




Speech By  
**Hon. Stirling Hinchliffe**

**MEMBER FOR SANDGATE**

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Record of Proceedings, 14 May 2019

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

 **Hon. SJ HINCHLIFFE** (Sandgate—ALP) (Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs) (6.20 pm): I rise to speak in opposition to the Electoral Legislation (Political Donations) Amendment Bill 2018. In doing so, I acknowledge the work of the Economics and Governance Committee, particularly the work of the chair, the member for Logan. I accept the committee's recommendation to not support the bill introduced by the member for Maiwar.

The bill is poorly thought out and, should it be passed, will almost certainly be challenged in the High Court. As we have seen across Australia, whenever amateur Greens get a foothold in legislatures such as ours, we can expect poorly thought out legislative proposals. This bill is no exception.

**Mr Bleijie:** But make sure you give me your preference at the next election.

**Mr HINCHLIFFE:** I take that interjection from the Manager of Opposition Business. His party is seeking to make sure that there are more Greens in this chamber. That seems like a strange course of action.

I hesitate to echo the comments made by the member for Mermaid Beach in his contribution, but the failure of these proposals will be used by the Greens to grandstand to the next election and beyond. However, the Palaszczuk Labor government is here to ensure that, in Queensland, a sensible legislative program is maintained. As a serious party of government it is our responsibility to the people of Queensland to ensure that our legislative framework is designed with the best interests of Queenslanders at heart and, to that end, with its constitutionality in mind.

Various decisions by the High Court of Australia have shown that in Queensland and the rest of our country there is an implied right to freedom of political communication. However, we have seen through decisions such as *Lange v Australian Broadcasting Corporation* 1997, *Unions NSW v New South Wales* 2013, *McCloy v New South Wales* 2015 and *Unions NSW v New South Wales* 2019 that there are reasonable limits to this implied right to freedom of political communication. That was accepted and acknowledged by the member for Maiwar in his contribution.

I believe that it should be apparent to this House that the member for Maiwar's bill goes well beyond this reasonable limit. That is why I say that we need to design a legislative framework, as this government is doing, with the best interests of Queenslanders at its heart, but with constitutionality in mind. We can have a heart about what we want to do, but we have to have the mind to get it right. It should indeed be concerning to the constituents of the Maiwar electorate that their learned representative does not recognise that.

Additionally, the evidence of the Crime and Corruption Commission to the committee hearing demonstrates that this bill is neither necessary nor good for our electoral system. Furthermore, the member for Maiwar's bill evidently breaches the fundamental legislative principle that requires legislation to have sufficient regard to the rights and liberties of individuals.

However, I have good news for the member for Maiwar, for the other members of this House and for the members of the Queensland community: the Palaszczuk Labor government is already embarking on serious and meaningful reform of our electoral systems and governance frameworks. In the spirit of improving the quality and transparency of our electoral systems, the Attorney-General and I have already introduced laws. Despite the efforts of Mr Gary Spence and the Liberal National Party at both state and Commonwealth levels, donations from property developers to state and local campaigns have been banned. We have already introduced real-time donation disclosure. In more good news, during the last sitting week, as members would be aware, the Attorney-General introduced the Electoral and Other Legislation Amendment Bill 2019 and I have introduced the Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill 2019.

I say to the member for Maiwar that the Queensland parliament is not a place for grandstanding; it is a place for serious business and serious reform in the interests of the citizens of Queensland. I hesitate to keep saying that in the context of feeling like I am echoing the comments of the member for Mermaid Beach in his contribution. I feel embarrassed about that and ashamed that he is not here to enjoy listening to me.

I want to return very briefly to some remarks that were made by the member for Mermaid Beach in his contribution. Mr Deputy Speaker, I assure you that I am not going to offend your rulings, because I am not going to list the number of LNP members in this House who are here only thanks to Labor preferences.

**Mr Bleijie** interjected.

**Mr HINCHLIFFE:** If the Manager of Opposition Business wants me to list the opposition members who were elected only due to One Nation preferences, I can do that. These things can be thrown around. In essence, the key message that each and every one of us in the chamber needs to understand is that this bill is not serious. It is not using the mind. It might have some heart on its sleeve, but it is not using the mind; it is merely an opportunity for the Greens to grandstand. The member for Maiwar knows that. He knows that this bill will not stand up to the test of constitutionality and nor does it meet the bar set by fundamental legislative principles. Members on this side of the House know that and, from the contributions that I have heard of the members opposite, they know that.

It is very important that we understand that principle, that central tenet about legislating in this place. It is not a parlour game. It is not a debating technique to pass legislation. Legislation sets the laws and the principles in this state. We need to do that, as I said, with the best interests of Queenslanders at heart and the very important element of constitutionality in mind. Constitutionality is not just a thing to play with; it involves dollars. If this bill were to be passed, there would be an expectation that we would be defending it in the High Court. That is going to come at a cost of hundreds of thousands of Queensland taxpayers' funds.

**Mr Power:** The Greens will pay it.

**Mr HINCHLIFFE:** I take that injection from the member for Logan. Perhaps the Greens could come to the party. They have plenty of large donors who could give them the support to do that. That might be a solution, but I do not think that is their intention. That is why it is very important that we remind ourselves of the seriousness of legislating. As I say, it is not a parlour game. This place is not an echo chamber of debate. This is a place where a bill such as this bill before us has the ability to become law. It is not a grandstanding exercise; it is an exercise that needs to happen in the interests of Queenslanders.

That is why I call on all members of the House to oppose the bill. I encourage members to support the government's decision and the recommendation of the parliamentary committee to oppose this bill. It is not good legislation. It is only going to cause challenges and difficulties for Queenslanders. It is not going to be the solution to our problems; it is merely a vehicle for grandstanding.