 **Ms LEAHY** (Warrego—LNP) (5.25 pm): I rise to contribute to the debate on the Natural Resources and Other Legislation Amendment Bill 2019. This is a large omnibus bill that sprawls across some 234 pages and covers a diverse suite of legislation—some 29 acts of law. I think that that is probably about half of the minister's portfolio responsibilities. I went through and had a look at it. We now have another nine pages of amendments with another four acts being amended.

It is very difficult for stakeholders to work their way through this legislation and understand exactly what it does and then work out what their legitimate concerns are that they wish to raise. That was a significant issue that was raised by submitters—the broad and complex nature of the bill. Stakeholders were concerned about the time frame that they had to consider the bill. There was something like only 15 business days for consideration. When you are amending roughly half of the legislation that you are responsible for, if it is only worth about 15 business days of consideration, perhaps that shows where things sit in the hierarchy here. So here again we have another example of the Palaszczuk Labor government ramming laws through without proper scrutiny and without proper regard to the impact on stakeholders.

When we are amending legislation such as this, we need to look very closely at what the outcomes of the amendments will be. It is hard for stakeholders to drill down when there are so many different pieces of legislation being amended and to try to match up the amendments with the different acts—more than 29 different acts are amended. We in the LNP do have serious concerns that the stakeholders have not had suitable time to analyse the bill. They have not had a lot of time—and we only saw the other amendments this morning—to assess the impacts of the amendments to more than 29 separate acts.

I refer to the contribution of the shadow minister for natural resources, who outlined that the LNP will oppose some parts of the bill, particularly scrapping the foreign landownership report. Clauses 36 and 37 remove the requirement for the state government to produce its annual report on foreign ownership of land and to table that report in this House. The LNP will oppose the changes to part 4 of the bill—that is, clauses 36 and 37—that removes section 16 of the Foreign Ownership of Land Register Act 1988.

What a lazy Labor government we have. They could not even be bothered putting together a five-page report once a year about the foreign ownership of land in Queensland and tabling it in this House. It is not exactly an onerous document. It is only five pages. I actually have last year's report here and I have looked at previous years. I think I have looked at them every year they have been tabled. They are a short document but they are very comprehensive.


The Labor government are so lazy and arrogant. They do not want to continue with this report that has been in place for something like 30 years. They would much rather abolish the annual report than continue to report to parliament and allow this parliament and the public the opportunity to scrutinise and track the changes that are happening with the foreign ownership of land. They are taking away a really key source of data and transparency.

Debate, on motion of Ms Leahy, adjourned.

ELECTORAL LEGISLATION (POLITICAL DONATIONS) AMENDMENT BILL

Resumed from 16 May 2018 (see p. 1213).

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.

 **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.

 **Mr JANETZKI** (Toowoomba South—LNP) (5.51 pm): I will enjoy the lover's tiff tonight between the Greens and the Labor Party in relation to donations. I expect that by Saturday all will be forgiven. I reckon the Greens will be preferencing Labor and Labor will be preferencing the Greens. Normal service will be resumed. The normal love affair will continue.

Mr DEPUTY SPEAKER (Mr Whiting): Order! Member for Toowoomba South, please remember to stick to the long title of the bill. I will give you some latitude.

Mr JANETZKI: Thank you, Mr Deputy Speaker. Ahead of the election on Saturday and potentially a Labor-Greens alliance of some kind, bills such as this should alarm all Australians because they highlight the ideological irrationality of what is on display. If they felt so strongly about these issues, would the Greens contemplate refunding the \$1.6 million donation from Wotif founder Graeme Wood? If it were that heartfelt, would the Greens contemplate that? At the 2016 federal election there was another \$600,000 donation from Graeme Wood. When that first \$1.6 million donation was presented to the Greens, I recall Bob Brown saying that he would be forever grateful for the donation. When the Greens say that the objective of this bill is to eliminate the alleged, actual or widely perceived risk of corruption impacting Queensland democracy, would they contemplate the potential refunding of those donations?

The member for Maiwar noted that the object of the bill is to prohibit the making of political donations. The Attorney-General spoke about that. The member for Maiwar noted the stakeholder and community feedback and that there was widespread understanding within the Queensland community that political donations increase both the actual and the perceived risk of corruption.

A whole range of donations were rattled off by the member for Maiwar but, as the Attorney-General said, the problem is that there is no evidence. Later I will turn to what the High Court said, but no evidence has been tendered. The transcript from the committee hearing showed that. Notably, the only other people to attend with the member for Maiwar were from the Environmental Defenders Office in talking about these laws. However, no evidence was tendered at that committee as to the alleged corrupting influence of corporate donations.

As the Attorney-General said, High Court decisions in *Lange*, *Unions NSW*, *McCloy* and even the recent High Court decision involving Gary Spence have given guidance on these matters. It has been established that it is lawful to prohibit donations from certain categories of donors, including property developers, and in New South Wales for example the tobacco, liquor or gambling industries, and of course foreign donations. As I said, for a party that alleges it relies on evidence based decision-making, the Greens offered truly nothing in respect of this bill in terms of evidence. We heard donations being rattled off and about projects, but there is no link between the two.

The member for Maiwar said that the risk of corruption has been repeatedly examined in major inquiries in Queensland and Australia over the last 25 years, highlighting the inherent potential of donations to lead to perceptions of corruption. The only evidence that was really tendered concerned the inherent potential of perceptions of corruption or a widespread understanding. This is evidence that just simply does not stack up. There has been no proven evidence and, as we know, the High Court has made decisions. There must be a true link to some corrupting activity, and only limitations that have a legitimate aim are justified.

Let me turn to two words that neither the Labor Party nor the Greens mentioned tonight and that were not mentioned during testimony in committee proceedings. During the hearings I believe the member for Mermaid Beach went down this path. Two words missing from this bill are 'trade unions'.

Clause 6 of the bill states that 'a company registered under the Corporations Act is a prohibited donor'. Expressly excluded are organisations registered as an organisation under the Industrial Relations Act 2016. There was no mention tonight, there was no mention at the hearings or there is barely a mention in the explanatory notes of why that would be justified in the circumstances that we see right throughout Australia. Who can participate in the democratic process and exercise their freedom of political communication, and who cannot? Who is in and who is not? We know who is not.

The small pharmacy or small family business employing local people is out, but who is in? It is the Plumbers Union, whose constructive relationship with Labor sees only licensed plumbers installing water meters. A small business such as a mechanic who services all the local vehicles and who employs a couple of people is out. Under this bill they cannot exercise their political rights, but who is in? It is the RTBU that runs the railways to the detriment of Queensland transport users and calls the shots on how staff are employed. Family owned corner stores that are the heartbeat of their community and want to exercise their concerns maybe on trading hours are out, but who is in? It is Simmo and the ETU, back-channelling with the member for Miller, calling the shots on board appointments and policy direction of the Labor Party. Agtech businesses, start-ups concerned about the direction of agriculture in Queensland, are out, but who is in? It is AWU branch secretary Steve Baker, who at the start of this year could not explain \$50,000 of spending on his AWU credit card.

This is a personal favourite of mine. In the political donations landscape of today, Clive Berghofer, perhaps Queensland's greatest philanthropist, who legitimately donated tens of millions of dollars to medical research and to community-building infrastructure right throughout Queensland, especially in Toowoomba, is out, but who is in? It is Dave Hanna and the CFMMEU—guilty of rape, guilty of destroying documents that were headed for the royal commission. Last year alone in Queensland the CFMMEU was fined \$432,000 and nine individual officials were fined a total of \$90,000. The same CFMMEU and nearly 80 of its officials across Australia were charged in court over \$13 million of fines amid \$2.5 million donated to the Australian Labor Party over the last three years.

Bill Shorten shows up at their rallies. Bill Shorten lets them determine preselections. Bill Shorten lets them determine policy settings. Bill Shorten lets them call the shots, lets them call for the overturning of industrial relations laws introduced by Labor but added to by the coalition. It is Bill Shorten who is brokering deals with the CFMMEU. Bob Hawke has said that if he was in charge of the Labor Party he would kick this union out.

Tonight there has been a lot of talk about evidence as to corrupting influence. I turn to the Federal Court, where a lot of evidence is tendered. In 2016 a Federal Court judge said—

The CFMEU's record of non-compliance with legislation of this kind has now become notorious ...

He also said—

Has there ever been a worse recidivist in the history of the common law?


Judge White said—

It bespeaks an attitude by the CFMEU of ignoring, if not defying, the law and a willingness to contravene it as and when it chooses.

Judge Burnett said—

The only reasonable conclusion to be drawn is that the organisation either does not understand or does not care for the legal restrictions on industrial activity imposed by the legislature and the courts.

This bill has again proven the ideological irrationality of the Greens. It is bills of this nature that should concern all Australians at the prospect of a Shorten led Labor government in alliance with the Greens from this Saturday. It is that which should concern the Australian people. It is that which should alarm this House. That is why this bill cannot be supported by the opposition and should be rejected by the entire House.

 **Mr RUSSO** (Toohey—ALP) (6.00 pm): Before I address the long title of the bill, it is interesting to hear the member for Toowoomba South talking about preference deals when the LNP will preference the Greens in South Brisbane at the next state election.

Mr DEPUTY SPEAKER (Mr Whiting): Order!

Honourable members interjected.

Mr DEPUTY SPEAKER: Order! Order! I have said, 'Order!' Three times I called for order. Member for Toohey, I will give you the same warning that I gave to the member for Toowoomba South: stick to the long title of the bill. I am giving you a little bit of latitude.

Mr RUSSO: I rise to oppose the passing of the Electoral Legislation (Political Donations) Amendment Bill. In my contribution to the debate of the bill I will be urging the members of this House to vote down this piece of legislation. The best way I can describe this bill is that it is one step too far and serves no utility in providing the people of Queensland any positive engagement with the democratic process, either during campaigning or at election time.

The Palaszczuk Labor government has taken positive steps to adopt the recommendations of the Belcarra report, and at the time of the Economics and Governance Committee report into this bill there had been proclaimed the Local Government (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Act 2018, which I will discuss in more detail. The remainder of my contribution opposing the passage of this legislation has been taken from report No. 21 of the Economics and Governance Committee of November 2018.

At this stage of the debate I believe it is important to note that the objective of the bill, as outlined in the accompanying explanatory notes, is to 'eliminate the actual and widely perceived risk of corruption within Queensland's democratic as a consequence of corporate donations to politicians, candidates and political parties'. The bill proposes to build upon the 'restrained reforms' of the government's Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Bill, introduced on 6 March 2018 and passed on 17 May 2018, and to 'help restore Queenslanders' confidence in their political system'.

The bill amends the Electoral Act 1992 and the Local Government Electoral Act 2011 to prohibit the making of political donations by for-profit organisations to candidates in state or local government elections, groups of candidates in local government elections, third parties, political parties, councillors and members of state parliament. The bill also proposes to make it unlawful for a prohibited corporate donor to solicit a person to make a political donation and for a person to solicit, on behalf of a prohibited corporate donor, another person to make a political donation. After examination of the bill, including the policy objectives it is intended to achieve, and consideration of the information provided by submitters and witnesses, the committee recommended that the bill not be passed.

I will now deal with the law as it was at the time the committee was conducting its inquiry into the private member's bill. As I said earlier, the Electoral Act 1992 and the Local Government Electoral Act 2011 govern the conduct of state and local government elections in Queensland, providing for a range of matters such as the distribution of electorates, enrolment and voting, registration of political parties, and election funding and disclosure requirements. All candidates, registered political parties, associated entities, groups and individuals are required to inform the Electoral Commission of Queensland of any loans, donations and gifts of \$1,000 or more given and/or received within seven days of receiving them. There are no donation caps or caps on electoral expenditure in Queensland. Gifts of foreign property, anonymous gifts to a political party totalling \$1,000 or greater, and anonymous gifts to a candidate totalling \$200 or greater are prohibited.

Most recently, the Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Bill amended the Electoral Act and the Local Government Electoral Act to introduce a ban on donations by property developers to political parties, elected members and candidates in a local or state government election. Candidates, groups of candidates, third parties, political parties, associated entities and councillors are prohibited from receiving gifts from a property developer or industry representative organisation where a majority of members are property developers. It is unlawful, on behalf of a prohibited donor, for another person to make a political donation and a person to accept a political donation made by or on behalf of a prohibited donor.

In September 2016 the Queensland Crime and Corruption Commission commenced an investigation, Operation Belcarra, into complaints regarding the conduct of candidates in several local governments during the 2016 local government elections. One of the aims of the investigation was to examine practices that may give rise to actual or perceived corruption, or otherwise undermine public confidence in the integrity of local government, and to identify strategies to prevent or minimise corruption risks and increase public confidence. In conducting Operation Belcarra, the Crime and Corruption Commission found 'widespread non-compliance with legislative obligations relating to local government elections and political donations ... largely caused by a deficient legislative and regulatory framework'. The Crime and Corruption Commission published *Operation Belcarra: reforming local government in Queensland* in October 2017. The Belcarra report made 31 recommendations 'to improve equity, transparency, integrity and accountability in council elections and decision-making'.


The Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Act was proclaimed in 2018. The Belcarra act contains retrospective transitional provisions which provide that any donation received after 12 October 2017 which is a prohibited donation under the act is to be paid back to the person who made it within 30 days of the act commencing.

Following the Crime and Corruption Commission's investigation and subsequent publication of the Belcarra report, the government introduced the Belcarra bill on 6 March 2018. It addressed a number of recommendations from the Belcarra report—recommendation 20 and recommendations 23 to 26. As we know, the Belcarra bill was the first stage of integrity reforms to implement the government's response to recommendations from the report. Of relevance to this bill, the Belcarra bill gave effect to recommendation 20 of the Belcarra report to prohibit candidates, groups of candidates, third parties, political parties, associated entities and councillors from receiving gifts from property developers. The amendments relating to political donations commenced on 2 October 2018.

I think it is important in my contribution to the debate that I address what the High Court of Australia has said about the implied right to freedom of political communication. There is a view that the proposed amendments in the bill may affect people's freedom to participate in the political process at a local and state level, both generally and regarding the treatment of fundraising contributions.

I think it is relevant, as did the committee, to explore the nature of the right to freedom of political communication in Australia as part of my contribution to the debate on the bill. Articulated by findings of the High Court of Australia in the early 1990s, Australians enjoy an implied right from the Australian Constitution to the freedom of communication on political matters. However, this right is not absolute and can be restrained by legislation, with certain qualifications.

Three judgements of the High Court are especially relevant to the bill, but I will only deal with one. In *Lange v Australian Broadcasting Corporation* from 1997 the High Court unanimously acknowledged that there was an implied right of communication within the Australian Constitution. This implied right will invalidate a law that burdens or restrains political communication to an impermissible extent. In *Lange v ABC*, the court outlined a test to determine the validity of a law. The *Lange* test is subsequently available to the courts to decide whether or not a law is invalid with regard to political communication. The *Lange* test involves two considerations. In closing, I recommend that the House not pass this bill.

 **Mr STEVENS** (Mermaid Beach—LNP) (6.10 pm): I rise to speak against the Electoral Legislation (Political Donations) Amendment Bill 2018 introduced into the parliament in May 2018 by the member for Maiwar. This legislation smells to high heaven of grandstanding and political hypocrisy in relation to what the member for Maiwar has tried to put into effect in law through this House. I am told that the member for Maiwar is a lawyer and I believe that a lawyer would be able to read or understand a High Court ruling, even if he read it very slowly. This matter has been to the High Court. In fact, legislation that has been passed through this House on political donations has been challenged in the High Court and clear definitions have been made by the High Court in terms of interest and outcome and who can and who cannot.

For the member for Maiwar to bring in this legislation, which he would know is unenforceable through the High Court, tells me that we are on a journey of political grandstanding to say that the Greens are good fellows and are not corruptible like all of the other parties, yet that is quite clearly not the case if we look at all of the donations they have received in \$10,000 lots from 41 Brazilia Drive in Glen Waverley in Victoria funding campaigns across Australia. Then there is the \$1.6 million that the shadow Attorney-General referred to from a corporate boss. A corporate boss made a donation of \$1.6 million to the Greens, but that is okay because he gave it to the Greens, according to the member for Maiwar, and of course they only take it on good conditions, according to the member for Maiwar. Here again we have the ultimate hypocrisy in terms of the member for Maiwar bringing this legislation into the House to make it law in Queensland when he knows through the High Court that it cannot be made as law in Queensland.

The Belcarra bill brought into effect prohibition on political donations from property developers and relevant industry organisations. Even the Crime and Corruption Commission itself made it clear in its submission that it is not aware of, and does not believe it holds, sufficient evidence of corruption arising from corporate donations at a state or local level. We have an inference from the member for Maiwar that it is out there, it is terrible and it has influenced decision-making through this House and the only incorruptible ones are the Greens. I draw the analogy of the Greens using their influence in the LGAQ. With apologies to Greg Hallam, the LGAQ is the Labor-Greens alliance of Queensland. With the 10 per cent of the vote that the Greens command throughout Queensland, Labor cannot govern without the Greens. Labor cannot govern without Greens preferences under the compulsory preferential voting system. Do members not think that the Greens have some influence on our friends in government in the Labor Party?

Mr DEPUTY SPEAKER (Mr Whiting): Order! Member for Mermaid Beach, as I have said to the last two speakers, be aware of relevance. I am giving you a bit of latitude, but I bring you back to the long title of the bill.

Mr STEVENS: Thank you, Mr Deputy Speaker. The nexus that I was drawing in terms of the Labor-Greens alliance of Queensland and corporate donations is the fact that the member is suggesting that the corporate donations are not about too much influence. People such as the union movement have philosophical views in supporting the interests of the Labor Party. It is the arm—the wing—of the union movement as those people see it and the people in the Labor Party should follow union direction. Just the same, people in this country have the right, as the High Court has said, to have a philosophical leaning. I am sure that members will find that the mining industry and Adani people, for instance, do not believe that the Greens are in their best interests with the black-throated finch and all of the problems there. Philosophically, why can they not support a party that supports their vision and their *modus operandi* of doing business just as the Greens, philosophically, see the Labor Party rather than the LNP as their way of getting matters achieved through their influence in the Labor Party with the 10 per cent vote?

I am equating the influence that is given through the preferential voting system to the fact that they are entitled to do that. No-one is saying that Clive Palmer cannot put his preferences wherever he wants, and the Greens are entitled to do that as well. Rather, what they are saying is that philosophically the corporate bodies cannot support those groups that are in their interests. It is a lot of rubbish. As I said at the portfolio committee meetings, I raised a matter with regard to not-for-profit organisations and their interests. They obviously can support who they want in terms of reaching an outcome. For instance, I believe the Rugby Union is looking for some money from the federal government to be in terms of development, which probably will not happen because they will not get into power.


Everyone has a right via the High Court decision as long as there is not corrupt influence. The member for Maiwar has made no identification of corruption; he just believes that there is a perception. The fact of the matter is the Crime and Corruption Commission boss himself has said that there is no corruption out there to be identified by corporations and this bill by the Greens, with a maximum of 10 per cent of the vote, is designed to bring everyone back to their level and leverage their vote in the community because most corporates see the Greens as the vandals, given the damage that they do right throughout Queensland. I say to the tourism minister opposite that if we did not have the Greens there would be a wonderful tourism cable car attraction on the Gold Coast.

Getting back to the bill, the bill restricts political communication. With regard to the bill before us tonight, as the committee explored in its report, there is an implied right of political communication within our country's Constitution, as acknowledged in *Lange v ABC* in 1997. It naturally follows that a law which restricts this right to an impermissible extent is invalidated. In determining whether a law is invalid, we apply the *Lange* test, which asks, firstly, whether the law burdens political communication and, secondly, whether it is appropriate and consistent with the system of government established by our Constitution. During the inquiry I raised the fact that we have a ruling by the High Court—the ultimate decision-maker relating to Australia's direction under the rule of law—that, unless there are sound evidentiary connections between a donation and a particular outcome, political donations should be allowed.

Given the lack of evidence provided to us in our examination of the bill, we cannot be satisfied that this legislation would pass the relevant test. As the committee concluded in its report, it is not clear that the proposed law would be justified as a proportionate means of achieving its purpose. Put simply, it is my belief that this bill, if passed, would attack the right and freedom of Queenslanders to be part of the political process.

The CCC indicated that, should corporations be banned from making political donations owing to this bill, they will simply find another medium to get their message out—in other words, through third-party advertising from organisations such as GetUp! and the rest of the crew as we have seen during the current federal election campaign. As the committee discussed, the US has seen a movement towards third-party political community campaigns. Should corporate donations to political parties be banned in Queensland, it seems reasonable to assume that third-party campaigns would similarly become prevalent here. Not only is the bill unfounded but also it is ill thought out and, if passed, would be ineffective.

I reiterate that there is no justification for the proposed legislation. The CCC was unable to find sufficient evidence of this supposed corruption bemoaned by the member for Maiwar. We can only conclude that this bill is a transparent attempt by the Greens to scramble for some importance in this state which, thankfully, overwhelmingly recognises their irrelevance.

 **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.

 **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.

 **Mr BROWN** (Capalaba—ALP) (6.36 pm): I note the member for Bonney touched on Clive Palmer and his expenditure in the current election campaign. I note that some of that expenditure has been on sharing LNP videos which is a direct link to their preference deal with Clive Palmer. This legislation from the member for Maiwar ensures that there are more people like Clive Palmer in politics. Clive Palmer would be sitting in Fiji right now cheering this bill home.

Madam DEPUTY SPEAKER (Ms Pugh): I would ask you to come back to the long title of the bill.

Mr BROWN: This bill is about political donations and expenditure of political donations. I am referring to an individual who is spending donations. Can you please clarify your ruling?

Madam DEPUTY SPEAKER: I am simply asking you to stay within the long title of the bill. Please continue.

Mr BROWN: In regard to individuals who are making large political donations, let us look at last year's donations. Who was the single biggest individual donor in Australia and which party did the donation go to?

Ms Pease: Tell us, member for Capalaba!

Mr BROWN: It was Professor Chilla Bulbeck from Western Australia to the Greens. There was a \$600,000 donation to the Greens. Do members know what that buys her? That buys her the top job in the WA Greens. It buys her individual power to control the WA Greens as the co-convenor of the Greens. She controls the Greens. She has bought the Greens out through a donation last year of \$600,000. This bill does not go to the small person, it goes to the likes of Clive Palmer and Professor Chilla Bulbeck. They want to concentrate individual wealth and hijack our political system.

If you are going to introduce a bill such as this to the parliament you had better come with clean hands. I met quite a nice young woman and candidate for the Greens in Bowman, Emerald Moon. Emerald Moon lives in inner-city Brisbane and used to work for the member for Maiwar. I table her email block for the benefit of the House.

Tabled paper: Copy of signature block, undated, of Assistant Electorate Officer, Maiwar electorate, Ms Emerald Moon [760].

That document states that she works from Monday to Thursday. I met Emerald Moon at a Redlands Chamber of Commerce event held at 9 am on 31 January 2019. Emerald Moon introduced herself as the Greens candidate. She was accompanied by the Greens manager of the Bowman campaign, Kathy Mazlin. That was a Thursday morning. I would like the member for Maiwar to clarify for the benefit of the House and reply to this—


Mr BERKMAN: Madam Deputy Speaker, I rise to a point of order on relevance. How is this in any way relevant to the bill before the House?

Mr BROWN: Madam Deputy Speaker, I rise to a point of order. This goes towards using corporate donations for campaigning or taxpayers' money for campaigning. That is the point that I will make in this contribution.

Madam DEPUTY SPEAKER: Member for Capalaba, it sounds like you are intending to bring your argument back to the long title of the bill, so I will ask you to continue.

Mr BROWN: For the benefit of the House, I would like the member for Maiwar to tell the House whether, at 9 am on 31 January, his assistant electoral officer and Greens candidate for Bowman was campaigning using taxpayers' money and with the benefit of the office of the member for Maiwar. It is important to note that when you come to this debate you must have clean hands, because you cannot tell all of us that we should ban corporate donations while, at the same time, you are using the privilege of your office and taxpayers' funds to send your assistant EO to campaign in a seat far from the electorate of Maiwar. I ask the member for Maiwar to clear this up. I ask the member for Maiwar whether his assistant EO was paid on 31 January. As I have said, this bill concentrates wealth into the hands of wealthy individuals. We should reject it wholly and solely.

Tabled paper: Extract from Facebook, dated 31 January, depicting Greens candidate for Bowman and others [761].

 **Mr PURDIE** (Ninderry—LNP) (6.42 pm): I rise to make a short contribution on the Electoral Legislation (Political Donations) Amendment Bill 2018. The LNP opposes the bill. As a member of the committee that deliberated on this bill, I acknowledge all committee members, particularly the committee chair, the honourable member for Logan; the deputy chair, the honourable member for Mermaid Beach; the very honourable member for Bonney; the honourable member for Redlands; and I believe the honourable member for Pine Rivers was with us at the time and helped deliberate on this bill. I acknowledge the secretariat and Hansard for their help.

Obviously the Economics and Governance Committee recommended that the bill not be passed. The committee concluded that the bill proposes to restrict the implied freedom of political communication without sufficient justification for the restriction to be considered appropriate. The policy objective of the bill purports to be to eliminate the widely perceived risk of corruption within Queensland as a consequence of corporate donations to politicians, candidates and political parties; to help restore Queenslanders' confidence in their political system; and to build upon the 'restrained reforms' of the government's Local Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Bill. The policy objectives of the bill are achieved by amending the Electoral Act 1992 and Local Government Electoral Act 2011 to prohibit the making of political donations by for-profit corporations to candidates in state or local government elections, groups of candidates in local government elections, third party political parties, councillors and members of state parliament; and making it unlawful for a prohibited corporate donor to solicit a person to make a political donation and for a person to solicit, on behalf of a corporate donor, another person to make a political donation.

The Greens believe that the proposed amendments will eliminate the risk of corruption within Queensland's political donation system. However, that is just a perception, as these amendments do the opposite. They encourage corruption by treating the political donations from different sources unequally. That is unfair. Fairness should be one of the core values of any government.

The amendments restrict corporate donations only to political parties. This includes companies registered under the Corporations Act 2001 or an industry representative organisation in which a majority of members represented by industry organisations are corporate companies. However, unions will be able to continue to donate large amounts of money. How is this fair?

I know that this bill fails to provide any reliable evidence to support the reason for banning donations by for-profit corporations. Under this bill, corporations are prohibited from making donations to state political parties, but unions are still allowed to make unlimited donations. A bill that bans political donations from corporations but continues to allow donations from unions demonstrates how one-sided and self-interested the Greens really are, particularly when the Australian Labor Party, including the Queensland branch, is the main beneficiary of large amounts of donations from unions.

In his explanatory notes, the member for Maiwar asserts that there is a risk of corruption when a donation is received by a political party as the donor would expect that the recipient, in this case a political party, would in return make a favourable decision to benefit the donor. I note that the member for Maiwar did not talk about the founder of Wotif, who donated over \$2 million to the Greens party over the past few years. I acknowledge the member for Toowoomba South who elaborated on how, when receiving that donation, the Greens leader at the time said that he would be forever grateful.

Why would a union, a not-for-profit or a charity be any different? Is it the member for Maiwar's view that unions have no vested interest in their cause and that unions would not expect more favourable decisions to help their members? More importantly, would not union officials approving donations expect some direct benefits for transferring money from their union to a political party? It is laughable to suggest that a union that has a specific objective in mind would make a political donation for no reason and with no expectation of receiving something in return. Surely they would have better ways to use the hundreds of thousands of dollars they donate to Labor if they do not expect any benefit? Couldn't that money go to providing improved services for its members?


Unions have a stated interest to protect workers' rights. That is a genuine and respectable interest, but all too often union officials have a non-stated vested interest in filling their pockets through systemic corruption, such as we have seen with the CFMMEU, which is facilitated at various levels, including at the state and federal levels. It is clear that the Greens and Labor have an agenda to enhance and strengthen their own political donations and will do anything in their power to achieve that goal. Otherwise, this bill would have been applied equally to all entities outside of individual donors or there would be no restrictions on any particular entity, such as we see in South Australia, Western Australia, Tasmania, the ACT, the Northern Territory and at the federal level.

The bill completely disregards the implied right to freedom of political communication derived from the Constitution and High Court precedents. The High Court decision of *Lange v Australian Broadcasting Corporation* 1997, also known as the Lange test, and other New South Wales precedents are being infringed. Those precedents have the support of the Crime and Corruption Commission. I encourage the member for Maiwar to persuade the House how his justification trumps that of the High Court. This bill is not based on any evidence and ignores input from the Crime and Corruption Commission.

The Crime and Corruption Commissioner, Mr Alan MacSporran, stated in his submission to our committee—

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.

There is no reason to pass this bill. It may create new opportunities for real or perceived corruption in Queensland—corruption opportunities that we do not need and do not want. We should be a fair state now and in the future.

 **Mr POWER** (Logan—ALP) (6.49 pm): I rise as the chair of the Economics and Governance Committee to let the House know that the committee, upon examining the bill, determined unanimously that the bill not be passed. I was deeply disappointed and a little hurt that the member for Maiwar said in his tweet—in his gratuitous attack—that it was a Labor dominated committee that rejected the bill when it was six members of this House who dutifully examined this bill and rejected it. It was not, as this tweet says, that we 'failed to name a single good reason why the bill should not be passed'. We gave a good reason. It was because of the Constitution of the Commonwealth of Australia. We gave that as a good reason that this bill should not be passed.

He said 'we simply claimed corporate cash isn't a problem'. That is not true. We actually quoted in depth no less than the member for Maiwar's views on this. We did not pass over that. We gave the bill good consideration and put forward good reasons for not passing the bill.

I heard the member for Sandgate suggest in his contribution to the debate that this was grandstanding. I rejected that suggestion. I thought that the member for Maiwar would not grandstand in this place. However, when I heard his speech and saw this tweet which totally ignores our report and the evidence we put forward as well as the legitimate concerns that Queenslanders have about the influence of money in our elections, I believe he is totally misleading this House and all Queenslanders, especially those who are considering voting Greens, about his intentions with this bill. We unanimously rejected the bill. We did that not because we wish to ignore the effects of large donations on Queensland and Australian politics but because we recognise the clear limitations of action on limiting freedom of speech and donations that the High Court has repeatedly made clear.

To do anything other than what we suggested is to do one of two things. One is to dismiss the High Court and make laws that are simply against our Constitution and will be struck down. The other is that this is a cynical piece of politics—a bill written not to improve Queensland by passing it but a bill written to fail to pass this House but then be misrepresented to supporters. This tweet was evidence of that even before it came before the House. This is chaotic, misleading or cynical, but either way it cannot be said that this bill will benefit Queenslanders.

Greens supporters throughout the state or those who were thinking of voting for the Greens must be deeply disappointed that a party that they thought better of, a party that they once trusted with their vote, is on this, a very important issue, playing a cynical and misleading game. I say to voters across the spectrum—Liberal, Labor and Greens—that the Palaszczuk government has perhaps more than any other government in Queensland's history reduced the effect of donations on Queensland politics.

The Palaszczuk government has restored the disclose threshold of \$1,000 that the member for Bonney so rightly claimed as an important part of the transparency of our system. That was increased by the Newman government to \$12,800. We require six-monthly reporting by political parties and associated entities. We have restored the special reporting of gifts of \$100,000 or more. The Attorney-General highlighted the gift from the federal Greens which obscured the nature of that \$100,000. We have restored the threshold for anonymous gifts to political parties to \$1,000. We have introduced real-time disclosure of political donations. We have banned political donations from property developers at both a state and local level. That is despite the best efforts of the LNP to use the federal parliament to create loopholes and to take the legislation to the High Court where we know it will fail.

These provisions are to increase the transparency and reduce the problematic effect of big donors. This is real action on donations and money from the top end of town that attempts to buy our politics. This is action that the average voter who might be tempted to vote for the Greens is looking for.

We could at first reading take the member for Maiwar's explanatory notes at face value—that is, an attempt to stop corporate entities donating. However, members should be aware of the decisions of the High Court that have consistently made it clear that restricting donations and free speech through donations should be limited to specific classes of donor where there is direct evidence of problems. A complete ban on all corporate entities would face a dim prospect of success given the consistent rulings of the High Court on this issue. I will expand more on that. We see corporate entities giving to such causes as flood relief, scholarships, helping farmers and the Great Barrier Reef. Any court would find it difficult to see all these actions as directly benefitting the bottom line of corporations.

In a previous hearing of the Economics and Governance Committee on electoral laws, Mr MacSporran of the CCC put forward the view around the suggestion of a ban on political donations that while he and others might seek a wider ban, such as the one suggested by the member for Maiwar, he would not put forward legislation that had 'no realistic prospect of a successful challenge to the legislation'. The CCC's recommendation to the House is that the last thing we want is to recommend something that would be knocked over by the High Court. Mr MacSporran said—

That is just a waste of everyone's time. You could not ignore High Court cases. You need to account for that.

It is quite clear that a blanket ban on all corporations, ignoring all their history of philanthropy and giving and indeed political donations to support a particular philosophy rather than direct company profit, would be doomed to fail in the High Court. We would be passing a bill that would simply waste everyone's time.

It is important to note that in 1997 the High Court of Australia established the test for freedom of speech applying to donations—the Lange test. The test was whether the law burdens political communication and whether the law is appropriate and consistent to the system of government established by the Australian Constitution. It went further when this was tested directly with regard to the ban that the LNP strangely seems to want to put forward in *Unions NSW v New South Wales* and *McCloy v New South Wales*—the developer versus New South Wales. It was further expanded to third parties in *Unions NSW v New South Wales No. 2* and the Spence case.

Further to the Lange test they said that where there is a denial of a prospective burden on political free communication there needs to be an exclusively and well thought out reasoning. I put it that this bill does not meet this test. Whatever feelings we have about wanting to restrict donations, we need to do it in a way that is constitutional, will not fall over and will not be a waste of time.

We saw the LNP take to the High Court a much more limited electoral donation ban on property developers and challenge their validity. They failed and the government's carefully crafted laws were upheld. However, this is not to say that relevant issues may not come out in the reasons of the High Court. We await those reasons. No member of this House could in good faith vote for this bill with much confidence that the bill would be constitutional.


I note that the member for Sandgate suggested that if the state were to be burdened with hundreds of thousands of dollars of costs with regard to a High Court challenge that we could allay that waste of Queensland taxpayers' money if the Greens and possibly their millionaire donors put forward all the money to take this to the High Court. I wait to see if that offer comes.

For those who want greater restrictions on donations, we should note that this legislation does not stop big, single donors like Mr Palmer or third-party campaigns or, indeed, millionaires who donate to their party of choice—in some cases the Greens. I am disappointed that this was not a legitimate attempt to reform our electoral donation laws. Reforming donation laws carefully within the framework of the High Court is what the Palaszczuk government, through the work of the Attorney-General, is doing and will continue to do, especially after the affirmation of this approach by the recent High Court decision.

Debate, on motion of Mr Power, adjourned.

~~ADJOURNMENT~~

~~Coomera Electorate, Palaszczuk Labor Government~~

 ~~Mr CRANDON (Coomera—LNP) (7.00 pm): Last sitting week I began to list the fails by this Labor government specifically relating to the Coomera electorate. I did not go anywhere near finishing the list as there is so much to outline in so little time. The list keeps growing too. Labor sold our assets. I table this list as absolute proof of that.~~

~~Tabled paper: Brochure, undated, titled 'The truth about who sold Queensland's assets' [762].~~

~~We see Labor allowing a drug kingpin to have a lavish wedding in prison. We see their failure in rushing to legislate to move 17-year olds into juvenile detention. It was rushed and botched and there was nowhere to put them. As a result, we now see our kids, some as young as 10, in danger within our prison system—yes, our prison system. It is not juvenile detention when the people overseeing their incarceration are not fully trained specifically for the task of looking after kids. The damage—both physical, as we have heard, and psychological—is horrendous. The research confirms that most of these kids are going to be broken and damaged for years to come, if not for the rest of their lives. Labor are setting these kids up for failure by subjecting them to this inhumane treatment—and they are years away from a solution.~~

~~I mentioned the rail fail last week. There are still 440 services down. I mentioned two hospital failures last week as well, with the minister taking three months to respond to an urgent case. Sadly, that lady has now passed. We see uni students copping \$261 fines for parking at overfull park and rides. From my own inspections, I see upwards of 100 cars parked informally at Coomera and Ormeau park and rides. We see the suburban bus route fail, with many unable to catch a bus to the stations. They do not run long enough on each route and there are not enough routes on the northern Gold Coast.~~

~~That brings us to the third fail in this trilogy: first, the park and ride fail; second, the bus service fail; and, third, the exits 41, 45 and 49 fail. All we hear is, 'We're planning.' They have been planning for more than four years. The message from the people of the northern Gold Coast is: stop planning~~