

AYES, 44:

~~LNP, 41—Barton, Bates, Bennett, Bleijie, Boothman, Costigan, Cramp, Crandon, Cripps, Davis, Dickson, Elmes, Emerson, Frecklington, Hart, Janetzki, Krause, Langbroek, Last, Leahy, Mander, McEachan, Millar, Minnikin, Molhoek, Nicholls, Perrett, Powell, Rickuss, Robinson, Rowan, Seene, Simpson, Smith, Sorenson, Springborg, Stevens, Stuckey, Walker, Watts, Weir.~~

~~KAP, 2—Katter, Knuth.~~

~~INDEPENDENT, 1—Pyne.~~

NOES, 42:

~~ALP, 41—Bailey, Boyd, Brown, Butcher, Byrne, Crawford, D'Ath, de Brenni, Dick, Donaldson, Enoch, Farmer, Fentiman, Furner, Gilbert, Grace, Harper, Hinchliffe, Howard, Jones, Kelly, King, Lauga, Linard, Lynham, Madden, Miles, Miller, O'Rourke, Palaszcuk, Pearce, Pease, Pegg, Pitt, Power, Ryan, Saunders, Stewart, Trad, Whiting, Williams.~~

~~INDEPENDENT, 1—Gordon.~~


~~Pair: McArdle, Russo~~

~~Resolved in the affirmative.~~

~~Mr SPEAKER: The debate on this matter will resume at 10 minutes to 5 pm.~~

<LOCAL GOVERNMENT ELECTORAL (TRANSPARENCY AND ACCOUNTABILITY IN LOCAL GOVERNMENT) AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. JA TRAD** (South Brisbane—ALP) (Deputy Premier, Minister for Infrastructure, Local Government and Planning and Minister for Trade and Investment) (2.50 pm<): I present a bill for an act to amend the Associations Incorporation Act 1981, the Building Act 1975, the Local Government >Electoral Act 2011, the Planning Act 2016, the Planning and Environment Court Act 2016, the Planning (Consequential) and Other Legislation Amendment Act 2016 and the Sustainable Planning Act 2009 for particular purposes. I table the bill and the explanatory notes. I nominate the Infrastructure, Planning and Natural Resources Committee to consider the bill.

Tabled paper: Local Government Electoral (Transparency and Accountability in Local Government) and Other Legislation Amendment Bill 2016.

Tabled paper: Local Government Electoral (Transparency and Accountability in Local Government) and Other Legislation Amendment Bill 2016, explanatory notes.

Queenslanders expect transparency and accountability from their candidates at every level of government, and transparency and accountability are paramount when it comes to political donations. In February 2015 the Premier made a commitment that the Palaszcuk government would work with the Electoral Commission of Queensland and others to develop a system for real-time online disclosure of electoral donations. In July this year the Premier announced that the government would implement real-time online disclosure of electoral donations to allow for greater transparency during state and local government elections.

I am now pleased to introduce this significant reform package for local government elections. It delivers on our commitment by paving the way for the real-time online disclosure of donations so that Queenslanders will be fully informed about donations before they head to the polling booths. It directly addresses the recommendations of the Crime and Corruption Commission in its December 2015 report titled *Transparency and accountability in local government*.

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Madam DEPUTY SPEAKER: Order! There are a lot of members standing around and talking in aisles. Could I ask members to take their seats, and if they need to have a conversation can they please take it outside of the chamber. I can barely hear the Deputy Premier and it is very distracting.

Ms TRAD: It represents another big step by this government in ensuring that Queensland is amongst the most progressive, open and transparent political systems in the country. Once again, the Palaszcuk government is ensuring that integrity and accountability are cornerstones of our electoral process.

The CCC report concluded that governance around local government electoral donations was confusing and did not clearly outline how campaign funds and donations should be treated. It made six recommendations for legislative reform to improve transparency and accountability in local government electoral disclosure requirements and to further remove inconsistencies and confusion.

On 20 July 2016 I tabled the government's response to the CCC report. The response was informed by a review panel which included representatives of the Local Government Association of Queensland, the Electoral Commission of Queensland and state agencies. The government response supported the CCC's recommendations 1 to 4 and part of recommendation 5. To implement the government's response to recommendation 1, the Department of Justice and Attorney-General will progress separately to this bill amendments to the Associations Incorporation Regulation 1999. These proposed amendments will address the CCC's concerns about the use of official titles such as 'mayor' in the name of incorporated associations. To implement the remaining CCC recommendations the bill includes a suite of key measures which will achieve the following:

- clarify that incorporated associations cannot be used to receive or hold electoral campaign funds which are intended to be applied for a member's benefit, either directly or indirectly;
- make the disclosure of donations more contemporaneous with the receipt of the donation by the candidate—

Madam DEPUTY SPEAKER: Order! I am sorry, Deputy Premier. I am finding it really hard to hear what the Deputy Premier is saying. I again ask for members to either take their conversations outside or keep their conversations to an absolutely necessary minimum.

Ms TRAD: I repeat:

- make the disclosure of donations more contemporaneous with the receipt of the donation by the candidate and others required to make a disclosure;
- provide for the implementation of a real-time online system to disclose local government election donations, consistent with the state system;
- set the candidate and third-party election disclosure donation threshold at \$500 to align with a councillor's register of interest gift disclosures threshold;
- require unspent campaign donations to be either held for future campaign expenditure, returned to the relevant political party or transferred to a registered charity; and
- provide that a candidate's account can only be used for gifts and loans received and expenditure made for campaign purposes.

Subject to the bill being passed, amendments to the Local Government Electoral Regulation 2011 will be proposed to implement local government real-time online electoral donation disclosure, consistent with proposed amendments to the subordinate legislation governing state elections. For this reason the provisions of the bill that provide for the contemporaneous disclosure of returns will commence by proclamation.

The government is also taking the opportunity to amend the Local Government Electoral Act 2011 to clarify that the ECQ may continue to recover from local governments the indirect costs associated with the conduct of local government elections. This amendment aligns the legislation for state and council elections. These amendments build on the government's reforms of the legislation applying to state elections. They will ensure that Queenslanders can have confidence in the accountability, transparency and integrity of the donation disclosure requirements for council elections.

The bill I introduce today also contains amendments to the Sustainable Planning Act 2009, the Building Act 1975, the Planning Act 2016, the Planning (Consequential) and Other Legislation Amendment Act 2016 and the Planning and Environment Court Act 2016 to address particular issues in three areas.

Firstly, the bill addresses concerns raised as a result of decisions of the Planning and Environment Court and the Court of Appeal in a series of cases concerning the relationship between local governments and private building certifiers. The first two of these cases established that if the matters in a development application to a certifier could be dealt with either by the certifier or through a referral to a local government then a separate preliminary approval from the local government was not required, notwithstanding that the development may have been assessable under the local government's planning scheme. These decisions caused concern among local governments, who had always assumed that they were entitled to give a preliminary approval for any building work assessable under the planning schemes before an application for the work was made to a certifier, regardless of whether they were also entitled to receive a referral for the work from the certifier.

The decision also left open the question of whether local governments could require a development application for building work that could not be assessed by a certifier or through a referral. These concerns have now been considered in a further Planning and Environment Court decision,

which confirms that a second development approval from a local government is indeed required under these circumstances.

In all, the court's findings provide a broadly sound approach to addressing the interests of different parties in building work. However, I consider it necessary to clearly establish the elements of the approach in Queensland legislation as a basis for common understanding.

Also, the decisions leave open some questions which need to be addressed, such as the order in which any development approval should be obtained and the treatment of building works subject to impact assessment. Consequently, the bill amends the planning and building legislation to:

- confirm the circumstances under which two approvals for building work are required and those in which only one approval is needed;
- for building work requiring more than one approval, establish the order in which the approvals should be obtained; and
- clarify the responsibilities of certifiers to await approvals from local governments before finalising their own assessments.

In doing so, the bill seeks to minimise duplication between local government development approvals and the need for certifiers to subsequently refer matters to local governments. However, it is likely that further reductions in duplication can be achieved through detailed attention to referral triggers under the regulations. Further, development of and consultation about these triggers will be undertaken before the Planning Act 2016 and accompanying regulation come into effect next year, to ensure the potential for duplication is minimised.

Secondly, the bill seeks to bring forward three reforms contained under the new planning legislation into the Sustainable Planning Act 2009 to ensure their implementation as soon as possible. These reforms are:

- the reformed costs arrangements under the Planning and Environment Court Act 2016 which provide a more balanced and just approach to the Planning and Environment Court's consideration of costs and restore, as per our election commitment, the legal rights of residents to appeal planning decisions without the fear of having hundreds of thousands of dollars in costs awarded;
- the ability for a temporary local planning instrument to have immediate effect with the minister's approval. This will provide valuable implementation support to local governments by allowing for the immediate protection of local matters that might be under threat, such as protecting local heritage buildings from inappropriate demolition or destruction; and
- coupling the immediate commencement of temporary local planning instruments with an increase in penalties for development offences from 1,665 penalty units to 4,500 penalty units to deter inappropriate and unlawful development activity.

025 As the recent demolition of two dwellings at Norman Park in the character area of council's planning scheme reminds us, the sanctions for unlawful development must evolve to reflect community values, otherwise the temptation to wilfully destroy our valuable built character will remain. Early implementation of these penalty increases is essential to send a strong message to developers on the community's behalf that such behaviour will not be tolerated.

Finally, the bill includes several amendments of a technical or clarifying nature that respond to issues raised during the training and education program for the new planning legislation. Some examples are ensuring submitters are provided with decision notices about applications to change development approvals in a timely way; ensuring community submissions in relation to a development approval are considered in subsequent applications to change the approval, if the change application is made within a year of the approval being given; and extending the ability to seek a negotiated decision notice to applications to change existing development approvals. The introduction of this bill enacts important reforms identified by the CCC. It strengthens electoral accountability and transparency in Queensland local government elections, it extends greater protections for sites of local heritage significance and it strengthens our planning system and protects the community's right to have a say in development matters. I commend the bill to the House.

~~First Reading~~

~~Hon. JA TRAD (South Brisbane ALP) (Deputy Premier, Minister for Infrastructure, Local Government and Planning and Minister for Trade and Investment) (3.01 pm): I move~~