




Speech By
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MEMBER FOR REDCLIFFE

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ELECTORAL REFORM AMENDMENT BILL

 **Ms D'ATH** (Redcliffe—ALP) (4.40 pm): I rise to contribute to the debate on the Electoral Reform Amendment Bill. Any reforms to electoral laws should not be about benefiting any particular political party and wielding the power of the government of the day; it should be about holding all candidates and all parties to account. Electoral laws should ensure that the people of Queensland can have faith in the electoral process and ensure transparency and accountability around political donations and gifts.

The general public are cynical about politicians at the best of times and in the current environment, when we have the revelations from ICAC in NSW—and more locally the people of Redcliffe have had a former elected member mislead this parliament and their community—in this light it is more important than ever to have laws that not only ensure transparency, but also are seen to provide transparency. You only need to read some of the submissions from individuals to the parliamentary committee to gauge what at least those on this side of the House hear regularly in our communities: the Newman government is out of control. This bill takes the electoral reforms in Queensland backwards and they should be opposed.

I now wish to speak to some of the key changes in the bill. On the proposal to remove donation and expenditure caps and increase the donation and gift disclosure thresholds, the public would be right to be cynical about these amendments. The removal of caps on spending is all about the LNP getting ready to spend up big. We have heard many reports on the large war chest that the LNP is filling, ready for the next election. It will be interesting to see if all of that money goes into Ashgrove, or if the Premier shares it around to help save some of his colleagues. The move of the Newman government in proposing the removal of caps creates the legitimate public anxiety that elections are there to be bought. When you combine these changes with the increasing of donation disclosure thresholds, it can mean nothing less than a watering down of our electoral laws in Queensland for political benefit.

Let's be clear on the proposed changes: the Newman government wants to shift the disclosure threshold for political donations from \$1,000 to \$12,400 and shift the disclosure threshold for gifts from \$200 to \$12,400. The figure of \$12,400 will of course increase with indexation, unlike many of the welfare benefits and family support payments that the Abbott government just froze.

Going to the comments noted in the Legal Affairs and Community Safety Committee's report into the Electoral Reform Amendment Bill, Professor Graeme Orr of the University of Queensland described the removal of the limits as 'retrograde' and '... a backward step for the key goals of political integrity and equality'. He identified Queensland as one of the three pioneering Australian states and territories which implemented limitations in 2011. Ben Marshall's submission opposed the proposed removal of both donation and expenditure limits, stating—

Removing the cap on donations and expenditure will tend to ratchet up an already expensive electoral exercise, and benefit whichever party has greatest entree with wealthy donors. This would traditionally see the parties to the Right of the political

spectrum advantaged, and it is disingenuous to claim the current cap would "restrict participation in the political process". I see no evidence to support this statement, and suggest that the amendment would make the playing field less level than more.

The Bar Association of Queensland strongly recommended the retention of upper limits on political donations and expenditure, identifying the important criterion to be applied. They said—

... that such limits be effective in preventing individuals and entities from obtaining or exerting undue influence on political decision making through the exercise of financial influence.

Of course this is just a small sample of the comments from submitters to the parliamentary committee, but what is clear is that there is a consistent theme across the submissions, and that is that disclosure thresholds should remain. It is not enough for the committee to simply dismiss these submissions on the basis that these thresholds have only been in for a short period of time, and as such there is no harm in going backwards. The opposition strongly disagrees with this view, and the decision of the government to dismiss the views placed before the committee should be condemned.

There is no more recent and obvious example of why the political donations threshold should remain at \$1,000 than the issue currently being dodged by the Attorney-General and the Premier; that is, the granting of a tender for a boot camp of \$2.2 million and then receiving, within a matter of days, a donation of \$5,500. Although the Premier and the Attorney-General claim to have known nothing about this donation and state that it went to the federal LNP, the fact is that the donation appears on the LNP Electoral Commission Queensland returns. It is reasonable to ask about a donation that has been made to the LNP immediately after a tender has been granted. However, under this bill, if passed, any actions of a minister approving tenders and taking donations would be kept secret. I am sure that the LNP will be instructing their donors to keep their donations just below the new threshold, which of course increases each year through indexation, so that their donations will be kept out of the public eye.

Similarly, many views were expressed about maintaining the existing donation disclosure threshold. Despite the Attorney-General stating in his introductory speech for this bill that '... the act will again rely on disclosure and reporting to promote transparency and accountability', the views expressed to the Committee disagree. In his submission Ben Marshall stated—

Increasing the disclosure threshold ... will produce greater secrecy concerning political donations at a time when many are calling for greater transparency in the political process.

Similarly the QCU opposed the increase in the threshold, referring to the sizeable donation made by the former member for Redcliffe to the LNP prior to the 2012 state election. Dr Paul Williams notes that it is a myth that increasing disclosure thresholds and removing donation caps would increase public transparency. Dr Williams states—

... a higher threshold will only make it harder to detect who's donating what to whom.

The argument that disclosing donations of \$1,000 or more and gifts of \$200 or more are an administrative burden is baseless. With technology and the ability to scan and email information at our fingertips, these disclosures can occur with minimal to no cost. Even if some administrative cost occurs, the importance of a political donation system that has transparency and accountability far outweighs any minor costs to time and resources to maintain the disclosure requirements.

On the issue of public funding, the opposition welcomes the amendment to be moved by the Attorney-General to change the eligibility threshold for public funding from 10 per cent down to six per cent; however, the Attorney-General has not justified the change from four per cent being the current threshold. On this issue Professor Orr stated—

If a cut-off is needed, there is a well-established 4% threshold across Australia. That threshold is conventional, but it is rational: 4% is the long-standing figure at which candidates forfeit their deposit.

The onus is on the Attorney-General to make his case and to put forward the evidence to support these amendments. The fact is that the Attorney-General has been found wanting. No case has been made out, and this bill is nothing more than a con on the people of Queensland in a desperate attempt to assist the LNP to hold on to power.

On the issue of imposing voter ID, the opposition has indicated our opposition to this amendment as it will disenfranchise many in our communities. However, the parliament should not simply take the opposition's views on this matter. The committee's report states that over 160 submissions opposed the proof of identity provisions in the bill. The Attorney-General's own department, the Department of Justice and Attorney-General, in its Electoral Reform Discussion Paper of January 2013, on the issue of requiring proof of identity to vote, stated—

Given that Queensland would be the only jurisdiction to require proof of identity on polling day, there is a risk that the requirement would lead to voter confusion. Also, as there is no specific evidence of electoral fraud in this area, introduction of proof of identity requirements could be considered a disproportionate response to the risk.

The committee's report notes that in its briefing to the committee, the department was again unable to provide evidence of voter fraud in Queensland. The Acting Electoral Commissioner for the ECQ, in evidence to the committee, stated—

I am on record as stating at the estimates that at the last state election I referred one person to the Queensland Police Service for multi-voting.

It was confirmed federally that in the 2007 election there were 10 cases. If I refer specifically to Queensland, there was one case in 2012. That is one out of 2,499,763 votes. What does that equate to in real terms? It means that the 'serious problem' that needs addressing in this bill equates to a 0.0000004 per cent problem. There is absolutely no evidence to support this claim by the government. If we look at the federal example, out of the 12,930,814 people that voted, they had a problem of 0.0000008 per cent—and I was generous because I rounded that one up.

The reality is that there is no problem, either at a state or federal level, in relation to voter ID. It is unfortunate that this government has chosen to ignore the concerns of the Anti-Discrimination Commission of Queensland on that point where they highlight potential discrimination.

The fact is the opposition's concerns and those of many individuals and organisations who provided submissions and evidence to the parliamentary committee are legitimate concerns raised in the context of what the Newman government has been doing over the past two years. This government has stripped away working conditions, overridden and removed many oversight mechanisms and independent bodies, imposed laws and targeted innocent individuals through the VLAD laws, attacked doctors, removed the independence of the CMC and now seeks to give itself the ability to raise thousands of dollars through political donations and spend its considerable war chest at the next election without ever having any transparency and accountability at the same time as disenfranchising people. This bill should be voted down.