

SUBMISSION TO GOLD COAST CITY COUNCIL INQUIRY

Q. Should funding be declared before, or after an election?

On the face of it, before the election would be seen by the community to be more open and transparent, but it is not quite as simple as that.

First of all, donors may be concerned about the publicity that would result and therefore may not donate. This would make it difficult for the average person to stand for election and it could make politics an elitist occupation. The other point is that there is no guarantee that these donations are going to be received (or banked for that matter) before the election. This leaves a loophole where candidates can claim that they have not accepted donations from "developers" or anyone else that is considered sinister. The cheques can be received or banked after the election, leaving the candidate well within the law. I am advised that a situation along these lines occurred at the January 2005 Division 14 by-election on the Gold Coast. A candidate proclaimed to be independent during the campaign then received money from a political party straight after the election. This of course is legal, but it is an example of not only what is legal now, but what would still be legal in a system where the candidate had to declare funding before the election.

Secondly, it is my belief that the majority of residents would not be overly interested in finding out who received what donations from whom. My own view on this as a voter is that it is important to have an over riding body that ensures all candidates meet the requirements of the law, through a system that is fair to all. In the end, these donations become publicly accessible if anyone is interested in seeing the details. Prior to becoming a candidate at the Council elections of March 2004, I never had any desire, nor did I know of anyone else who ever had a desire, to go and look at the details of donations given to any candidate that I have voted for (or not voted for). The only people who seem to want to investigate these facts are candidates (both successful and unsuccessful) and their close supporters. This would suggest that it is for political reasons only. I believe that the facts will back up this position. The Council makes a record of anyone who looks at these files and I would suggest that the names of these people will be either Councillors, failed candidates, supporters, or members of the media.

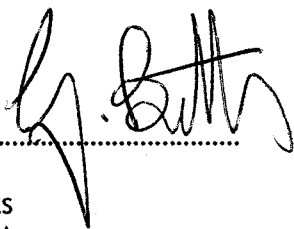
The biggest problem (from a candidate's point of view) with election funding is that election campaigns can be dirty and unscrupulous. You try to keep information to yourself about your campaign. This is not because you want to mislead the public in any way, it is because you are in a competition. Anything that you say or do can be stolen and/or used against you as misinformation by other candidates. If there were a system that guaranteed all campaign donations would be declared before the election, then I would support it. However, I cannot see how this can be achieved (the example two paragraphs above is relevant to this point).

The media often don't understand the issues they write about and often get the message or intent wrong. This is probably understandable in some cases as they can't be experts on everything and this is not to say that it is intentional either, it is just a fact. A system that requires declaration of funding before the election also assumes that there will be an unbiased media reporting the details. It has come out in evidence through this inquiry that one newspaper sent letters to some candidates asking for the full details of their donations and claiming that they were sending these letters to all candidates. The fact is that they only sent the letters to select candidates.

In my opinion the most important thing in the mind of a voter is the policy position of a candidate, not their funding sources. People want to know if they are voting for someone who is sensible, is a candidate that they believe that they can rely on to do the job to the best of the person's ability, and has policies that reflect their own thoughts on issues. During my election campaign I had numerous phone calls and emails from voters who wanted to know where I stood on issues (at that point in time most people were particularly keen to know if I would support raising the Hinze dam to stage three). Besides one email from the Friends of Burleigh Group, nobody even asked me about my funding - and that included the media. Most campaign material will have either a phone or email contact for the candidate. Surely if someone really wants to know where the candidate gets their funding they can simply ask. If candidates then find that it is too time consuming to answer these queries, they will advertise the information themselves or put it on their web site.

I believe that a candidate who receives a donation through a trust fund should not need to know who the donors are. This situation creates an arms length link between candidates and donors and reduces the potential for conflict of interest for a successful candidate. This position was clearly illustrated by the Premier, Peter Beattie, in exhibit 85. That is a transcript of a radio interview that he did with 612ABC Brisbane. In that interview Mr Beattie claimed that his election funding was done through the (Labor) party via a Trust Fund and that he was not interested in knowing who the donors were. I believe that this is an important point. This is similar to what was attempted in the Gold Coast City Council election of March 2004. The only difference is that rather than a party controlling the Fund, individuals controlled it. Those individuals authorised funds and in-kind support for independent candidates who they believed had common sense and who showed the potential to make independent, but sensible, decisions on significant issues that would affect the community.

In the end every job in every occupation is, in some way, a position of trust. This is especially true for political positions. It is prudent to have laws that regulate what is considered to be acceptable behaviour in election campaigns, declaring election funding and the do's and don'ts of the day to day role. However, I see no reason why the regulations controlling Local Government representatives should be any different to those controlling State or Federal representatives. Essentially it is the same role, they are all there to make decisions in the best interest of the community, it is just that the detail is different. There would have to be a very strong case, based on fact, if it were to be suggested that Local Government representatives should be under more scrutiny than other levels of government.



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