



Speech By  
**Hon. Yvette D'Ath**


**MEMBER FOR REDCLIFFE**

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Record of Proceedings, 22 August 2017

**MOTION**

**Liberal National Party, Political Donations**

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (8.32 pm): I recognise that the last couple of speakers on the other side have actually talked to the motion. I will give them that much.

**Mrs Frecklington:** Thank you.

**Mrs D'ATH:** You are welcome, member for Nanango. They are at least talking about political donations. The majority of the debate that we heard earlier today had absolutely nothing to do with this motion.

**Mr Hinchliffe:** And absolutely zero to do with the Leader of the Opposition's motion.

**Mrs D'ATH:** I take that interjection from the member for Sandgate. The Leader of the Opposition has had to leave it to his deputy to talk to the motion because the Leader of the Opposition could not.

**Ms Trad:** The member for Callide actually did a better job than him—which is rare.

**Mrs D'ATH:** I take the member's interjection. We have heard a lot from the other side praising the member for Mansfield and his contribution. The way they summarised it was that it was a sensible clarification of what this is actually about. There have been a number of speakers on this side who I think have accurately summarised the contributions from the opposition—that is, those opposite have sought to trivialise this debate. They have sought to trivialise this issue. Political donations are not trivial to the people of Queensland.

The member for Mansfield has tried to describe this as simply seeking a clarification from the court. Others have said it is a legitimate legal issue that they are seeking to ask the court's assistance on. The point is that it is not the LNP who asked for it. It is not the LNP who said, 'You know what? We don't believe that these are valid laws so we are going to test them.' It is the Electoral Commission of Queensland that has had to do that after more than two years of these laws being in place. These laws passed in May 2015 and the LNP has had to be dragged kicking and screaming to have these laws challenged. At any point the LNP could have filed its own matter before the court and sought to test this, but it did not want to do that because it did not want to be the one to be seen to be hiding from political donations—not publicly anyway. It has been left to the ECQ to file this matter to finally get the LNP to comply with the legislation. It is disgusting. It is a waste of taxpayers' money.

**Mr Seeney:** To work out what your law means because you don't even know.

**Mrs D'ATH:** I know exactly, member for Callide, what these laws mean.

**Mr Seeney:** No, you don't! The court will decide what it means.

**Mrs D'ATH:** They mean transparency.

**Mr Seeney:** The court will decide what it means. That's the whole purpose of the court.

**Madam DEPUTY SPEAKER:** Member for Callide, I have warned you about conversations across the chamber. These are not just interjections. I warn you under standing order 253A for disorderly conduct.

**Mrs D'ATH:** What we are hearing from the member for Callide is that the LNP can decide which laws they choose to comply with or not based on their interpretation of validity until a court overturns them; not they will comply until such time as the court finds that they are not valid. They are going to choose not to comply with these laws. They talk about being tough on crime, but they themselves will not comply with laws of this parliament. I talked earlier today about youth justice and the ridiculous policy of those on the other side of taking licences off kids, yet their own member for Broadwater was driving around unlicensed. I have an LNP candidate in Redcliffe who is running around saying they do not need to comply with the local laws of the Moreton Bay Regional Council because the LNP told them they do not have to comply with local council laws.

There is a pattern here. The LNP has decided which laws it will comply with and which ones it will not until such time as they are court ordered to comply. This is the party that wants to be in government after the next election. This is the leader who wants to be the premier.

**Ms Simpson:** Are you replacing the courts, are you?

**Mrs D'ATH:** I am not going to the point of the constitutionality of the legislation.

**Madam DEPUTY SPEAKER:** Order! There are too many conversations. These are not interjections, these are conversations. If members continue I will warn each one of you.

**Mrs D'ATH:** I take the interjection from the member for Maroochydore because for two and a half years there have been inappropriate claims by those on the other side about how I should interfere with court decisions. In fact, on one occasion interfering with police matters as well. Those on the other side should not talk about separation of powers because we know their interpretation of separation of powers. I know personally what separation of powers means because I had to spend the first few months in this job fixing up the mess that those on the other side created in relation to the damage with the legal profession and the judiciary because they interfered with that separation of powers.

**Mr Byrne:** Did you see that press conference, Fiona?

**Ms Simpson:** You've got no idea about the separation of powers.

**Mrs D'ATH:** I take the interjection.

**Madam DEPUTY SPEAKER:** Member for Maroochydore, I warn you under standing order 253A for disorderly conduct. Minister and member for Rockhampton, I warn you under standing order 253A for disorderly conduct.

**Mrs D'ATH:** The LNP has been belligerent about this issue. They have chosen to not comply with ECQ directions for more than two years. We have heard the interjections and we have heard the debate on this motion that the LNP truly believes that we need to test the validity of these laws before the court. There is a flaw in that argument from that side. They have been very selective in relation to that argument. They are declaring donations now under real-time disclosure. In fact, under their own parliamentary committee report, report No. 56 back in February 2014, they said they could not introduce monthly reporting because they believed it would not be consistent with the Commonwealth Constitution, yet they are now complying with real-time disclosure.

They say that they cannot comply with \$1,000 donations or they could not keep \$1,000 donations because it would not be consistent, yet they are applying it now. There is only a select group of donations for which they are choosing not to comply. They are not taking a consistent approach. If they actually believed what they were saying, they would not be complying with the law as a whole. They would not be complying with real-time disclosure, because their own committee report says that they do not believe it is constitutional. They would not be complying with the donation thresholds that are in the legislation right now, but they are. However, there is a select group of donations that occurred over a period that they do not want to disclose. Why? That is the question. Why is the Leader of the Opposition choosing not to disclose those donations?

This is not just a legal issue; it is also an ethical issue for the Leader of the Opposition. As a party, they have made the decision to comply with the majority of the legislation that they themselves claim is not constitutional. They themselves have made that decision. Yet, when it comes to those donations specifically, they are choosing to argue, 'No, we shouldn't until it is tested'. It just does not ring true. There is something going on here. There is another issue that the Leader of the Opposition should address. Aside from why they will take incredible steps to fight disclosing \$100,000, they may end up spending \$100,000 fighting the case. However, still they do not want to disclose those donations.

The other question is: what would the Leader of the Opposition do in government? What would Tim Nicholls do? Will he go back to lifting this threshold, which presumably would be well over \$13,000, linked to CPI again? Would they go back to that? Would they scrap real-time disclosures, because according to their own committee report they do not believe that is constitutional either? Would they scrap that? They are not being honest with the people of Queensland. What is their policy? What is their direction here? Will they bring back the mandatory ID requirements? Suddenly they do not like ID scanners, but let us see if they want to bring back requirements to show ID for voting, so that they can disenfranchise the most vulnerable in our community. The LNP is not being silent just on political donations; they are being silent on what their future policy direction is when it comes to political donations. The people of Queensland have a right to know what their policy is. What are they going to do after the next election, if they win government? The people of Queensland have a right to know that.

I will go briefly to some of the comments that were made in the February 2014 committee report on the LNP's legislation. The Queensland Council of Civil Liberties said that the 'continuous comprehensive and total disclosure of both income and outgoings' was essential to an election finance system. Ben Marshall said—

I would suggest that donations and political parties must be even more open than they are now to ensure our democracy isn't subverted by the flow of money. This amendment weakens democratic oversight, and therefore our democracy. We should know who is donating to whom and in what amounts.

The QCU said 'the sizeable donation made by the former member for Redcliffe to the LNP prior to the 2012 state election' was a reason for concern and 'given the relatively recent history of corruption within Queensland politics it would be beneficial for public confidence if the current thresholds were to remain'. I speak on behalf of the people of Redcliffe when I say that we still want to see that \$50,000 go to a good cause and not into the pockets of the LNP.

Dr Paul Williams said 'a higher threshold will only make it harder to detect who's donating what to whom'. Alastair Lawrie's submission added further weight to the opposition to an increased disclosure threshold, describing it as 'a major retrograde development'. He said—

As well as being a vital anti-corruption measure—disclosing who is funding whom, and by what amounts—the public has a legitimate right to know where political parties and candidates are obtaining their funding. Increasing the threshold for disclosure by more than 1100% deprives the public of this right, and increases the possibility of people and organisations seeking to exercise nefarious influence through political donations.

Katter's Australian Party strongly opposed the proposed amendments, claiming they offer no positive outcomes and will have no other effect than to reduce scrutiny on donors to the major parties. They said—

This is again to the benefit of larger corporate-type donors who are not as commonly associated with minor parties.

Our experience in growing a minor party is that we appeal less to the affluent sectors of the population and medium to larger size business.

Family Voice Australia said—

Mandatory public disclosure of financial contributions to political parties and candidates and their campaign expenditures is an important safeguard against inappropriate influence on the political system.

That is what people had to say when the LNP sought to lift the threshold of donations.

Not only is the Leader of the Opposition not showing leadership to his own party and to the people of Queensland by not disclosing these donations—that is, he is not showing leadership in outlining what the LNP's future policy would be; he is also wasting taxpayers' money. This will be a costly exercise. Today I saw the directions order and this matter is going through until November. I suspect there will be extensive work done in preparation for these proceedings. This did not need to occur. Taxpayer's dollars are being spent to get the LNP to comply with legislation that they themselves are complying with in many other areas, but are selecting not to apply in relation to these donations. They should be honest with the people of Queensland. The Leader of the Opposition has the opportunity to rectify this immediately and he should do so. He should show leadership. Otherwise, he should question his leadership ability in the LNP.