




Speech By  
**Nikki Boyd**

**MEMBER FOR PINE RIVERS**

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Record of Proceedings, 4 February 2020

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

 **Ms BOYD** (Pine Rivers—ALP) (6.07 pm): I rise this evening to make a contribution on the Electoral Legislation (Political Donations) Amendment Bill 2018. I will not be supporting the bill. I was on the committee—the Labor dominated parliamentary committee, as the member for Maiwar broadcast incorrectly—that examined this bill. For the purposes of clarity, this is a cross-parliamentary committee, it is not a Labor dominated committee. There are some really important points that are worthwhile putting on the record in relation to this proposed legislation. The committee took some time to consider the bill. We invited written submissions from the public and identified stakeholders. We received some 19 submissions. On 20 August 2018 we had a briefing from the member for Maiwar and two witnesses. We looked at the bill quite rigorously and in some detail.

It is interesting that this bill itself stems from the Belcarra report that the Crime and Corruption Commission put together, yet the Crime and Corruption Commission does not support the bill's intent to expand upon the reforms of the Palaszczuk government's Belcarra bill. In particular, they drew attention to aspects of the recommendations that they made in their Belcarra report to consider whether the bill's provisions concerning the prohibition of corporate donations reflects the High Court decision in the case of *Unions NSW v New South Wales*, whether they are justified and whether or not there is perceived or actual corruption that can be sufficiently demonstrated.

In the submission the CCC commissioner, Mr Alan MacSporran, even stated that there needs to be an evidence based response that is proportional to the threat identified. Mr MacSporran stated—

The CCC acknowledges that one of the matters the Committee's current inquiry may consider is whether there is sufficient evidence to conclude that the Bill's provisions prohibiting political donations by for-profit corporations in State or Local Government elections is a proportionate response to any demonstrated threat of actual or perceived corruption in those areas of government. However, at the time of preparing this submission, the CCC is not aware of, and does not consider it holds, sufficient evidence in this regard.

I think that that particular point is really at the heart of why government members and I cannot support this bill. While the member for Maiwar may hold the view that prohibiting donations from corporate organisations because of a perceived risk of corruption is appropriate, it is not something that the CCC has found anywhere. In fact, as members will recall, we implemented reforms around the Belcarra recommendations that prohibited developer donations. We administered that at a local government level as well as at a state level because there was a perceived and actual risk of corruption that existed between developers and local government councillors and mayors in terms of their very localised decision-making. The implication certainly was a broad consideration for the committee when thinking about banning a single class of donors in these for-profit corporations, including the potential for corporations to find a way to circumvent the prohibition. That was something that we looked at and considered in great detail.

I must say that this is a bill of good intentions and insufficient evidence. Certainly, as legislators and representatives of communities we want to uphold the highest of standards. We want to ensure that the community has confidence in the trust that they place in us. In this regard, when we have

sufficient evidence it is absolutely necessary for us to act. However, the problem that we explored through the consideration of this bill is the restrictions it would have on the implied freedom of political communication. There was not sufficient justification for that restriction. We could not justify the actions, and the proposals in the bill were not sufficient in that regard.

There are a couple of things that I would like to highlight in summing up my contribution. I think that this bill is likely to be unconstitutional. For donations to be banned, the High Court has held that there needs to be a clearly identified corruption risk. Nowhere in this bill has that risk been identified. That has been highlighted through both the contribution of stakeholders in the committee process and in terms of the case law that we see in these matters. If the bill was passed, it is very likely that we would go straight to the High Court. It is incumbent upon all of us to decide whether or not that is a justifiable use of taxpayer money. While I appreciate that the LNP may be happy to bury their donations and not report them correctly, resulting in the ECQ having to spend taxpayer money in taking that to a court of law in this country—while they may think that is a good use of taxpayer money—certainly I do not think that is a good use of taxpayer money or a use that I could justify to the members of my community.

When this bill was introduced into parliament, the Attorney-General asked the member for Maiwar to do the work to provide the evidence to demonstrate that the ban that he is proposing is constitutionally justified. To date we still have not seen that. Therefore, we do not have the evidence to justify the assertions this bill makes. In order to ensure integrity in elections, the capping and banning of donations is only a single piece of a very big puzzle. It requires a more holistic approach and an approach that has caps on expenditures too.

Banning donations does not capture transfers from interstate branches of political parties. In its work the committee explored that at length and looked at some examples around the Australian Greens and the Queensland Greens in that regard. Because of the opaque nature of federal political donation laws, there is very little oversight in terms of the money that goes into the coffers of federal parties and, subsequently, to their state branches.

In closing, I would thank my fellow committee members for the work that they did on this bill. I thank secretariat and our committee staff, who always do a terrific job. I thank those people who took the time to share their views with us. I thank the CCC for the work that they have been doing and the other stakeholders who came and shared their views. As I have said throughout my contribution this evening, there is simply not the evidence to support the proposals in the bill. Therefore, I will not be supporting the bill.