



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**PROOF**

**MATTERS OF URGENCY**

**Donations to Political Parties**

**SPEECH**

**Wednesday, 24 February 2016**

BY AUTHORITY OF THE SENATE

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## SPEECH

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<b>Speaker</b> Fawcett, Sen David	<b>Question No.</b>

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**Senator FAWCETT** (South Australia—Deputy Government Whip in the Senate) (16:46): I rise to address this matter of public importance because a lot of the assertions that have just been put forward by Senator Rhiannon are not actually borne out in fact. I would like to address this at a number of levels: firstly, why people make donations; secondly, the mechanisms put in place to provide transparency and accountability around those donations; and, thirdly, the practical outcome in terms of the decisions that are made, particularly at a federal level. I accept that there have been examples. In fact, in Sydney at the moment, with the Auburn council some very clear examples of a conflict of interest with property developments and the decision makers. That accusation has been made, and it appears as though there is a body of evidence to support it. But many of the decisions that are made by federal government do not go directly to property developers. So the three areas I would like to cover are those.

In terms of the motivation, I have been involved with politics as a member of parliament and now as a senator since 2004. One of the things that struck me is that, whilst there are many people in the Australian community who do not get engaged in politics or, indeed, in the workings of the parliament—and I would have to say that I was one of those before I joined the Liberal Party in 2004 and became a member of parliament—there are some people who care deeply about the direction of this country. It is not about their personal interest. Many people who donate do not have business interests. Many people who have large business interests do not donate or seek to influence outcomes specifically for themselves, but they care about the philosophy of the people who are running the country. So, in this year, an election year, it should be no surprise that there are people in our country who are saying, 'Do we want more of the socialist compact between the Labor Party and the Greens that looks at having big government and that seeks to diminish individual responsibility and reward for effort and to be the nanny state dictating the distribution of other people's money, or do we want a government that actually provides incentive and opportunity and that encourages people and, indeed, allows people to be rewarded for innovation and excellence and hard work?' They are two quite distinct approaches to providing government.

Many people say that there is not a lot of difference between the coalition and the Labor Party when it comes to politics, but at its heart the difference between the coalition and those on the opposite side is the view about the role of government in people's lives as opposed to individuals. And there are many people—businesses, corporations and private individuals—who feel passionately enough about wanting to see government in the flavour and character that suits their own ideology, but it is not about their individual interests; it is about the interests of the nation—and that is not just true for the coalition. If we have a look at the CFMEU and the donations they have made to both the Labor and the Greens, we see large amounts of money being donated—for example, here in the ACT, \$50,000 from the CFMEU to the Greens party; and, in Victoria, \$1.6 million from the unions to the state Labor Party. Why? Because clearly people on the left of politics—and many people in the unions are in that position—want to see a government run by the Labor Party. That is their right. They have every right to raise money to increase the opportunity of people from that political party getting their message out. Unlike the accusation from Senator Rhiannon, that is not corruption; it is actually about engaging in the political process and trying to provide the opportunity for political parties to make their point.

So my first rebuttal of the MPI that has been put forward by Senator Rhiannon today is around the issue of motivation. I would argue that certainly in my experience people who provide donations to political parties, whether they be unions, individuals or corporations, do so because they believe in the values of the party that they are donating to. There are others whom I have seen donate to both major political parties and, in fact, to the Greens sometimes. This is because they believe that the system of government we have here is worth supporting. They recognise that it is expensive to run campaigns, it is expensive to communicate with people, and they provide that funding.

Australia rates very well on any international scale in terms of transparency and lack of corruption. Part of the reason for that is that we have good governance in place and the Australian Electoral Commission has very clear procedures around people who have donated. They need to disclose names, who it was donated to and amounts.

So we see that there are procedures in place for that. In fact, one of the things that Joint Standing Committee on Electoral Matters looks at often is this very issue around funding for electoral campaigns and whether or not there should be more federal funding or there should be bans on fundraising. It has even been proposed previously that there should be bans on fundraising so that people do not have to pay for TV advertising. In fact, once there was a proposal put forward in legislation to ban TV advertising in the lead-up to, and through, the election. That was struck down by the High Court. Why was that struck down? Because the High Court recognised that, constitutionally, there is an implied freedom of speech that says that as we approach an election the people who are seeking to stand for election must be free to communicate with the public, put forward their ideology and their policies, and build the case as to why people should be voting for them.

We do not only have the transparency of the Australian Electoral Commission and all of the reporting and disclosure that goes with that. We also have decisions of people like the High Court and reports from people like the electoral matters committee, who have looked at electoral funding and decided that not only do we have systems to keep it transparent and to keep corruption out of it but that, importantly, constitutionally it is an essential part of our democratic system, for our people to have free speech and to put forward the case to the elector as to why they should be in public office and help form the government.

So my first and foremost rebuttal is motivation, and we see that that is above the board for people who donate. Second is around the fact that any donations that are given are part of a transparent system. The third part I come to is in the order of influence. There is an accusation when you talk about corruption that decisions are being bought. I certainly know that people supported my campaign when I was running as the member for Wakefield. But, as a back-bench member, I was not directly making decisions. Those decisions were made by ministers, with all the probity of departments that goes into that.

One of the things that I have often advocated to people who want to talk to the government is that the committee system of the parliament is the place to come and make their case if they want to see changes in policy. The committee system is open, it is on the public record and it is transparent. On any given policy area, as legislation comes through—particularly in the Senate with the legislation committees or the references committees—the committees are the place where they can come and make their case and there is absolutely no way that you can make accusations of things like corruption.

So I completely refute the basis of the urgency motion that has come forward today. No matter which way you look at it, at a federal level people like property developers just do not come into the equation of our decision making. In terms of the transparency and the system, there are mechanisms in place that have been upheld through multiple reviews as well as by the AEC, a completely independent commission who look after our electoral system. As I said, there are people, corporations, and organisations such as unions who want to see people elected who will govern the country in the way that they believe is good for the country's interest, and they are prepared to donate money to allow them to communicate. That basic premise has been upheld by the High Court, who said that the implied freedom of speech required through the Constitution means that that kind of funding needs to be able to continue.