

LIBERAL PARTY OF AUSTRALIA

Federal Director

14 July 2020

Committee Secretary
Joint Standing Committee on Electoral Matters
PO Box 6021
Parliament House
Canberra ACT 2600

Dear Committee Secretary,

Thank you for the opportunity to contribute to the Joint Standing Committee on Electoral Matters' inquiry into the Electoral Amendment (Miscellaneous Measures) Bill 2020 (the Bill). I apologise for the delay in responding.

The most significant aspect of the Bill is the proposed section 302CA (and the associated section 314B). The remainder of the Bill provides for a range of amendments, many technical, to which the Liberal Party has no objection.

The key underlying (and highly desirable) principle underpinning section 302CA is that legislating for funding and disclosure arrangements for federal elections should be solely the responsibility of the Federal Parliament.

These arrangements should not be the subject of legislative or regulatory interference by state and territory governments.

The version of section 302CA inserted into the *Commonwealth Electoral Act 1918* in 2018 by the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2018 sought to achieve that principle – and had the support of the Labor Party for its passage – but the form of words used was found by the High Court to be invalid.

The Liberal Party supports the revised version which the Government has put forward in this Bill, both because of the underlying principle on which it is based and because the new wording sets the boundaries very clearly for where federal law prevails and where it does not.

That clarity is an important practical consideration for political parties, since many political parties in Australia operate at both the federal and state/territory levels.

We believe that Federal Parliament should resist attempts by state governments that seek to impose their own policies about federal donations by means of state legislation, without those policies going through the legislative processes of the Federal Parliament.

The Bill would ensure that federal law applies exclusively to donations that are expressly for federal purposes, while fully respecting the application of state laws to amounts used for state purposes.

I urge the Committee to recommend to the Parliament that the Bill be passed.

Yours sincerely,



Andrew Hirst
Federal Director, Liberal Party of Australia