



Australian Government

Australian Government response to the
Joint Standing Committee on Electoral Matters report:

*Conduct of the 2022 federal election and other matters – Interim
Report*

November 2023

Introduction

On 19 June 2023, the Joint Standing Committee on Electoral Matters (JSCEM) tabled a report titled *Conduct of the 2022 federal election and other matters – Interim Report* (Interim Report).

The Government's formal response to the recommendations of the Interim Report follows below.

**Government Response to the Joint Standing Committee on Electoral Matters report:
Conduct of the 2022 federal election and other matters – Interim Report**

Majority:

#	Recommendation	Government Response
1	The Committee recommends that the Australian Government lower the donation disclosure threshold to \$1,000.	<p>Noted</p> <p>The Government notes the recommendation and welcomes the JSCEM Interim Report into the 2022 Federal Election.</p> <p>Chair Kate Thwaites, together with all members of the committee, have worked diligently to provide a list of recommendations aimed at strengthening our democracy.</p> <p>The Government has clear commitments to improved transparency and accountability across our electoral system and believes electoral reform should be undertaken in a consultative and bipartisan manner.</p> <p>The Government looks forward to engaging with colleagues across the parliament on these vital reforms, pending the committee’s final report in 2023.</p>
2	The Committee recommends that the Australian Government introduce ‘real time’ disclosure requirements for donations to political parties and candidates.	<p>Noted</p> <p>See response to Recommendation 1 of the Majority report.</p>

#	Recommendation	Government Response
3	The Committee recommends that the Australian Government gives consideration to amending the definition of ‘gift’ in the Electoral Act to ensure it meets community expectations of transparency in political donations.	Noted See response to Recommendation 1 of the Majority report.
4	The Committee recommends that the Australian Government introduce donation caps for federal election donations.	Noted See response to Recommendation 1 of the Majority report.
5	The Committee recommends that the Australian Government introduce expenditure (also known as spending) caps for federal elections.	Noted See response to Recommendation 1 of the Majority report.
6	The Committee recommends that donation caps and expenditure caps apply to third parties and associated entities.	Noted See response to Recommendation 1 of the Majority report.
7	The Committee recommends the Australian Government introduce a requirement that all political parties, members of Parliament, candidates, associated entities and third parties be required to establish a Commonwealth Campaign Account for the purpose of federal elections, to better allow for disclosure and monitoring.	Noted See response to Recommendation 1 of the Majority report.

#	Recommendation	Government Response
8	The Committee recommends the Australian Government introduces a new system of administrative funding to recognise the increased compliance burden associated with a reformed system.	<p>Noted</p> <p>See response to Recommendation 1 of the Majority report.</p>
9	The Committee recommends the Australian Government introduce a new system of increased public funding for parties and candidates, recognising the impact changes a reformed system will have on private funding in elections.	<p>Noted</p> <p>See response to Recommendation 1 of the Majority report.</p>
10	The Committee recommends the Australian Government provide the Australian Electoral Commission with additional resources to support, implement and enforce these reforms.	<p>Noted</p> <p>See response to Recommendation 1 of the Majority report.</p>
11	The Committee recommends that the Australian Government develop legislation, or seek to amend the Commonwealth Electoral Act 1918, to provide for the introduction of measures to govern truth in political advertising, giving consideration to provisions in the Electoral Act 1985 (SA).	<p>Noted</p> <p>See response to Recommendation 1 of the Majority report.</p>

#	Recommendation	Government Response
12	The Committee recommends that the Australian Government consider the establishment of a division within the Australian Electoral Commission, based on the principles currently in place in South Australia, to administer truth in political advertising legislation, with regard to ensuring proper resourcing and the need to preserve the Commission's independence as the electoral administrator.	<p>Noted</p> <p>See response to Recommendation 1 of the Majority report.</p>
13	The Committee recommends that, providing the Committee receives a reference to conduct a review of the next federal election, consideration of the new framework be included in terms of reference to the Committee. Such consideration could include the effectiveness of the revised arrangements, and identification of any further improvements.	<p>Noted</p> <p>See response to Recommendation 1 of the Majority report.</p>
14	Consistent with the recommendation made in this Committee's Advisory report on the Referendum (Machinery Provisions) Amendment Bill 2022, the Committee recommends that the Australian Government strengthen the opportunities for electoral enfranchisement and participation to allow the Australian Electoral Commission to support increased enrolment and participation, particularly of Aboriginal and Torres Strait Islander people, including in remote communities.	<p>Noted</p> <p>See response to Recommendation 1 of the Majority report.</p>

#	Recommendation	Government Response
15	The Committee recommends the Government resource the Australian Electoral Commission to work directly with Aboriginal and Torres Strait Islander community organisations to increase Indigenous enrolment and participation, particularly in remote communities.	<p>Noted</p> <p>See response to Recommendation 1 of the Majority report.</p>

Minority report by Kate Chaney MP:

#	Recommendation	Government Response
1	<p>I propose a further recommendation in terms that – the Australian Government introduces a system of more meaningful funding disclosure that will be readily available on the AEC Transparency Register by:</p> <ul style="list-style-type: none">• removing the opaque 'other receipts' category and replacing it with categories to separately identify event income, investment income, membership fees, political party transfers and public funding reimbursement;• requiring the disclosure of the terms of the loans; and• making the AEC Transparency Register easy to use and searchable.	See response to Recommendation 1 of the Majority report.
2	<p>In relation to transparency reforms, I propose a further recommendation in terms that – the Australian Government develops legislation, or seeks to amend the Electoral Act 1918, to regulate lobbying including expanding the lobbyist register and requiring the publishing of ministerial diaries.</p>	See response to Recommendation 1 of the Majority report.
3	<p>In relation to reducing financial influence reforms, I propose a further recommendation in terms that – the Australian Government implements any donation or spending caps informed by the principle of creating a level playing field for new entrants.</p>	See response to Recommendation 1 of the Majority report.

#	Recommendation	Government Response
4	<p>In addition to donation reforms, I propose a further recommendation in terms that – the Australian Government seeks to amend the Electoral Act 1918 to:</p> <ul style="list-style-type: none"> • prohibit political donations from government contractors; • prohibit political donations from social harm industries; and • require corporate entities and unions to obtain member approval before making political donations. 	See response to Recommendation 1 of the Majority report.
5	I propose a further recommendation in terms that – the Australian Government seeks to amend the Electoral Act 1918 to enable an independent candidate to register an Independent Candidate Entity, to be treated the same way as a political party.	See response to Recommendation 1 of the Majority report.
6	I propose a further recommendation in terms that – the Australian Government develops legislation, or seeks to amend the Electoral Act 1918, to prohibit government advertising from 2 years after an election until the next election except in the case of a national emergency or other compelling reason as determined by an independently constituted body.	See response to Recommendation 1 of the Majority report.

#	Recommendation	Government Response
7	I propose a further recommendation in terms that – the Australian Government seeks to amend the Electoral Act 1918 to ensure the independence of the postal vote process by preventing parties or candidates from achieving an advantage through the process (e.g. by restricting the use and delivery of the AEC postal vote application form).	See response to Recommendation 1 of the Majority report.
8	I propose a further recommendation in terms that – the Australian Government amends the Privacy Act 1988 (Cth) to remove the exemption of a registered political party from the operation of the Privacy Act.	See response to Recommendation 1 of the Majority report.
9	I propose a further recommendation in terms that – the Australian Government amends the Spam Act 2003 (Cth) to remove the exemption from the Spam Act of registered political parties to send unsolicited electronic messages.	See response to Recommendation 1 of the Majority report.

Minority Report by Senator David Pocock:

#	Recommendation	Government Response
1	Increase the baseline level of representation for the ACT and NT in the Senate to as close to half the representation of States as possible. Given the current number of Senators in each State, this would see the ACT and the NT each have 6 Senators. Terms should increase to six years and commence on 1 July following the election in line with the states.	See response to Recommendation 1 of the Majority report.
2	The government should commission an independent body, such as the Australian Law Reform Commission, to develop recommendations to require full disclosure of all receipts above the threshold. Consideration should be given to removing the 'other receipts' category, disclosure of loans and the creation of an AEC Transparency Register, in accordance with Recommendation 1 made by the Member for Curtin, Kate Chaney MP in her Additional Comments.	See response to Recommendation 1 of the Majority report.

#	Recommendation	Government Response
3	<p>I support Recommendation 2 made by the Member for Curtin, Kate Chaney MP in her Additional Comments that the government should expand the lobbyist register to include in-house lobbyists. I further recommend that, if a lobbyist holds a sponsored pass that gives access to the Australian Parliament House, the details of the pass including the sponsoring MP or Senator are captured on the lobbyist register. Details of sponsored passes should also be listed on Parliamentarians profiles on the Australian Parliament House website.</p>	<p>See response to Recommendation 1 of the Majority report.</p>
4	<p>The government should establish an independent body to manage and rule on truth in political advertising complaints. This body should be completely separate from the AEC, whose neutrality is a critical feature of our electoral architecture and must be maintained.</p>	<p>See response to Recommendation 1 of the Majority report.</p>

#	Recommendation	Government Response
5	<p>Any system developed to regulate political donations and election spending must be developed by a non-partisan, independent body. The introduction of donation and spending caps has the potential to have a significant impact on the ability of independent candidates and micro parties to be elected to Parliament and as such the development of any system must be free of the undue political influence of incumbents.</p>	<p>See response to Recommendation 1 of the Majority report.</p>

Dissenting report by Coalition members of the Committee:

#	Recommendation	Government Response
1	The Coalition members of the Committee recommend that the Electoral Act be amended to allow for the obligations of Registered Political Parties to be applied to independent candidates where the Australian Electoral Commissioner believes those candidates are conducting their activities in a manner consistent with a Registered Political Party.	See response to Recommendation 1 of the Majority report.
2	The Coalition members of the Committee recommend that the Government give consideration to the adequacy of the current electoral regulatory framework to nominate as a candidate at a Commonwealth election, and in particular any measures that could be implemented to strengthen the integrity of the system.	See response to Recommendation 1 of the Majority report.
3	The Coalition members of the Committee recommend the pre-poll period be statutorily limited to be a maximum of one week prior to election day and that the Australian Electoral Commission provide parties and candidates with the earliest possible advice about prepoll locations.	See response to Recommendation 1 of the Majority report.

#	Recommendation	Government Response
4	The Coalition members of the Committee recommend that a new offence of ‘electoral violence or intimidation’ be added to the Electoral Act. This amendment is fundamental to address behaviour arising in an election such as violent, obscene, or discriminatory abuse, property damage, and stalking candidates or their supporters to intimidate them or make them feel unsafe.	See response to Recommendation 1 of the Majority report.
5	The Coalition members of the Committee recommend that the AEC return all electoral practises to pre-COVID standards.	See response to Recommendation 1 of the Majority report.
6	The Coalition members of the Committee recommend that vote counts after polling day for each electorate should be carried out in the electorate itself, not transported considerable distances.	See response to Recommendation 1 of the Majority report.