

~~For the information of the members opposite, the pipeline runs from an oil gas shale deposit at Tennant Creek all the way through into Mount Isa. From Mount Isa that gas will be available for distribution through the Queensland network. By this supply of gas we should also hope to see a decrease in the cost of gas for industrial users in Queensland. It is a significant development not only for the important north-west province but also for the people of Queensland. I met with South Australian and Northern Territory representatives just last week and this pipeline was discussed.~~

~~SPEAKER'S RULING~~

~~Questions~~



~~**Mr SPEAKER:** Honourable members, previous rulings make it clear that questions that make no connection to official matters will be ruled out of order. Questions should relate to public administration. Speaker Mickel on 27 October 2011 at page 3485 of *Hansard* ruled that a question should be worded to relate to public administration. Questions that are simply about politics, and do not relate to public administration, are not in order.~~

~~Speaker Mickel on 25 August 2011 at page 2658 of *Hansard* also ruled that often it comes down to the way the question is framed. I would ask all members, when drafting their questions, to remember that questions must relate to public affairs with which the minister is officially connected or to any matter of administration for which the minister is responsible. Questions that make no connection to official matters will be ruled out of order. Generally, the conduct of non-office holders or persons who are not public officials within the government will not be in order.~~

~~**Mr LANGBROEK:** I rise to a point of order, Mr Speaker. May I seek clarification about whether if the matter relates to parliament and a member of the parliamentary team and therefore prospectively integrity and accountability would that not be a matter of public affairs?~~

~~**Mr SPEAKER:** Member, I refer you to the standing orders and to the distinction between questions that can be asked of the Premier and questions that can be asked of ministers. If you want to discuss this matter further, I am happy to talk to you.~~

ELECTORAL AND OTHER LEGISLATION AMENDMENT BILL

Message from Governor



Hon. YM D'ATH (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (11.04 am): I present a message from His Excellency the Governor.

Mr SPEAKER: The message from His Excellency recommends the Electoral and Other Legislation Amendment Bill. The contents of the message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

MESSAGE

ELECTORAL AND OTHER LEGISLATION AMENDMENT BILL 2015

Constitution of Queensland 2001, section 68

I, PAUL de JERSEY AC, Governor, recommend to the Legislative Assembly a Bill intituled—

A Bill for an Act to amend the Electoral Act 1992, the Electoral Regulation 2013, the Local Government Electoral Act 2011 and the Local Government Electoral Regulation 2012 for particular purposes, and to amend the Crime and Corruption Act 2001, the Judges (Pensions and Long Leave) Act 1957 and the Superannuation (State Public Sector) Notice 2010 for particular purposes

GOVERNOR

Date: 26 March 2015

Tabled paper: Message, dated 26 March 2015, from His Excellency the Governor, recommending the Electoral and Other Legislation Amendment Bill 2015.

Introduction

Hon. YM D'ATH (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (11.05 am): I present a bill for an act to amend the Electoral Act 1992, the Electoral Regulation 2013, the Local Government Electoral Act 2011 and the Local Government Electoral Regulation 2012 for particular purposes, and to amend the Crime and Corruption Act 2001,

the Judges (Pensions and Long Leave) Act 1957 and the Superannuation (State Public Sector) Notice 2010 for particular purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Electoral and Other Legislation Amendment Bill 2015.

Tabled paper: Electoral and Other Legislation Amendment Bill 2015, explanatory notes.

I have the great pleasure of introducing the Electoral and Other Legislation Amendment Bill 2015—the first bill to be introduced in the 55th Parliament by the Palaszczuk Labor government. This government has been elected on a platform of restoring integrity and accountability. This is a promise we have made to the Queensland community that we take very seriously. This bill is a key step in implementing that promise.

The primary purpose of this bill is to give effect to the government's clear election commitments to amend the Electoral Act 1992 to: reinstate the \$1,000 threshold for the disclosure of gifts to candidates, parties, third parties, associated entities, backdated to 21 November 2013; and remove voter proof of identity requirements. The gift disclosure threshold of \$12,800, as currently indexed, for political parties and candidates was introduced by the previous government in 2014 and backdated to 21 November 2013.

The bill contains key measures for ensuring the public can have confidence in the accountability, transparency and integrity of the electoral gift disclosure regime: restoring the \$1,000 gift disclosure threshold; requiring the special reporting of large gifts of \$100,000 or more; reducing the threshold for permitted anonymous gifts to political parties from \$12,800, as currently indexed, to \$1,000; and restoring six-monthly reporting by political parties and associated entities. These requirements are, to the extent practical, backdated to 21 November 2013, when the current gift disclosure regime commenced. They apply to reporting for the Stafford by-election and the recent general election.

This government has also committed to the member for Nicklin to work with the Electoral Commission of Queensland and the other parties to develop a real-time online system of disclosure of electoral donations to further enhance the integrity and transparency of the electoral gift disclosure regime. The amendments proposed in this bill will address public concerns about the prospect, under the current act, of substantial donations motivated by gaining political influence being made in secret.

This government believes that Queenslanders have the right to know who is donating to their political candidates and parties, and how much they are donating. We know that disclosure of political donations can never completely eliminate the risk of corruption and secret political influence. However, what disclosure can achieve is transparency and greater accountability of both those who give and those who receive political donations.

011 The current \$12,800 disclosure threshold amount is substantial, and more so if applied to multiple, separate but associated entities. Reasons typically provided for setting a higher threshold include the following: encouraging participation in the public funding of the electoral process; donors' rights to privacy; a low threshold may inhibit political freedom; and costs of compliance. The alternative view, shared by this government and considerable public commentary, is that these considerations are outweighed by the need for accountability and transparency. The 2014 increase in the disclosure threshold from \$1,000 to \$12,400—indexed—was also enacted without due regard to recent Queensland political history or the public mood for increased accountability.

The Honourable Tony Fitzgerald AC QC in his 1989 report of the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct, known as the Fitzgerald report, considered the link between political donations and potential corruption and that 'the possibility of improper favour being shown by the government to political donors must [also] be eliminated'.

Opposition members interjected.

Mr SPEAKER: Order, members! Thank you. I call the Attorney-General.

Mrs D'ATH: I would hope those on the other side might want to listen to this important piece of legislation being introduced.

Following the Fitzgerald report, the Queensland Electoral and Administrative Review Commission, the EARC, was established, with two of its priorities being to review the Queensland electoral system and report on the considerations relevant to the registration of political donations. EARC's 1991 report on the review of the then Elections Act and related matters led to an overhaul of Queensland's electoral laws in 1992.

Separately, EARC reported on political donations and public funding of election campaigns. Following consideration of this report by the Parliamentary Committee for Electoral and Administrative Review, the PCEAR, further amendments were made in 1994 to Queensland's electoral laws. Amongst other matters, these amendments provided for the disclosure of political donations and other income received by candidates, political parties and other persons.

PCEAR's report referenced the views in the Fitzgerald report that an important feature of a democracy is that decision making is seen to be impartial and objective and that 'If there is any suggestion that a decision may have been improperly influenced by financial considerations then confidence in the political system will be undermined'. PCEAR recommended a disclosure regime which significantly adopted the relevant provisions of the then revised Commonwealth model, which at that time involved a disclosure threshold of \$200 for candidates, and \$1,500 for political parties.

PCEAR's recommendations were adopted, forming the basis of the 1994 bill. The explanatory notes for the bill stated—

The need for this legislation arises primarily from the imperative to eliminate the potential for corrupt practices associated with political donations, especially in those situations where practices connected with the giving of such donations has led to perceptions that government administration may have been inappropriately influenced by them.

In 2006, a Liberal-National Party federal government amended its Commonwealth electoral gift disclosure scheme to significantly raise the threshold amounts for disclosure—which is of course the current Queensland threshold. The threshold amounts continue to be subject of debate at the Commonwealth level. In 2011, the Commonwealth parliament's Joint Standing Committee on Electoral Matters recommended that 'the disclosure threshold be lowered to \$1,000, and CPI indexation be removed'.

Commonwealth bills to reduce the threshold amount to \$1,000 have been introduced on three occasions but not passed into law. The former Queensland government has justified the increase in the disclosure threshold as needing to align with the Commonwealth but other jurisdictions have not felt the need to follow. Four other states and territories which have disclosure laws have thresholds ranging from \$200 to \$2,300. South Australia, under legislation that will become operative later this year, has provided for \$5,000 threshold with a move to real time reporting.

In 2013, Tasmania also introduced a bill, which has since lapsed, requiring real time disclosure of donations over \$1,500. New South Wales, which already has strict political donation laws including a disclosure threshold of \$1,000, commissioned a review last year by a panel of experts in response to public concerns about political donations, and prompted by findings of the New South Wales Independent Commission Against Corruption, ICAC, investigation into allegations of corrupt conduct involving political donations.

The expert panel comprised Dr Kerry Schott as chair, former Labor Deputy Premier the Hon. John Watkins and former Liberal shadow Attorney-General Mr Andrew Tink AM. The expert panel undertook a comprehensive review of political donation laws resulting in its publication of five working papers, the holding of four roundtable discussions with experts, an interim report and a two-volume final report.

The expert panel's final report in December 2014 states that 'timely and meaningful disclosure is the cornerstone of any effective campaign funding regime'. The expert panel concluded that the current New South Wales \$1,000 threshold was reasonable, although acknowledged there had been some support for a reduction in this threshold. ICAC has also made recommendations in relation to the frequency and timeliness of disclosures in order to enable the public to have access to an accurate picture of funding behind parties and candidates before they cast their vote on polling day. The NSW expert panel final report states—

Presently, different election funding laws apply in each jurisdiction and NSW parties are part of federal structures. This creates opportunities for avoidance and undermines the effectiveness of the NSW election funding regime. We recommend that the Premier support coordinated national reform of election funding laws, and that this be pursued via the Council of Australian Governments (COAG) process.

The NSW government has indicated in-principle support for most of the recommendations of the expert panel, which the Joint Standing Committee on Electoral Matters is expected to consider further after the state election. The momentum is clearly for greater and more prompt disclosure and accountability from their politicians—not less. Yet, against this backdrop, last year Queensland amended its laws to require less transparency—less frequent reporting and a significant increase to its disclosure threshold.

This government believes that Queensland cannot afford to forget the lessons of its past. Report after report reminds us that disclosure is the key to transparency, and transparency is the key to accountability. It is a tool for addressing risks and perceptions of corruption. This government is committed to transparency and accountability, and believes that this is what the people of Queensland want, what the people of Queensland expect and what the people of Queensland deserve.

The bill also removes discriminatory and unnecessary voter proof of identity requirements, introduced by the former government in 2014, from both the Electoral Act 1992 and the Local Government Electoral Act 2011. A discussion paper released by the former government in January 2013—which canvassed voter proof of identity—stated there was no specific evidence of electoral fraud.

When instances of multiple voting arise, they are matters for review by the Electoral Commission. The recording of multiple votes may be due to a range of factors: polling official administrative error, poor literacy or language skills or confusion with persons forgetting they have already voted. The Electoral Commission can refer instances of multiple voting to the police for investigation in appropriate cases.

As was pointed out by the Electoral Commission during the committee hearings on the former government's bill, at the 2012 state election there was one solitary case. Queensland is the only jurisdiction to have adopted the proof of identity requirements. No other state or territory or the Commonwealth have introduced these backward policies.

The requirement for voter proof of identity documents has the potential to discriminate against voters from marginalised groups in society without ready access to proof of identity documents; inconvenience voters without proof of identity documents at the ballot box on election day; and reduce voter participation in the electoral process.

Voters required to make declaration votes because they cannot produce the required proof of identity documents are left uncertain as to whether their votes have been counted. The Electoral Commission of Queensland website shows that over 15,000 voters without proof of identity documents were inconvenienced on election day being required to make declarations votes that were ultimately treated as part of the ballot. The extent to which voters did not participate because they could not produce voter proof of identity is still unknown.

012 The government prefers to endorse the use of improved technology such as the electronically certified lists trialled in the greater Brisbane districts for the last state election for reducing opportunities for multiple voting.

In addition to increasing transparency and fairness to the electoral system, the bill also amends the Crime and Corruption Act 2001, the CC Act, and Judges (Pensions and Long Leave) Act 1957, the judges pensions act. This implements a key aspect of the government's election commitment to restore accountability and integrity in Queensland by legislating to give the chair of the Crime and Corruption Commission, the CCC chair, access to a judicial pension with appropriate variations.

The CCC plays a critically important role in maintaining accountability and integrity in Queensland's public sector through its function of ensuring that complaints, information or matters involving allegations of corrupt conduct within the public sector are properly investigated and dealt with. Under the CC Act, the CCC chair has significant responsibility for ensuring the CCC properly performs this function. For this reason, it is vital that the CCC and its chair are, and are seen to be, independent of the executive government so the public can have confidence that the CCC's corruption investigations are thorough and impartial.

Providing the CCC chair with access to a judicial pension will help to attract people with the highest calibre of experience and qualifications to the chair's role. The government has already moved quickly and advertised to permanently fill the office of the CCC chair. The amendments to the CC Act are designed to ensure that the promised pension entitlements will apply to the next permanent appointee to the chair's office as the bill expressly provides that the pension entitlement provisions will apply to any person appointed after the bill's introduction.

The bill inserts new provisions into the CC Act to, in effect, bring the CCC chair within the pension scheme for Supreme and District Court judges under the judges pensions act. The new provisions change particular aspects of the judges pension scheme as it is to be applied to a CCC chair because of the differences between the offices of the CCC chair and those of a Supreme or District Court judge. The CCC chair's pension entitlements will require the CCC chair to serve in that

office for not less than five years including any period the person has acted as chair before his or her appointment to become entitled to receive a pension.

This change from the judges pension entitlements reflects the fact that, unlike judges who can serve for any length of time until they reach the mandatory retirement age of 70, a CCC commissioner including the chair cannot hold office as a commissioner for more than 10 years in total. However, to avoid significant differences in the pension rights of the chair and a judge, the bill defers the chair's pension entitlement until he or she reaches, or would have reached, age 65. The pension will be calculated on the amount of the 'prescribed salary', which the bill provides is the annual salary of a Supreme Court judge—other than the Chief Justice and President of the Court of Appeal—plus the annual rate of the jurisprudential allowance and expense of office allowance paid to a Supreme Court judge—other than the Chief Justice and President of the Court of Appeal.

Long leave allowance is not included in calculating the chair's pension because the chair will, as part of his or her entitlements when appointed by the Governor in Council, have access to long service leave. While the bill ensures that a person does not receive two pensions under the judges pensions act, the bill allows the period of service as chair, or judge, to be used to calculate pension entitlements, for either as the CCC chair or as a judge. Similar to the judges pensions scheme, the CCC chair will not be entitled to a pension if he or she is removed from office because of misbehaviour or misconduct. The bill also amends the Superannuation (State Public Sector) Notice 2010 to address consequential matters arising from the new pension entitlements.

The amendments in this bill will ensure that the current recruitment process for a new CCC chair will attract high-quality candidates. The appointment of an independent and non-politicised CCC chair is the first step in the government's CCC commitments to restore integrity and accountability in Queensland. This bill represents important steps in restoring accountability to Queensland's political and public service arenas. I commend this bill to the House.

First Reading

Hon. YM D'ATH (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (11.24 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.


Referral to the Legal Affairs and Community Safety Committee

Mr SPEAKER: Order! In accordance with standing order 131, the bill is now referred to Legal Affairs and Community Safety Committee.

Portfolio Committee, Reporting Date


Hon. YM D'ATH (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (11.25 am), by leave, without notice: I move—

That under the provisions of standing order 136 the Legal Affairs and Community Safety Committee report to the House on the Electoral and Other Legislation Amendment Bill by 1 May 2015.

 **Mr STEVENS** (Mermaid Beach—LNP) (11.25 am): Many times when we were on the other side of the House we listened to the ranting, wailing and curdling cries from the Manager of Opposition Business at the time about matters being rushed through before parliamentary committees had an opportunity to debate these matters fully and before full consultation had taken place with different groups. In this brand-new, different parliament which the Premier has promised in terms of accountability and openness, straightaway we have the Attorney-General rushing this legislation through before the next sitting of parliament, just a fraction over four weeks away.

The bottom line is that this is consistent with a government that has no intention of changing any of the ways it needs to push its legislation through for political purposes. That is what this legislation is about. Let us be very clear: it is all about pushing its political agenda. I look forward to reading the legislation. Obviously I have not seen the legislation at this point in time, but I am sure that union donations, as per usual, will not be included in this legislation. The government is pushing its political agenda straightaway.

We object to this legislation being rushed through before parliamentary committees have even had their reporting dates set by the CLA. The CLA has not met at this point in time to set reporting dates for these matters. As the Treasurer and other members would be aware, those dates are set and referred through the CLA. Yet the minister, desperate for this political legislation to be put in place for their own political agenda, is making sure this is put before the House by the next sitting. The parliamentary committee will have to rush it through without adequate consideration. I doubt if the unions will be consulted on this matter. I doubt if other bodies such as the legal fraternity will be consulted on this issue. By the way, Mr Speaker, there is the little problem that Easter cannot be shifted for the benefit of the Labor Party so we have lost that period of time in between. This is classic, 'We really want to have a different parliament but we are not really genuine about that at all. We are going to push our political agenda straight through.' Premier, it is a great embarrassment to you that this behaviour is taking place under your watch with your brand-new Attorney-General. It is absolutely flying in the face of the proper parliamentary positions on the matter.

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (11.28 am), in reply: I rise to oppose the comments of the Leader of Opposition Business. We heard criticism from the opposition prior to this sitting week that there are not enough sitting days, we are not doing enough business and there is not enough question time. But today in the first week of this parliament we are introducing a number of pieces of legislation.

013 From what we have just heard from the opposition, they expect us to come back but not consider any bills and any second reading speeches for months. They do not want us to have any debate on any bills beyond the first reading for some months into the future. Instead, when we come back in the next sitting week and then the sitting week shortly after that, we will actually deal with the legislation before us.

I take the point of the four-week time frame. I also take the point that the opposition has not seen the detail of the bill, but let me assist the opposition on that. You have seen the detail of the bill because it is actually what existed in the legislation before you amended it. That will make it a little bit easier for you as you go through it clause by clause because you will know what it means. You can think, 'That's right. This is that threshold we lifted so we did not have to disclose anything.'

Mr SPEAKER: Members, perhaps we could all go through the chair.

Mrs D'ATH: My apologies, Mr Speaker. It is important that this House considers legislation. It is important that the parliamentary committees consider the bills that come through this House, but this is a piece of legislation that has had numerous submissions already from key stakeholders interested in political donations. It already went before parliamentary committees last time the former government actually lifted these thresholds. We have already heard from all the parties on why they opposed those thresholds being lifted and why they argued the \$1,000 threshold should remain as is. So I believe the time frame that is set is fair.

There is also another very important element in this—that is, the elements do not just go to political election disclosure, which we took to the election. It is a very clear election commitment that we are delivering on here.

Mrs Frecklington: So that means no consultation.

Mrs D'ATH: I take that interjection. The parliamentary committee will have the opportunity to consider this bill and will—

Mrs Frecklington: When?

Mrs D'ATH: It might just be that you have to work over the school holidays. We are committed to delivering our election commitment, but another important element of this bill is in relation to the chair of the CCC. Currently, we have an acting chair of the CCC and that acting position expires on 30 June 2015. It is a requirement and an obligation on this government to then fill that position. We believe it would be highly inappropriate to have to fill that with another acting position. We promised the people of Queensland that we would provide an independent, permanent chair for the CCC, and that is what we should do. We have set about making that happen as quickly as possible by already advertising for this position, the chief executive officer and the two ordinary commissioners. But for the government to appoint a new permanent CCC chair under the new salary arrangements—

Mr STEVENS: Mr Speaker, I rise to a point of order. We are talking about the electoral bill, not the bill that the Attorney-General is now talking about. This is irrelevant to this matter.

Mr SPEAKER: I call the Attorney-General.

Mrs D'ATH: Mr Speaker, the Leader of Opposition Business in the House should listen a bit closer. I am talking about the amendments in relation to the CC Act for the pension entitlements for the new chair of the CCC. What I am saying is that, to appoint the new chair under the new salary arrangements, that legislation needs to be passed through this House. You cannot offer a salary when there is no legislative ability to offer a pension equivalent to a Supreme Court judge's pension when that is provided for, and that is the purpose of these amendments. They need to be considered and they need to be introduced so that we can fix up the mess that the other side created. The LNP constantly reappointed the acting chair; in fact, they came into this House and they changed the rules so that they could keep reappointing the acting chair. That time frame lapsed and they just wanted to keep him there that little bit longer and that little bit longer again. I can assure the House that we are not going to rush through an amendment to try to extend that acting appointment for Dr Ken Levy.

We will do what we promised—that is, we will put in place the legislative requirements to allow us to provide for an appropriate salary so as to attract a high-calibre applicant to become the permanent chair of the CCC. That is why it is important that this legislation be considered by a parliamentary committee and be brought back to this House for debate—so that a permanent chair can be appointed before the acting appointment lapses—and that is why we ask this House to support the proposal that the parliamentary committee report back by 1 May.

Question put—

Division: Question put—That motion be agreed to.

AYES, 46:

ALP, 44—Bailey, Boyd, Brown, Butcher, Byrne, Crawford, D'Ath, de Brenni, Dick, Donaldson, Enoch, Farmer, Fentiman, Furner, Gilbert, Gordon, Grace, Harper, Hinchliffe, Howard, Jones, Kelly, King, Lauga, Linard, Lynham, Madden, Miles, Miller, O'Rourke, Palaszczyk, Pearce, Pease, Pegg, Pitt, Power, Pyne, Russo, Ryan, Saunders, Stewart, Trad, Whiting, Williams.

KAP, 2—Katter, Knuth.

NOES, 42:

LNP, 42—Barton, Bates, Bennett, Bleijie, Boothman, Costigan, Cramp, Crandon, Cripps, Davis, Dickson, Elmes, Emerson, Frecklington, Hart, Krause, Langbroek, Last, Leahy, Mander, McArdle, McEachan, McVeigh, Millar, Minnikin, Molhoek, Nicholls, Perrett, Powell, Rickuss, Robinson, Rowan, Seeney, Simpson, Smith, Sorensen, Springborg, Stevens, Stuckey, Walker, Watts, Weir.

Resolved in the affirmative.

~~SPEAKER'S STATEMENT~~

~~School Group Tour~~



Mr SPEAKER: ~~Before I call the Premier, I inform the House that we have students from the Beaudesert State School in the gallery.~~

~~PARLIAMENT OF QUEENSLAND AND OTHER ACTS AMENDMENT BILL~~

~~Introduction~~



Hon. A PALASZCZUK (Inala—ALP) (Premier and Minister for the Arts) (11.40 am): I present a bill for an act to amend the Financial Accountability Act 2009, the Parliamentary Service Act 1988, the Parliament of Queensland Act 2001 and the Queensland Independent Remuneration Tribunal Act 2013 for particular purposes. I table the bill and the explanatory notes. I nominate the Finance and Administration Committee to consider the bill.

Tabled paper: ~~Parliament of Queensland and Other Acts Amendment Bill 2015.~~

Tabled paper: ~~Parliament of Queensland and Other Acts Amendment Bill 2015, explanatory notes.~~

014

The bill has three major purposes: the first is to restore autonomy to the position of Speaker within the parliament by returning responsibility for the management of the Parliamentary Service to the Speaker; the second is to enable a crossbench member to be included on the membership of the Committee of the Legislative Assembly and to provide the Speaker with a deliberative vote on all questions at CLA meetings and a casting vote in the case of a tied vote; and the third is to retrospectively revoke determination 7/2015 of the Queensland Independent Remuneration Tribunal