Thank you for your letter dated 14 November 2017 inviting a representative of the Palaszczuk government to attend a panel discussion on 21 November 2017 to discuss the topic Donations and Other Dangers to Democracy.

As you have been advised, none of the Ministers is available on that date as they already have prior commitments in what is a hectic election campaign schedule. However, I welcome your invitation to provide a written submission on the topic.

As you would be aware, when the Newman-Nicholls Government changed the political donation disclosure threshold from $1000 to $12,400, the then Labor opposition opposed the legislation, and vowed that, when elected, a Palaszczuk Labor Government would return the threshold to $1000, and would do so retrospectively. Political parties were warned to keep their receipts. The Australian Labor Party has continued to declare all donations over $1000 at all times, both at a state and federal level.

The first legislation introduced in the 55th Parliament by the Palaszczuk Government was the Electoral and Other Legislation Amendment Bill 2015, which gave effect to the election commitment to retrospectively lower the donation disclosure threshold from $12,800 (which it had risen to because of indexation) to $1000. This meant that the 60 per cent of electoral donations received by the LNP while in government, which were previously secret, had to be disclosed.

Despite the warnings that a Palaszczuk Government would lower the threshold, and do so retrospectively, more than $100,000 in secret donations remained undisclosed by the LNP until they commenced making them public just over a week ago.

In addition to the lowering of the threshold, the Palaszczuk Government also worked with the Electoral Commission of Queensland to develop a real-time electronic disclosure regime. Queensland was the first Australian jurisdiction to have such a system in operation when it came into effect on 1 March this year.

This means that Queenslanders have had access to information about donations received progressively during the course of the election campaign, instead of having to wait until six months after an election for returns to be submitted. Queensland is leading the way in disclosing details about how and when political donations are made, and now has some of the most progressive, open and transparent political donations laws in the country.
The Palaszczuk government is committed to transparency, accountability and integrity in government. When the Crime and Corruption Commission delivered its Report Operation Belcarra: Reforming Local Government in Queensland, the Palaszczuk Government acted immediately to give effect to its recommendations in relation to the banning of political donations to candidates in council elections by property developers.

Building on that ban, the Bill introduced into parliament by the Palaszczuk Government also included strict new requirements in relation to mechanisms for addressing conflict of interest concerns, with respect to council decisions.

The Premier also made it very clear that any restrictions on donations by property developers donating to councils would also apply to the State Government. Provisions imposing this ban were also included in the Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2017, introduced on 10 October 2017. The State Secretary of the Queensland Branch of the Labor Party advised that the party had stopped accepting donations from property developers following the delivery of the Belcarra report.

This Bill lapsed when the Parliament was prorogued, as it had not yet been considered by the Parliament. A re-elected Palaszczuk Government will reintroduce legislation in the next term of government to ensure the ban on political donations by property developers will apply at both a state and council election level.

The CCC report on Operation Belcarra specifically stated that non-developer donors do not demonstrate the same risk of actual or perceived corruption, and concluded that "a more encompassing ban is not appropriate".

Labor also does not accept donations from tobacco companies.

As you will see, the Palaszczuk Government has implemented a raft of reforms in its first term to ensure greater transparency and accountability in respect of political donations. There is still more work to be done in the second term in implementing the Belcarra reforms.

This election, there is a stark choice for electors to make – the transparency and accountability that has been a hallmark of the Palaszczuk government during the 55th Parliament, or the chaos and mayhem that would follow the election of a coalition of Tim Nicholls and Pauline Hanson’s One Nation Party.

I urge all Queenslanders to make sure that their vote counts for accountability on Saturday.

Yours sincerely

JACKIE TRAD MP
DEPUTY PREMIER
Minister for Transport and
Minister for Infrastructure and Planning
Queensland Labor responses

Ban developer donations

(13) Reform the regulation of political funding, expenditure and donations by amending the Electoral Act 1992 to make it unlawful to receive donations:

(a) from property developers, resource industry representatives, alcohol, gambling and tobacco industries; or

(b) in amounts above $5000 for a registered party and $2000 for an elected member or candidate; or

(c) from individuals not currently appearing on the Australian Electoral Roll or an entity that is not an Australian Constitutional Corporation.

(14) Amend the Local Government Act 2009 by introducing a requirement that Local Government members do not use their position or information gained from their position for their benefit or the benefit of a family member, friend, political party or other related entity.

Response:

Recommendation 1 of the Belcarra Report stated:

That an appropriate Parliamentary Committee review the feasibility of introducing expenditure caps for Queensland local government elections. Without limiting the scope of the review, the review should consider:

(a) expenditure caps for candidates, groups of candidates, third parties, political parties and associated entities

(b) the merit of having different expenditure caps for Incumbent versus new candidates

(c) practices in other jurisdictions.

In its response to the Report, the Palaszczuk government supported this recommendation in principle, and undertook that ‘This government will undertake a review of expenditure caps for Queensland local government elections… The government will consult with the Local Government Association of Queensland on these matters during the review.’

The CCC report on Operation Belcarra specifically stated that non-developer donors do not demonstrate the same risk of actual or perceived corruption, and concluded that “a more encompassing ban is not appropriate”.

Labor also does not accept donations from tobacco companies. Whilst the Labor Party accepts donations greater than $5,000, and its candidates may accept donations greater than $2,000, the Palaszczuk government has legislated to ensure that any donations over $1,000 are publicly disclosed, electronically and in real-time, within seven days of receipt.

The legislation we passed in 2015 also restored six-monthly reporting requirements and abolished the voter ID requirements imposed by the Newman-Nicholls government.

Reduce the ‘revolving door’ between industry and government

(15) Implement a new Bill which provides for restrictions on Qld parliamentarians and senior public sector executives such that they are prevented from registering as lobbyists for one year after leaving these positions. ‘Lobbyists’ should be defined to include those who work for industry associations.
In 2009 Labor established Queensland’s first online, publicly available Register of Lobbyists.

Labor also introduced the Queensland Contact with Lobbyists Code to deliver greater accountability standards for former Ministers, Parliamentary Secretaries, Ministerial staff and senior public servants. Under this Code, former Ministers are banned for two years from lobbying the Government on any matter they dealt with in their last two years of tenure.

Parliamentary Secretaries are banned for 18 months from lobbying the Government on any matter they dealt with in their last two years of tenure. And former Ministerial staff and senior public servants are banned for 18 months from lobbying the Government on any matter in which they had official dealings during their last 18 months of tenure.

The Palaszczuk government does not intend to wind back those requirements to only limit such employment as a lobbyist to one year after politicians, senior public servants and ministerial advisers leave their positions. We will maintain the 2 year and 18 month bans that currently apply.

The issue of whether the definition of ‘lobbyists’ should be extended was specifically considered by the Finance and Administration Committee of the Queensland Parliament in its Report No 19, Inquiry into the Report on the strategic Review of the Functions of the Integrity Commissioner.

Following extensive consultation, the inviting submissions and the holding of public hearings, the Finance and Administration Committee made the following recommendation:

**Recommendation 6:** The Committee recommends the current definition of lobbyists contained in the *Integrity Act 1999* be maintained and that there be no changes to the scope of lobbyist register.

**Improve accountability and strength of Crime and Corruption Commission**

16) Amend the definition of “corrupt conduct” under the *Crime and Corruption Act 2001* so that the definition is not constrained by section 15(1)(d) requiring that the conduct would be if proved either a criminal offence or a disciplinary breach. Adopt a similar definition as in the NSW Independent Commission Against Corruption Act 1988.

17) Provide for a general rule that hearings by the Crime and Corruption Commission (CCC) be held in public, to ensure transparency and public confidence in the CCC, through amendments to the *Crime and Corruption Act 2001*.

Response:

On 25 February, 201t the Attorney-General and Minister for Justice and Minister for Training and Skills, the Honourable Yvette D’Ath MP, released an issues paper for public consultation on the definition of “corrupt conduct” in the *Crime and Corruption Act 2001*.

The issues paper invited comment from interested individuals or organisations on any issues arising from the current definition of ‘corrupt conduct’ in the *Crime and Corruption Act 2001*, and what changes might be required to address these issues.

This consultation with Queenslanders informed the new definition of ‘corrupt conduct’ which was contained in the Crime and Corruption and Other Legislation Amendment Bill 2017, introduced by the Attorney-General on 27 March 2017. The Bill was referred to the Legal Affairs and Community Safety Committee, which tabled its report on the Bill on 15 May 2017.

The Environmental Defenders’ Office made a submission to the Committee in similar terms to the proposal contained in your email. The Committee gave due consideration to all of the submissions made, however the Committee did not endorse the EDO’s position, and recommended that the Bill be passed in its current form.
Unfortunately the Bill was still before the House when the Parliament was prorogued and has therefore lapsed. However a re-elected Palaszczuk government will reintroduce legislation to amend the definition of ‘corrupt conduct’ in similar terms to that contained in the Crime and Corruption and Other Legislation Amendment Bill 2017.

The Crime and Corruption Commission is an independent body, and must remain so in order to give effect to its stated functions and purpose as recommended by the Honourable Tony Fitzgerald AO QC in his ground-breaking Report of a Commission of Inquiry Pursuant to Orders in Council following the Fitzgerald Inquiry.

The CCC conducts a range of hearings, including coercive hearings to ascertain information that it would not ordinarily be able to receive. This is imperative to its crime and corruption roles. Similarly, witnesses might provide information that puts them or others at risk of physical harm or retribution. It is therefore necessary for these hearings to be held in private.

The Crime and Corruption Act 2001 provides that ‘Generally, a hearing is not open to the public. The Act then sets out the circumstances in which the commission may exercise its discretion to hold a public hearing. In a crime investigation, the commission must be satisfied that ‘opening the hearing will make the investigation to which the hearing relates more effective and would not be unfair to a person or contrary to the public interest’.

For other hearings, including corruption hearings, the Commission must only be satisfied that ‘closing the hearing to the public would be unfair to a person or contrary to the public interest’. The presiding officer is not bound by the rules of evidence and may decide the procedures to be followed for the hearing.

In order for persons appearing before the Commission to be afforded natural justice in circumstances where the rules of evidence are not being followed and where subsequent criminal charges might ensue, the Palaszczuk government believes that the presiding officer at the hearing is best placed to determine whether a hearing should be held in public or in private.

The CCC has held quite a number of hearings in public in relation to corruption matters, including the recent hearings in the Belcarra Inquiry. In many instances the Commission would find that it is in the public interest that hearings be held in public. The Palaszczuk government believes that the provisions relating to whether hearings be held in public or private provide the appropriate balance between maintaining the integrity of the evidence obtained and its use in any subsequent criminal matters, and the interests of the public.