

17 August 2011

JSCEM's inquiry into the funding of political parties and election campaigns

I am writing to provide a supplementary submission to the Joint Standing Committee on Electoral Matters' inquiry into the funding of political parties and election campaigns.

This submission is divided into three parts:

- Reliance on Auditor-General's 2010 report on the administration of parliamentary entitlements;
- The different election spending limits applying to political parties and third parties under the Queensland scheme; and
- Political contributions disclosure thresholds applying to political parties and candidates in Canada, New Zealand and the United Kingdom.

Should you have any queries, please do not hesitate to contact me.

Yours sincerely,

Dr Joo-Cheong Tham
Associate Professor
Melbourne Law School
Melbourne University

A. Reliance on Auditor-General's 2010 report on the administration of parliamentary entitlements

A considerable part of the discussion during my appearance before the Committee centred on the use of parliamentary entitlements for electioneering. Some suggestion was made during this time that I had falsely relied on or represented the report of the Australian National Audit Office, *Administration of Parliamentarians' Entitlements: Auditor-General Report No 3/ 2009-2010* (2010) ('Auditor-General's Report') in pages 84-85 of my submission. (The Auditor-General's Report is available at http://www.anao.gov.au/~media/Uploads/Documents/2009%2010_anao_audit_report_3.pdf and my submission can be found at <http://www.aph.gov.au/house/committee/em/elect10/subs/090%20Sub.pdf>).

In order to demonstrate otherwise, I have separated out each instance in pages 84-85 of my submission (in italics) where I reference the Auditor-General's Report and reproduced directly below the text of the Auditor-General's Report upon which I relied (indented). For the sake of completeness, I have also included a copy of pages 84-85 of my submission as an Appendix to this submission.

Save for one typographical error (see below), I remain strongly of the view that my submission accurately relied upon and represented the Auditor-General's report.

1.

In his 2009 report on federal parliamentary entitlements, the Auditor-General found that such use of the printing entitlement often resulted in postal vote applications being accompanied by campaign material for the party. (Footnote 229 references page 148 of Auditor-General's Report)

[4.36] Analysis of documentation provided to ANAO by a sample of printers indicates that PVAs distributed by political parties, including through the use of the entitlements of an incumbent party candidate, very often included material campaigning for the relevant party and/or candidate, with the major political parties organising the printing of PVAs in a similar format for both incumbent Parliamentarians and other party candidates. This occurs as part of a coordinated campaign to win, or retain, government.

2.

Worse, such use gave rise to obvious waste: 16.5 million applications were printed in this way, 2.9 million more postal vote applications than the total number of voters enrolled (Footnote 230 references page 147 of Auditor-General's Report)

[4.35] . . . In terms of the value and effectiveness of this use of Parliamentarians' entitlements, ANAO's analysis was that:

- at least 8.23 million PVA documents were produced by Parliamentarians in 2007–08 using their Printing Entitlement, providing the capacity for 16.5 million applications to be made to the AEC for a Postal Voting Pack, meaning that Parliamentarians printed 2.9 million more postal vote application forms than the number of voters enrolled for the election (footnotes omitted).

3.

The Auditor-General found a similar (ab)use of the printing entitlement to produce 'How to Vote' cards (included as 'other voting information') (Footnote 231 references page 163 of Auditor-General's Report), with cards sent by parliamentarians tailored to reflect key elements of their party's election campaign strategy (Footnote 232 references pages 165-166 of Auditor-General's Report)

Reference for footnote 231:

Extent of use of Printing Entitlement to produce 'how to vote' cards and 'other voting information'

[4.70] According to the Management Reports for 2007–08, 43 Members (29 per cent) used their Printing Entitlement to produce a total of 4.6 million 'how to vote' cards for the 3.97 million registered voters in the electorates represented by those Members. As illustrated by Figure 4.1, 31 of those 43 Members produced (according to the Management Reports) one or more 'how to vote' cards for each registered voter in their electorate. The Management Reports of one Member stated that the Member had printed 318 457 'how to vote' cards for distribution to the 100 916 registered voters in the Member's marginal electorate. The Management Reports also stated that this Member had used the Printing Entitlement to produce 128 173 PVA forms enabling 256 346 people to potentially request a Postal Voting Pack from the AEC. It was similarly common for some other Members to produce high numbers of both PVAs and

‘how to vote’ cards, both of which also incorporated election campaigning material.

Reference for footnote 232 (footnotes have been omitted from text below):

[4.73] The role of ‘how to vote’ cards as an important tool in the election campaign strategy of political parties was reflected in the organised and co-ordinated approach taken to the production of these items. Within the sample examined by ANAO, which involved Parliamentarians from three States, there were standardised versions of ‘how to vote’ card designed for use by both incumbent and non-incumbent candidates of each of the major political parties. The slogans and images included on those standard designs reflected the acknowledged election campaign strategies of the relevant party.

[4.74] For example, there were two standard forms of ‘how to vote’ card printed in ANAO’s sample for Labor Parliamentarians using their Printing Entitlement, as follows:

- those printed for candidates from two States were based around promoting the leadership of the then Opposition leader with a prominent, central photograph of Mr Rudd, and a key slogan from the party’s campaign: ‘Kevin Rudd and Labor. New Leadership for Australia’s Future.’ The name and photograph of the relevant Member was inserted at the top right corner of the ‘how to vote’ card, above the House of Representatives ballot paper. Some included further election campaign material on the reverse side, based on the Labor election campaign strategy of promoting ‘Kevin Rudd’ and ‘A Plan for Australia’s Future.’; and
- those printed for candidates from the third State were also based around the Opposition Leader, with a photograph of the candidate with Mr Rudd beside the slogan ‘how to vote for Kevin Rudd and Labor’, with the Member’s name and title. The slogan across the bottom of the standard card also reflected a key element of the Labor election campaign strategy, ‘Standing up for working families’.

[4.75] Similarly, the ‘how to vote’ cards printed for Liberal Parliamentarians in ANAO’s sample reflected key elements of the party’s

election campaign strategy, as follows:

- those printed for candidates from one State were based on the Liberal campaign strategy of highlighting the then Prime Minister and then Treasurer as careful managers of Australia's \$1.1 trillion economy, including the party campaign slogan 'Go for Growth. Vote Liberal'. Each also solicited primary votes for the candidate through a slogan used throughout the election advertising material produced in relation to Liberal candidates as part of a strategy to highlight past achievements, 'I need your vote to do more.' In the case of one Member in ANAO's sample, the reverse side of the 'how to vote' card also reproduced a standard Liberal party election campaign advertising flyer promoting the party's 'Bold 9-Point Plan to build and grow Australia'; and
- a number of the Liberal Members from another State in ANAO's sample used their Printing Entitlement to produce tear-off 'how to vote' cards that were attached to personalised letterhead on which a bulk mail out letter was overprinted. The letter provided information on pre-polling including, in most cases, the location of pre-poll voting centres in the relevant electorate, but the bulk of the letter's content did not differ between Members and was standard text directed at persuading the resident that voting for Labor was a gamble with Australia's future, as the Labor party was said to be inexperienced (including in relation to the influence of trade unions on the Labor front

4.

Here, an officially sanctioned use of the printing entitlement for particular electioneering purposes (such as printing 'postal vote applications and other voting information') intermingles with an illegitimate use for other electioneering purposes. This tension is clearly illustrated by the Auditor-General's analysis of items produced by the printing entitlement in the months leading up to the 2007 federal election. The Report found that 74 per cent of the analysed sample was at risk of being deemed illegitimate, principally because the content of the printed material contained 'high levels of material promoting party political interests and/or directly attacking or scorning the views, policies or actions of others, such as the policies and opinions of other parties' (Footnote 233 references pages 36-37 of Auditor-General's Report)

Footnotes have been omitted from the following text:

57. As the Printing Entitlement is menu-based, with certain prescriptive requirements, ANAO also assessed whether the form of the printed item was in accordance with the entitlement. In these respects:

- the majority (56 per cent) of items were in a form that was within entitlement; but
- a high proportion (72 per cent) of sampled items did not include content that was demonstrably within the terms of the entitlement.

58. Thus, the most significant factor in items being assessed as at risk of being outside of the entitlement related to the content of printed material. Examples included items with high levels of material promoting party political interests and/or directly attacking or scorning the views, policies or actions of others, such as the policies and opinions of other parties. Examples where the form of the item printed, or service provided, under an invoice was assessed as at risk of being outside of entitlement included items that were not identifiable as being from the Parliamentarian whose entitlement was used; the use of the Printing Entitlement for the production of direct mail letters and other ineligible distribution-related costs; and the printing of a range of items (including various forms of booklets, posters and charts, bookmarks, shopping or Christmas lists, and songbooks) for distribution to constituents that did not conform to the menu of approved printable items as set out in the Regulations and the Ministerial Instrument made under the Regulations.

I would like to take the opportunity here to correct a typographical error. My submission incorrectly states that the percentage figure of 74% of the analysed sample was at risk of being deemed illegitimate. The correct figure is 72%.

B. The different election spending limits applying to political parties and third parties under the Queensland scheme

During my appearance, I undertook to more fully substantiate the point I made that, under the Queensland scheme of election spending limits, third parties are subject to spending limits relating to particular electoral districts, a restriction to which registered political parties are not subject to. I set out my reasons in detail below.

The key provision is the new section 177IA of the *Electoral Act 1992* (Qld) (inserted by the *Electoral Reform and Accountability Amendment Act 2011* (Qld)). The relevant sub-sections of this section are reproduced below with the text imposing electoral district-specific limits on third parties italicised. A comparison of these sub-sections make clear my point that third parties (whether registered or not) are subject to limits on spending in relation to particular electoral districts whereas registered political parties are not.

177IA Calculating applicable expenditure cap

- (1) For this division, the *applicable expenditure cap* for electoral expenditure is—
- (a) for a registered political party—
 - (i) \$80000 for the first financial year starting after this section commences; and
 - (ii) the amount calculated under subsections (2) to (6) for subsequent financial years; and
 - ...
 - (g) a registered third party—
 - (i) \$500000, *but no more than \$75000 in relation to a particular electoral district*, for the first financial year starting after this section commences; and
 - (ii) the amount calculated under subsections (2) to (6) for subsequent financial years; and

- (h) an unregistered third party—
 - (i) \$10000, *but no more than \$2000 in relation to a particular electoral district*, in the first financial year starting after this section commences;
and
 - (ii) the amount calculated under subsections (2) to (6) for subsequent financial years.

C. Political contributions disclosure thresholds applying to political parties and candidates in Canada, New Zealand and the United Kingdom

During my appearance, I took a question on notice to provide information as to the political contributions disclosure thresholds in other comparable jurisdictions. Due to the limited time available to provide a supplementary submission, I have not been able to write up a description of these thresholds. Instead, I have extracted below the relevant provisions applying to political parties and candidates in Canada, New Zealand and the United Kingdom.

Political contributions disclosure thresholds under the Canada Elections Act 2000
(Canada)

The relevant provision applying to registered political parties is as follows:

424. (1) For each fiscal period of a registered party, its chief agent shall provide the Chief Electoral Officer with

(a) a financial transactions return, substantially in the prescribed form, on the registered party's financial transactions;

(b) the auditor's report on the financial transactions return made under subsection 426(1);

(c) a declaration in the prescribed form by the chief agent concerning those financial transactions; and

(2) A financial transactions return must set out

(a) the total contributions received by the registered party and the number of contributors;

(b) the name and address of each contributor who made contributions of a total amount of more than \$200 to the registered party, that total amount, as well as the amount of each such contribution and the date on which it was received by the party.

The following provision that applies to registered parties entitled to a quarterly allowance should also be noted:

424.1 (1) The chief agent of a registered party that is entitled under subsection

435.01(1) to a quarterly allowance shall, for each quarter of the fiscal period of the party, provide the Chief Electoral Officer with a return that includes the information required under paragraphs 424(2)(a) to (c), (h.2) and (k).

As to candidates, the relevant provision is as follows:

451. (1) The official agent of a candidate shall provide the Chief Electoral Officer with the following in respect of an election:

(a) an electoral campaign return, substantially in the prescribed form, on the financing and expenses for the candidate's electoral campaign;

(b) the auditor's report under section 453 on the return;

(c) [Repealed]

(d) a declaration, in the prescribed form, made by the official agent concerning the return; and

(e) a declaration in the prescribed form made by the candidate concerning the return.

(2) The electoral campaign return shall include the following in respect of the candidate:

(a) a statement of election expenses;

(b) a statement of electoral campaign expenses, other than election expenses;

(c) [Repealed]

(d) a statement of disputed claims that are the subject of proceedings under section 449;

(e) a statement of unpaid claims that are, or may be, the subject of an application under section 447 or 448;

(f) a statement of contributions received;

(g) the number of contributors;

(g.1) [Repealed]

(h) the name and address of each contributor who made contributions of a total amount of more than \$200 to the candidate, that total amount, as well as the amount of each such contribution and the date on which it was received by the candidate;

(h.1) [Repealed]

(i) a statement of the commercial value of goods or services provided and of funds transferred by the candidate to a registered party, to a registered association or to himself or herself in his or her capacity as a nomination contestant;

(j) a statement of the commercial value of goods or services provided and of funds transferred to the candidate from a registered party, a registered association or a nomination contestant; and

(k) a statement of contributions received but returned to the contributor or otherwise dealt with in accordance with this Act.

Political contributions disclosure thresholds under the Electoral Act 1993 (New Zealand)

The provisions as apply to political parties are as follows:

Section 210: Annual return of party donations

(1) A party secretary must file with the Electoral Commission, by 30 April in each year, a return of the party donations setting out, for the year ending with the immediately preceding 31 December,—

(a) the details specified in subsection (2) for every party donation (other than a donation of the kind referred to in paragraphs (c) to (e)) received by him or her that, either on its own or when aggregated with all other donations made by or on behalf of the same donor during the year, exceeds \$15,000 in sum or value; and

(b) whether [section 207C](#) applies to any donation, and if so, and to the extent known or ascertainable from the information supplied under that section, the details specified in subsection (3) in respect of every contribution referred to in section 207C notified to him or her that, either on its own or when aggregated with other contributions made by or on behalf of the same person during the year, exceeds \$15,000 in

sum or value; and

- (c) the details specified in subsection (4) in respect of every anonymous party donation received by him or her exceeding \$1,500; and
 - (d) the details specified in subsection (5) in respect of every party donation received by him or her from an overseas person that, either on its own or when aggregated with all other donations made by or on behalf of the same overseas person during the year, exceeds \$1,500; and
 - (da) the details specified in subsection (5A) in respect of every contribution to a party donation received by him or her from an overseas person that exceeds \$1,500; and
 - (e) the details specified in subsection (6) in respect of every payment of donations received from the Electoral Commission under [section 208D](#); and
 - (f) the details specified in subsection (6A) in respect of all other party donations received by him or her.
- (2) The details referred to in subsection (1)(a) are—
 - (a) the name of the donor; and
 - (b) the address of the donor; and
 - (c) the amount of the donation or, in the case of aggregated donations, the total amount of the donations; and
 - (d) the date the donation was received or, in the case of aggregated donations, the date that each donation was received.
 - (3) The details referred to in subsection (1)(b) are—
 - (a) the name of the contributor; and
 - (b) the address of the contributor; and
 - (c) the amount of each contribution made by the contributor; and
 - (d) the date on which each related donation funded from contributions was made.
 - (4) The details referred to in subsection (1)(c) are—
 - (a) the date the donation was received; and
 - (b) the amount of the donation; and
 - (c) the amount paid to the Electoral Commission under [section 207I\(2\)](#), and the date that payment was made.

- (5) □ □ The details referred to in subsection (1)(d) are—
 - (a) □ □ the name of the overseas person; and
 - (b) □ □ the address of the overseas person; and
 - (c) □ □ the amount of the donation or, in the case of aggregated donations, the total amount of the donations; and
 - (d) □ □ the date the donation was received or, in the case of aggregated donations, the date each donation was received; and
 - (e) □ □ the amount returned to an overseas person or paid to the Electoral Commission under [section 207K\(2A\)](#), and the date of that return or payment, as the case may be.
- (5A) □ □ The details referred to in subsection (1)(da) are—
 - (a) □ □ the name of the overseas person; and
 - (b) □ □ the address of the overseas person; and
 - (c) □ □ the amount of the contribution; and
 - (d) □ □ the date on which the related donation funded from the contribution was made; and
 - (e) □ □ the amount returned to the donor or paid to the Electoral Commission under [section 207K\(3\)](#), and the date of that return or payment, as the case may be.
- (6) □ □ The details referred to in subsection (1)(e) are—
 - (a) □ □ the date the payment was received; and
 - (b) □ □ the amount of the payment; and
 - (c) □ □ the amount of interest included in the payment.
- (6A) □ □ The details referred to in subsection (1)(f) are—
 - (a) □ □ the number of anonymous party donations received of an amount not exceeding \$1,500, and the total amount of all such donations:
 - (b) □ □ the number of overseas party donations received of an amount not exceeding \$1,500, and the total amount of all such donations:
 - (c) □ □ the number of all party donations received of an amount exceeding \$1,500 but not exceeding \$5,000, and the total amount of all such donations:
 - (d) □ □ the number of all party donations received of an amount exceeding \$5,000 but not exceeding \$15,000, and the total amount of all such donations.

- (7) □ □ Every return filed under subsection (1) must be—
 - (a) □ □ in the form required by the Electoral Commission; and
 - (b) □ □ accompanied by an auditor's report obtained under [section 210A](#).
- (8) □ □ Despite anything in subsection (1), if a party secretary is required to file under that subsection a return of party donations that relates to the year in which the party became registered, that return is to relate to the period beginning with the date of registration of the party and ending with 31 December of that year. □ □

...

Section 210C: Return of party donation received from same donor exceeding \$30,000

- (1) □ □ A party secretary must file with the Electoral Commission a return in respect of every party donation that exceeds \$30,000. □ □
- (2) □ □ A party secretary must file with the Electoral Commission a return in respect of every party donation that—
 - (a) □ □ the party secretary knows is from a donor who in the 12 months immediately preceding the date of receipt of the donation (the **last 12 months**) has made 1 or more previous donations; and
 - (b) □ □ when aggregated with all previous donations received from the donor in the last 12 months exceeds \$30,000.
- (3) □ □ If a return is made under subsection (2), the donations disclosed in that return must be disregarded when applying this section in relation to a party donation that is made after that return is filed. □ □
- (4) □ □ A return filed under subsection (1) must be in the form required by the Electoral Commission and set out—
 - (a) □ □ the name of the donor (if known); and
 - (b) □ □ the address of the donor (if known); and
 - (c) □ □ the amount of the donation; and
 - (d) □ □ the date the donation was received.
- (5) □ □ A return filed under subsection (2) must be in the form required by the Electoral Commission and set out—
 - (a) □ □ the name of the donor; and

- (b) the address of the donor; and
- (c) the amount of the donation; and
- (d) the amounts of all previous donations; and
- (e) the date the donation was received; and
- (f) the dates all previous donations were received.

(6) A return must be filed under subsection (1) or (2) within 10 working days of the donation being received by the party secretary.

The relevant provision as applies to candidates is as follows:

Return of candidate donations

- (1) A candidate must, at the same time as filing a return of election expenses under [section 205K](#), file with the Electoral Commission a return setting out—
- (a) the details specified in subsection (2) in respect of every candidate donation (other than a donation of the kind referred to in paragraphs (c) and (d)) received by him or her that, either on its own or when aggregated with all other donations made by or on behalf of the same donor for use in the same campaign, exceeds \$1,500 in sum or value; and
 - (b) whether [section 207C](#) applies to any donation, and if so, and to the extent known or ascertainable from the information supplied under that section, the details specified in subsection (3) in respect of every contribution referred to in section 207C notified to him or her that, either on its own or when aggregated with other contributions made by or on behalf of the same person for use in the same campaign, exceeds \$1,500 in sum or value; and
 - (c) the details specified in subsection (4) in respect of every anonymous candidate donation received by him or her exceeding \$1,500; and
 - (d) the details specified in subsection (5) in respect of every candidate donation received by him or her from an overseas person that, either on its own or when aggregated with all other donations made by or on behalf of the same overseas person for use in the same campaign, exceeds \$1,500; and
 - (e) the details specified in subsection (5A) in respect of every contribution to a candidate donation received by him or her from an

overseas person that exceeds \$1,500.

- (2) □ □ The details referred to in subsection (1)(a) are—
 - (a) □ □ the name of the donor; and
 - (b) □ □ the address of the donor; and
 - (c) □ □ the amount of the donation or, in the case of aggregated donations, the total amount of the donations; and
 - (d) □ □ the date the donation was received or, in the case of aggregated donations, the date that each donation was received.
- (3) □ □ The details referred to in subsection (1)(b) are—
 - (a) □ □ the name of the contributor; and
 - (b) □ □ the address of the contributor; and
 - (c) □ □ the amount of each contribution made by the contributor; and
 - (d) □ □ the date on which each related donation funded from contributions was made.
- (4) □ □ The details referred to in subsection (1)(c) are—
 - (a) □ □ the date the donation was received; and
 - (b) □ □ the amount of the donation; and
 - (c) □ □ the amount paid to the Electoral Commission under [section 207I\(1\)](#), and the date that payment was made.
- (5) □ □ The details referred to in subsection (1)(d) are—
 - (a) □ □ the name of the overseas person; and
 - (b) □ □ the address of the overseas person; and
 - (c) □ □ the amount of the donation or, in the case of aggregated donations, the total amount of the donations; and
 - (d) □ □ the date the donation was received or, in the case of aggregated donations, the date each donation was received; and
 - (e) □ □ the amount returned to an overseas person or paid to the Electoral Commission under [section 207K\(2\)](#), and the date of that return or payment, as the case may be.
- (5A) □ □ The details referred to in subsection (1)(e) are—
 - (a) □ □ the name of the overseas person; and
 - (b) □ □ the address of the overseas person; and
 - (c) □ □ the amount of the contribution; and
 - (d) □ □ the date on which the related donation funded from the contribution

was made; and

- (e) the amount returned to the donor or paid to the Electoral Commission under [section 207K\(3\)](#), and the date of that return or payment, as the case may be.
- (6) Every return filed under subsection (1) must be in the form required by the Electoral Commission.

Political contributions disclosure thresholds under the Political Parties, Elections and Referendums Act (UK)

The relevant provisions as they relate to registered political parties are as follows:

62 Quarterly donation reports.

- (1) The treasurer of a registered party shall, in the case of each year, prepare a report under this subsection in respect of each of the following periods—
 - (a) January to March;
 - (b) April to June;
 - (c) July to September;
 - (d) October to December.

- (2) In this section—

“donation report” means a report prepared under subsection (1);

“reporting period”, in relation to such a report, means the period mentioned in any of paragraphs (a) to (d) of that subsection to which the report relates.

- (3) The donation reports for any year shall, in the case of each permissible donor from whom any donation is accepted by the party during that year, comply with the following provisions of this section so far as they require any such donation to be recorded in a donation report; and in those provisions any such donation is referred to, in relation to the donor and that year, as a “relevant donation”.

- (3A) “Relevant benefit”, in relation to any person and any year, means—

- (a) a relevant donation accepted by the party from that person as a donor, or
- (b) a relevant transaction within the meaning of section 71M(3) entered into by the party and that person as a participant, and a relevant benefit accrues when it is accepted (if it is a donation) or entered into (if it is a transaction).]

- (4) Where no previous relevant benefit or benefits has or have been required to be recorded under this subsection or section 71M(4), a relevant donation must be recorded—
- (a) if it is a donation of more than £7,500, or
 - (b) if, when it is added to any other relevant benefit or benefits, the aggregate amount of the benefits is more than £7,500.
- (5) A donation to which subsection (4) applies must—
- (a) (if within paragraph (a) of that subsection) be recorded in the donation report for the reporting period in which it is accepted, or
 - (b) (if within paragraph (b) of that subsection) be recorded together with any other relevant donation or donations included in the aggregate amount mentioned in that paragraph in the donation report for the reporting period in which the benefit which causes that aggregate amount to be more than £7,500 accrues.
- (6) Where any previous relevant benefit or benefits has or have been required to be recorded under subsection (4) or section 71M(4), a relevant donation must be recorded at the point when there has or have been accepted—
- (a) since the benefit or benefits required to be recorded under that provision, or
 - (b) if any relevant benefit or benefits has or have previously been required to be recorded under this subsection or section 71M(6), since the benefit or benefits last required to be so recorded, any relevant donation falling within subsection (6A).
- (6A) A relevant donation falls within this subsection—
- (a) if it is a donation of more than £1,500, or
 - (b) if, when it is added to any other relevant benefit or benefits accruing since the time mentioned in subsection (6)(a) or (b), the aggregate amount of the benefits is more than £1,500.
- (7) A donation to which subsection (6) applies on any occasion must—
- (a) if it is the only benefit] required to be recorded on that occasion, be recorded in the donation report for the reporting period in which it is accepted, or
 - (b) in any other case be recorded together with any other relevant donation or

donations included in] the aggregate amount mentioned in subsection (6A) in the donation report for the reporting period in which the benefit which causes that aggregate amount to be more than £1,500 accrues.

(8) For the purposes of subsections (4) to (7) as they apply in relation to any year—

(a) each payment to which section 55(2) applies and which is accepted by the party during that year shall be treated as a relevant donation in relation to that year, and

(b) each payment to which section 55(3) applies and which is received from a particular donor and accepted by the party during that year shall be treated as a relevant donation in relation to the donor and that year; and the donation reports for the year shall accordingly comply with subsections (4) to (7) so far as they operate, by virtue of paragraph (a) or (b) above, to require any relevant donation falling within that paragraph to be recorded in a donation report.

(9) A donation report must also record every donation falling within section 54(1)(a) or (b) and dealt with during the reporting period in accordance with section 56(2).

(10) If during any reporting period—

(a) no donations have been accepted by the party which, by virtue of the preceding provisions of this section, are required to be recorded in the donation report for that period, and

(b) no donations have been dealt with as mentioned in subsection (9), the report shall contain a statement to that effect.

(11) Where a registered party is a party with accounting units, subsections (3) to (10) shall apply separately in relation to the central organisation of the party and each of its accounting units—

(a) as if any reference to the party were a reference to the central organisation or (as the case may be) to such an accounting unit; but

(b) with the substitution, in relation to such an accounting unit, of “£1,500” for “£7,500” in each place where it occurs in subsections (4) and (5).

(12) However, for the purposes of subsections (3) to (7) in their application in relation to the central organisation and any year by virtue of subsection (11), any donation—

(a) which is accepted from a permissible donor by any of the accounting units during that year, but

(b) which is not required to be recorded under subsection (4) or (6) (as they apply by virtue of subsection (11)) as a donation accepted by the accounting unit, shall be treated as a donation accepted from the donor during that year by the central organisation.

(13) Schedule 6 has effect with respect to the information to be given in donation reports.

...

63 Weekly donation reports during general election periods.

(1) Subject to section 64, the treasurer of a registered party shall, in the case of any general election period, prepare a report under this section in respect of each of the following periods—

(a) the period of seven days beginning with the first day of the general election period;

(b) each succeeding period of seven days falling within the general election period; and

(c) any final period of less than seven days falling within that period.

(2) In this section—

“weekly report” means a report prepared under subsection (1);

“reporting period”, in relation to such a report, means the period mentioned in any of paragraphs (a) to (c) of that subsection to which the report relates.

(3) The weekly report for any reporting period shall record each donation of more than £7,500 received during that period—

(a) by the party (if it is not a party with accounting units); or

(b) by the central organisation of the party (if it is a party with accounting units).

(4) If during any reporting period no donations falling within subsection (3) have been received as mentioned in that subsection, the weekly report for that period shall contain a statement to that effect.

(5) Schedule 6 has effect with respect to the information to be given in weekly reports.

(6) In this section and section 64 “general election period” means the

period—

(a) beginning with the date on which Her Majesty's intention to dissolve Parliament is announced in connection with a forthcoming parliamentary general election, and

(b) ending with the date of the poll.

**APPENDIX: EXTRACT FROM PAGES 84-85 OF JOO-CHEONG THAM,
SUBMISSION TO THE JOINT STANDING COMMITTEE'S INQUIRY INTO
THE 2010 FEDERAL ELECTION**

...

In his 2009 report on federal parliamentary entitlements, the Auditor-General found that such use of the printing entitlement often resulted in postal vote applications being accompanied by campaign material for the party.¹ Worse, such use gave rise to obvious waste: 16.5 million applications were printed in this way, 2.9 million more postal vote applications than the total number of voters enrolled.² The Auditor-General found a similar (ab)use of the printing entitlement to produce 'How to Vote' cards (included as 'other voting information'),³ with cards sent by parliamentarians tailored to reflect key elements of their party's election campaign strategy.⁴

Here, an officially sanctioned use of the printing entitlement for particular electioneering purposes (such as printing 'postal vote applications and other voting information') intermingles with an illegitimate use for other electioneering purposes. This tension is clearly illustrated by the Auditor-General's analysis of items produced by the printing entitlement in the months leading up to the 2007 federal election. The Report found that 74 per cent of the analysed sample was at risk of being deemed illegitimate, principally because the content of the printed material contained 'high levels of material promoting party political interests and/or directly attacking or scorning the views, policies or actions of others, such as the policies and opinions of other parties'.⁵

...

¹ Australian National Audit Office, *Administration of Parliamentarians' Entitlements: Auditor-General Report No 3/2009-2010* (2010) 148.

² Ibid 147.

³ Ibid 163.

⁴ Ibid 165–66.

⁵ Ibid 36–37. See also Ibid 199–214.