



Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

Record of Proceedings, 14 May 2019

ELECTORAL LEGISLATION (POLITICAL DONATIONS) AMENDMENT BILL

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice) (5.40 pm): I rise to speak against the private member's bill being the Electoral Legislation (Political Donations) Amendment Bill 2018. In doing so, I find it disappointing that although the member for Maiwar has been a little bit more moderate in terms of his language in this debate about criticism of the reasoning of the parliamentary committee, that is not the way it has been reflected in social media today. I speak about him referring to a committee as the 'Labor dominated parliamentary committee'. This is a cross-parliament committee. He should respect the process; he should respect the parliament and the role of parliamentary committees because he is a member of this Legislative Assembly and he sits on those committees. He should respect their role.

In social media comments made by the member for Maiwar today he stated that the committee 'canned' the bill and 'failed to name a single good reason why the bill should not be passed'. I do not believe that making reference to High Court decisions and constitutional validity of legislation is not a good reason, and the member for Maiwar has not touched on that at all. He has made accusations about the major parties in relation to donations from corporations. He really did not touch on unions at all in his speech despite his bill doing so. He talked about corporations and made allegations, but he did not actually go to the issue of the reasoning that the High Court has time and time again found in challenges before it when it comes to bans on political donations. We can say that is not relevant, but it is because we do not want to waste taxpayers' dollars trying to challenge or uphold a piece of legislation that we know from day one is constitutionally flawed. We must have justifiable reasons to put bans in place. They were the CCC's points. That is the point that the chair of the CCC made. Yes, Belcarra was about local government, but the principles that are reflected in the Belcarra report go to having justifiable reasons for a ban to be put in place and for it to be constitutionally valid, and that point has not been touched on at all. I am happy for the member for Maiwar, in his reply to the debate on this bill, to address that point and say where the justifiable reasons are.

We have heard that the government should refer this to the Crime and Corruption Commission. If the member for Maiwar has any evidence to support an allegation of corruption in relation to political donations, I strongly encourage him to refer it to the Crime and Corruption Commission for investigation. However, we are not going to ask the CCC to go off and investigate to try to provide evidence to support the member for Maiwar's bill. It is the job of any member bringing a bill before the parliament to provide the supporting evidence in relation to that bill, not put the bill into the parliament and ask the committee or the government to go off and find the evidence to support it.

It is this government, the Palaszczuk government, that brought in the threshold of \$1,000 or more and real-time disclosure. The member for Maiwar has stood here today in this chamber and referred to a whole lot of donations. He is able to refer to those donations because of the transparency in our system because we do not want donations hidden.

It is important to have transparency and accountability. We are absolutely committed to transparency and accountability around political donations. That is why we have done what we have done, and we call on the Commonwealth to have that transparency when it comes to federal donations.

The member for Maiwar talked about donations and what the public deserve. I do believe that they deserve transparency when it comes to all donations. My question for the member for Maiwar when he rises again in reply to this bill is: when the Australian Greens, the Greens Incorporated, being the Greens head office in Canberra, made the donation of \$100,000 on 1 May this year and another \$21½ thousand donation on 2 May this year, can you please explain where those donations actually came from?

Mr DEPUTY SPEAKER: Do not forget to direct your comments through the chair, please.

Mrs D'ATH: When it comes to transparency, when a head office gives large amounts like \$100,000 to the Queensland Greens, that means that the real-time disclosure is being worked around so they do not have to explain where that \$100,000 came from. Who are the donors who donated to the head office that now goes to the Queensland Greens for them to use in their campaign—and I do not know if it is the state campaign or the federal campaign? Does the member not think that the people of Queensland have the right to know what makes up that \$100,000 donation and that \$21½ thousand donation and all of the donations that came before that: \$44,000, \$41,000 and \$10,000? It is important that those donations are disclosed. If the member is going to come in here with a private member's bill talking about transparency when it comes to donations and criticising the various parties in relation to their donors—and he has full knowledge of those donations thanks to the Palaszczuk government's transparency around all of this—the Greens themselves must be willing to clearly show with real-time disclosure who the donors of all of this money were. I think that is a fair request and it is a fair question to put to the member for Maiwar to answer when he rises to speak in reply to this bill.

I reiterate that it was the CCC in the Belcarra report that said—

... the CCC's view is that until such time as unions and other types of donors demonstrate the same risk of actual or perceived corruption in Queensland local government as property developers, a more encompassing ban is not appropriate.

Mr MacSporran went on to state in a committee hearing on the Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Bill 2018—

In an ideal world, and my personal view would be, you would ban all donations, but the High Court has said, and the law is, that there needs to be an evidence based response which is proportional to the threat identified. That is why we singled out in our case in Belcarra property developers and not others because the evidence simply did not meet the expectation.

The onus is on the member bringing this bill forward to show the evidence that underpins his bill. I understand that he does not believe that certain organisations or businesses should be donating to political parties; I get that argument. However, he has to be able to justify why that ban should be imposed on that area of society or business. When it comes to donations and third-party donations he has to be able to justify that legislation being upheld in the High Court. We have a responsibility to do that. We should not be wasting taxpayers' dollars introducing legislation that will be challenged and very likely overturned by the High Court because the case law is there.

There are numerous cases: *Lange v Australian Broadcasting Corporation*; *Unions NSW & Ors v New South Wales*; *McCloy v New South Wales*; and, of course, the most recent case in relation to Gary Spence and the state government in which the federal government sought to introduce legislation to circumvent any ban on donations. Not only was this government's legislation upheld as constitutionally valid; what the Commonwealth Liberal government did was found to be invalid and unconstitutional. It shows that you must have evidence to support what you are doing.

I look forward to hearing from the member for Maiwar about why and how he believes his bill can overcome those principles that have been very well established in the High Court. In fact, the reasoning in the Spence case comes down tomorrow. I look forward to reading those reasons to support future reforms in this state and to ensure that we introduce strong and robust laws which are operationally strong and constitutionally enforceable in the best interests of all Queenslanders.