



Speech By  
**Hon. Yvette D'Ath**


**MEMBER FOR REDCLIFFE**

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Record of Proceedings, 17 May 2018

**MINISTERIAL STATEMENT**

**Crime and Corruption Commission Report; van der Merwe, Mr W**

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice) (9.45 am): As members would be aware, the former electoral commissioner, Walter van der Merwe, tendered his resignation from that position on 14 February 2018 amidst an investigation by the Crime and Corruption Commission into allegations about his behaviour. This has been a difficult time for all of the Electoral Commission of Queensland staff, and those circumstances are by no means a reflection of ECQ staff more broadly.

On Friday the CCC provided me with its completed report into this serious matter, and it is clear that there is a range of improvements required to be made to the governance and accountability arrangements that operate throughout the organisation. As a public sector agency, it is crucial that the ECQ always retains the full confidence of the Queensland public and that it reflects the highest levels of ethics and integrity in the important work that it does. Staff should also expect a healthy workplace culture that supports staff wellbeing. It is on that basis and in the interests of transparency to the Queensland public that I table a copy of the CCC's summary of its investigation.

*Tabled paper:* Letter, dated 10 May 2018, from the Chairperson of the Crime and Corruption Commission, Mr Alan MacSporran QC, to the Director-General of the Department of Justice and Attorney General, Mr David Mackie, regarding the Electoral Commissioner of Queensland [\[701\]](#).

The allegations which were formally raised with the CCC relating to the workplace behaviour of Walter van der Merwe included being intoxicated in the workplace during working hours; being absent without reasonable excuse; showing favouritism; bullying some staff; undermining decisions by management by overriding decisions; behaving inappropriately towards junior staff; and being seen in a compromising position with a temporary employee.

The CCC investigated seven allegations which are outlined in the summary I have tabled. The CCC's findings, also provided in the summary, are that five of the seven allegations are substantiated. Additionally, in relation to one unsubstantiated claim, the CCC makes a recommendation for the ECQ to develop and implement a new policy addressing the issue. As has been publicly reported, the CCC commenced prosecution proceedings against Mr van der Merwe for a charge of possession of a dangerous drug in relation to allegation 6, and he has entered a plea of guilty and was sentenced in relation to that charge.

The CCC also recommended that the ECQ develop and implement a policy that provides parameters for formal and informal contact with members of parliament during a state election. This recommendation arises from a finding that leading up to and during the November 2017 state election Mr van der Merwe received a number of text messages from various members of parliament requesting information on the new electoral boundaries and on the vote counts. CCC officers did not raise an allegation in relation to this behaviour as these types of contact were considered inherent to his role.

These recommendations are amongst seven procedural recommendations that the CCC proposes the ECQ be responsible for implementing. The findings and recommendations of the CCC report provide initial direction as to the issues and areas requiring improvement, and I am committed to ensuring that this work becomes an immediate priority. On that basis, this afternoon I am seeking the Governor's approval for the appointment of a new Acting Electoral Commissioner to provide fresh eyes and stability for the organisation while the position is being filled permanently.

**Mr Powell:** Which Labor Party hack will this be?

**Mr SPEAKER:** Order! Member for Glass House, I have already cautioned members. You are now warned under the standing orders.

**Mrs D'ATH:** Mr Speaker, I find that offensive and the member should withdraw.

**Mr SPEAKER:** You cannot find that offensive as it was not directed to you.

**Opposition members** interjected.

**Mr SPEAKER:** Order! Members to my left! Leader of the House, the statement was not directed at a particular member; it was a general comment. This is my ruling.

**Mrs D'ATH:** I find it absolutely appalling that those on the other side would find this issue a joke. I certainly do not find this a joke, the staff at the ECQ do not find this a joke and the public do not find this a joke. These are serious allegations, the majority of which have been substantiated by the Crime and Corruption Commission, and I do not see anything humorous about this issue at all.

**Mr Bleijie** interjected.

**Mr Dick** interjected.

**Mr SPEAKER:** Order! Member for Kawana and Minister for State Development, you are both warned under standing orders. The statement is being made by the Attorney-General. I encourage all members to listen to that statement in silence.

**Mrs D'ATH:** I reiterate that, on this basis, this afternoon I am seeking the Governor's approval for the appointment of an Acting Electoral Commissioner to provide fresh eyes and stability for the organisation while the position is being filled permanently. That recruitment and selection process has already commenced. It is important to note that the issues contained in the CCC investigation are not related to the outcome of any election. They are, however, very serious. These serious challenges have led to the current vacancy in the role, and I am confident that this afternoon's appointment will enable the CCC's recommendations to be implemented as an immediate priority. Subject to the approval of the Governor today, I will this afternoon announce the new Acting Electoral Commissioner.

I thank ECQ staff for their continued dedication and commitment in delivering such an important service to our community and our system of government in Queensland. As I have stated previously, the government will consult with the leaders of the major parties in relation to the filling of the permanent position.