




Speech By
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MEMBER FOR TOOWOOMBA SOUTH

Record of Proceedings, 15 May 2018

**LOCAL GOVERNMENT (COUNCILLOR COMPLAINTS) AND OTHER
LEGISLATION AMENDMENT BILL; LOCAL GOVERNMENT ELECTORAL
(IMPLEMENTING STAGE 1 OF BELCARRA) AND OTHER LEGISLATION
AMENDMENT BILL**

 **Mr JANETZKI** (Toowoomba South—LNP) (12.41 pm): What a truly bizarre contribution to this debate from the member for Toohey. Seven minutes and all of it was about the Greens. Bizarre! It was nearly as bizarre as the minister, whom I listened to very intently, and his failure to address the one big question that has to be answered by the Premier throughout this entire debate, and that question is: does the property developer donation prohibition's extension to the state arena have any foundation in the evidence? It is a question that this House and the people of Queensland deserve answered. Will the Premier follow the advice of the CCC chairman, Alan MacSporran QC, or will she ignore the CCC's advice and push through this property developer donation prohibition to the state jurisdiction without any evidence or any justification on the facts? I quote from the CCC's submission for the benefit of members opposite and for those who have not read it. Mr MacSporran said—

The Inquiry terms of reference did not include state elections. Consequently the Belcarra Report recommendations did not involve any detailed specific consideration of corruption risks in state elections and decision-making. Accordingly, the reforms depart from the scope of the Belcarra Report ...

The chairman of the CCC went on to say—

... the CCC did not contemplate that the proposed reforms would be introduced without preliminary review to identify and mitigate corruption risks in state elections and decision-making. A proper public consultation process is highly desirable.

They are the words of the CCC chairman, and we heard the Premier wax lyrical about the CCC today. My question to her is this: will she come into this House and confirm that she will follow the advice of the CCC chairman? This government has a shocking record on openness and integrity and today I expect we will see the Premier thumb her nose at the CCC's recommendation. Let us be clear: the CCC's Operation Belcarra looked only at issues pertaining to local government elections—in fact, only elections in the Gold Coast, Ipswich and Moreton Bay areas. The CCC has made it clear that this government has overstepped the mark. It never made any recommendations about state elections or donations and, as the CCC has said, it 'departs significantly' from the report. Not only is this arrogant behaviour from a government with a new-found majority; it is sloppy legislating. Mr MacSporran has noted that these laws may have constitutional issues, telling the committee—

... there is a potential successful challenge to the constitutional validity of the measure. That is the concern we simply had, that you cannot simply automatically translate it without giving it due consideration.

I call on the Premier and the minister: if they have legal advice concerning the constitutional validity of this ban to the state arena, release it so that Queenslanders have a skerrick of faith in what Labor is proposing today, or will these laws be subjected to challenge and uncertainty because of this government's failure to govern wisely and fairly for all Queenslanders?

It should go without saying that good law making requires evidence based decision-making. By extending the property developer donation ban to the state arena, it does not just ignore the direction of the CCC. The government has done so without identifying what social ill and what mischief it is seeking to remedy. It ignores the High Court's direction that there must be a rational connection between prohibiting donations and the legitimate end of prevention of corruption and undue influence and that any burden on the implied freedom of political communication must be reasonably appropriate and adapted. Here that obligation has not been discharged. No findings were presented in relation to property developer donations influencing state government decisions. There has been no legitimate process to determine any corruption risks and, accordingly, the Labor government has failed to establish the basis for the extension of the property developer donation prohibition to the state arena.

It goes further with the definitions that have been flagged. The property developer donation definition is that a corporation which is engaged in a business regularly involved in the making of relevant planning applications is considered a property developer under the bill. Mr Potts from the QLS expanded on these definitional issues in his appearance before the public hearing. He noted—

... we are concerned that there be some certainty around definitions with respect to the legislation.

He went on to say—

... what indeed is a property developer? For example, if I have a block of land, which I break into three pieces—subdivide effectively—and start building houses, which I then sell, I am told that I may be, under the bill, a regular applicant, with 'regular' holding its ordinary meaning of effectively more than once.

The flow-on from these questions is as clear as mud. It is not as simple as copying the New South Wales legislation and applying it to Queensland. There are fundamental differences completely overlooked by the Labor government between the way local and state governments operate in the two jurisdictions. It ignores the fact that in most respects state politicians are removed from any consideration of planning matters. Furthermore, there has been no guidance as to how the definition of 'regular' or 'regularly' will be judged. Again, Mr Potts from the QLS in noting that 'regular' in its ordinary definition means more than once asked, appropriately—

Do you stop it at three? Do you start it at two? Do you make it to be 50 or 100?

He goes on—

What is a close associate?

...

Does the definition of 'close associate' include a lawyer? A financial adviser? An accountant? An employee? Or a series of employees?

The deliberately vague drafting of the bill has resulted in a raft of definitions that will create unknown practical evidentiary and legal uncertainties.

Throughout the public hearing the Department of Justice and Attorney-General and the Department of Local Government, Racing and Multicultural Affairs were unable to tell the committee in detail about the definition of a property developer. Under scrutiny, again and again the department referred all matters of interpretation to the ECQ, which did not even attend a public hearing. However, I note the minister's comments in relation to the additional time that is proposed to give the ECQ the necessary allowance to make those policies, procedures and processes to make this law workable—or at least to be understood.

I note the intention of the shadow minister for local government to introduce an amendment in relation to certain issues relating to local government during consideration in detail. I, too, will be moving amendments. Mr Potts from the Queensland Law Society referred to the government's approach as the 'thin end of the wedge'. He posed whether it was appropriate or proper for governments, in the absence of a smoking gun, to effectively preclude people or organisations from political discourse. He added—

... do we then, for example, start to legislate that unions may not donate at the state level?

That will be the nature of the amendments that I will move and speak to during consideration in detail. The evidence is clear. In return for their support for the Premier and the Labor Party in Queensland, the union movement in Queensland has enjoyed more power and control—the opposition would say more undue influence—than it has over any other government in Queensland's history. This is all after the Premier promised in 2015, in a deal struck to have a minority government propped up by the former member for Nicklin, an inquiry into political donations. That is right: in 2015, the Premier promised no deals. The government of the member for Inala was propped up by the former member for Nicklin on the promise of an inquiry into political donations. For the benefit of the House, I table that promise.

Tabled paper: Letter, dated 5 February 2015, from the then Leader of the Opposition, Hon. Anastacia Palaszczuk, to the then member for Nicklin, Mr Wellington MP, providing information about Queensland Labor's position on various issues [\[657\]](#).

Did that inquiry ever happen? No. That was a broken promise. It was the Premier's broken promise to Queenslanders. Instead of that inquiry, what did we get? With 18 minutes notice we got remarkable changes to the electoral laws of this state. The ABC's Antony Green called it the 'political equivalent of bulldozing the Bellevue'. Today, we have this bill that extends the law into the state arena. It is the ultimate triumph of political expediency over good government.