




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

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ELECTORAL AND OTHER LEGISLATION AMENDMENT BILL

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (8.25 pm), in reply: I wish to acknowledge and thank members for their contributions to the debate of the Electoral and Other Legislation Amendment Bill 2015. I especially thank my parliamentary colleagues on this side, who actually get it. They and their electorates understand the importance of this legislation. People are sick of hearing about political parties wanting to hide donations and avoiding transparency. The reason there are Labor people sitting in government is that the people of Queensland were sick of having an arrogant government that was not transparent or accountable and certainly had no integrity about it.

The bill is an important part of the government's platform for restoring integrity and accountability in Queensland. The bill gives effect to the government's election commitments to amend the Electoral Act 1992 to reinstate the \$1,000 threshold for the disclosure of gifts to candidates, parties, third parties and associated entities, backdated to 21 November 2013; remove the voter proof-of-identity requirements; facilitate real-time disclosure of political donations; and ensure the chair of the Crime and Corruption Commission has access to a judicial pension.

I have already addressed at length, in the explanatory speech and the second reading speech for this bill, many of the issues raised during the debate. I thank the shadow Attorney-General for his contribution. We certainly do disagree on many points, but it is somewhat refreshing to hear an LNP justice spokesperson offer at least a genuine contribution. My disappointment, however, is that those views were not expressed over the past three years, when the LNP were in government.

In opposing the bill the member for Mansfield, for the opposition, made a number of points: as the committee was not able to recommend that the bill be passed the government should listen and try to find some common ground; the bill is not the result of a proper review process in terms of what the gift threshold disclosure amount should be; balancing the competing interests of transparency and privacy; a body similar to the Electoral and Administrative Review Commission should be established to look at the issue; the bill does not look at the wider issue of purchasing of political influence, including for larger donations; uncertainty about the legal basis for the bill; the bill is not the result of proper consultation processes; the bill includes unacceptable retrospectivity; and the bill removes sensible voter proof-of-identity laws. Of course, these are points we disagree on.

In relation to the committee not being able to recommend that the bill be passed, we have heard the first of what will likely become many references to scenarios where a committee cannot reach agreement. So let us nip this in the bud. Why has this occurred? It has occurred because we now have balanced parliamentary committees, with the same number of representatives from both sides. Why? It is because a Labor government established the committees that way. That actually means that we have democracy in our parliamentary committees, unlike what we experienced over the last three years. I can understand why this outcome of having disagreement across the parliamentary committee and not getting agreement to recommend the bill might be unique to some

on the other side, because they are so used to having parliamentary committees that are stacked in the government's favour.

Mr Hinchliffe interjected.

Mrs D'ATH: That is right; all in their own favour. But we are actually a government about transparency and accountability and a government about integrity which means that we are more than happy to have parliamentary committees that have even representation from both sides and letting the committees express their views in those reports. In the second reading speech of the bill I have acknowledged in some detail the matters raised in the committee's report and the issues raised in the submissions to the committee and public hearings as part of the committee process. But where the committee cannot agree on a recommendation, having carefully considered the competing considerations and views, ultimately the government of the day must decide whether to progress the bill to its second reading and consideration for passage of the parliament.

With regard to the level of the gift threshold amount and the suggestion that there was not a proper review of the issue and that the matter should have been referred to a body like the former Electoral and Administrative Review Commission, EARC, the government does not consider the establishment of a new review body as required for this purpose. Queensland has had a low gift disclosure threshold since legislation was introduced in 1994 after consideration by the Parliamentary Committee for Electoral and Administrative Review of an EARC report following the Fitzgerald inquiry. All the government is doing is restoring the \$1,000 disclosure threshold that was in place up until the recent amendments by the former LNP government in May 2014.

In announcing its decision to substantially increase the threshold from \$1,000 to \$12,400 indexed, the former government indicated its intention to align with the Commonwealth level. The government believes that that threshold is just too high, particularly when applied on a multiple basis for gifts by associated entities. The government is also mindful of the lower thresholds applying in other jurisdictions and the outcomes of the recent independent expert panel in New South Wales, which I mentioned in my explanatory speech for the bill, which has recommended the retention of the \$1,000 disclosure threshold in that state. The restoration of the previous threshold will provide for greater transparency and accountability in terms of both those who give and those who receive political donations. The government believes that Queenslanders have the right to know both who gave and who received political donations. We believe that disclosure of this information is both desirable and necessary so that Queenslanders can be confident that decisions made by their governments have not been influenced by secret political donations.

As I stated, the \$1,000 threshold was in place in this state for many years. I have already noted, as did the Premier, that the New South Wales Baird government is at \$1,000. It is good enough for the New South Wales conservative government to recognise that a threshold of \$1,000 is appropriate, but not the Queensland LNP. In the ACT it is \$1,000; the Northern Territory, \$1,500 for political parties and \$200 for candidates; in Western Australia, \$2,300; and South Australia has legislation coming into force on 1 July 2015 setting a threshold of \$5,000. The government is confident that restoring the \$1,000 threshold is the appropriate course. The people deserve to know who is giving and who is receiving these political donations.

As Attorney-General, I take sensitivities of Crown law very seriously and I am not going to be an Attorney-General who throws advice around the place. I am certainly not going to hold on to Crown advice after I leave office, as some others might be intending to do, as we know. But I do make this point: in the submissions that were put to the committee, Professor Orr and Stephen Keim SC had an opposing legal opinion on the issue of federal inconsistencies and the LNP is just using this issue to hide its true interest—it wants large donations to be kept secret. That is the reality of it. That is the reality. On the issue of the Constitution, I find it interesting that members of the opposition keep saying that they really would not mind supporting this if it was not for that inconsistency.

Ms Trad: In their hearts.

Mrs D'ATH: In their hearts they would really like to support the \$1,000 threshold. If that is the case, then what I do not understand is why those opposite brought in voter ID, because it does not exist in the Commonwealth legislation. So if it was all about bringing us in line with the Commonwealth, why did we bring in voter ID? What is the explanation? That voter ID is a state issue? Quite honestly what we see is the hypocrisy in the argument around that issue.

Members have talked about purchase of political interference, and haven't we heard a bit of this in debate from the other side—purchasing a political interference? The shadow Attorney and many other members opposite had this absolute obsession about talking about unions. I do not believe that the member for Nanango spoke on the bill, but she certainly interjected a lot about unions and more unions and unions again. We know that the opposition is obsessed with this issue, and we saw it in

question time again today. There is a point that the opposition fails to mention when it talks about political donations from unions: they disclose them. They actually disclose them and they are happy to do it. They are not actually objecting to this bill. They are not objecting to this bill. If the shadow Attorney and those on the opposite side say that they have concerns with union donations and what sort of influence unions have on this side because of those donations, my question to the opposition is this: when people donate \$12,000 in secret to the LNP, what do they expect in return? What do they expect in return?

Mr Mander: They expect a good government!

Mrs D'ATH: If they expect a good government, they must be really disappointed. They must be very disappointed. I cannot believe you gave me that one. That comment was a free kick.

On the issue of consultation, the government is certainly satisfied with the adequacy of the consultation processes through the committee process. The committee website indicates similarly divergent views when some of these issues were raised in the context of the former government's Electoral Reform Amendment Bill 2013. The measures in that bill were based on strongly held policy positions based on principles of integrity, transparency and accountability. Again, I remind members of the opposition: when they want to bring up these debates about consultation on bills, they really need to go back and look at their own history over the last three years and how they pushed legislation through this House late in the evening without any consultation. And they talk about committee processes! With regard to the number of submissions that were put forward to the LNP's bill in 2014 from the legal profession and from many stakeholders saying that they opposed the bill, I did not see anyone on the other side actually listening to those views. So I think we are again hearing a little bit of hypocrisy in the submissions from those on the other side when we talk about consultation.

On the issue of retrospectivity, I fully addressed the issues relating to the backdating of disclosure requirements in the second reading speech for the bill and, as signalled in the second reading speech for the bill, we will be moving amendments during consideration in detail to clarify some of these requirements. For gifts made up to 27 May 2014, the bill is only seeking to restore the disclosure threshold as it was when the gifts were made, remembering that up to when the LNP's bill was assented to in May 2014 right back to November 2013 the \$1,000 threshold actually applied.

It was their law that made it retrospective to 21 November 2013. That is why our bill refers to 21 November 2013, because that is when their bill retrospectively went back to. In all of the hype coming from those on the other side about retrospectivity, not one of them acknowledged that the bill that was passed through this parliament in 2014 by the LNP was retrospective back to 2013—not one.

On 2 July 2014, the now Premier Anastacia Palaszczuk announced that a Labor government would act to restore the \$1,000 disclosure threshold for political donations and that this disclosure would be retrospective to 21 November 2013. The bill includes safeguards to mitigate the effective backdating of these requirements by applying the obligations prospectively after commencement, providing that a person does not commit an offence if they fail to keep records relating to gifts or loans that did not have to be kept before the commencement of the bill and recognising that existing section 312 may apply if the person is unable to obtain particulars required for the preparation of the return with the effect that no offence is committed.

In relation to voter ID, again, we heard many members speak on this issue. The government considers the voter proof-of-identity requirements unnecessary, inconvenient, discriminatory and may have a negative impact on voter participation. The government remains convinced that requiring voter proof of identity was a disproportionate response when there was no evidence that voter fraud was a problem and that the potential negative impacts resulting from the voter proof-of-identity requirements outweighed any potential benefits of the laws. The government considers that the best way to reduce opportunities for multiple voting is through the use of improved technology, which is already being trialled.

We heard many members on the opposition side, including the member for Mount Ommaney, rely on two furbies. One was the ridiculous and quite boring repetition that apparently Labor voters are rorters—not only boring but quite offensive.

Mrs Smith interjected.

Mrs D'ATH: Once again, we see the LNP, rather than accepting the will of the people, arrogantly telling voters that they got it wrong. Secondly, they relied on—and we just heard it again in the interjection—the claim that the majority of submissions to the committee supported the LNP's position on this bill. That probably is not a surprise when we consider that the vast majority of those online submissions were short form responses. We have all seen the campaigns before. When it

comes to email campaigns, can I give those on the other side a little bit of advice, because over the years I have seen some beauties. Five hundred is nothing. They should try 9,000 in 24 hours and the federal parliamentary system crashes.

Mr Furner interjected.

Mrs D'ATH: The former senator understands what I am talking about. Can I just say that, when they send an email out to their LNP members, they might want to make sure that it is not the really obvious ones who are putting in the submission, including the former LNP candidate for Redcliffe, who I understand was skirting around here last night obviously looking for votes for the Senate candidacy. After three election losses in a row she is now keen to see if she can move to the Senate.

An opposition member interjected.

Mrs D'ATH: I will take that interjection. After six elections I lost only one. Can I tell members that—

Opposition members interjected.

Mrs D'ATH: I say to the members opposite to keep laughing. I received a 17.5 per cent swing in the Redcliffe by-election and a 17.9 per cent swing in the general election. So they should keep laughing. If they want to endorse a Senate candidate who has lost three elections, including losing to a candidate who achieved a 17.9 per cent swing, by all means, they should go right ahead.

Before I conclude, I will make a response to a comment by the member for Mount Ommaney. She said that she was disappointed that our first bill was about political donations and not about jobs. I would like to say to the member for Mount Ommaney that I am sure she welcomes the announcement of the Skilling Queenslanders for Work initiative and would be thrilled to know that 67 organisations from Sunnybank and 88 organisations from Ipswich were registered to come along to the forum. We know that even more turned up, because there was standing room only.

Mr RICKUSS: I rise to a point of order. What is the relevance to the bill?

Mrs D'ATH: I was responding to the comments made by the member for Mount Ommaney in the debate on this bill. She was talking about jobs and wanted me to respond.

Mr SPEAKER: Minister, if you could return to the bill.

Mrs D'ATH: Mr Speaker, thank you. The hard truth is that the LNP will fight in the ditches to give big business the right to donate thousands of dollars in complete secrecy and that it just does not want vulnerable Queenslanders to vote. That is what this legislation is about at its core. We stand for openness and transparency in our political system. The LNP wants to keep large donations secret. We stand for fairness and to defend the democratic rights of Queenslanders. The LNP wants to silence the most vulnerable people in our community.