




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

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**

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice) (5.30 pm): It is with pleasure that I rise to speak in support of the cognate debate on the Local Government (Councillor Complaints) and Other Legislation Amendment Bill and the Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Bill and the Minister for Local Government's subsequent amendments.

I begin by acknowledging the important work of the Minister for Local Government and thank him for his leadership and determination in this area. We know that he, along with the whole of the Palaszczuk government, wants to restore faith in our system of local government because honest councillors, decent hardworking council staff and the ratepayers of every council demand it.

The bill in relation to councillor complaints is in direct response to the independent Councillor Complaints Review Panel's report, *Councillor complaints review: a fair, effective and efficient framework*, and amends the Local Government Act 2009 and the Public Service Act 2008 to provide for a simpler, more streamlined system for making, investigating and determining complaints about councillor conduct in Queensland. Most importantly, it is about providing a councillor complaint framework that gives the community confidence in the way that complaints are dealt with and ensures a fair process for those councillors themselves.

From time to time there will be complaints made about councillors that are legitimate complaints that must be acted on and, from time to time, there will be frivolous and vexatious complaints made. It is important to have a process that is transparent and fair and for all individuals involved to have confidence in the system. In the current environment it is absolutely critical to ensure the integrity of the local government system and ensure public confidence in that system.

In relation to the stage 1 of Belcarra bill, the primary purpose is to implement the recommendations in the report of the Crime and Corruption Commission. We have heard tonight comments that we are ramming or rushing this legislation through. The CCC commenced Operation Belcarra in September 2016 following complaints regarding the conduct of candidates from several local governments in the 2016 election. In conducting Operation Belcarra the CCC found widespread noncompliance of legislative obligations relating to local government elections and political donations largely caused by a deficient legislative and regulatory framework. The Belcarra report made 31 recommendations to improve equity, transparency, integrity and accountability in Queensland local government elections and decision-making. The government's response supports, or supports in principle, all 31 recommendations.

This bill before the parliament today gives effect to the recommendations from the Belcarra report in relation to the banning of donations from property developers for candidates, third parties, political parties and councillors and strengthening the process associated with the declaration of councillor

conflicts of interest and the management of conflicts of interest and material personal conflicts and penalties for noncompliance. Additionally, the bill extends the recommendation regarding banning donations from property developers in relation to local government elections to also apply to members of state parliament.

I welcome the comments of those on the other side who say they support the recommendations of the Crime and Corruption Commission and the Belcarra report. However, some of the speeches we have heard so far in this debate seem to trivialise the complaints and the issues that have come out of that investigation and the report. They argue that there is no link whatsoever between decisions made by council in the planning space and political donations from developers and decisions made by the state government. That is just not true. The state government has a significant role to play when it comes to planning in this state and working hand in hand with local government.

Mr Minnikin: You have been in for 25 years in the last 30! Next point?

Mr DEPUTY SPEAKER (Dr Robinson): Order! Those on my left will cease interjecting.

Mrs D'ATH: The state government has significant powers in relation to the planning area. I find it extraordinary that those on the other side would say that there can be no influence, no perception of influence or no need to extend the recommendation of the CCC to ban developer donations at a local government level to the state level. That is a very convenient argument to be run by the opposition at this time. The opposition, when it suits them, have on occasions made accusations against ministers in relation to planning decisions. Even today in question time there were inferences made in relation to complaints made and acting on complaints from councils to state ministers. Those on the other side cannot come in here from time to time and throw around accusations about decisions of state ministers in relation to local government matters and then come in here today in this debate and say there is no correlation, no link whatsoever, around decisions by state ministers of any persuasion with local government. The fact is we need to restore confidence in the community around donations and around influence. The CCC has specifically identified a key area as being developer donations.

Mr Bleijie: Not to the state.

Mrs D'ATH: The CCC has specifically identified this as an area. The Palaszczuk government made the decision to extend this to the state on the basis—

Mr Minnikin interjected.

Mr Bleijie interjected.

Mr DEPUTY SPEAKER: The Manager of Opposition Business is regularly interjecting after being asked to cease. I will have to start warning soon.

Mrs D'ATH: These amendments are about the integrity and accountability of this state. It is about political donations.

Mr Watts interjected.

Mrs D'ATH: Those on the other side can interject as much as they want when talking about donations, but the fact is it is Labor governments—I heard the interjection earlier about how long Labor governments have been in power—that ensure transparency and accountability in this state. It was this Palaszczuk government that introduced legislation to bring political donation thresholds down. It was this state government that brought in real-time disclosure that is leading this country and is being considered internationally as well.

I thank the minister and I am very proud to be part of a government that is introducing these amendments. If the LNP was in government and had this report in front of it, it would not extend it to the state. Those opposite would do everything possible to ensure that they kept getting donations and did not have to disclose them.

Those on the other side believe in getting as many donations as possible and declaring as little as possible. These amendments are extremely important. In the time I have left, I acknowledge the amendments that will be moved in consideration in detail that go to a broader set of automatic disqualifications and automatic suspensions. If a councillor is charged with a serious offence that would lead to an automatic disqualification if convicted, it makes sense that once charged they should be automatically suspended while that matter is being considered. However, as a matter of procedural fairness and natural justice, they would continue to be paid while on that suspension.

It is also important that the minister has greater powers to suspend or dismiss councillors or dissolve a local government where needed. There is no question that these are broad powers, but they are important initiatives that the community expects us to act on. Lastly, I go back to the accusation made by the Leader of the Opposition in her contribution to the debate that these amendments, specifically about the developer donations, are being rushed through. They had gone to a committee before the election. They were reintroduced. They have gone back to a committee for the full period.

Mr Hinchliffe interjected.

Mrs D'ATH: They were endorsed by a general election; I take that interjection from the Minister for Local Government. Now they are before this parliament. That is the proper process—

(Time expired)