



16 March 2018

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Committee Secretary
Economics and Governance Committee
Parliament House
George St
Brisbane Qld 4000
Email: egc@parliament.qld.gov.au

Dear Sir/Madam,

Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Bill 2018

HIA appreciates the opportunity to provide a submission on this Bill.

At a general level HIA cannot understand why the property development industry has been singled out for attention in this Bill. Surely there are many other industries and organisations that have just as much potential to use political donations inappropriately.

HIA also has concerns about the potential, and hopefully unintended, consequences of the application of the Bill due to the extraordinarily broad and vague definition of a property developer contained in the Bill.

For example the Committee may be unaware that around half of all planning applications that are made to local governments are for building or renovating a detached home. The consequence of an overly complex planning system, house construction now routinely requires a planning as well as a building approval before construction commences. These applications number in the tens of thousands a year. Does this therefore mean that a builder who “regularly” makes planning applications for boundary relaxations, driveway construction, a carport or a shade sail, will be captured by the provisions of the Bill? Will their clients be classified as close associates because they are possibly undertaking the building work with a view to selling the home potentially be categorised as property developers?

The same situation will also apply to the building certifiers and planning consultants who will often be making the planning application on behalf of the builder and their client.

As many of HIA members are builders who regularly (not defined in the Bill) make planning applications, mean that HIA is also a prohibited donor?

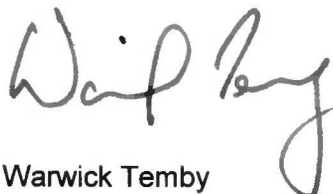
HIA notes that Section 113D provides for applications to be made to the Electoral Commissioner for a determination that someone or some entity is not a prohibited donor. However the Bill provides no guidance to applicants about the circumstances that would lead to them obtaining a determination that they are not a prohibited donor. The Bill requires that an application for a determination provide "...enough information to enable the electoral commissioner to decide the application". What constitutes "enough information": there is not even a provision for regulations to be made to clarify the making of these determinations.

Moreover this uncertain application and determination process will need to be repeated every twelve months. The administrative and other costs associated with this for applicants and the Commissioner will be substantial.

The Bill has the potential to capture tens of thousands of Queenslanders as prohibited donors, most of whom HIA would consider to be well beyond the Government's intentions for this legislation.

The Bill needs substantial revision to rectify the uncertainty about its breadth and application.

Yours sincerely,



Warwick Temby
Executive Director