

Committee Secretary
Senate Select Committee into Political Influence of Donations
By email: politicaldonations.sen@aph.gov.au

27 September 2017

Dear Secretary,

Submission to the Senate Select Committee into Political Influence of Donations

My submission to the Committee's inquiry calls for a fundamental reform of Commonwealth political finance laws – specifically:

- Enhanced disclosure obligations;
- Limits on election campaign spending;
- Limits on political contributions; and
- A reconfigured public funding scheme.

A simplified version of what I consider to be essential reform measures is provided by an attached 10-point plan (which was presented at the *Accountability and the Law Conference* organized by The Australia Institute at Commonwealth Parliament House on 17 August 2017).

The reasons for these recommendations are provided in my 188-page submission to JSCEM's inquiry into 2010 federal election (which is also attached).

In developing a detailed reform blue print for the Commonwealth political finance laws, the New South Wales political finance laws provide an excellent starting point as New South Wales presently has the most robust regime of political finance laws in Australia. In this respect, I have attached a 296-page report I wrote for the New South Wales Electoral Commission entitled *Establishing A Sustainable Framework for Election Funding and Spending Laws in New South Wales* (2012) which made 56 recommendations concerning the New South Wales regime. Many of these recommendations were adopted in the final [report](#) of the New South Wales Panel of Experts on Political Donations (chaired by Dr Kerry Schott).

My submission also recommends legislative action in relation to two areas: the regulation of 'associated entities' under the *Commonwealth Electoral Act 1918* (Cth) and 'foreign' political donations. My submission to the 2016 inquiry of the Senate Finance and Public Administration Committee into Commonwealth legislative provisions relating to oversight of associated entities of political parties deals with the former (attached).

The question how to regulate 'foreign' political donations is dealt by three attached articles. The first is an opinion piece I co-wrote with Dr Malcolm Anderson, 'Taking xenophobia out of the political donation debate' (published on *Inside Story* on 20 October 2016). The second is a draft of an article published in Volume 28(2) of the *King's Law Journal* entitled, 'Of Aliens, Money and Politics: Should Foreign Political Donations Be Banned?' which deals with general considerations of principle. Third, my supplementary submission to the inquiry of the Joint Standing Committee on Electoral Matters deals with the constitutional issues with banning 'foreign' political donations and makes clear the unconstitutionality with restricting the ability to donate to those on the electoral rolls.

I hope this material will be of assistance to the Committee.

Thank you.

Yours sincerely,

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