




Speech By
Tim Nicholls

MEMBER FOR CLAYFIELD

Record of Proceedings, 16 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 NICHOLLS** (Clayfield—LNP) (12.47 pm): I rise to make a contribution to the debate on these two bills. It is a pity that these bills have been brought together in a cognate debate. We have not been able to discuss that motion to debate them in cognate, which was passed yesterday morning. That is a pity, because the bill deals with two different matters—related but different matters. Often these matters are conflated. The process of dealing with councillor complaints and simplifying that process together with the remuneration and the behaviour of CEOs and councillors and how that can be monitored and their obligations is now being conflated with the Belcarra recommendations in relation to corrupt conduct. One matter is predominantly about process and the obligations on councillors and the other one is in relation to corrupt conduct, whether that is, as we have seen in the media reports, allegations of inappropriate conduct by councillors or by senior officers of councils or, indeed, any officer of a council.

It is a pity that these bills have been brought together for debate, because they are both deserving of separate consideration. Although the shadow minister has indicated clearly the LNP's support in relation to the councillor complaints and other legislation amendment bill, there are still a number of significant issues in that bill that are worthy of consideration and debate, particularly given the minister's statements about amendments to the bill that we will be debating and also a further review of the operation of the legislation—important issues relating to the remuneration of councillors and the obligations on councillors to report inappropriate behaviour, or conflicts of interest.

Then we have the Belcarra recommendations, which stem from the PCCC's recommendations and the government's attempt to, in effect, nobble its political opponents by banning donations from one sector of the community in the absence of evidence, as the chair of the PCCC has said. When that bill was first introduced last year, it was effective in determining that people would be frightened from making donations—from exercising what is, after all, their democratic right: the implied freedom to make a contribution to political debate in this country.

The High Court decision in relation to that is that that right should only be restricted where there is clear evidence of the democratic principles of our system being in peril as a result of those donations being made. We have no evidence of that at a state level. There is a complete absence of evidence, but a complete singling out of one particular sector of the community, a sector that the minister knows well. He was an employee of the Property Council of Australia which, he presumably knows, makes an enormously positive contribution to this state. Where would we live? Whose houses would we live in? What buildings would we occupy? Who would pay the land taxes? Who would pay the registration fees that go through the titles office every time there is a subdivision underway? That hugely important sector of our community is now being effectively slandered by a government that says it does not want it to exercise its democratic rights.

Mr Hinchliffe: Most are saying thank God you will not be bothering them anymore.

Mr DEPUTY SPEAKER (Mr Stewart): Order! Minister, you will have your turn.

Mr NICHOLLS: Not as much as they are saying thank God we are not employing the minister anymore, which was a very happy thing to do.

Mr Hinchliffe interjected.

Mr NICHOLLS: He can dish it out but he cannot take it. That is always the case with the Labor Party.

Mr DEPUTY SPEAKER: Member for Clayfield, back to the long title of the bill, please.

Mr NICHOLLS: Mr Deputy Speaker, one cannot help but respond to provocation like that, surely. I remember the member for Sandgate, the minister, ran for the council ward of Hamilton back in the day.

Mr Hinchliffe: I did.

Mr NICHOLLS: And was soundly trounced by Graham Clay, my predecessor. He obviously has a longstanding dislike of local council. I think you worked for the council for a while. Were you up there working for Jim Soorley?

Mr Hinchliffe: Yes.

Mr NICHOLLS: Indeed, he was.

Honourable members interjected.

Mr DEPUTY SPEAKER: While this is lovely, let us get back to the bill and speak through the chair, please.

Mr NICHOLLS: Indeed. Despite the minister's long-held grudge against council and the property industry, there is also a deeper philosophical and political issue. We have to go back a little further. What we are seeing gradually over time is a weakening of trust and faith in institutions that we had grown to believe in. We are seeing a weakening of trust and faith in institutions like religious organisations, churches and others. We are seeing a weakening of trust and faith in organisations like banking institutions and financial institutions.

Mr Dick: For good reason.

Mr NICHOLLS: That may be for good reason. Like others in this place I am horrified to read and hear about what is going on. Many of us probably grew up in a time where we were told to have faith in those institutions. That faith has been shaken. Faith has also been shaken in the fundamental political and democratic institutions of our governance—in the local, state and federal sphere. Whether it is fair or unfair, we all get wrapped up into it.

We have a deeper problem than this legislation is going to cure. I do not think this legislation will cure it. When one considers the recommendations that came out of Belcarra, this legislation will provide and prescribe penalties in relation to improper or illegal conduct, as it ought; it will correct some anomalies, as it ought; but fundamentally will it cure the problem that we are beset with and that is a loss of faith in institutions by people? Will it go down the path to doing that or will it just be another piece of paper that eventually gets passed through this place and put on the statute books and people will disregard it?

People already know what is right and what is wrong. Surely in this day and age they do not need to be told that accepting money from someone to deliver an outcome that that person wants is wrong.

Mr Dick: Why would you have any laws? Let us delete the Criminal Code then.

Mr NICHOLLS: I am talking about the fundamental issue of the loss of faith in institutions and the behaviour of people. It is not that there should not be a penalty. Of course there should be a penalty. There should be a prosecution for it and there should be severe consequences, but this bill will not cure the problem. Fundamentally that is the issue that this parliament needs to grapple with.

As has been indicated by the shadow minister, we will be supporting the vast majority of this legislation. There is a real issue around the prohibition on donations by developers at the state level in the absence of evidence. I take into account the Unions NSW case. I heard yesterday in this place members opposite asking, 'Why is the LNP appealing a decision?' One might well ask, 'Why did Unions NSW appeal the decision all the way to the High Court if they were going to comply with the decision?' The right that accrues to the union to go to the High Court is not a right that applies to the LNP, according to the comrades opposite—the comrade from Redcliffe, who knows that is the case.

Mr DEPUTY SPEAKER: Member for Clayfield, you will refer to members of the House by their correct title.

Mr NICHOLLS: My apologies. The member for Redcliffe, the Attorney-General, as the first law officer of the state says you should not be able to exercise your rights to appeal a decision to the highest court in the land. That is effectively what was said yesterday. It was also said by the member for Woodridge who was the attorney for Tuvalu. I think there were two people, the public defender and the attorney for Tuvalu.

Mr Dick: I was a better attorney than you could ever dream about.

Mr DEPUTY SPEAKER: Order! That is enough beating of the chests.

Mr NICHOLLS: I remember the member for Woodridge when he was the member for Greenslopes proudly telling us he marched ashore at Tuvalu to become the attorney-general there. I remember those days. The reality is that property developer donations being banned at a state level is designed as nothing more than political opportunism against the LNP by the Labor Party and for that reason it should be rejected. There has been significant water under the bridge since the Unions NSW case. There have been findings by the federal court against the union movement in relation to their corrupt behaviour and their illegal activities. We have seen many instances of influence being peddled. I would submit that that matter has not yet finalised and there is more to happen in that case. For that reason I am supporting the amendments moved by the shadow minister.