

From: [REDACTED]
To: [EGC](#)
Subject: Local Government Electoral (Implementing Belcarra) and other Legislation Amendment Bill
Date: Friday, 23 March 2018 9:36:36 AM

Carla Clynick

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Committee Secretary
Economics and Governance Committee
Parliament House
George Street
Brisbane Qld 4000

Dear Committee Secretary,

I am writing as a concerned resident of Caloundra.

Over the past several years there have been incidents where development has been allowed to the great detriment of the residents of Caloundra and the environment in which we live. This has been as a result of both decisions made by Local and State Governments. The reasoning for this is very likely manifold, however, there need to be steps taken to safeguard the quality of life we enjoy and maintain the integrity of all concerned in Local and State Government. Point 2 in the first regard is particularly relevant to the Sunshine Coast where there is an obvious transfer of wealth from residents to developers, again the reasoning behind the decisions is not very well explained and taking steps towards a more transparent and open government would alleviate concerns held by the public.

I agree with the many statements made by EDO in their arguments regarding the suggested inclusions this Bill.

Significant new provisions are needed in this Bill to reduce incentives which increase corruption risks in Qld, including:

1. **a cap on expenditure by candidates and other parties for elections** (Belcarra Report Recommendation 1) which will effectively stop the constant hunt for donations to support election promotional work and for donors to find ways around the rules.
2. providing for a 'betterment tax' payable to the government where land zoning benefits a property developer in order to reduce the incentive in existence to change zoning to benefit particular developers, and to compensate the community adequately in exchange for the windfall to the developer due to the change in planning regulation; and
3. addressing the revolving door between industry and government, which can lead to inside relationships being used to the benefit of the private sector without due regard being given to the public interest. While Queensland has comparatively strong restrictions around when a senior public servant/Minister can work as a

lobbyist, our framework could be further strengthened by:

4. improving the definition of 'lobbyist', for example to include acting for even non-profit entities that represent private industry, such as the Queensland Resource Council; and
5. better enforcing existing limitations on lobbyists moving between government and the private sector.

We also highlight the need for reforms which would enable the CCC jurisdiction to extend, as raised in the Belcarra Report (p3), to:

1. disciplinary breaches by councillors. Currently councillor disciplinary breaches do not fall within the definition of corrupt conduct under the CC Act as they are not 'criminal offences' or non-discretionary dismissible breaches; and
2. possible corrupt conduct by unsuccessful candidates.

Banning property developer donations

1. EDO Qld supports the intention to ban property developer donations to both state and local government.
2. *However* the Bill emulates the NSW regulatory framework which has proven to not be sufficient to prevent the risks associated with allowing any kind of election donations to candidates. [Operation Spicer](#) uncovered significant corruption in NSW even with the prohibition on property developer donations, as donations were going through other entities.
3. We therefore recommend that there be a ban on all corporate donations, including from mining companies, the tobacco industry etc be introduced through the Bill, to prevent the loopholes provided by limiting the ban to one narrowly defined sector. Operation Spicer demonstrated the strong need for enforcement of the ban as well, to ensure it is effective at achieving its aim.

Conflicts of interest and material personal interests – stronger regulation and process proposed

In this regard I am of the view that the decision as to whether a councillor can stay in a room cannot be made by his/her fellow councillors. Once a conflict of interest is declared (or reported by a third party) it must be mandated that the councillor can take no part in the debate or voting on the matter under consideration and must leave the room.

The decision should not lay with the councillor or his/her fellow councillors – it should merely be mandated that the councillor leave the room. If this decision can be passed off to fellow councillors the process will be compromised as councillors will likely support each other in these matters and the law may not be upheld. It also takes the onus from the councillor with the conflict and removes his/her personal accountability.

I support the application of penalties and the Penalty Regime outlined in the proposed Bill. Penalties need to apply and they need to be consistent in their application, dismissal of a councillor who contravenes the regulations is important as this will be a clear deterrent to non-disclosure.

Yours Sincerely
Carla Clynick