




Speech By
Linus Power

MEMBER FOR LOGAN

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 POWER** (Logan—ALP) (12.51 pm): I will get to the member for Toowoomba South. As the chair of the committee, I rise to speak in this cognate debate on the Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Bill 2018 and the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2018. Both of these bills are about the need for this place to build confidence in the institutions of government at a state level but, especially, at the local government level.

As the chair of the committee, I wish to report that the committee received written briefings and public briefings as well as submissions and it also conducted a public hearing. The minister has previously outlined to the House that the Local Government (Councillor Complaints) and Other Legislation Amendment Bill was drafted after an independent review of the statutory provisions of the Local Government Act and the City of Brisbane Act made 60 recommendations for change. I am pleased to say that this bill was recommended to be passed and that there were no dissenting reports. The committee's more detailed report is available on the committee's website.

The Local Government (Councillor Complaints) and Other Legislation Amendment Bill establishes an Independent Assessor of the Office of the Independent Assessor, which is the first port of call to investigate the conduct of councillors when someone has made a complaint about the conduct of a councillor. This process gives those who have concerns about the conduct of councillors greater confidence that their concerns are dealt with in an independent, professional, thorough and consistent way. I am pleased that the committee supports the councillor complaints section of this bill.

However, I am really disappointed that, although the committee recommended that the Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Bill be passed, the LNP members of the committee prepared a dissenting report. We in this House know that, after the local government elections in March 2016, the CCC started what it called Operation Belcarra to investigate concerns that candidates had committed offences under the Local Government Act and, importantly, to identify any strategies or reforms to help prevent or decrease corruption risks and increase the confidence of the public in our governments.

It is true that, throughout the Belcarra report, the CCC looked at the risk of corruption at the local government level. However, it is essential that this House not think that this place is immune from similar risks. We can sensibly and carefully apply the recommendations of the Belcarra report on local government to the state level of government. In fact, I think the public in Queensland would demand that we do that.

An important recommendation of the Belcarra bill was the banning of developer donations at the level of government that the CCC chairman, Alan MacSporran, examined. As the minister said, Mr MacSporran did not undertake an examination of the risk of corruption at a state level. However, this House should take into account the scandals that have occurred in New South Wales at both the state and local government level and follow the lead the New South Wales government took to ban developer donations at a local and state government level. It is for that reason that this government, led by the Premier, undertook to mirror the actions of the New South Wales government and introduce legislation that reduces the risk of corruption at both a local and state level.

Local governments make decisions about planning that developers can get significant gains from. Mr MacSporran found that that created a clear and significant risk of corruption and, importantly, a reduction in confidence in local government. It is clear that the state government, which has a significant role in Queensland's planning framework, faces a similar problem and, as we heard in the submissions, a similar erosion of confidence because of the perception of corruption risks.

In answering a question asked by the member for Toowoomba South on this issue—I notice that the member for Toowoomba South failed to refer to this comment when he made his contribution—Mr MacSporran said—

... there is no reason in principle why there will not be similar areas of concern—
at a state level.

Today we have the opportunity to work together to build integrity and confidence in this institution. To vote for this bill is to restore confidence in government in Queensland. To vote against this bill is to further erode the confidence that Queenslanders have in government.

During the public hearing Mr MacSporran made it clear that he felt that more risks of corruption could be eliminated. However, he did not find that there were other groups that would not meet the test set out in the Constitution. I notice that the amendment that the member for Toowoomba South will move makes the allegation that the union has been found to not be declaring donations. That is not correct. During the public hearing, when talking about union donations, Mr MacSporran said, in direct answer to questions asked by the member for Mermaid Beach and the member for Toowoomba South—

The union had done nothing wrong other than to—and this is not wrong; it had donated and disclosed it.

Mr MacSporran went on to say—

The unions have been forever, as you know, public supporters of the Labor Party openly. Their funds are routinely disclosed. We found, as part of our investigation, no evidence that they were improperly influencing the process.

Today we will hear the opposite from those opposite. They are completely fact-free. They will completely ignore the advice of the CCC. That is their style of debate. We heard it when we were debating the vegetation management legislation and we will hear it today. Their contributions to the debate today will be completely fact-free.

Mr MacSporran made it clear that, whatever preference he might have for further bans on donations, he had to take the High Court's recent decision to limit the banning of donations by particular groups to where there is evidence of a risk of corruption. As he said during the hearing—

As we said in our report, we were constrained to recommend reform where the evidence justified it so there was really no realistic prospect of a successful challenge to the legislation. That is the last thing that we wanted—to recommend something that was going to be knocked over in the High Court. That is just a waste of everyone's time. You could not ignore those High Court cases.

It seems ignoring the High Court, it seems that wasting everyone's time, is exactly what the opposition members want to do. The member for Toowoomba South has put forward an amendment that is a total waste of time. His amendment No. 1 seeks to add an association of employees to the list of prohibited donors. That amendment is exactly the amendment that the Liberals and the Nationals put forward in New South Wales and that amendment was rejected by the High Court.

I have read the decision of the High Court in the case of Unions NSW and Ors v State of New South Wales. It states—

Today the High Court unanimously held that ss 96D and 95G(6)—

which are reflected in the amendment to be moved by the Toowoomba South—

of the Election Funding, Expenditure and Disclosures Act 1981 ... are invalid because they impermissibly burden the implied freedom of communication on governmental and political matters, contrary to the Commonwealth Constitution.

That is why Mr MacSporran described it as a waste of time. I could understand that perhaps some of those opposite might not have read the transcript of the public hearing, but the member for Toowoomba South has no such excuse. On the day of the public hearing, he was a substitute member

of the committee. In fact, in his answer Mr MacSporran referenced the member by saying, 'As I said before to Mr Janetzki.' In fact, the member for Toowoomba South even asked a question that referenced the limitation on donor bans. He stated that the High Court found it—

... was a justified curtailment of that particular freedom. In respect of the proposed changes to the state arena in Queensland, what is your opinion on particularly that implied freedom and any potential curtailment of that?

The member makes it clear that he knows that the amendment that he will move is unconstitutional. With that knowledge, it is a gross failing of his responsibility as a member of this House to move such an amendment. The member for Toowoomba South and the member for Mermaid Beach have heard directly that this amendment has already been tested by the High Court. They waste the time of this House and would, once again, pass on the waste of money to the state by, once again, losing in a case before the High Court.

The member for Toowoomba South also misleads this House in tabling his explanatory documents. In them it is asserted that the CCC's Belcarra operation uncovered undeclared union donations to a Gold Coast mayoral candidate. Of course, that is not true. How do we know that? Mr MacSporran addressed the issue directly. When questioned about the issue, Mr MacSporran made it clear—

The union, as required as a third-party donor, had filled out the declaration form and disclosed their donations to various candidates.

Mr LANGBROEK: I rise to a point of order. Can I draw your attention to the clock, please.

Madam DEPUTY SPEAKER (Ms Pugh): Yes. It is one o'clock. It is not 1.01.

Mr LANGBROEK: Can you rule on my point of order? I think it is lunchtime.


Madam DEPUTY SPEAKER: Let me get advice from the Assistant Clerk as to whether it is lunchtime or not, member for Surfers Paradise.

Mr BROWN: I rise to a point of order. We canvassed this last week in regard to timing and the discretion of the Speaker to allow the House to go over time. The member for Logan was in the middle of quoting. I think he should have been given the freedom to complete that process and then we could go to lunch.

Madam DEPUTY SPEAKER: Thank you, member for Capalaba. For the information of the House, I was advised by the clerk at the table about 10 minutes ago that I should allow the member to finish as it was only going to be about a minute, but now we have wasted an extra minute on hearing points of order. I am sure that the member for Logan is just about to finish.

Mr POWER: I am happy to move that the debate be now adjourned and I will continue this exhortation of the member for Toowoomba South after lunch.

Debate, on motion of Mr Power, adjourned.

 **Mr POWER** (Logan—ALP) (3.01 pm), continuing: Mr Deputy Speaker, I thank you and, of course, the member for Surfers Paradise for the chance to continue my speech. The LNP then questioned the validity of a ban on developers, the very same ban that the High Court affirmed as valid in *McCloy v New South Wales*, and I table the summary judgement for the members of the committee opposite.

Tabled paper: Statements from the High Court regarding *McCloy and Ors v State of New South Wales & Anor* [2015] HCA 34, dated 7 October 2015, and *Unions NSW and Ors v State of New South Wales* [2013] HCA 58, dated 18 December 2013 [\[667\]](#).

Then, ridiculously, in the same breath they put forward amendments to include a new class of donors that the High Court had rejected in *Unions New South Wales v New South Wales*. It is a farce that the LNP could seriously put forward to this House exactly what Mr MacSporran considered and rejected. In explaining his decision, he said—

That is the last thing that we wanted—to recommend something that was going to be knocked over in the High Court. That is just a waste of everyone's time. You could not ignore those High Court cases.

It seems the LNP is quite happy to ignore the High Court.

The member for Toowoomba South also misled the House in tabling the explanatory documents. In them he asserted, 'The CCC's Belcarra uncovered undeclared union donations to a Gold Coast mayoral candidate.' This is not true. How do we know this? Because Mr MacSporran addressed this issue directly by saying—

The union, as required as a third-party donor, had filled out the declaration form and disclosed their donations to various candidates quite properly, accurately and in a timely way.

Mr MacSporran went on to make the point 100 per cent, which seems to have been missed by committee members on the other side—

The union had done nothing wrong other than to ... it had donated and disclosed it.

Who asked that question? It was none other than the member for Toowoomba South. He should apologise for misleading the House. These bills, which have been cognated, further account for transparency and confidence in the democracy of Queensland. I commend the bills to the House.