




Speech By
Michael Berkman

MEMBER FOR MAIWAR

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ELECTORAL LEGISLATION (POLITICAL DONATIONS) AMENDMENT BILL

Second Reading

 **Mr BERKMAN** (Maiwar—Grn) (5.30 pm): I move—

That the bill be now read a second time.

It is a very proud moment for me to rise and move the second reading of a private member's bill. This will be the first time that a Greens bill will move through the second reading debate in this parliament and the first time the Queensland Labor Party and the LNP will have to show their hand and justify in this place their ongoing reliance on corporate donations. This bill proposes to ban all political donations from corporate political donors, which includes all companies registered under the federal Corporations Act and their industry representative bodies. The bill would not apply to charities, not-for-profit organisations or employee and employer organisations under state or federal industrial relations legislation.

The bill proposes an essentially identical regime to that already legislated by this parliament in relation to developer donations, but it expands this to apply to all corporate political donors. After relentless campaigning from the Greens and community groups all over the state, we have finally won a ban on developer donations to both the state and local governments in Queensland. When government of one persuasion or another finally accepts community sentiment on this broader issue and takes steps to get big money out of politics altogether, we will reflect on today as a pivotal moment towards that goal.

Every time you ask someone from the Liberal and Labor parties about getting big money out of politics, you will always hear the same response—'We play within the rules. It's all perfectly legal'—and they are right. They are absolutely right—just like the donations One Nation sought from the NRA would have been perfectly legal had they materialised. Disgraced former Queensland Senate candidate Steve Dickson—notably, a former minister in the Newman government—spoke of this in excruciating detail. Mr Dickson suggested, quite reasonably some would suggest, that, with sufficient financial backing, One Nation could have picked up more than a handful of Senate seats and held the balance of power. Mr Dickson put it so eloquently when he said—

We get the balance of power, very simply that means that we have the testicles of the Government in our hand at every given stage.

Steve got caught out, but let us face it: he got caught out describing out loud, in no-frills language, what so many of us are concerned about. Reform on political donations is not just about what influence or outcomes can or cannot actually be bought or sold; it is about the relentless erosion of public confidence in our political system.

Labor and the LNP are living on a different planet, quite frankly, if they cannot see that people are deeply concerned about the undue influence of corporate donors and lobbyists on government decision-making and how this affects all of us day-to-day. What the major parties also do not get or continually choose to ignore is that this is not just about a few insiders getting a better deal than the rest of us—although, of course, there are plenty of enraging examples that we can point to.

This is lawful corruption of our system and it makes our lives worse. It means worse jobs and lower pay. It makes governments disinclined to go after corporate tax evasion at the expense of better schools and hospitals. It hurts renters and first home buyers by protecting investors and big banks. It pushes us ever closer to the brink of climate disaster. You cannot serve two masters. Either you are working for the people of Queensland or you are working for the big corporations who pay your way through elections.

The total numbers are pretty daunting. According to AEC and ECQ data, since 2012-13 the big parties in Queensland have taken more than \$14 million in corporate donations and donations from corporate aligned industry lobby groups. That is \$5.9 million to Queensland Labor and \$8.7 million to the LNP. We could point to any number of specific examples, including Queen's Wharf, where we have seen that the casino owners are massive donors. Last year they treated MPs to a swag of treats—like free footy tickets, nights in luxury hotels and trips to the Commonwealth Games—and this is on top of the \$100,000-plus that was donated to both Labor and the LNP in recent years. They have gambled on Labor and the LNP, and they have won big time. They have loaded the dice and they have won. They have made off like bandits.

Let us look at the recent announcement of \$1.5 billion for a fracking pipeline. Everyone knows the fossil fuel industry and the major parties are deeply, almost irreversibly, entangled. The most recent example was the staggering \$1.5 billion subsidy that federal Labor has promised to the fracking and LNG industry to help them build a pipeline—a free pipeline. How about that? How is that for outcomes? It is no surprise at all that the big companies that stand to benefit from Labor's fossil fuel largesse, on behalf of the taxpayers of Australia, happen to be major donors to the Labor Party. I will name just a few of the highlights. Santos gave \$85,000 to Labor across the country, Chevron gave \$59,000, and Woodside gave \$117,000.

Energy companies are another prime example, with private energy companies like AGL, Origin, Alinta Energy and Energy Australia. Every time I talk to someone about private energy retailers, they ask the same question: if our electricity infrastructure is publicly owned, what on earth do these companies even do? The answer is that the private retail arm of these companies exists to buy and sell electricity and send you a bill—and to make profits for shareholders of course. What should ordinary Queenslanders think when they hear the people who are in charge of regulating the companies that send them the bill every quarter get massive donations from those same companies?

There are the banks, with donations to both sides. Of course, that begs the question: why are they donating to both sides? Is it a genuine contribution to the political discourse in Australia? Is it all just about improving democracy here? No, it is about access and outcomes.

I turn now to the bill and the committee report. The Economics and Governance Committee quite predictably recommended that my bill not be passed. While Queensland Labor is happy to ban developer donations and cut off a major source of electoral funding for the LNP, it has quite cynically stopped short of a more comprehensive reform and walked away from the chance to break ties with its corporate masters. Neither I nor anyone else in this place, I expect, will be surprised at that recommendation, but it is worthwhile looking at the detail of the report and consider what the committee says and perhaps more importantly what it does not say.

The committee has, at best, provided just a veneer of justification for government inaction on electoral funding reform. The bill is modelled almost entirely on the government's first round of reform, as I said—the recommendations of Operation Belcarra that ban corporate developer donations. This bill has been enacted in Queensland. While we do not have the benefit of the High Court reasoning on this decision, the legislation has survived constitutional challenge. The key quote from the committee report that justifies the recommendation that it not be passed is simply this—

The committee understands the motivation for the objectives of the Bill but notes the CCC found insufficient evidence during Operation Belcarra to extend their recommendation for electoral reform beyond banning donations from property developers to candidates, third parties, political parties and councillors.

This ignores the fundamental limitation of Operation Belcarra and the Belcarra report. They looked only into local government. The core business of local government is development, so is anyone surprised that they did not find a more expansive risk or issues? There is a conspicuous silence on this point in the committee's report. This would have been the perfect opportunity, if we were interested in investigating these issues further, to recommend that the CCC undertake a more sweeping and more broad based investigation of potential corruption and the political implications of corporate donations. Instead, the committee again said—

The committee is not confident that the evidence provided by Mr Berkman MP is sufficient for the Bill to pass the Lange Test ...

That is, 'We are not confident. Nothing here suggests that there is not real, concerning and fundamental evidence that political donations should be banned.' It tells me that nobody in Labor or the LNP is actually willing to set the CCC loose to look at this.

I have very little time remaining, but I want to pose a question around the fundamental legislative principles and their treatment in the report. The committee has identified that it thinks there are issues surrounding FLPs and the consequences in relation to the freedom of political communication for corporations by way of political donations. However, the committee seems to have overlooked the fundamental fact that the protection of FLPs does not apply to corporations. The term 'individual' is used in relation to that. Section 4 of the act refers to individuals—having sufficient regard to the rights and liberties of individuals. Both times this does not include corporate people; it only includes natural people.

Mr Power interjected.

Mr BERKMAN: I would ask the chair of the committee to look into that issue. What is his response there? Why is it that we are pretending that corporate fictitious people are real people? We govern here for real people, not the fake corporate people.

Mr DEPUTY SPEAKER (Mr Whiting): Before I call the member for Redcliffe, member for Maiwar, upon reflection of some of the language that you used in that speech reflecting what the former member for Buderim had said, that would be unparliamentary. I would ask you to withdraw that.

Mr BERKMAN: I withdraw that, Mr Deputy Speaker.