




Speech By  
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**MEMBER FOR BONNEY**

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### **ELECTORAL LEGISLATION (POLITICAL DONATIONS) AMENDMENT BILL**

 **Mr O'CONNOR** (Bonney—LNP) (6.29 pm): I rise to make a contribution to the debate on the Electoral Legislation (Political Donations) Amendment Bill as a member of the Labor controlled Economics and Governance Committee.

**Government members** interjected.

**Mr DEPUTY SPEAKER** (Mr Whiting): Order! I will give you the same direction I have given to nearly everyone else: please stick to the long title of the bill. I am giving some latitude.

**Mr O'CONNOR:** We investigated this bill and handed down our report last year; unanimously deciding that it should not pass. The committee received 19 written submissions from members of the public, a briefing from the member for Maiwar on the bill and a public hearing last August with only representatives from the Environmental Defenders Office in attendance.

The impetus for this bill was the poor perception of politics. None of us in this place can deny that there is certainly a huge issue with how politics and politicians are viewed in Queensland and nationally. We are about as popular as the usual suspects such as used car salespeople, real estate agents or lawyers. Of course, I mean no offence to the many upstanding members of those professions by comparing them to politicians. This bill does have the very worthy aspiration of wanting to help restore the confidence of Queenslanders in their political system—and that is something every member of this House should be working hard to do—but this bill will certainly not achieve that.

We truly live in one of the best democracies in the world. Over the weekend we will see a further example of just how lucky we are because we will be able to visit our local schools or community halls, buy a democracy sausage and support a local organisation before ticking a few boxes on a piece of paper to pick who we think should represent us. Australia is a pioneer of free and fair elections and of enfranchising people by allowing them to have a vote. It is obviously compulsory here, which is unusual, but even voting on a Saturday is a rarity in other jurisdictions. That is such a simple way of making sure that as many people as possible are heard.

In the mid 1800s we actually invented the secret ballot. Having a private voting booth was something that came from our country. This then spread to other western democracies and was known as the Australian ballot internationally. My point is that our system is good but the perception of it is a problem. I disagree with the member for Maiwar's assertion that this bill is necessary to ensure that elected representatives in the Queensland parliament are here to further the interests of Queensland society as a whole, not a narrow set of corporate interests. While I can certainly say that I am here to serve our society, the community that I am part of and that I represent comes first and foremost. From what I have seen, this is the case for all members of this place, although we, of course, do have different ideas about how this state should be managed.

This bill seeks to ban political donations by for-profit corporations to council and state election candidates, to elected councillors and MPs, to groups, third parties and to political parties. Queensland already has some quite stringent donation laws with real-time disclosure and a \$1,000 threshold for the declaration of a donation or a gift. More restrictive laws do not necessarily improve the perception of politics, particularly when they are used to blatantly hinder one side of politics as we have seen.

As a committee we heard expert advice that the proposed amendments may impact on the freedom people have to be part of the political process in Queensland. Of course, we do have freedom of political communication in Australia, but it can be limited through legislation with a number of qualifications set out through judgements of the High Court. A significant one that other members have mentioned is *Lange v Australian Broadcasting Commission*, which established the Lange test with two key components. No. 1 was whether the law burdens political communication. No. 2 was whether the law is appropriate and consistent with the system of government set out in our nation's Constitution. There were other decisions, like *Unions NSW v New South Wales*, which determined that laws such as this may be valid if they create reasonable and proportionate limitations on implied freedom for legitimate ends with means that are a proportionate response.

The Crime and Corruption Commission acknowledged this when it highlighted that any restriction needed to be a response based in evidence and one which was proportional to the threat. It stated it is 'not aware of, and does not consider it holds, sufficient evidence in this regard.' I think that is a very important point. The CCC is the body that has extraordinary powers and is in charge of public sector ethics, political accountability and in investigating corruption in this state and it found that it did not have any basis for this sort of legislative response. It also took a similar position when the government expanded the developer donation ban to the state level without any basis. We do need to reform how political donations are made, but I do not believe this approach is the answer. I do not think it would even do anything to address the perception people have about politics. That does not mean that we should do nothing. My point is that who we are and how we act as politicians is far more important. That is how we can improve the perception of politics.

I think campaign expenditure caps are something worth investigating to help even the playing field. At the moment our side of politics is completely outgunned by the union movement at every election. At the federal level we are seeing a self-proclaimed billionaire in Mr Palmer spend tens of millions of dollars on some of the worst advertising in an attempt to win a Senate seat.

**Madam DEPUTY SPEAKER** (Ms Pugh): Order! Member for Bonney, I would ask you to come back to the long title of the bill.

**Mr O'CONNOR**: I think it exposes a serious flaw in our system when a wealthy individual can drop so much money on a single campaign to try to win a position. To conclude, I believe we do need to improve our political donation system, but this method could cause further issues through being overwhelmingly and incorrectly restrictive. Fundraising will never have a positive perception, but unfortunately elections can be expensive—especially when we are up against the might of the union movement. There are issues with perception, but there is clearly no evidence that a disproportionate response such as this is necessary. This bill is not the way to go about restoring faith in our political system from both a freedom of political communication perspective and, in a practical sense, in terms of whether it would hold up to any challenges.