




Speech By  
**Samuel O'Connor**

**MEMBER FOR BONNEY**

---

Record of Proceedings, 17 June 2020

**ELECTORAL AND OTHER LEGISLATION (ACCOUNTABILITY, INTEGRITY AND OTHER MATTERS) AMENDMENT BILL**

 **Mr O'CONNOR** (Bonney—LNP) (4.12 pm): I rise to make a contribution to the Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019. From the outset I note my support for the Liberal National Party's position to oppose the bill as a whole but to voice our support for the local government integrity changes. As a member of the Economics and Governance Committee, I thank my colleagues who sit on that committee with me—even the member for Logan and of course the member for Mermaid Beach who, as we all know, was the first, last, only and therefore best mayor of Albert. I also note the committee members who have been promoted but the rest of us still remain and I thank the hardworking secretariat staff as well.

We released our report on this legislation in February. Although that seems a little redundant now with the staggering number of amendments we have before us, we essentially have an entirely new piece of legislation, so it is a great shame it was not released sooner and our committee could have given it some consideration. The Attorney-General only just provided her response to our committee at the beginning of her contribution to this debate. It does make me question when the Attorney-General and local government minister came up with these changes and why we could not have seen them sooner than the night before the bill came back before the House.

The committee made only two recommendations—that the bill be passed and that the amendments be considered to address the concerns of many smaller not-for-profit third-party organisations. These related to the regulatory burden of the donation and expenditure cap system that the bill introduces. The suggestion was that the threshold for third-party registration be increased so that these groups would not be caught up by the new laws. From memory, the example we heard several times in the public hearings was the Beenleigh Presbyterian church or some hypothetical church in Beenleigh that was running a forum for prospective candidates and could potentially be captured by these laws. I believe those concerns have been addressed by increasing the threshold from \$1,000 to \$6,000—that is, clause 31 relating to new part 11 in division 9.

There is also the clarification of the definition of 'electoral expenditure' in clause 9 with the insertion of new section 199. This now includes the meaning of 'campaign purpose' which is to promote or oppose a political party in relation to an election or promote or oppose the election of a candidate or otherwise influence voting at an election. It clarifies that expenditure is incurred for one of these purposes if material is produced to expressly promote or oppose political parties that advocate or do not advocate a particular policy or issue, political parties or candidates that have or do not have a particular position on a policy or issue or candidates who express a particular opinion, as well as expressly or impliedly comment about a political party, elected member or candidate in the election or in relation to an electoral district expresses a particular position on a policy, issue or opinion if the position is publicly associated with a political party or candidate and whether or not in expressing the position the party or candidate is mentioned. The amendments also allow for regulations to reduce the

record-keeping requirements for third parties and to remove the need for third-party expenditure returns to be audited. That was one of the large concerns from these organisations that we heard from in the public hearings.

The opposition members of the committee put in a statement of reservation regarding the imbalance that caps on donations and electoral expenditure will have on political parties that have strong ties with trade unions. These laws give those parties, particularly Labor, a completely unfair advantage. We felt that these changes were undemocratic, with the 26 cashed-up trade unions in this state still theoretically being able to spend up to \$87,000 in an individual electorate and \$1 million each overall. I reiterate that it was a shame to see that our committee was sidelined with these substantial changes to the bill. I do not understand why we could not have seen these amendments months ago and properly scrutinised them.

The big changes that this legislation seeks to enact relate to the dishonest conduct of ministers. These come from the Crime and Corruption Commission's recommendations made in September last year after assessing the former deputy premier's property purchase in the vicinity of the Cross River Rail project she had responsibility for. The CCC wanted to see a new criminal offence for occasions when a member of cabinet does not declare a conflict that does or may conflict with their ability to discharge their responsibilities and for a criminal offence when a member of cabinet fails to comply with the requirements of the Register of Members' Interests. I think we got this legislation originally within a couple of months of those recommendations. In the CCC's submission and in our public hearing we heard it say that it did not believe that proposed new section 48 implemented its recommendation, even going so far as to say that the new laws created lesser offences than what was currently provided.

I note that with regard to the amendments to signage at polling booths the bill we looked at was only going to allow two A-frames per candidate running in that electorate at each booth. Third parties were not going to be allowed to display signage but they now will be. These are quite significant changes for signage compared to what was proposed originally. Now there will be up to six signs allowed for candidates or parties, with up to four of those being large signs of around 1.8 metres by 1.2 metres, and third parties can have up to four signs, of which two can be that larger size. I believe that change was suggested by the Queensland Council of Unions at our committee hearings. It expressed an opinion that it may be unconstitutional to prevent third parties from displaying signage at polling booths, although I think the department did not agree with that. Again, by including third parties like this, it unfairly advantages the Labor Party and the unions.

I will finish my contribution by talking about the local government integrity changes. There are some fantastic local councillors in my part of the Gold Coast. I want to place on record my congratulations to Councillor Cameron Caldwell on being elected for a third time; Councillor Ryan Bayldon-Lumsden for putting in a huge effort and a significant amount of his own money to record a strong win in division 7; and Councillor Brooke Patterson for a hard fought campaign in division 6, where her presence on the ground and her focus on the issues that people cared about allowed her to take over from the long-serving Councillor Dawn Crichlow. Dawn of course represented our community with tenacity and passion for almost 30 years.

Council and state issues have a lot of overlap and in no greater way than the fact that this House passes legislation which establishes and regulates how councillors are able to deliver for their community, to perform the important roles that they have and, in the case of this legislation, how they conduct themselves. For once today I might actually be talking about councillor related issues with sufficient justification for those representatives. They often get annoyed when I raise some of those local issues, but this bill will introduce new dishonest conduct of councillor offences into the Local Government Act. These will apply if the councillor fails to comply with particular conflict of interest and register of interest requirements or provides false or misleading information with the intent to dishonestly gain a benefit for the councillor or someone else or to dishonestly cause a detriment to somebody else. The penalties for this will be substantial: a 200 penalty unit, or \$26,690 fine, or two years imprisonment as well as having this classed as a serious integrity offence which would mean they are immediately suspended from office.

In terms of the bill before us, I note the amendments that deal with councillors' personal interests in council matters. Those are Nos 165 to 180 relating to clause 81. We had significant stakeholder feedback on these and concerns about those changes. I think the changes to formalise councillor advisers will also help because this is often a grey area. I note the amendments which clarify these roles further.

There are serious issues within local government and they do need to be resolved, but I think we need to exercise caution with whatever we do. I share the concerns put forward in the submission from our very own Mayor of the Gold Coast, Tom Tate, who believes that penalising councillors for honest

mistakes, particularly with threats of jail terms, will mean that people will run a mile from wanting to be a councillor. Local government is the most grounded form of community representation in this nation. It is so much more than just roads, rates and rubbish. While we need those representatives to conduct themselves with the highest possible standards, we do not want to discourage good community people from putting their hand up to represent their areas. That applies across Queensland from large councils such as the Gold Coast to some of the smaller more regional councils in our state.

Although these laws have been brought before us under the guise of enhancing integrity and restoring faith in our system, what they actually do is undermine our democracy here in Queensland. There are some sections and reforms that I agree with, but overall they do not get the balance right for the non-Labor parties. Every member in this House would realise that politics has a perception issue, perhaps worse than it has ever been. We do need changes to give people faith that we are here to serve them and not any other interests, but these changes do not achieve that. They give the government an unfair advantage for the October election and they should be rejected by this House.