



CRIME AND CORRUPTION COMMISSION

TRANSCRIPT OF INVESTIGATIVE HEARING

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FORTITUDE VALLEY WITH RESPECT TO

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HEARING NO: 17/0001

DAY 7 – FRIDAY 28 APRIL 2017
(DURATION: 45MINS)

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LEGEND

PO Presiding Officer – ALAN MACSPORRAN QC
CA Counsel Assisting – GLEN RICE QC
30 HRO Hearing Room Orderly – MELISSA LETONDEUR
W1 Witness – ANDREW BARTLETT
W2 Witness – ANTHONY PINK
LR Legal Representative – N/A

- HRO This hearing is resumed.
- PO Yes, Mr RICE.
- CA Commissioner, it is proposed to call representatives of the Queensland Greens. In this instance, there are actually two, Mr Andrew BARTLETT and Mr Anthony PINK. They wish, as I understand it, to give their evidence together. I call those two gentlemen.
- 10 PO Thank you.
- CA Mr BARTLETT is on your right, Mr Commissioner.
- PO Mr BARTLETT and Mr PINK, do either of you have an objection to taking an oath on the Bible?
- W2 I might. Sorry.
- 20 PO An affirmation?
- W2 An affirmation will be fine.
- PO All right. I will have Mr Bartlett sworn in, and I will have you affirm through the Orderly, thanks.
- W2 I solemnly affirm and declare that the evidence given by me in these proceedings shall be the truth, the whole truth, and nothing but the truth.
- 30 HRO The evidence which I shall give in these proceedings.
- W1 The evidence which I shall give in these proceedings.
- HRO Shall be the truth, the whole truth and nothing but the truth.
- W1 Shall be the truth, the whole truth, and nothing but the truth.
- HRO So help me God.
- 40 W1 So help me God.
- PO Thank you.
- CA Gentlemen, since there are two of you - you both propose to speak, I take it?
- W1 Yes, we'll tag team.
- 50 CA I wonder if you wouldn't mind just giving your names and your current position within the Queensland Greens. That will help the transcriber to differentiate between you as we go on.
- W1 My name is Andrew BARTLETT. I'm currently the convener of the Queensland Greens, like the statewide chair or president. At the time of the council elections, I was the campaign secretary for the party.

- CA Thank you, Mr BARTLETT.
- W2 My name is Anthony PINK. I am the advisor to the Queensland Greens on electoral reform matters.
- CA Both of you are appearing, I think, in response to notices to attend?
- W1 That's correct.
- 10 W2 That's correct.
- CA Can I show you each a copy of that notice. Will you each just confirm that is a copy of the notice you received to appear?
- W1 Yes.
- W2 Yes.
- CA Thank you. I tender those two notices.
- 20 PO I will make Mr BARTLETT's notice Exhibit 95 and Mr PINK's Exhibit 96.
- CA You have been good enough to respond to an invitation to make a submission by doing so. Can I show you this and ask you to confirm it. Is that a copy of the submission which you made?
- W2 Yes, it is.
- 30 CA I tender that.
- PO Exhibit 97.
- CA Mr BARTLETT, you're currently the state convenor, I think you mentioned. You have previously run as the second candidate on a Queensland Greens Senate ticket; I think that was 2016?
- W1 Yes.
- 40 CA You have also contested the mayoralty for Brisbane, to give you some local government context, perhaps; that was back in 2012, correct?
- W1 Yes, that's right.
- CA And going back further, you have a long and, I think, well-known history with the Australian Democrats?
- W1 Yes.
- 50 CA Including serving as a senator for, what, 10 or 11 years for Queensland?
- W1 Yes, between 10 and 11, yes.
- CA Mr PINK, are you the Queensland Greens policy advisor on electoral reform?

W2 That's correct.

CA You have served as a returning officer for internal elections within the Greens, I understand.

W2 Yes, for the last four years.

10 CA You are aware, I think, that within the *Local Government Electoral Act*, there is a definition of the term "group of candidates" and a number of provisions that regulate requirements on groups of candidates. One thing that your submission does at the outset is to express the view that the realities of politics could make it extremely difficult to apply a consistent rule set on candidate association. I'm interested to know why you express that view. What difficulties are there?

20 W1 I guess for starters, I think - and this could apply even at state level, but certainly at council level in Queensland, where outside of Brisbane the practice has been for people not to put a party label on themselves most of the times. There's a few exceptions. And there's obviously no obligation on people, and nor should there be, even if they do run as a team or even as a group on a party label, that they all vote the same way on every issue that comes before them. So people are all still elected as individuals as a matter of law and I would think as a matter of principle.

30 The key thing is transparency about associations that people have. That's very easy when they're running as a political party. And I would say as perhaps as a minor interest that at the last council elections, I'm pretty confident in saying the Greens actually ran more candidates with the Greens label on them than any other party, including Labor and the LNP, because we ran for the first time, I understand it, a team of, I think, five candidates across the ten divisions in the Sunshine Coast, plus a mayoral candidate, and a couple of Greens-identified people in Moreton Council, Gold Coast Council and one in Ipswich as well.

CA How successful was that? I ask that because we have heard the view expressed that local communities tend to prefer non-aligned or non-endorsed candidates?

40 W1 Yes. And I should say we also ran one in Noosa, which was the only one where there is a whole of electorate at large voting system, whereas the others are all single-member electorates. Look, the view internally is that it worked quite well. I mean, it was a bit of an experiment and there was that discussion about, "Is that going to go down well?", but certainly the feedback from our candidates - and the Sunshine Coast is probably the best case study because that's where we run the strongest campaign outside of Brisbane - there was feedback from our candidates there that a lot of voters said, "It's good that you're upfront about this." They got a few people specifically targeting them, saying, "We don't want party politics in local government." I guess that's a matter for the voter.
50 Obviously, you can't compel people, and nor should you, to try to make everybody run as, whether it is a party or a team. People should have the right to run as independents, and I guess that is just a matter of political judgment. Every area is different, but I certainly - our sense, not just there but elsewhere, is we're likely to do more of it in a wider range of areas in 2020.

- CA You may have mentioned, but were any of your candidates successful in the 2016 elections?
- W1 They were here in Brisbane in one ward here for the first time ever. We didn't win in any of the other areas, but I would say we were quite pleased in some of the Sunshine Coast areas, because it was a very, very, very low-budget campaign compared to some of our opponents, who were long-entrenched and well-resourced incumbents. Obviously winning is the ultimate desire, but we were quite happy with the outcome.
- 10 CA You have already mentioned transparency. Many candidates at local government level are not party endorsed. In fact, the great majority are not party endorsed. And more than that, a proportion of them promote themselves as independent candidates. Some of those have party membership or prior party membership or party support. Is it important for electors to know that kind of information before placing a vote?
- W1 I mean, the more information electors can get about everybody, within reason, the better. Certainly I think we'd have no objection to information like that being made available. I think the bigger issue is where the resourcing is coming from and whether there is shared resourcing and shared collaboration. We had at least a few I know of who were party members who ran as independents. They weren't resourced by the party, but they still worked through personal networks locally.
- 20 CA Party networks?
- W Oh, well, personal networks, which includes the party, but we didn't promote them within the party. We didn't encourage through our newsletters or anything to members to throw the weight behind this, but obviously they are individuals; they can - they weren't contesting in areas where the party was running party candidates, so it wasn't an issue of them contesting against our party. You know, people have the right to do that within our party at any level, as long as they're not running against an endorsed candidate.
- 30 The key issue there, again, is transparency and resourcing. We quite explicitly do not enable any party resources to be supporting those people, not least because that would require reporting requirements for us, and we've already got enough administrative work to do with all the compliance with reporting for our endorsed candidates. So they are off doing their own things and, not least, you can't and shouldn't seek to control them from doing so.
- 40 CA You have referred in your submission to the desirability of prominent disclosure of party links or party resourcing. That raises a question, perhaps, as to the mechanism by which that disclosure might be made?
- W Certainly in terms of resourcing, I think that goes to the wider area of disclosure of donations and support from any source, particularly a political party in the context of this inquiry, but any other source. Links to a political party I think is a valid one in the local council context, because it does come up all the time where people in all of those areas outside Brisbane tend to sort of - you know, conversations about who is the shadow Labor candidate or the shadow Liberal candidate. There's always a lot of rumour. It is much easier to just have it upfront whether
- 50

or not somebody is a member or not. They're still running as an independent. That's their call, and their relationship with their own party is a matter for their own party. In terms of transparency for the public, given how local council elections have flowed in Queensland, I think that's a reasonable disclosure to have, political party membership.

10 W2 We did suggest one thing that is reasonably pertinent to that, and that's having the ECQ present a letter to each elector about the party affiliations of each candidate before the election starts. It's hard to put that information on a ballot paper because it's easy to get confused with an actual endorsement, but it might be a good thing to do. It's expensive to implement, though, so it would require new resources to the ECQ.

CA To do a mail-out of that kind, statewide?

W2 Yes, yes.

20 CA And that presumes, doesn't it, that the ECQ is in a position to have the information so as to be able to make it public?

W2 I would imagine they would have to declare that link before they become candidates. There's already a nomination process the ECQ uses. So having an extra field to have party membership noted wouldn't be a massive inconvenience, and the ECQ does send out letters, before each election, to electors telling them where their voting district is and where their local polling booth is, so there could be potential to combine some of that information.

30 CA One means of gathering it is on the nomination form.

W2 Yes.

CA Perhaps you might comment on this suggestion - it has come from others - that candidates at local government level might be required to complete a register of interests, such as councillors do once they're elected, in other words, to extend disclosure requirements on donations and registers of interests from councillors more widely to all candidates?

40 W2 It's certainly not an unreasonable idea. I would certainly back it, and certainly the party would as well.

CA Do you think it's sufficient for a candidate with a party membership or a background of party alignment to simply respond to such queries as may be given to him or her by a voter, or should there be some more proactive form of disclosure?

W2 Not every elector is ever going to ask that specific question.

50 CA No.

W2 And it may be relevant to the thoughts and feelings of a voter. They may not think to actually ask that question. Having a formal disclosure, a proactive method, is a good idea just to make sure that everyone is on the same page.

CA The classification of "independent" candidate is not one that is actually

used in the *Local Government Electoral Act*. Do you think there should be a definition with attributes attaching to it that could then be known to the public?

- W1 I think, as you said right at the start, to really nail it down in a precise way is quite difficult. It is a fairly broad term in a political context. It's got a bit of a history of different usages at different levels of government in different parts of the country. Obviously you could still nail it down in a legal sense, but whether that would translate to people's understanding of what it genuinely meant. But, you know, you could at least have a few criteria of not receiving support from a political party, not having made any pledges to particular groups of people and that sort of thing, which could potentially be in the form of a stat dec or something like that, so there was some degree of seriousness about people needing to be honest having regard to at least some of those basic criteria.
- 10
- CA Your conceptual approach to that, in the way you have expressed it, is that there might be attributes which would exclude a person from being characterised as an independent rather than trying to list positive attributes?
- 20
- W1 Well, my feeling is if you ask people what is "independent" in a political sense, you will probably get a lot of different responses, but I think a couple of basic universal ones - one would be that you are not getting support from a political party, because if you are getting support from a political party, then you are not really independent. In a political context, when you frame yourself as an independent, you are talking about not being - you are independent of a political party, which is probably the key thing, I would think, anyway.
- 30
- CA So some exclusion criteria would at least narrow the concept?
- W1 Yes, narrowing it is probably at least worth exploring. Nothing against people being members of political parties. I actually want to encourage it, obviously. I do think, in some contexts, not least some local councils, in some areas, you can still be a member of a political party and still genuinely act independently in that role. I think the key issue is support and particularly funding from a political party means you're not really independent any more.
- 40
- W2 We certainly did make some recommendations on what exclusion criteria might look like in our submissions on page 3.
- CA Yes.
- W2 We think those criteria are reasonably good, but we don't know what the overall effects of those criteria might be and how they might be enforced and what they might look like on, say, ballot papers and How to Vote Cards. We have never seen a system that defines the difference between an independent independent and an independent who is being backed by a political party but not being endorsed by a political party, which is a very complicated thing to say even out loud let alone write onto a ballot paper. So there are some complications to do with that particular approach, but we think there is probably merit in defining that distinctly in the legislation.
- 50

- CA Defining what exactly?
- W2 The definition for an independent candidate.
- CA There are some suggestions that you have made, things that would exclude the classification of independence, one being receiving material or logistical support or endorsement even from a parliamentarian, that is to say, a sitting member?
- 10 W2 Yes. Well, that is a fairly direct link between a parliamentarian and a person running as a candidate. I would imagine so.
- CA The second is forming a ticket or team amongst candidates running in different divisions?
- W2 They might still be independent of political parties, but they're certainly not independent of each other, so they're no longer technically independent. They're a group.
- 20 CA You mentioned a category of being affiliated with a third party campaign. Could you explain what you mean by being affiliated with a third party campaign?
- W2 It sort of goes to what is actually meant by "independent" if you were to go to talk to someone in the public about it. "Independent" just doesn't mean independent from a political party. It could also mean independence from a specific campaign on something, or from the influence of particular interests in the community, like developer interests, or commercial interests, or even union interests. So being backed by a third party campaign could be construed as really running as a sort of branded candidate with a specific legislative agenda, and that would be our argument on that.
- 30 CA One matter that your submission touched upon also was that of election funding. At local government level, given that nearly all candidates are not party endorsed, the model is one of private funding so that if a candidate needs money, they either use their own or accept donations of one kind or another; you have a view, I think, as to whether there should be some public funding and how that would work?
- 40 W2 Yes, I am.
- CA I am interested to hear what that view is.
- W2 Okay. The party's view on this particular issue is that the public fund at the local government level, at a rate very similar to what an independent would get if they were running in a state election, which is actually in the *Electoral Act* legislation, it's about \$1.50-
- 50 CA There would be a formula for that, an applicable formula?
- W2 About \$1.50 per vote.
- CA I beg your pardon?
- W2 About \$1.50 per vote. That's for votes above the 6 per cent threshold

value, which means you have to get 6 per cent of the primary vote to be able to receive any funding.

CA That determination, I suppose, comes after the election-

W2 Yes.

10 CA -contingent on how many votes one receives. The need for campaign resources, of course, arises before that. So how, in the interim, would a candidate generate the funds needed to pay the immediate bills?

20 W2 Well, there are certainly a couple of ways of doing it. You could self-fund it. If you knew that you were going to get a certain amount of money back, you could put in your own money and then take that money back as a reimbursement at the end based on your expenses. Or you could find some sort of private finance to be able to do that, if a bank is willing to take your electoral success as collateral of some description, though, I would imagine, they would rather have an asset on which to draw-down on.

20 There has been previous times in Queensland legislation where the government has funded loans to candidates based on likely electoral results, so usually about 50 per cent of what they received in a previous election. That's worked reasonably successfully in providing some funding to candidates.

30 CA Do you think that would serve as some disincentive to a proportion of potential candidates? In a state as diverse as Queensland, we're not only talking about big councils but sometimes much smaller.

30 W2 I don't think that's unreasonable to say. Certainly if you were slightly of lesser means, you might have a lot of trouble finding your own finance to run an election, and it is difficult to get loans for what are fairly risky ventures. There is a very distinct chance that an independent candidate may fall below 6 per cent; there's a distinct chance that third party candidates would fall below that level.

40 W1 Can I just add, in that sphere, I think there are two key points to be made using the model that we've suggested here in our submission which is obviously just an example; it was working off what's usually applied in terms of public funding in Australia at state and federal level to date and there's tweaks and differences between those various models over time, but the common feature has been a certain amount per vote after the election. We're certainly not opposed in principle to exploring that area of pre-funding and even a flat amount for everybody, it is just that that's a fairly significant departure from what's been done previously.

50 CA What benefits would it have, do you think, that there be either wholly public funding or a proportion of it?

50 W1 Well, the clear benefit is it reduces the reliance on having to seek financial support from other sources which enhances the independence. Whether you are an independent candidate or a political party, it enhances your independence.

I think the other key point I'd make: if there was any form of public

funding, which has been a flaw in the models that have applied around Australia to date is it needs to be coupled with expenditure caps and donation caps, otherwise it's just public funding on top of private funding, which is basically what applies at the moment around the country in most of the public funding models. So whatever public funding, if that model was recommended - and we'd certainly encourage that to be seriously considered, but it has to be coupled with caps on donations and expenditure so it doesn't just become a top-up to existing private donations.

10

CA How would one identify appropriate caps, either on donations or expenditure?

W1 You mean where should - what would we recommend?

CA How do you work out the amount? How do you work out what's a good figure?

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W2 Well, when I was looking at this, for this particular submission, I used benchmarking with other state and federal counterparts, so I looked at actually what they-

CA Did it actually have caps?

W2 Yes.

CA Okay.

30

W2 We were particularly interested in the Tasmanian model, because the Tasmanian model does have a mix of party candidates and independent candidates for their Upper House elections. We thought caps around that level that might be appropriate for this particular scale, certainly in terms of Brisbane, in particular, because Brisbane is roughly similarly populated to Tasmania. So, we're talking roughly the same scope and scale.

CA Okay.

W1 And there are also donation caps already in place in-

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W2 New South Wales has caps and I believe South Australia has caps.

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W1 And New South Wales, of course, already has outright bans on donations from developers and a few other things which, again, we think is genuinely worth considering in local government in particular. I mean, we would like to see it across the board state-wide as well, I might say, but in the context of this inquiry, bans - complete bans from developers and organisations that receive money from developers would be appropriate, regardless of whether we also add a public funding thing on top of that but perhaps even more so, if we don't, and we're still going to be reliant on a private funding model, then there is still no reason not to have caps on donations and expenditure and perhaps also total outright bans from particular interests.

CA You have looked at regulatory legislation from around the country, from the sounds of it?

- W2 Yes.
- CA And looked at the extent of use of capping of donations and expenditure. You have mentioned the Tasmanian model that you favour. What other jurisdictions have caps on donations and expenditure.
- W2 Off the top of my head, certainly New South Wales does. Victoria does have some models around that, but I can't remember what the actual levels are. The South Australian government has some as well. The federal government doesn't have caps on expenditure at all. It doesn't have caps on donations, but it does have a disclosure level. So there is a point at which donations would need to be declared, which is quite high, but, other than that, it's not quite coming to me directly.
- 10
- W1 It's certainly not as widespread. For public funding, as I said, they've got different variations in different areas. The other difference with the federal model, which we wouldn't recommend, is that it is just so much per vote and it's not tied to expenditure. If you have public funding, I think either you just have a flat rate for all candidates in advance, perhaps, to comply with a spending cap, which would be a radical departure from anywhere in the country but that doesn't mean we can't do it, but it should be reimbursement of expenditure so that you can't actually make money out of running a campaign.
- 20
- CA Do you see public funding sitting alongside private funding, or replacing it?
- W1 Replacing it as much as possible, that's the idea.
- 30 W2 Probably couldn't replace it completely based on various rulings of the High Court because - well, they are suggesting it would be somewhat of a limitation of freedom of association if you were to take away the right to donate to a candidate who you wish to donate to, but certainly a limitation on the amount of money going into campaigns, so the idea that you want the least amount of influence of politicians as possible.
- CA Are there any disadvantages to either the public funding model or to donation and expenditure caps?
- 40 W1 Obviously a public funding model costs public money, by definition.
- CA So the tax payers have got to pay for it?
- W1 Yes. Although if you had a spending cap, then you'd cap so much can be spent. From the integrity of the political system, I don't see any disadvantage. From the point of view of the profitability of commercial media having an expenditure cap, that means there is not piles of money going into advertising, though they would probably see it as a disadvantage and, you know, those that currently use the system to purchase influence through donations would be disadvantaged, but that's probably a good thing, I would suggest.
- 50
- CA So you don't see any disadvantage from the point of view of transparency or integrity?
- W1 No, not at all. I think, you know, without getting too starry-eyed about it,

I think the more candidates and campaigners have to rely on actually engaging with their community directly rather than spending large amounts of money on advertising, the better for democracy.

CA Given that we currently have a private funding model, you have some things to say about donations. One is the use of intermediaries by way of trusts or companies. Would you like to just explain what your view is about whether there ought be a system of allowing donations to be made through the intermediary, say, of a trust or a company?

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W1 Well, I guess again, if you put strong caps on the size of donations, then it becomes less of an issue, people trying to launder money through all these other things, other entities, anyway. If you make it that donations can only come from individuals, although I think that might hit a High Court problem, but it is always arguable.

CA Leaving aside the legality, do you regard that as preferable?

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W1 It certainly makes it clearer. People can still find their ways around it, so it's not perfect which, again, is why the cap overall is better. But particularly when you're looking at regularity of disclosure of donations - and I do hope that there is the capacity for council level candidates to fold into the state system that's now in place, it has only just come into force, and we're just grappling with the logistics administratively of using that system the ECQ has just put in place, but I don't see any reason why that week-to-week disclosure of donations can't now be put in place for council candidates, which would mean almost all donations would be disclosed from whatever source before polling day.

30

CA Are you in favour of that?

W1 Absolutely. In terms of our campaign here in Brisbane, it was a key campaign point for us to try and pressure the other parties to disclose their donations before polling day so people could get some idea of where the resourcing is coming from. You know, even that - they can get a donation on polling day and know that it's coming and not need to disclose it, or get it after polling day - you know, there are still ways around it, but I think the more people are seen to be deliberately trying to circumvent the spirit of the laws, the more clear it is that they're prone to being reasonably accused of trying to hide something. So the more regular and the prompter the disclosure, I think, is really important.

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I should say what the state government has done here in what I understand is an Australian first is - you know, it's not only valuable for democracy here, but it sets a standard and, if we can do that, and expand that here at council level, it sets a standard; it enables the ability for people around the rest of the country to pressure to go in that regard as well.

50

I guess to go back to your question about trusts and organisations and that, the more we can constrain donations to individuals, the better that helps in that regard. If we were to put in place explicit exclusions on any form of financing from developers, for example, which is in New South Wales law at the moment - and as you probably know people tried to use mechanisms like that to get around it, have developers donate to other entities, it was still able to be tracked down. I think if it came from a trust

or any other entity, that would then need to demonstrate that the resources that came from them were - you know, they'd need to be able to testify or validate that they didn't include funds that came from prohibited sources.

CA You had a suggestion in your submission that the Electoral Commission might assume a role of management of candidates accounts?

W2 Yes, that's correct.

10 CA Would you like to explain that.

W2 A not too amazingly complicated suggestion. What we would suggest is a single bank account for a political candidate be set up and be either directly monitored by the ECQ or directly controlled by the ECQ. It would be the single point of reference for donations going in to the fund and the single point from which expenses would be paid as well.

20 It would give the ECQ total control over seeing what entries are going in and what entries are going out. There would be no question as to where money is coming from or to, with the added bonus of being able to withhold funds if no declaration of donation is handed in.

CA To enable access to donations that go to the fund, a candidate needs to supply an appropriate level of disclosure about that donation?

W2 Yes.

CA Is that how it would work as you see it?

30 W2 That is definitely the plan.

CA That would be an additional impost on the Electoral Commission.

W2 It certainly would. We would definitely be recommending extra resources for the ECQ to manage that particular process.

40 W1 And that - I should say, if we did expand, as we do recommend, for all local government candidates to have to do continuous disclosure of donations, that would probably also, not to as much as an extent, but just in terms of the size of the system's management and that, I think ECQ resourcing might need to be enhanced a bit to enable that to happen. This approach that we're suggesting here in regards to direct monitoring of account would cost more on top of that, although it would, at the same time, be a de facto automatic disclosure of donations as well, so it would perform that existing or that suggested role of disclosing and lodging of donations as part of that process. It would just go a bit further.

50 CA In relation to the question of disclosure, it also raises an associated question as to what level of information should attach to an item of donations and you favoured, I think, instead of trusts and companies, an individual being identified as the donor. Is it sufficient to identify the individual, or does one need to know more as to whether that individual in turn has some affiliations that are relevant for a donation?

W1 I think that's a really good question and it's one we're grappling with as well just internally. I mean, there are issues of privacy there, I think,

again.

CA Yes. Yes.

10 W1 Whilst we don't want candidates to have to rely solely on private funding I think, you know, people naturally - I do it as well - a candidate I like, I'd want to give them some money, help them out - not too much, but, you know, in some - I mean, we have a disclosure threshold anyway of \$1,000 within Queensland. That person's name becomes public so as part of making a donation of more than \$1,000, that level of privacy is lost. Even if your name is John SMITH, it's probably not that big a loss of privacy. If you've got a more obvious name, then you become able to be known as having supported that party which isn't always a good career move, but that is part of transparency and disclosure, that's the balance people have got to make. But, yes, I think - the challenge for us, just to bring that back, is we have an internal policy of not taking donations from developers, gambling, uranium miners, tobacco companies. Our party policy, which we're now expanding, is to not take from any corporate interests which-

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CA Is that difficult to identify where that occurs?

30 W1 That is the issue for us. We can tell if it is coming from a company but if it just person X gives us a couple of thousand dollars, and we don't actually know them, don't know whether they're a property developer or not - obviously we can ask them, so that's something we do. We contact our donors, anyway, to say thank you and all those sorts of things, but, yes, how much you should drill down in or how you can drill - but I guess if there was an explicit legislative prohibition, as there is in New South Wales in regards to donations from developers - I actually don't know what the paperwork is, but I presume it is part of lodging a donation, as donors have to do as well, disclosing that they have to certify that they're not a property developer, or that type of thing.

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CA Your own exclusions of receipt of donations from certain sources is, no doubt, well intentioned according to what direction the party wants to go in.

40

W1 Yes.

CA But does it create a problem for you of potential embarrassment of having in fact received such a donation unbeknownst to you?

W1 I am certainly quite conscious of the fact that we can be readily set up specifically for that purpose, apart from anything else, but I guess all we can do is say that that's our position and-

CA And discourage it by making that publicly known?

50

W1 Yes. And if we inadvertently discover we've taken - received money rather from someone that fits into that category, then we return it.

CA Would you favour bans on donations from particular sources at local government level?

W1 Yes. We support it at state level as well. At a minimum, I think we could

easily mirror the New South Wales legislation because that is already in place and been upheld by the High Court, and consistency across jurisdictions, I think, is a good benchmark.

- CA Do you have any categories in mind of types of donations-
- W2 We do, don't we.
- 10 CA -that you prefer not to be made?
- W2 Certainly property developers at the council level are fairly important. But we'd also probably consider alcohol, tobacco and gambling interests and potentially interests that would gain greatly from changes in zoning, maybe mining interests, for example.
- W1 But certainly - and the New South Wales legislation, I think, is already property developers, gambling, alcohol and - well, tobacco is one, I think, that's become seen as not acceptable anyway politically, but legislatively-
- 20 CA Do you think we could draw from that experience?
- W1 Absolutely. It's been in place for a while now. There's been the whole inquiry into people trying to get around it in New South Wales and a number of state MPs are no longer state MPs for that very reason. It survived a High Court challenge as well. I think there is a lot to be learnt from that. In any reform, when you bring it in, if you can say, well, it's already done somewhere else and it's worked, at least up to a point, then that's a good benchmark. It doesn't mean we can't go further, of course.
- 30 CA One other matter dealt with in your submission is that of expenditure disclosure. Should there be expenditure disclosure?
- W2 We believe so, yes.
- CA Why?
- W1 I think it's part and parcel - again if you've got caps on expenditure, it becomes less of an issue, overall caps. But, you know - and particularly if that's not in place, but even if it is, you know, who people favour with their expenditure, which company it goes through, there can easily be quick pro quos in regards to that. I think there are a number of examples and I particularly don't want to score political points in this forum, but, you know, examples of assertions of that in quite recent times in politics of, you know, money coming in and being required to be spent on a particular supporter of the party at potentially inflated rates, I think it is very important to disclose who gets favoured, if you like, by a candidate, particularly if there's large amounts of expenditure, if there is no cap in place.
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- 50 CA You identify a potential means of such disclosure by virtue of a dedicated campaign account?
- W1 That's one very easy way to do it. Whilst that would have some administrative burden, in itself, it resolves the wider paperwork. I mean, we have to do that as a political party anyway in terms of our disclosures to AEC and ECQ at the moment. That causes an administrative burden

for us as well, of course, but it is nonetheless one that we support for those transparency reasons.

CA Thanks, gentlemen.

PO Mr BARTLETT and Mr PINK, thanks for coming, it's very helpful. You are now excused.

W2 Thank you.

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HRO This hearing is now adjourned. Thank you.

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UNPROOFED TRANSCRIPT