
From: Pourus Bharucha [REDACTED]
Sent: Saturday, 19 October 2019 9:44 PM
To: Committee, EM (REPS)
Subject: Submission to the Real Time Disclosure process

Good evening,

Please see below in this email my submission to the inquiry on the Commonwealth Electoral Amendment (Real Time Disclosure of Political Donations) Bill 2019.

Many thanks

Regards,
Pourus

Submission to the inquiry on the Commonwealth Electoral Amendment (Real Time Disclosure of Political Donations) Bill 2019

Firstly, I (as I'm sure most Australians) would commend any effort to make the political donations process more transparent, as much as possible. Whilst other measures such as techniques to restrict donation splitting, increasing transparency about who donors are, reducing or removing thresholds for disclosure, looking at restricting political spending etc would also help, I assume these are presently out of scope given the legislation title and thus I discuss only the timing of donation disclosure.

In general, the 5 day disclosure time period seems appropriate, assuming the donation is then placed on the AEC website extremely promptly. Annual publication for example is not sufficient and would defeat the primary purpose of prompt reporting.

The one time in the electoral cycle where even these timeframes will not redress perversions to democracy is in the immediate period before elections, the time where it matters most. A five day delay in recording and reporting these donations is too long because it doesn't give the public enough time to receive and process or scrutinise the information about who is donating what. For example, if a donation is made 4 days before an election, the election will be held before any possible public awareness of the donation. This is clearly against the primary aims of the legislation and would continue to be the current perversion of democracy.

While banning/seriously restricting donations or similar during caretaker period may be democratically desirable to prevent "purchasing" an electoral result, this suggestion is likely to be ignored by the vested interests in the name of freedom of speech or whatever else, who decide on these legislative matters. I am also uncertain about any possible constitutional implications.

What is needed is a system effectively without delay at all. If a transaction can be processed (i.e. a donation takes place) then this can be lodged within say 15 minutes at most with the AEC through a website or whatever (without being prescriptive), and can then be automatically published in real time. This must be technologically and logistically possible, if the relevant transfer of these quantities of money is. This would provide meaningful transparency to electors and all their representatives about who is funding or donating to which parties, policies or proposals; such transparency being crucial around election time. Outside caretaker period, one could revert to a five day turnaround time, though if systems are in place I am not sure why even this amount of time would be required.

Further, any promises of future funding should be recorded in the register if possible, though enforcing transparency around intentions would be difficult. However the pledged money can be spent by political parties in advance, so it is indeed vital to make every attempt to capture this information as much as possible. Experts could advise on the best ways to attempt this, possibly by tracking and aligning expenditure to the sources of the funding.

During 2016, the prime minister donated \$1.75 million to his own party's re-election campaign. Part of this amount was pledged in advance (\$0.75 million was formally donated after the election, in December). The other \$1 million was donated very shortly before the election, during caretaker period.

<<https://mobile.abc.net.au/news/2018-02-01/donations-political-turnbull-election-millions-foreign-donations/9380014>>

In essence, this is for the most part a good hindsight test case. Would the new system fully and transparently reveal all the \$1.75 million promptly and certainly before the election were the same circumstances to reoccur. If so, the new system will be of benefit to democracy. Otherwise not so much.

I would like to extend my thanks to the committee and public service officers for reading and considering my submission and all the other submissions and materials associated with this matter; and to the committee in your deliberations to get this important legislation right.

Regards,
Porous

