Brighton - 42 have been there longer than five years and 24 of them, like Derek, more than 10. Only five are receiving slow stream therapy for their acquired brain injury.

Queensland Health spokeswoman Mary Slattery says residents are moved into the community on a priority basis as appropriate matches of housing and support arrangements become available. She says that, since 2007, 11 clients have been successfully discharged home to family or to other residential care facilities.

But French says the Queensland Government spends more than \$8 million annually on Jacana and that it is, in effect, a blockfunded residential facility where people with disabilities are "warehoused".

"Each resident there has an accommodation place worth about \$140,000 a year. Under the Convention, these large facilities are not permissible and the Queensland Government must devolve this institution into community living arrangements consistent with Article 19," he says. "The Government is already spending more than it would cost to develop community-based supports for most of these individuals.

"The Government is not entitled to say there's a lot of people with unmet needs and we'll get around to this when we can . . . Jacana is not functioning primarily as a medical rehab centre, it's functioning as a parking lot for people who can't go elsewhere. It's a warehouse and people are being warehoused there because they can't get disability support packages."

In the disability sector, a great deal of hope rests on the introduction of a National Insurance Disability Scheme, with a ballpark cost of about \$7 billion. If such a scheme, fully funded, were in place today, Ryan, Mark, Neil, Stephen and Derek would all have significant disability support packages that they, perhaps with the help of their families or advocates, could use to maximise their ongoing recovery and independence - including choosing where and, if they wanted shared accommodation, with whom they lived. While the federal and state governments have signalled support for the scheme, considerable argy-bargy continues about it, including new Premier Campbell Newman this week ruling out any extra disability spending for the NDIS and refusing to sign Queensland up to the related no-fault National Injury Insurance Scheme.

And so, for the time being at least, the Jacana five and thousands of others with disability without any support funding or with significantly less than is needed must continue to rely on the State Government.

According to the Department of Communities, the state's total expenditure on disability support services is \$1.181 billion, plus \$523.7 million for Home and Community Care Services and \$70.3 million for non-clinical mental health services - all up, an increase of \$1 billion over the past five years.

Communities says in 2011-12 up to 28,000 people will receive some kind of government-funded disability service, but just how many of those people will receive services that fall well short of what they need - and what that means in dollar terms - is unclear. A new intake assessment and assessment process was introduced last July and more than 7000 people with disabilities have been assessed or reassessed under that.

New Communities Minister Tracy Davis says, of those, 3100 people have been assessed with "unmet support needs" of an estimated \$122 million.

With the NDIS some years off and in the face of a multimillion-dollar disability shortfall on the home front, the five Jacana inmates have a lot riding on their human rights case, the first conciliation hearing for which is in Brisbane next Thursday.

"One hopes that if the Queensland Government does recognise the human rights problems that face these five, it will recognise the problem that faces all the people at Jacana and all the other people with disabilities being denied their human rights," French says. "This is a moral issue that must be prioritised."

wenhamm@qnp.newsltd.com.au

Ashleigh Edwards

From: [CTPI]@gmail.com]
Sent: Thursday, 19 April 2012 12:48 PM
To: The Premier
Subject: Cut the Red Tape...

Dear Mr Newman,

Please read this and consider how you might help these unfortunate people and many more like them by doing what you have publicly promised...cutting red tape.

Regards,
[CTPI]

Saturday 14 April 2012

Tragic case of the Jacana 5 highlights a wider problem

Author: Margaret Wenham
Publication: Courier Mail (46, Sat 14 Apr 2012)
Edition: 1 - First with the news
Section: Insight
Keywords: **Department (1), of (1), Communities (1)**

BARBARA Douglass has paused to collect her thoughts so she can sum up the difficulties facing her severely brain-damaged grandson, Ryan, and his family as they try to secure him disability support funding and somewhere to live.

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She's not saying, you understand, that it would be better if her beloved Ryan had died when his car hit a power pole more than four years ago, or that she would rather be dead than continue to play her role in the family's watchful and loving

guardianship of him.

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`` What were we told?" she looks inquiringly over at daughter-in-law Deb. `` That there were thousands of these young guys waiting for a bed in the Jacana Acquired Brain Injury Centre when we got in?

`` Well, you'll hear from the good staff there that the idea is to get these people - like Ryan - through their therapy and out. These are the staff who want the best for them, that's their dream. But there's no funding and there's nowhere to go.

`` Every single person you speak to that has been in this position from head injury will tell you and even the doctors say to you, when they come out of ICU, 'Look, you've got nothing, you'll never have anything, put them in a nursing home and forget about them'.

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moving back into the community, has long since finished and applications by Jacana staff to the Communities Department for disability support funding and public housing have so far not resulted in him being offered suitable funding or community accommodation.

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wenhamm@qnp.newsltd.com.au

UN Convention on the Rights of People with Disabilities Article 19 - Living independently and being included in the community

States parties to this Convention recognise the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by

ensuring that:

1. Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
2. Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
3. Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

Headline: Tragic case of the Jacana 5 highlights a wider problem

Author: Margaret Wenham

Edition: 1 - First with the news

Section: Insight

[[Department for Communities](#)]

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ATTACHMENT 6

o Media article by Ms Margaret Wenham, Courier Mail, on 14 April 2012

– The following details of the cases mentioned in the *Courier Mail* article were provided to the Department of Communities, Child Safety and Disability Services (DCCSDS) by the article's author, Ms Margaret Wenham on 20 March 2012.

– Ms Wenham advised that the five men referenced in the article were:

- o Mr Mark Ricci – Mr Ricci has been a resident of Jacana since July 2008 and has made two unsuccessful applications for housing and disability support.

CTPI

- o Mr Neil Lanser – Mr Lanser has been a resident of since October 2009 and most recently completed an assessment for disability support in late 2010.

- o Mr Ryan Douglas – Mr Douglas was admitted to Jacana in January 2008 and made an application for disability funding in

CTPI

CTPI

- o Mr Derek Rogers – Mr Rogers has been a Jacana resident since June 1998. Mr Rogers has made several unsuccessful applications for specialist disability support

CTPI

CTPI

- o Mr Stephen Kendal – Mr Kendal was admitted to Jacana in 2003

CTPI

CTPI

– Ms Wenham further advised that none of the men mentioned in the article were currently receiving ABI rehabilitation.

– DCCSDS have confirmed that current social housing applications are registered for each of the individuals and all have been assessed as eligible for specialist disability support.

– DCCSDS also advise that the individuals have not yet been successful in securing disability support funding to support their transition because of the high demand for support, the high level of support they require, and the need to prioritise funding allocations.

Barbara Tollenaere

From: Jon Grayson
Sent: Friday, 7 September 2012 8:57 AM
To: Campbell Newman; Ben Myers
Subject: QCU Commission of Audit

Premier

I have not been able to get a copy of this report (it is not mentioned on the QCU web site).

Mark Gray from the CoA will be putting together a briefing for you and the Treasurer today, but in case you need some quick answers, here are a few pointers (based on what has appeared in the Courier Mail):

1. The CoA did not take in to account \$28bn of cash sitting in QTC. This is the employer contributions to super and should not be taken in to account; to do so would suggest that we can raid cash set aside for workers' super entitlement to pay down debt. The CoA used the net debt to revenue metric as used by the ratings agencies when analysing the state's financial position.
2. The QCU report suggests we have shifted the accounting goalposts - i.e. focussed on fiscal position rather than operating position. The fiscal position is the valid measure of how much further we go in to debt each year because it takes in to account operating and capital items. The previous government published both measures, so this is nothing new. However, not surprisingly they didn't focus on the fiscal position.
3. The QCU report says that "In fact employee expenses have remained fairly stable over an 11-year period if expressed as a percentage of total expenses" - this doesn't give a lot of comfort when total expenses are increasing at an unsustainable rate.
4. It also says that borrowings have been used for hard assets not operating expenses. You will recall that this was an issue which was aired at the QIRC a while back and is a bit tricky. They can argue this point because there was always a *cash* operating surplus (but not always an operating surplus when depreciation was taken in to account). While it did not lead to immediate borrowing for operating costs, it did suggest that obligations were being deferred (there was no cash to cover depreciation of assets) and borrowings would be required down the track to replace depreciated assets.

Kind regards

Jon Grayson
Director-General
Department of the Premier and Cabinet

☎ (07) 322 44728

✉ jon.grayson@premiers.qld.gov.au

Executive Building | Level 15 | 100 George Street | Brisbane
PO Box 15185 | City East | Queensland 4002

Please consider the environment before printing this email

Barbara Tollenaere

From: Jon Grayson
Sent: Friday, 7 September 2012 10:42 AM
To: Campbell Newman; Ben Myers
Subject: Fwd: Treasurer Tim Nicholls Audio
Attachments: ABC612_Mornings_TimNicholls.mp3

Premier, Ben - a sterling performance by the Treasurer this morning...

Kind regards

Jon Grayson
Director-General
Department of the Premier and Cabinet

☎ (07) 322 44728
✉ jon.grayson@premiers.qld.gov.au
Executive Building | Level 15 | 100 George Street | Brisbane
PO Box 15185 | City East | Queensland 4002

Please consider the environment before printing this email

Begin forwarded message:

From: Daniel Barrett <Daniel.Barrett@ministerial.qld.gov.au>
Subject: Treasurer Tim Nicholls Audio
Date: 7 September 2012 9:35:37 AM AEST
To: Jon Grayson <Jon.Grayson@premiers.qld.gov.au>

Hi Jon,

Please find attached audio of Tim Nicholls on ABC 612 Brisbane this morning talking with Steve Austin.

If you require the prior Bob Walker audio, please let me know. We're currently transcribing the Nicholls interview and can provide that too if you are interested in that.

Regards
Dan

Daniel Barrett | Media Monitor, Government Media Unit
Office of the Premier
P: 07 3006 5121 M: CTPI
E: daniel.barrett@ministerial.qld.gov.au
Executive Building | 100 George Street | Brisbane | QLD 4000