



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

**MEMBER FOR REDCLIFFE**

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Record of Proceedings, 23 October 2019

**MOTION**

**Citizen's Right of Reply**



**Hon. YM D'ATH** (Redcliffe—ALP) (Leader of the House) (9.37 am), by leave, without notice: I move—

1. That this House notes report No. 191 of the Ethics Committee and the recommendation of the committee that a right of reply be incorporated into the *Record of Proceedings*; and
2. That the House adopt the committee's recommendation and incorporate the right of reply into the *Record of Proceedings*.

Question put—That the motion be agreed to.

Motion agreed to.

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RESPONSE BY MR JOHN MURPHY, TO STATEMENTS MADE BY THE MEMBER FOR BURLEIGH, MR MICHAEL HART MP, THE MEMBER FOR KAWANA, MR JARROD BLEIJIE MP, AND THE MINISTER FOR HOUSING AND PUBLIC WORKS, HON MICK DE BRENNI MP, ON 30 OCTOBER, 1 NOVEMBER AND 15 NOVEMBER 2018;

AND TO STATEMENTS MADE BY THE MINISTER FOR HOUSING AND PUBLIC WORKS, HON MICK DE BRENNI MP, MEMBER FOR BURLEIGH, MR MICHAEL HART MP, THE PREMIER, HON ANNASTACIA PALASZCZUK, THE MEMBER FOR BURDEKIN, MR DALE LAST MP AND THE MEMBER FOR MAROOCHYDORE, MS FIONA SIMPSON MP, BETWEEN 12 FEBRUARY 2019 AND 27 FEBRUARY 2019

Between 30 October 2018 and 27 February 2019 various statements were made in the Legislative Assembly by the Member for Burleigh, the Member for Kawana, the Minister for Housing and Public Works, the Premier, the Member for Burdekin and the Member for Maroochydore, that adversely affected my reputation.

I was the General Manager of JM Kelly Builders Pty Ltd (JMK) and JM Kelly (Project Builders) Pty Ltd (JMK PB) as of 20 June 2016 and Director of JM Kelly Builders Pty Ltd from 27 June 2016.

In my position as Director, JMK was not given multiple Queensland government contracts after JMK PB was placed into liquidation in June 2016. As Director, JMK were also not provided with any financial assurances by the Queensland government and even until the exclusion of JMK from any tender opportunities by Building and Asset Services (BAS) arising out of a QCAT matter I have personal knowledge that JMK received little work from the Queensland government.

As Director, I did not demonstrate economic incompetence.

In my time as Director, JMK did not fail any minimum financial requirement requests issued by QBCC.

In June 2016 as Director I resolved that JMK would accept novation from JMK PB of three contracts JMK PB was undertaking prior to being placed into voluntary liquidation, one of which was the Emu Park State School contract. Contract Assumption Deeds and consequently Deeds of Novation transferring these contracts was the most suitable commercial transactions for all creditors, all of whom received their legitimate entitlements from JMK. In my time as Director there was no 'phoenix' arrangement between these entities and there was therefore no approval from the Palaszczuk government and any allegations as such is baseless.

The allegation that there was 'phoenixing' in June 2016, from JMK PB to JMK is untrue. As Director, I resolved that JMK would accept all employee entitlements, partly completed contracts (3 contracts), subcontract payment obligations and all suppliers' costs plus defect management on contracts that had been completed by JMK PB as at 20 June 2016.

I reject all allegations and imputations that I have in any way acted improperly, incompetently or fraudulently in regard to the operations of JM Kelly Project Builders Pty Ltd and JM Kelly Builders Pty Ltd.

Never at any time have I made any financial donation to the Labor party.

I am not a lifelong friend with the former Labor government Minister Mr Robert Swarten. I know Mr Swarten but to state that we are lifelong friends is untrue.

I reject any allegations or imputations that I made any payments, or contributed to any gifts, functions or donations, to Mr Swarten. Further, I reject any allegation or imputation that I engaged in inappropriate or illegal dealings with Mr Swarten.