

A. Entity responses

As mandated in Section 64 of the *Auditor-General Act 2009*, the Queensland Audit Office gave a copy of this report with a request for comments to the:

- Premier and Minister for the Olympic and Paralympic Games
- Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympic and Paralympic Games Infrastructure
- Minister for Energy, Renewables and Hydrogen and Minister for Public Works and Procurement
- Director-General, Department of the Premier and Cabinet
- Director-General, Department of Energy and Public Works
- Director-General, Department of State Development, Infrastructure, Local Government and Planning.

We also provided a copy of the report with an invitation to respond to the:

- Minister for Health, Mental Health and Ambulance Services and Minister for Women
- Director-General, Queensland Health.

This appendix contains their detailed responses to our audit recommendations.

The heads of these entities are responsible for the accuracy, fairness, and balance of their comments.



Comments received from Minister for Energy, Renewables and Hydrogen and Minister for Public Works and Procurement



Minister for Energy, Renewables and Hydrogen
Minister for Public Works and Procurement

Our Ref: MN06697-2023

26 JUN 2023

Mr Brendan Worrall
Auditor-General
Queensland Audit Office
PO Box 15396
CITY EAST QLD 4002

1 William Street
Brisbane Queensland
GPO Box 2457 Brisbane
Queensland 4001 Australia
Telephone +617 3719 7270
E: epw@ministerial.qld.gov.au

Dear Mr Worrall

Thank you for your email of 2 June 2023 seeking a formal response to the proposed report Queensland Regional Accommodation Centre (Wellcamp).

I acknowledge the report and thank you and your officers for your continued dedication to improving the standards of decision-making and transparency in government expenditure.

The Queensland Government is committed to transparency and ensuring public funds are spent in accordance with relevant legislation and policy. This includes ensuring government procurement processes reflect community expectations of ethical behaviour, integrity, probity and accountability.

The *Buy Queensland* approach to procurement is supported by a robust contract disclosure framework. In fact, Queensland's contract disclosure threshold of \$10,000 for reportable contracts is the lowest of all states and territories, and equal to the Australian Government. Further, the Department of Energy and Public Works (DEPW) has issued guidance regarding the Use and Disclosure of Confidentiality Provisions in Government Contracts, and confidentiality and commercial-in-confidence clauses will continue to be used only in cases where there is a strong justification.

The proposed report sets out two recommendations which fall within my portfolio. I understand Mr Paul Martyn, Director-General, DEPW has responded to you separately, and I endorse that response.

If you require any further information or assistance with this matter,

Yours sincerely

Mick de Brenni MP
Minister for Energy, Renewables and Hydrogen
Minister for Public Works and Procurement

Comments received from Director-General, Department of State Development, Infrastructure, Local Government and Planning

Our ref: MC23/2937

20 June 2023

Mr Brendan Worrall
Auditor-General
Queensland Audit Office
qao@qao.qld.gov.au

Dear Auditor-General

Thank you for your email of 2 June 2023 to the Honourable Steven Miles MP, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympic and Paralympic Infrastructure about the Proposed Report titled Queensland Regional Accommodation Centre (Wellcamp).

The Deputy Premier has asked me to respond on his behalf.

The COVID pandemic was without contemporary precedent and required governments to act decisively to protect the health and economic interests of their citizens. By those measures the Queensland Government's health and economic response was extraordinarily successful.

I appreciate your recognition of the level of uncertainty in the policy, operating and health environment that existed for decision-makers at that time.

I am also thankful for the considered approach your team has taken to working through a significant volume of records. I appreciate your finding that the procurement process and value for money assessment considerations of the Department and Government, including assessment of alternate options, were sound. It is pleasing to see the conclusion that, even under rapid-delivery circumstances, our inherent commitment to public value was maintained.

Your report makes a number of recommendations to improve disclosure of information to be led through the Department of Energy and Public Works and the Department of the Premier and Cabinet, to apply across the Queensland Government. The department supports application of these recommendations and in particular for current and future rapid response initiatives.

I wish to thank your team for their proactive engagement with my officers throughout.



Department of
**State Development, Infrastructure,
Local Government and Planning**

1 William Street
Brisbane Queensland 4000
PO Box 15009
City East Queensland 4002
Telephone 13 QGOV (13 74 68)
Website www.statedevelopment.qld.gov.au
ABN 29 230 178 530

If you require any further information, please contact [REDACTED]

[REDACTED]
[REDACTED]
who will be pleased to assist.

Yours sincerely



Mike Kaiser
Director-General



Comments received from Director-General, Department of Energy and Public Works

Our Ref: MN06634-2023

26 JUN 2023

Mr Brendan Worrall
Auditor-General
Queensland Audit Office
PO Box 15396
CITY EAST QLD 4002
By email: qao@qao.qld.gov.au



Queensland
Government

Department of
Energy and Public Works

Dear Mr Worrall

Thank you for your email of 2 June 2023 providing the proposed report to Parliament on the Queensland Regional Accommodation Centre (also known as Wellcamp) and the opportunity to respond.

Following the Queensland Audit Office (QAO) report on the Confidentiality and disclosure of government contracts – Report 8: 2017–18, the Department of Energy and Public Works (DEPW) developed the Use and Disclosure of Confidentiality Provisions in Government Contracts guidelines, and enhancements were made to the Contract Disclosure Guidelines. Both of these documents provide advice for readers modelled on the 'pro disclosure' bias of the *Right to Information Act 2009*.

Together, ethical behaviour, integrity, probity and accountability comprise one of the six underpinning principles of the Queensland Procurement Policy 2023. Your proposed recommendations align with this and serve to enhance transparency of public expenditure. I support the intent of the recommendations and have put forward a suggested approach for your consideration regarding Recommendation 1, to ensure clarity.

In relation to Recommendation 2, I reiterate the position expressed in the Use and Disclosure of Confidentiality Provisions in Government Contracts guidelines, that confidentiality and commercial-in-confidence clauses should not be used as a matter of course and only included where there is strong justification for confidentiality. Equally, with respect to contract disclosure, agencies should be aware that while contract details may appear to be commercially sensitive, this does not necessarily mean that they should not be published, and agencies should seek advice if they are uncertain.

Consultation will occur with agencies to ensure the recommendations are adopted and implemented. Please find attached DEPW's response to the recommendations.

I hope this information answers your enquiry. If you need any more information or help with this matter,

Yours sincerely


A handwritten signature in blue ink, appearing to read 'Paul Martyn PSM'.

Paul Martyn PSM
Director-General

Encl.

1 William Street
Brisbane Queensland
GPO Box 2457 Brisbane
Queensland 4001 Australia

Responses to recommendations

 **Queensland Audit Office**
Better public services

Department of Energy and Public Works

Queensland Regional Accommodation Centre

Response to recommendations provided by Mr Paul Martyn, Director-General, Department of Energy and Public Works on 13 June 2023.

Recommendation	Agree/ Disagree	Timeframe for implementation	Additional comments
1. We recommend the department expands the definition of reportable contracts in the <i>Queensland Procurement Policy 2021</i> to include the purchase, transfer of, and access to, property or services through leases.	Agree in principle	Quarter 4, 2023-2024	The Contract Disclosure Guidelines will be updated where relevant to reference the relevant government leasing policies. However given the scope of the guidelines does not extend to real property, the recommendation will be referred to the attention of departments responsible for administering leasing policies, for consideration of the best mechanisms to achieve the intent of the recommendation.
2. We recommend the department updates the Use and Disclosure of Confidentiality Provisions in Government Contracts guidelines to provide advice on when information subject to confidentiality provisions can be released due to: <ul style="list-style-type: none"> a point in time being reached where the information is no longer considered commercially sensitive, for example, after commercial negotiations and contracting are completed disclosure being necessary to meet transparency and accountability requirements including disclosure as part of an entity's annual financial statements. This update should also include the type of information that may be reasonable to disclose in these circumstances. This at a minimum, should include the total value of the contract.	Agree	Quarter 4, 2023-2024.	In consultation with agencies, DEPW will update the Use and Disclosure of Confidentiality Provisions in Government Contracts guidance, noting the 'point in time' consideration and type of information it would be reasonable to disclose including value, will be a decision of the agency concerned and will depend on the nature of each contract and the confidentiality issue involved. The update will also specify that agencies meet any prescribed transparency and accountability obligations, including disclosure as part of an entity's financial statements. Agencies should not withhold information where a legal obligation compels disclosure. The implementation timeframe allows for consultation with agencies.

1



Comments received from Director-General, Department of Premier and Cabinet



For reply please quote: LJP/CW – TF/23/8057 – DOC/23/125636

Department of the
Premier and Cabinet

Mr Brendan Worrall
Auditor General
Queensland Audit Office
qao@qao.qld.gov.au

Dear Mr Worrall

Thank you for your email of 2 June 2023 providing a copy of the draft report, Queensland Regional Accommodation Centre (Wellcamp) (the report), for response.

I note that recommendation three of the report seeks that the Department of the Premier and Cabinet (DPC) develops guidance to assist ministers in answering questions in Parliament on matters where relevant information is subject to confidentiality provisions. The recommendation indicates this guidance should address the:

- circumstances where information may be appropriate to disclose, despite the existence of confidentiality provisions
- type of information that may be appropriate to disclose
- nature of the request, including questions from Parliament or a parliamentary committee and questions on notice from Members of Parliament.

I can advise that DPC does not accept the recommendation that DPC develop guidance for Ministers on these matters. The variable nature of contracts (which are the subject of questions) precludes any standardised approach to the responses provided. In any event, these matters are governed by the *Parliament of Queensland Act 2001*, with relevance of any answer at the discretion of the Speaker. The processes provided for in the Estimates Committee hearings also provide an opportunity for these matters to be examined in detail, with relevance of any answer at the discretion of the Chairperson of the Committee.

As requested, please find enclosed further detail on the response to the recommendation.

Again, thank you for writing to me and for the opportunity to respond to the report.

Yours sincerely

A handwritten signature in black ink that reads 'Rachel Hunter'.

Rachel Hunter
Director-General

26/6/23

1 William Street Brisbane
PO Box 15185 City East
Queensland 4002 Australia
Telephone 13 QGOV (13 74 68)
Website www.premiers.qld.gov.au
ABN 65 959 415 158

Responses to recommendations

Department of the Premier and Cabinet

Queensland Regional Accommodation Centre

Response to recommendations provided by the Department of the Premier and Cabinet (DPC) on 19 June 2023

Recommendation	Agree/ Disagree	Timeframe for implementation (Quarter and financial year)	Additional comments
<p>3. We recommend the department develops guidance to assist ministers in answering questions in Parliament on matters where relevant information is subject to confidentiality provisions. This should address:</p> <ul style="list-style-type: none"> the circumstances where information may be appropriate to disclose, despite the existence of the confidentiality provisions the type of information that may be appropriate to disclose the nature of the request, including questions from Parliament or a parliamentary committee and questions on notice from Members of Parliament. <p>This guidance should be developed in consultation with other key stakeholders, including the Office of the Speaker and the Clerk of the Parliament.</p>	Disagree	N/A	<p>DPC notes that the proceedings of the Queensland Parliament are governed by the <i>Parliament of Queensland Act 2001</i> (Qld), the Standing Rules and Orders of the Legislative Assembly and the Sessional Orders. This includes answers by Ministers in the Legislative Assembly, questions on notice and also questions posed during committee business.</p> <p>As such, the disclosure of information in response to questions, regardless of whether it is confidential and/or commercially sensitive, is governed by the <i>Parliament of Queensland Act 2001</i>, Standing Rules and Orders of the Legislative Assembly and the Sessional Orders, with relevance of the answer at the discretion of the Speaker. It should be noted that the Chairperson of the Estimates Committee assumes the same functions as the Speaker and would similarly determine the appropriateness of questions and answers during that session.</p> <p>DPC considers that the appropriateness of disclosing possible Commercial-in-Confidence or commercially sensitive information in the Legislative Assembly or in committee, should be determined on a case-by-case basis, given the variable nature of these matters. In addition, the disclosure should have</p>

Recommendation	Agree/ Disagree	Timeframe for implementation (Quarter and financial year)	Additional comments
			<p>regard to the particular circumstances of the matter, including the specific nature of the contractual arrangements, which precludes any standard guidance material being produced. The Estimates Committee hearing process in particular provides an opportunity for these matters to be considered in detail on a case-by- case basis, with the relevance of any answer being determined at the discretion of the Chair of the Committee.</p> <p>DPC notes that departments who entered the relevant contractual arrangement will be best placed to provide initial advice to their respective Minister on any such matter arising regarding the disclosure of information.</p> <p>This will allow tailored advice to be provided to the Minister who considered relevant aspects of the particular scenario, including any specific contractual or legislative arrangements.</p>