

## RESEARCH REPORT NO 6

### A Farce in Two Acts: Estimates Hearings

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In 2004 I retired from my position as Director, Office of the Commissioner, Queensland Police Service. Since retiring I have been writing books, of most relevance to this article the biography of Ernest Gowers<sup>1</sup>, a man best remembered for his best-selling guide to official English: *Plain Words*<sup>2</sup>. Before moving to the Police Service in 1994, I had been a member of the 1992-3 Public Service Management Commission (PSMC) Review of the Police Service.

Before I retired in 2004 I was regularly one of the anxious public servants clutching two folders of briefing papers at Estimates Committee hearings. The first was a folder of answers to 'Possible Parliamentary Questions (PPQs); the second a folder with answers prepared for the Minister to the 'Dorothy Dixers' (questions asked by government members to give Ministers the opportunity to read their catalogues of achievements into the Hansard record).

The briefing folders were prepared in the department for the Minister and the CEO. For the 'Dorothy Dixers' the Minister's office identified the topics and provided the political rhetoric - the department provided the facts. Rehearsals (often several) preceded the final performance. The actual program was a ritual that comprised 20 minutes for government questions alternating with 20 minutes for the opposition - throughout the hearing. The army of public servants relaxed for the 20 minutes of Dorothy Dixers, then woke up in case difficult questions were fired at the Minister from the opposition members. More often than not this was an anticlimax, when the opposition failed to grasp the opportunity to ask probing questions.

One of the most valuable parts of the exercise, especially in a complex department like police, was the compilation of the PPQ briefing folder which acted as a departmental 'bible' - a compendium explaining all the activities (budget, staffing, programs, etc) of units across the department, providing a useful reference book for the year to come. The

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<sup>1</sup> Scott, A: *Ernest Gowers: Plain Words and Forgotten Deeds*, Palgrave Macmillan ('Understanding Governance' Series), 2009. Gowers was one of the leading British civil servants of his day. At the beginning of his career he worked as Principal Private Secretary to David Lloyd George when Lloyd George was driving his National Insurance Act through Parliament, and at the end he was in charge of London's civil defence through WW2.

<sup>2</sup> *Plain Words* has never been out of print. A revision, by Rebecca Gowers, going back to the original text rather than the two subsequent revisions, was published earlier this year by Penguin Books.

content of this folder also form the basis of the comprehensive briefing folder that had to be prepared when there was a change of Minister.

Fast forward to 2014, 30 years later than George Orwell's nightmare totalitarian world described in *Nineteen Eighty-Four*. The Thought Police in the LNP could have been taking lessons from Orwell. Winston Smith, the central character in the totalitarian state 'IngSoc', worked for the 'Ministry of Truth'. His task was to rewrite the past to ensure it complied with the political present:

All history was a palimpsest [a manuscript page from a scroll or book from which the text has been scraped or washed off so that it can be used again], scraped clean and reinscribed exactly as often as was necessary. In no case would it have been possible once the deed was done, to prove that any falsification had taken place.<sup>3</sup>

The LNP-style Estimates hearings ran concurrently over two days, making it impossible to attend all the hearings - a strategy that minimised media coverage. As an interested member of the public, I decided to sit in on two days of hearings of the Legal Affairs and Community Safety Committee chaired by Ian Berry MP, member for Ipswich.<sup>4</sup>

### **Newman's 'Ministry of Truth' and crime statistics**

Police and Emergency Services Minister, Jack Dempsey, opened proceedings at the Estimates hearing on Thursday 17 July by telling us that the LNP was making Queensland a 'safe place to live and raise a family', after the 'mismanagement' of the ALP (an Orwellian Two Minutes Hate?). The ALP had given only 'slaps on wrists' to offenders. But now Queensland was 'back on track' with its crackdown on crime. This first burst of rhetoric over, the Minister then boasted of increases in police numbers, iPads and the government wireless network. The great success was the 'myPolice' website with its up-to-the-minute spread-sheet of crime statistics. A question from a government member allowed the Minister to talk about the Outlaw Motor Cycle Gangs. He then passed the question to the police to provide further details about the operations against OMCGs on the Gold Coast.

So far so good, but scant new information and a heavy loading of political rhetoric.

When Bill Byrne, ALP member for Rockhampton, started asking about the crime statistics things became more interesting. Mr Byrne had attempted to reconcile the crime statistics in the QPS Budget's *Service Delivery Statement* with the statistics he had extracted from myPolice. He had found inconsistencies. What was the explanation?

The Minister responded with a non-answer. We heard that the new website had reengaged the police service with the community. Mr Byrne was told he should remember that there was a 'disclaimer' about the statistics on the website.

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<sup>3</sup> George Orwell, *Nineteen Eighty-Four*, (1949) Penguin Modern Classics edition, P.37.

<sup>4</sup> Other members were: Mr Peter Wellington MP, Deputy Chair, Member for Nicklin; Miss Verity Barton MP, Member for Broadwater; Mr Bill Byrne MP, Member for Rockhampton; Mr Sean Choat MP, Member for Ipswich West; Mr Aaron Dillaway MP, Member for Bulimba; Mr Trevor Watts MP, Member for Toowoomba North. Mr Carl Judge (PUP) was permitted by the Chair to sit in and ask questions.

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The above is the disclaimer. It was not read out (and the underlining is mine).

There are plenty of valid reasons for the inconsistencies between the sets of data, but it appeared the crime statistics were indeed an area of sensitivity for the government. When the Police Commissioner was about to reply, the Minister interrupted, and we were treated to another hurrah statement about the myPolice website, transparency, and Queenslanders' increasing peace of mind.

Welcome to the crime statistics problem. This is where Orwell springs to mind. I have already written (<http://www.tjryanfoundation.org.au/cms/page.asp?ID=219>) about the difficulty of extracting and interpreting police statistics from its new site. There now appears to be no access (and I look forward to being corrected on this) for a member of the public to compare the statistical trends over a reasonable time period in order to verify ridiculous government claims about the sins of the ALP and the LNP's 'Strong Plan for a Brighter Future' (lauded *ad nauseam* by the Minister).

The final issue of the (now defunct) Police Service *Annual Statistical Review* covered 2011-12 (<http://www.police.qld.gov.au/services/reportsPublications/statisticalReview/1112>). The meagre (and meaningless?) statistics in the QPS *Service Delivery Statement* cover 2013-14 - providing no long-term trends (<http://www.budget.qld.gov.au/budget-papers/2014-15/bp5-qpfes-2014-15.pdf>). It is interesting to note that when I searched the internet for figures on police numbers the table that came up dated back to 2012. It was labelled 'archived' and carried the message:

This page has been marked as archived and there are no plans to update content. Access has been maintained for historical and research purposes. The content does not necessarily represent the current view of Queensland Treasury and Trade or the Queensland Government. ... The Queensland Police have ceased producing the Annual Statistical Review.<sup>5</sup>

At least in this internet age the document could not, as Winston Smith was required to do with his pre-rectified records, be crumpled up and dropped into the 'memory hole to be devoured by the flames'.

'Winston dialled "back numbers" on the telescreen and called for the appropriate issues of *The Times*, which slid out of the pneumatic tube after only a few minutes' delay. The messages he had received referred to articles or news-items which for one reason or another it was thought necessary to alter, or, as the official phrase had it, to rectify'.<sup>6</sup>

The Abbott and Newman governments have both shown themselves adept at denying their own pasts, and firing off Two Minute Hates against the ALP (just listen to Christopher Pyne), and for 'rectifying' their own records. The Queensland community should take care we do not fall for their Orwellian techniques.

Apart from the mind-numbing rhetoric the audience had to sit through on Thursday (though I experienced worse when sitting in on the Attorney-General's Estimates hearing on

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<sup>5</sup> <http://www.qgso.qld.gov.au/products/tables/area-pop-number-police-region-qld/index.php>

<sup>6</sup> Orwell, p.35.

Tuesday), the day was notable for the calm efficiency and honesty of the police responses, and the defensiveness of the Minister when blocking responses on two particular issues. The first was the crime statistics. The second was in response to questions on the proportion of organised crime for which Outlaw Motor Cycle Gangs were responsible, compared to other organised, but less visible, groups. The police were barely allowed to answer questions on this either. With the games being played by the LNP over crime statistics the police are being put in an impossible position when the LNP claims that mayhem existed under the ALP and it is only the LNP that has restored law and order.

The Queensland Police Service has gone through a long period of reform since the Fitzgerald Inquiry, with a strong emphasis placed on ethical standards and non-partisanship in delivering policing services. This continuing reform was punctuated by a more tricky relationship with the 1996-8 Borbidge government.

The members of the current senior executive are the product of those reforms, and must be keenly aware of the danger of being tainted by political games. As with the judiciary, their role is also subject to the concept of the separation of powers, underpinned by the independent power, under common law, of the Office of the Constable.<sup>7</sup> The police, unlike the judiciary or the medical profession, cannot speak out against government attempts to politicise or diminish their role. But there has been a worrying trend towards what appear to be stage-managed media coverage of raids against OCMG premises, or aggressive arrests.

Recently civil libertarian Terry O’Gorman warned the police Commissioner to stop publicly backing the LNP’s law and order agenda (<http://www.9news.com.au/national/2014/07/15/16/58/police-chief-told-to-stop-qld-govt-backing>). Mr O’Gorman pointed out that Queensland now lacks an independent source of crime statistics and sentencing information, after the Sentencing Advisory Council was shut down, and that the Crime and Corruption Commission’s research division could now only carry out research into crime statistics with the Attorney-General’s permission:

We are now back in the position where crime statistics can be released close to elections in order to bolster the law-and-order vote with no independent bodies being able to comment on crime figures and clear-up rates.

This comment followed a report in the *Courier-Mail* (15 July 2014), four days before the Stafford by-election, ‘Criminal reforms pay off: top cop’. There is a fine dividing line between publicising a job well done and appearing to be doing the government’s bidding. The lack of proper publicly-available statistical reporting is setting off alarm bells. It would be wise for the police service to require the Minister’s office to provide an official directive to the Commissioner, to be recorded in the Register of Policy Directives, if the Commissioner is asked to comment on the crime statistics (or any other matter where the independence of the Police Service might be perceived to be compromised). This Register was established after recommendations of the Fitzgerald Inquiry (section 8.9.4).

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<sup>7</sup> This is explained by the London Metropolitan Police Federation: ‘Holding the Office of Constable the police officer executes their duty independently without fear or favour. With the Office of Constable comes personal accountability and responsibility for the protection of life and property, the prevention and detection of crime, the maintenance of law and order and the detection and prosecution of offenders. Police officers must be allowed to police using common sense, free from political preference and political targets.’ <https://www.metfed.org.uk/support/uploads/1214552596Office%20Constable.pdf>.

In the interests of open and accountable Government, and the proper independence of the Police Department, a register should be kept of policy directions given by the Minister to the Commissioner; and recommendations provided by the Commissioner to the Minister. ... The register would be tabled in Parliament annually by referral through the Chairman of the Criminal Justice Commission to the Criminal Justice Committee.

Peter Wellington asked a question about police priorities, and what distance was maintained between the government and the police on operational matters. The Commissioner replied that there are no recent entries in this Register, which implies that it still exists. After the fiasco when the Newman Government reconstituted the Parliamentary Criminal Justice Committee (to undermine its independence), and then the Crime and Misconduct Commission to become the Crime and Corruption Commission, this important safeguard may have been lost, or conveniently forgotten.

True, the actual operations against OCMGs have been effective and the police have done a good job in targeting these particular groups. But the police themselves said that the problems on the Gold Coast only emerged as a serious issue in 2011. OCMGs are only one component of organised crime, albeit a highly visible one. Anyone with any knowledge of the alcohol prohibition era in the United States will know that the battle against the scourge of illicit drugs is not one that will be easily controlled, and probably never 'won'. And crime gangs have become globalised, with a far wider reach than in the prohibition days.

Don't dumb us down by withholding the long-term trends. We need to see these long term trends in all the crime categories that used to be covered by the *Annual Statistic Review* with full explanations by the police statisticians. Some crimes have dropped, others will spike when cases eventually come to court after the police crackdown. We need to see the full picture - and have it honestly explained by professionals (and subject to verification by other experts).

Police issues dominated Thursday's hearings, because the Dorothy Dix questions focussed mainly on eliciting good news stories about crime in specific electorates. But we heard briefly from the Commissioner for Queensland Fire and Emergency Services, and were subjected to a long statement (in strategic planning gobbledygook) from the head of the new Public Safety Business Agency, an agency which is entering into territory in which many have stumbled before - amalgamating payroll IT systems - this time across the emergency services, at a projected cost over three years of \$100m. It is a pity there were no questions about that expenditure.

What was achieved by this new charade that we call the Estimates Committee hearings? Plenty of rhetoric, a fair amount of ducking and weaving, but little accountability. Apart from the 'good news' stories written into Hansard, who is the intended audience? The public? The people attending? We heard no direct answers where it mattered. And the cost of only one of the multiple hearings taking place on each day can only be imagined. Consider the 40 people who attended on the Police and Emergency Services hearing:

The scene: a small committee room in Parliament House.

Dramatis personae (around 40 people):

Facing the audience: eight committee members (+ PUP member Carl Judge);

Stage right and left: committee staff and Hansard staff;

Facing the committee) Police Minister the Hon Jack Dempsey flanked by the Police Commissioner and the other emergency services senior officers;

In the two rows behind the Minister, about 20 other senior officers / public servants; a smattering of journalists; one member of the public (me).

The combined salaries for the day? The cost of preparations, including preparing the extensive briefing folders and conducting 'rehearsals' with the Ministers? The hours in which senior officers had to be taken off line to act their roles?

The officers who had to be present 'in case' a question required their expertise to answer sat in the back row, reading their iPads, 'tweeting', and watching the clock. Some were not called upon to speak. No-one seemed interested in asking a question about the G20, for example. It was a long day.

## **Theatre of the Absurd**

On Tuesday the Attorney-General's portfolio was under scrutiny. Proceedings this day were more like a play in the 'Theatre of the Absurd' - a theatrical genre described as:

Plays that take the form of man's reaction to a world apparently without meaning or man as a puppet controlled or menaced by an invisible outside force ... characters caught in hopeless situations forced to do repetitive or meaningless actions; dialogue full of clichés, wordplay, and nonsense; plots that are cyclical or absurdly expansive.

'The LNP has saved Queensland from 'ALP Havoc and Chaos', proclaimed Jarrod Bleijie.

Truly? Well, at least this resounding self-congratulatory rhetoric by the Attorney-General woke us up at the end of a long morning. We had heard that after the 'revolving door' detention centres run under the ALP, the LNP's new boot camps had a '90+ percent success rate in keeping young people out of the criminal justice system. A 28-day residential program followed by a six-12 month mentoring program had provided participants with the employment skills and attitudes to keep them on the straight and narrow. Cynics might wish for some hard evidence to support this assertion. Again - long term trends are more instructive than a single year's figures.

There had been some close questioning (again by the Member for Rockhampton) about the awarding of a contract to run a 'boot camp' to the organisation that came tenth in the department's recommended list to the Attorney-General. 'Justice director-general John Sosso was forced to admit that courts were given the power to sentence juvenile offenders to boot camps while none were operating, labelling it an "impossible" situation. ... Mr Sosso said he considered the selection process to be "suboptimal".

<http://www.brisbanetimes.com.au/queensland/campbell-newman-unsathed-in-estimates-hearings-20140715-ztfu8.html>

Other interesting or revelatory moments? There was a strange 'blame game' monologue from the Attorney-General about the Home Insulation Program and dark references to exchanges between the former Queensland Attorney-General Cameron Dick and the Commonwealth's then Environment Minister, Peter Garrett. Jarrod Bleijie, wearing his hat as Minister responsible for Fair Trading, explained the problems of electrical safety switches - saying that older Queensland houses often did not have a safety switch for each electrical circuit. We were left wondering whether trip switches could have prevented the three fatalities and the fires? We had heard a lot about the dangers of nailing tinfoil around power cords, rather less about safety switches. Who should we blame for these poorly wired older houses? Invoking Peter Garrett was irrelevant to the Queensland

Estimates. And why Cameron Dick? Was this a prelude to another dirt-throwing campaign by the LNP?

Unlike Thursday, there were no uniforms, medals or braid at this hearing. Staffers around me came in with the obligatory folders. They muttered about a long, boring day ahead. They were not wrong. However, compared with my own days as a staffer, they also carried in take-away coffees (a bit of spillage under the seats given the crowded conditions), iPads and mobile phones. Some proof-read cabinet submissions while others followed the Twitter feeds about the imminent verdict in the Baden-Clay trial.

The Attorney-General fielded most of the questions giving folksy home-spun answers, or listing programs planned, and throwing out the occasional gratuitous swipe at the ALP. We heard that JPs were going to have some of their costs (stamps) refunded and now sported special shirts - and that their training had been outsourced to private providers so that public servants could be put on 'frontline services' (we did not hear which bit of the front line they had been posted to).

The committee members were probably as bored as the staffers - the only real engagement came from the Member for Rockhampton, Bill Byrne, who doggedly pursued the question about boot camp contracts. Independent Peter Wellington also did his best, barely concealing his contempt for the new format, and 'tweeted' his disapproval at the dominance of Dorothy Dix questions as proceedings dragged on.

He was not the only one who watched the clock and communicated with the outside world as the clichés and polly-speak kept rolling off the tongue of the Attorney-General. But for those who listened, it was another reminder of *Nineteen Eighty-Four* and the description of the 'principles of the B vocabulary' in 'Newspeak':

Countless ... words such as *honour, justice, morality, internationalism, democracy, science and religion* had simply ceased to exist. A few blanket words covered them, and, in covering them, abolished them. All words grouping themselves round the concepts of liberty and equality, for instance, were contained in the single word *crimethink*, while all words grouping themselves round the concepts of objectivity and rationalism were contained in the single word *oldthink*.

## **Review of the LNP's Estimates trial**

Queensland Estimates hearings have always been highly stage-managed and resource-intensive, but the LNP seems to have descended to a new low in political rhetoric and evasiveness.

The Police and Emergency Services hearings would at least have been of value if the information available had been more transparent. The Estimates hearings ought to be redesigned to encourage proper scrutiny. This should include redesigning the *Service Delivery Statements* to incorporate more transparent information, particularly including long-term trend lines, or, in the case of the Queensland Police Service, incorporating the previous year's *Annual Statistical Review*.

The LNP version of Estimates is incomparably worse than its predecessor because of the imbalance between government and opposition members within each committee and the fact that the opposition, minor parties, and the media have to be so sparsely spread across the various hearings. Mr Ian Berry MP, Member for Ipswich, chaired both days of the Legal Affairs and Community Safety Committee hearings. Apparently after the Tuesday

hearings he had been criticised for unduly favouring the government questions. At the end of Thursday he announced that he had counted the time allocation from Tuesday, and had proved this to be an ill-founded criticism. He chaired the proceedings efficiently and fairly, but the impression remained that the times allotted to Dorothy Dix answers far outweighed those afforded the genuine questions - probably because the answers seemed to drag interminably on.

The \$\$ cost of running this accountability charade would include not only the proceedings, both during the hearings itself and in their preparation: all those dreadful 'rehearsals' with the Minister; wordsmiths preparing the briefing folders; and front-line staff providing much of the basic information. Apart from the benefit to the Minister, the CEO, ministerial staffers and senior executives of having the handy compendium of the department's activities to use afterwards, it is hard to justify the Estimates in the current format. Despite the brief insights the observer can glimpse through the fog of rhetoric, it certainly does not amount to robust 'accountability'. This is the time when the government is expected to give real answers to probing questions. A great deal of money could be saved by just putting out all the government's Dorothy Dix briefing notes as press releases. These criticisms, however, should be read as an argument for improved Estimates hearings, NOT for their abolition.

I was generously greeted by Minister Dempsey at the hearings on Thursday because he had asked if any member of the public was actually present, and I was identified as the only one. I was gratified by his friendliness, but I hope that I ended the day with my *oldthink* intact.