

Electoral Legislation (Political Donations) Amendment Bill 2018 - Neil Cotter submission

When corporations can buy directly or indirectly access to parliamentarians, especially ministers, via their political parties, access that is not available to the average voter in a real sense our system cannot be considered a functioning democracy.

Nothing is stopping shareholders as individuals, assuming they are citizens, from participating in our democracy. Corporations as legal fictions should not be entitled to rights in our democracy, let alone special privileges.

By definition corporations function to maximise profit, have no other interest and cannot operate for the public good. A corporation as a legal fiction cannot be said to have a political belief that it is supporting by donating to a political party or candidate, merely financial interests.

Any donation from a corporation has to be assumed to be motivated by an expected return on investment. Any such donation which would give an advantage to the recipient party further skews the democratic process away from accurately representing the view of citizens.

Furthermore such donations encourage recipient political parties to become dependent on such funding to function and campaign, inherently shifting their focus from voters to donors.

Operation Belcarra has demonstrated the obvious that Queensland is not immune to corruption in the post-Fitzgerald era. Corporate donations however function as a mechanism to legalise corruption, but which should be considered a crime against democracy.

Citizens are seeing governments, regardless of whether it is ALP or LNP, seemingly serving the interests of donors rather than citizens, and are increasingly either disengaging from the political process seen in decreased enrolment, turnout and informal voting, or becoming enraged and turning to populist options like One Nation (though generally these alternatives are similarly on the take from corporations just on a smaller scale).

Democracy like justice must not just be done, but must be seen to be done, and that can't happen while political parties are taking money from corporations, an obvious and overwhelming conflict of interest with representing voters.

The bill should be amended to allow for more significant penalties on political parties that break the law, firstly financial penalties sufficient to act as a disincentive and greater possible criminal penalties than those outlined commensurate with the threat to democracy.

There should also be the possibility of by-elections or new elections being triggered if it can be construed that the results of elections might have been altered by expenditure. Also allowing judicial review and overturning of ministerial decisions involving donors. In theory it should be possible for a political party to be deregistered for a significant breach of this law.

On the other side of the equation corporations should be able to be dissolved by the courts if they are found to have significantly breached the law and attempted to pervert the course of democracy.