



Electoral Commissioner

REF: IS20-000007

[REDACTED]
Committee Secretary
Joint Standing Committee on Electoral Matters
Parliament House
CANBERRA ACT 2600

Email: em@aph.gov.au

Dear [REDACTED]

Electoral Legislation Amendment (Miscellaneous Measures) Bill 2020

Thank you for your correspondence of 19 June 2020 inviting the Australian Electoral Commission (AEC) to make a submission to the Joint Standing Committee on Electoral Matters (JSCEM) inquiry into the Electoral Legislation Amendment (Miscellaneous Measures) Bill 2020 (the Bill).

The AEC made a submission to the JSCEM in February 2017 that focused on funding and disclosure (FAD) matters. Given the Bill seeks to clarify the relationship between federal and state and territory electoral finance laws and make technical amendments to public election funding rules, it may be helpful to acquaint Members with the 2017 submission.

In that submission, made in response to the inquiry into and report on all aspects of the conduct of the 2016 federal election and matters related thereto, the AEC noted the critical importance of a well-regulated FAD scheme and provided a brief history of legislative developments (Supplementary Submission 66.11 refers).

The AEC submission also highlighted the inherently political nature of FAD schemes and the divergent, frequently strong-held, views of key stakeholders regarding the regulatory framework surrounding party funding. Against this backdrop, detailed and prescriptive recommendations from the AEC can, and have been, criticised as partisan interventions in the policy debate.

For that reason, the AEC's 2017 submission did not make detailed recommendations. Rather, it introduced four key principles that appeared to be common to most FAD schemes globally, namely:

- Transparency
- Clarity
- Timeliness
- Enforceability

The AEC's views, expressed in that submission, remain extant. I believe that FAD matters are for Parliament to decide: effectively, for Parliament to test the existing legislation and proposals for change against those four 'global' principles to ensure Australia's FAD scheme meets community expectations. It would be inappropriate for the AEC to express a view on the appropriateness or otherwise of the proposals at hand. However, we remain ready to assist the Committee with regards to specific questions of any other matter connected to this enquiry.

As you proceed with your inquiry, I am happy to provide further information as requested.

Yours sincerely

Tom Rogers

2 July 2020