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Joint Standing Committee on Electoral Matters  
Parliament House  
Canberra, ACT, 2600

By Email: [em@aph.gov.au](mailto:em@aph.gov.au)

18 October 2019

Dear Chair,

**Submission – Inquiry into the Commonwealth Electoral Amendment (Real Time Disclosure of Political Donations) Bill 2019**

I make this submission in my personal capacity as an Industry Fellow at the Centre for Social Impact at Swinburne University of Technology.

My research interests include the regulation of advocacy by not-for-profit organisations, and for this reason, I have an interest in how the electoral laws apply to this framework. I was closely involved in the debate around the *Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2018* and assisted with the development of amendments to that Bill after it was introduced into the Parliament.

The *Commonwealth Electoral Amendment (Real Time Disclosure of Political Donations) Bill 2019* proposes to introduce a ‘real time’ disclosure framework for the disclosure of political donations.

Subject to the comments below, I believe that this is a worthwhile reform, which would enhance the transparency of election funding of organisations with a high degree of involvement in the electoral process, including political campaigners.

*Disclosure Threshold*

Although the Bill’s Explanatory Memorandum specifies that it is intended to apply to donations in excess of the disclosure threshold, based on the current drafting of the proposed section 305C of the Bill, there appears to be no such limitation.

Therefore, as currently drafted, it would appear that the Bill would require reporting to the Australian Electoral Commission of any donation. For this reason, the section needs to be amended so that it applies to donations above the disclosure threshold (which is currently \$14,000), and to situations where multiple smaller donations have been received during the year and the disclosure threshold is exceeded by these cumulative donations.

*Political Campaigners That Undertake Other Activities.*

In addition, in relation to political campaigners, it should be recognised that such organisations may undertake other non-political activities. This is particularly the case for registered charities.

Therefore, section 305C should also include a provision similar to that contained within the existing section 305B (6) of the *Commonwealth Electoral Act 1918*, which provides that donations received

by registered charities and which are not used to incur electoral expenditure, do not need to be disclosed.

*Coverage of Other Entities*

Furthermore, currently section 305C does not cover candidates and associated entities. This should be rectified, in order that the Bill captures all relevant entities with a high degree of involvement in the electoral process.

*Additional Observations*

I make the following two additional observations in relation to the Bill:

- Although it would provide real time transparency in relation to donations received, some entities such as business, unions and other similar interest groups rely primarily on membership fees rather than donations to fund their activities – the Bill would not enhance the transparency of such entities, despite them often having a high degree of involvement in the electoral process
- If the disclosure threshold were lowered to \$1,000, as some have proposed, this would increase the burden associated with real-time disclosure. In a separate submission to the Committee's 'Inquiry into and report on all aspects of the conduct of the 2019 Federal Election and matters related thereto', I address the question of whether the disclosure threshold should be lowered to such a level.

I hope that my comments are of assistance to the Committee, and I would welcome the opportunity to assist the Committee further.

Yours Sincerely,

A black rectangular redaction box covering the signature of Krystian Seibert.

Krystian Seibert