



The Centre for Public Integrity

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Submission to the inquiry into the *Electoral Legislation Amendment (Miscellaneous Measures) Bill 2020*

Joint Standing Committee on Electoral Matters

2nd July 2020

Dear Secretary,

Thank you for the opportunity to make a submission to the inquiry into the *Electoral Legislation Amendment (Miscellaneous Measures) Bill 2020*.

The Centre for Public Integrity is an independent think tank dedicated to preventing corruption and increasing public trust in government. We are concerned with the potential for money to have an undue influence on our political process and democratic decision making.

The bill proposes to replace sections 302CA and 314B of the *Commonwealth Electoral Act 1918*. If enacted, this will mean that Commonwealth electoral laws override state electoral laws, and as a result the regulation of money in politics in Australia will be weaker.

The Centre for Public Integrity recommends that these provisions be removed from the bill, and the existing sections 302CA and 314B of the *Commonwealth Electoral Act 1918* be repealed.

The bill would weaken the regulation of money in politics

The Commonwealth has the weakest political finance laws in Australia. The proposed amendments mean that stronger state regimes would be overridden by weaker Commonwealth laws, limiting their effectiveness.

The Centre for Public Integrity supports the regulation of money in politics through real time disclosure of donations above \$1000, donations caps and expenditure caps. The Commonwealth is lagging behind the states in each of these areas, and the proposed amendments will override strong state action.

Donations under the threshold of \$14,000 need not be disclosed at a Commonwealth level. Every state and territory apart from Tasmania has a lower disclosure threshold. The majority of states require disclosure of donations above \$1000.

Donation caps exist in Victoria, NSW and Queensland. Electoral expenditure caps exist in NSW, Queensland, South Australia, ACT and are soon to be implemented in Western Australia. Neither donation caps nor expenditure caps are in place at a Commonwealth level.

The Commonwealth Government should be strengthening our electoral laws, not weakening them. The Commonwealth should look to the precedence set in Australian states on the regulation of money in politics.

Recommendation

The Centre for Public Integrity recommends that the provisions that replace sections 302CA and 314B of the *Commonwealth Electoral Act* be removed from the *Electoral Legislation Amendment (Miscellaneous Measures) Bill 2020*, and that the existing sections 302CA and 314B be repealed.

Warm regards,

A handwritten signature in blue ink that reads "H. Aulby". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

Han Aulby

Executive Director

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About The Centre for Public Integrity

The Centre for Public Integrity is an independent think tank dedicated to preventing corruption, protecting the integrity of our accountability institutions, and eliminating undue influence of money in politics in Australia. Board members of the Centre are the Hon Tony Fitzgerald AC QC, the Hon David Ipp AO QC, the Hon Stephen Charles AO QC, the Hon Anthony Whealy QC, Professor George Williams AO, Professor Joo Cheong Tham and Geoffrey Watson SC. More information at www.publicintegrity.org.au.