




Speech By
Michael Berkman

MEMBER FOR MAIWAR

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ELECTORAL LEGISLATION (POLITICAL DONATIONS) AMENDMENT BILL

Introduction

 **Mr BERKMAN** (Maiwar—Grn) (12.30 pm): I present a bill for an act to amend the Electoral Act 1992 and the Local Government Electoral Act 2011 for particular purposes. I table the bill and the explanatory notes. I nominate the Economics and Governance Committee to consider the bill.

Tabled paper: Electoral Legislation (Political Donations) Amendment Bill 2018 [\[682\]](#).

Tabled paper: Electoral Legislation (Political Donations) Amendment Bill 2018, explanatory notes [\[683\]](#).

Today I am introducing a bill that will ban political donations from for-profit corporations, the first of many steps I will propose to restore Queenslanders' faith in our democracy. This bill delivers on a key commitment made by the Queensland Greens in the 2017 state election campaign and I am proud to be standing up for the people of Maiwar, the people of Queensland and, most fundamentally, for the integrity of our political system.

Recent developments and revelations at the local government level have laid bare the undeniable potential for corruption as a consequence of political donations. The recent work of the Crime and Corruption Commission and its report on Operation Belcarra speak for themselves and highlight how political donations increase both the actual and perceived risk of corruption. However, there was a fundamental limit to the CCC's recent work. For all its valuable insight, Operation Belcarra only considered corruption complaints at the local government level where corporate interests relate predominantly to planning and development decisions. Quoting the Crime and Corruption Commission directly, the Belcarra report stated—

The general nature of these allegations is consistent with one of the key concerns about political donations generally—that they increase the risk of corruption. Often donations are seen as being motivated by a desire to purchase influence in government decision-making. There is a real risk of corruption when donations are made with the expectation that the recipient will, in return, make decisions that deliver material benefits to the donor. This risk is heightened when donors have business interests that are affected by government decisions.

The CCC goes on—

Another major concern about political donations is that, rather than being motivated by a desire to purchase direct influence in government decision-making, they are motivated by a desire to purchase access to the decision-makers. That is, there is a belief that donations can lead to donors getting special opportunities to put their cases forward. This too can be seen as a form of corruption in that some stakeholders are illegitimately gaining an advantage over others who should be but are not afforded the same level of access. There is a further risk of corruption when these 'rights of access morph ... into the adoption of policies designed to materially benefit those to whom access has been given, rather than to advance the broader public interest' ...

It would be foolhardy to think that the real or perceived risk of corruption begins and ends with donations from developers to local governments. Indeed, the Palaszczuk government appears to accept that the risks are broader, having extended the developer donations ban to the state government. If we take this reasoning to its logical conclusion, why has the government just stopped

with developers? State government decisions affect the interests and profit margins of all businesses operating in Queensland and there is a broad perception in the community that government decisions are made in the interests of corporate profit, not people. We do not have to look far for examples.

The resource industry is a powerful and vocal lobby, making massive profits, large donations and gaining enormous concessions. Let us consider the right to take unlimited amounts of groundwater in the course of mining and CSG operations while farmers are required to hold the necessary authorities and licences before they can access their groundwater, and those licences may be suspended during times of drought, but these same rules do not apply to miners. The gambling lobby is another example which has had great success in keeping pokies in pubs and clubs across the state—

Mr POWELL: I rise to a point of order. I am seeking some guidance. I appreciate that this is an opportunity for a member to introduce a private member's bill, but the speech that we are hearing goes straight to the heart of the legislation that we have just adjourned to have this introduction. Can I please have a ruling on that?

Mr DEPUTY SPEAKER (Mr Stewart): Members, I will seek counsel from the Deputy Clerk. The advice that I have received is that during the introduction of a bill it is pertinent to speak about that particular bill, as members can imagine. We are in that particular time.

Mr BERKMAN: The gambling lobby is another example which has had great success in keeping pokies in pubs and clubs across the state under laws that are exceptionally lax by international standards and despite all that we know about the harm wrought on communities by the prolific and casual gambling that they facilitate. The Star Entertainment Group is charging ahead with the development of one of Queensland's new casinos, having been provided prime CBD land—nearly one-tenth of Brisbane's CBD, 10 blocks along George and William streets—in a deal that is still shrouded in secrecy. Queensland's casinos are also exempted from the late-night trading laws that have seen bars and live music venues closing all across our city. Exemptions to these laws were also provided to other businesses within days of donating to the Palaszczuk government in the last term.

We have seen waste contractors contributing to the election of the most recently charged of Ipswich's former mayors and one cannot help but wonder how the big-donating big four banks managed to evade the scrutiny of a royal commission for so long. People are right to be cynical about the motives of corporate political donors and it is fair enough for people to feel like governments do not represent them but instead represent their corporate backers. Companies driven by profit do not do altruism or philanthropy and they do not even do public interest, and in real terms they cannot. Directors of publicly listed companies are duty bound to get the best returns for their shareholders by maximising profits within the bounds of the law, yet our law in Queensland currently allows them to donate unlimited amounts to us lawmakers. It allows the practice of quite literally buying access to politicians.

While the Queensland Greens remain the only party in our state that does not take corporate donations, people's cynicism can only be expected to grow. If we are to restore Queenslanders' faith in our system, we must demonstrate that we stand here for Queenslanders—not for our own self-interests and not for the interests of those that profit off our state's natural and human resources. The bill I am introducing today signals the first step of many required to achieve this.

A fortnight ago in this House I asked the Premier what plans she had for her government to further prevent the perceived and actual risk of corruption associated with political donations. The Premier indicated that Queensland Labor had no further plans to restore democracy and that the steps her government had taken and was taking were sufficient, but the people of Queensland disagree and so this bill seeks to remedy that—picking up where the government's bill leaves off. The bill effectively adopts the form of the Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Bill 2018, which is currently being debated in the House, but with two key differences relating to the amendments proposed for both the Electoral Act and the Local Government Electoral Act.

The first of these key differences is the inclusion of a definition for corporate political donor, which includes all companies registered under the federal Corporations Act and their industry representative bodies with a small number of exceptions. Secondly, the bill creates a prohibition on the making or receipt of political donations by or on behalf of political corporate donors in a provision that mirrors the prohibitions related to developer donations in the Belcarra bill.

Prohibited corporate donors do not include charities, not-for-profit organisations, or employee and employer organisations under state or federal industrial relations legislation. Offence provisions in relation to prohibited donations and schemes to prevent circumvention of this prohibition mirror the Belcarra bill, as do the provisions for the recovery of payments and proceedings for indictable offences.

The proposed ban on developer donations is a start, but the government has no apparent plans to move beyond this. Enough is enough. This bill proposes the next vital step in the necessary task of cleaning up Queensland politics and restoring faith in our democracy. There is still a need for the imposition of caps on all donations across-the-board, not just those from profit driven corporations. We should reinstate a cap on the amount that is spent on elections and put a stop to the endless barrage of negative advertising, smear campaigns, pushy political operatives and the plastic paraphernalia that is strewn around polling booths on election day.

We would not be alone in taking these steps. Victorian Labor is in the process of implementing a universal donation cap. New South Wales already imposes electoral spending caps and has sectoral bans on donations from certain types of companies. Tasmania restricts how-to-vote cards and advertising material on polling day and has polities toying with the idea of restricting donations, too. We all saw the effect of the pokies lobby on the last election in Tasmania.

Public sentiment is clear and we need to urgently lay the groundwork for further reform. We must ensure that Queenslanders have faith in us and in our system. We cannot profess to stand for them when we are here on salaries more than twice that of the average Australian, when we are hosting \$500-a-head lunches under the guise of discussing social justice, when the everyday punter has not met their MP, but the heads of big business see them weekly. We should all take heed of the corruption commissioner's opinion that, in an ideal world, all donations should be banned.

This parliament can pretend that it is somehow immune from the kind of corruption that we see in local government, but we know it is not. There is just more bureaucracy surrounding it. If we fail to take further action, we do so at the expense of Queenslanders, their faith in our system and the integrity of our democracy. I commend the bill to the House.

First Reading

Mr BERKMAN (Maiwar—Grn) (12.41 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Economics and Governance Committee

Mr DEPUTY SPEAKER (Mr Stewart): Order! In accordance with standing order 131, the bill is now referred to the Economics and Governance Committee.