



SENATOR DAVID POCOCK
Senator for the ACT

14 October 2022

Senator the Hon. Kate Thwaites
Chair of Joint Standing Committee on Electoral Matters
Parliament House
Canberra ACT 2600

Dear Chair,

Inquiry into the 2022 federal election

Thank you for the opportunity to make a submission to this inquiry.

As a first term Senator, elected at the 2022 federal election which is the subject of this Committee's review, I would like to take the opportunity to publicly thank the Australian Electoral Commission (AEC) for the professional way the election was conducted, notwithstanding the unique challenges presented by the ongoing pandemic and the resultant issues with recruitment of sufficient staff and compliance with public health measures. We are fortunate to have a respected, independent electoral commission to run our elections and ensure a peaceful transfer of governance in this country.

Specifically, I would like to congratulate Mr David Molnar, the Australian Electoral Officer for the ACT, and his team on a successful federal election here in the ACT.

Thanks to the AEC, the 2022 election ran smoothly within the existing rules and system in place. That doesn't mean that those rules and systems are perfect and that we shouldn't take the opportunity after each election to consider whether they promote the most transparent, fairest system that provides as near a level playing field as possible for all participants and best serves democracy in our country.

As a new participant in formal politics, I have taken the opportunity to reflect on my experiences, as well as draw on the expertise and experience of others, to identify areas where I think the rules can be improved and we can develop a fairer, more representative system for all.

The below submission draws on consultations undertaken with my community and experts in the field.



SENATOR DAVID POCOCK
Senator for the ACT

Reforms to political donation laws

I am strongly in favour of increasing transparency around political donations, allowing members of the public to access information about who is funding parties and campaigns in as close to real time as possible. The potential for political donations to influence political agendas, whether made during the course of an election period or not, should be uncontroversial. Knowing who is donating money to candidates, political parties and other political actors is critical in gaining an understanding of who might be influencing decision-making in government. Donations made in support of candidates and parties at Federal elections are subject to the least scrutiny in the country (Annex A). Seven of the eight States and Territories have introduced a range of measures to increase transparency around political donations, including significantly lower reporting thresholds and more timely reporting of donations. I believe the time has come for Federal disclosure requirements to, at a minimum, be brought in line with State / Territory settings.

I support the legislation put forward by the Member for Mayo, Rebekha Sharkie, in 2019, the Commonwealth Electoral Amendment (Real Time Disclosure of Political Donations) Bill. The Bill calls for disclosure of political donations within 5 days of receipt. This would bring the Federal jurisdiction into line with the most robust current laws among the States and Territories. Although debate on the Bill was not held in the last Parliament, I believe it has merit and encourage efforts to bring this or a new Bill with the same standards back to the Parliament for genuine debate this term.

I also support significantly lowering the disclosure threshold as a necessary complement to closer to real time disclosure to greatly increase transparency. The current disclosure level of \$14,500 is a significant outlier when compared with the much lower thresholds across the States and Territories. I note that the Labor and Greens parties have previously called for the threshold to be reduced to \$1,000. Other institutions, such as the Grattan Institute have called for the threshold to be set at \$5,000¹. In an attempt to balance transparency with administrative burden, the Australian Democracy Network recommends \$2,500 as the threshold to limit the extra reporting requirements that would be placed on smaller third-party organisations. I have no strong view on which of these is the most appropriate disclosure level as all fall within the current range adopted by the various States and Territories. **I encourage the Committee to consider a significant reduction in the disclosure threshold to increase transparency of political donations while balancing the additional costs that may be placed on civil society organisations.**

Further improvements can also be made to the current federal disclosure scheme which allows for donors to make multiple donations in sums below the disclosure cap which are not required to be

¹ Grattan Institute, Submission to the Senate's donations reform inquiry, Commonwealth Electoral Amendment (Donation Reform and Other Measures) Bill 2020, 30 June 2020



SENATOR DAVID POCOCK
Senator for the ACT

disclosed even in situations where they cumulatively exceed the \$14,500 threshold. This is an obvious loophole which allows major political donors to potentially buy influence without having their donations disclosed. I strongly support efforts to reform this loophole, including measures that ensure donations from a single source to different party branches, associated entities or candidates from the same party, **are disclosed in aggregate.**

To ensure greater disclosure, and greater transparency, the classification of types of gifts received by political parties must also be reviewed. For example, the current category of ‘other receipts’ is overly broad, opaque and open to abuse. Additionally, the purchasing of seats at party fundraising events are not disclosable political donations even in instances where the cost of a ticket far exceeds the value of goods and services received by attendees. As Anthony Whealy QC, the Chair of the Centre for Public Integrity notes, ‘The federal disclosure scheme is misnamed — it is a non-disclosure scheme with more than a third of political funding shrouded in secrecy.’ **I support all measures that would require the full disclosure of all receipts above the threshold, regardless of how they are classified and strongly support the tasking of a non-partisan body, such as the Australian Law Reform Commission, to develop recommendations for reforming the classification of gifts received by political parties.**

While all of the above transparency measures are important and will have a positive impact on the quality of democracy in Australia, **nothing in them prevents companies or individuals with significant resources from influencing the outcome of an election.** The public may know about it sooner, and may know the exact amount invested, but nothing in the above prevents wealthy entities from exerting undue influence on an election. The only solution to this is a cap on political donations. Professor George Williams AO (submission 7) notes that the High Court has ruled that it is constitutionally valid to place caps on political donations. **I support caps on political donations** within the following parameters:

- As with disclosure requirements noted earlier, caps would apply to the aggregate amount donated to candidates, parties and associated entities
- Donations to pooled funding mechanisms, like associated entities, should also be subject to the cap
 - Donations from the entity itself, from say investment income, should be subject to the cap
 - Donations to candidates and parties made by the entity from individual donations they have received, should be uncapped – they are in effect pass through entities
- A separate, higher cap should be established for candidates to donate to their own campaign, although this should not be significantly higher than the general cap



SENATOR DAVID POCOCK
Senator for the ACT

I encourage the Committee to hold a separate inquiry to determine appropriate donations caps. This inquiry should specifically consider the impacts of any new donation cap mechanism on the capacity of new entrants to run for political office and ensure they are not disadvantaged.

Finally, I recognise that the creation of donation caps and enhanced disclosure obligations will place an additional burden on the AEC's compliance and enforcement capacity. Therefore, I encourage the Committee to consider the additional capacity that will be required by the AEC to ensure that it can effectively meet its compliance responsibilities alongside its broad range of existing obligations.

Election expenditure

The absence of electoral expenditure caps renders the political playing field increasingly inequitable and exclusionary. The High Court has consistently recognised the importance of ensuring political equality. As such, **I am strongly in favour of the Committee considering appropriate expenditure caps, as well as increased public funding of parties and candidates.**

I don't believe that imposing a universal spending cap for all candidates and parties will result in a level playing field. While such a cap should be introduced, caps should also exist at the electorate level for the House of Representatives and on a per candidate basis for the Senate. It is difficult for Independents and micro-parties to take on the recognised brands of the major parties so I would advocate for a slightly higher cap for these groups. An alternative to different caps that may be worth exploring further is an idea proposed by the Centre for Public Integrity to establish a start-up fund for new parties and candidates administered by the AEC, designed to assist in overcoming the significant barriers to entry these candidates face.

As a recent report from the Grattan Institute highlighted, both major parties have a track record of misusing publicly-funded advertising when in government. **I support the Grattan Institute's recommendation to establish an independent expert panel whose role is to oversee and assess government advertising campaigns to ensure they are in the interest of the Australian people, not the interests of the re-election of the government of the day.**

With the massive growth in digital advertising spend and micro-targeting of voters using Big Data, I am also in favour of considering options to limit amounts spent by political parties and candidates buying voter information.

While not in favour of moving towards completely publicly funded elections, alternatives to the current Federal system of a 'dollar per vote' basis should be explored. Approaches such as the South Australian model which provides an opt-in funding system which pays a higher fixed-dollar amount for the first tranche of the vote a party attracts, than for the rest of the vote share it wins, should be



SENATOR DAVID POCOCK
Senator for the ACT

considered. This model supports greater diversity in representation by providing proportionally higher levels of funding to independents and micro-parties².

Truth in political advertising

It is perfectly legal to lie in political advertising in Australian federal elections. Only two jurisdictions prohibit lying in election advertising in their elections – South Australia since 1985 and the ACT since 2020.

I was the subject of a number of negative and misleading campaigns during the 2022 election. Much of the information contained in the materials was patently false, and although objections were lodged with the AEC, they had little authority to act. As long as the advertisements are correctly authorised there is little the AEC can currently do to combat misinformation during an election. The exception to this is where advertisements are deemed ‘likely to mislead or deceive an elector in relation to the casting of a vote’ under s.329 of the Electoral Act. The AEC did take action when advertisements and billboards containing the same false information about me was placed near pre-poll locations. As the billboards held me out to be a member of a political party of which I was not, the AEC deemed that they were likely to mislead electors casting a vote. If the billboards contained just lies about me, without trying to link me to another political party and therefore raising the prospect of confusing electors when voting, the AEC would have been powerless to stop them. As it was, the AEC’s action to prohibit the misleading ads came after a three-week delay, untold voter confusion and more than 52,000 Canberrans having already cast their vote through pre-poll and postal voting.

I believe that politics should be about ideas and about people. That’s why I am in favour of attempting to stop outright lies being part of our political system. Campaigning against someone’s voting record or things they have publicly said is part of holding people to account; smearing political opponents with lies is not.

I strongly support the Member for Warringah, Zali Steggall’s, 2021 Stop the Lies Bill, with one exception. I agree with the joint statement released by 16 civil society organisations³, including the Human Rights Law Centre, Transparency International Australia and the Australian Council of Social Services, in the lead up to the 2022 election that any **laws should be enforced by a well-resourced independent regulator**. Consistent with the South Australian Bill, Ms Steggall’s Bill proposes that the AEC act as the arbiter of complaints.

The independence of the AEC is a critical pillar in our democracy and anything with potential to undermine that should be avoided if possible. Although it hasn’t been the case to date in South

² Dr Yee-Fui Ng, Regulating Money in Democracy: Australia’s Political Financing Laws Across the Federation, January 202

³ Human Rights Law Centre et al, Our Policy Vision on Electoral Disinformation, 2022



SENATOR DAVID POCOCK
Senator for the ACT

Australia, I am concerned that putting the Electoral Commissioner in the position of determining truth in advertising has potential to undermine their credibility as an impartial actor. This concern has been most recently expressed by the Victorian Electoral Commission who stated that they were ‘not an authority on the myriad of issues that arise in an election, and it would be an overreach for the VEC to purport to determine the truth in such issues’⁴. A 2019 Australia Institute study found that only 26% of people supported electoral commissions adjudicating on truth in political advertising with the balance preferring another option or unsure⁵.

Laws to stop misleading political advertising are a first step but efforts must also be made to stop the spread of misinformation once it is released by a candidate or political party. Retractions do not result in the advertisement disappearing altogether. Digital ad libraries which allow people to see what ads political parties are running and where are part of the solution. Removal, rather than just demotion through algorithms, of advertisements held to be misleading must be mandatory. Holding traditional media companies to account for publishing misleading advertisements should also be considered.

Regulating truth in political advertising will always be a challenging balancing exercise. We must ensure that misinformation does not undermine the integrity of our elections while continuing to uphold the freedom of political communication. The example set in South Australia demonstrates that this is possible. **I fully support efforts to strike that same balance at the Federal level and improve the quality of democracy in Australia.**

Encouraging increased electoral participation

It is important to recognise that progress has been made in efforts to increase enfranchisement amongst First Nations peoples, with the national enrolment rate increasing from 74.1% in 2017 to 81.7% in 2022. This is a great reflection of the efforts of many grassroots organisations as well as the AEC. However, issues with enrolment of First Nations peoples persist, especially in the most remote areas of Australia. The electorates of Durack (WA) and Lingiari (NT) have the lowest enrolment rates by some margin.

While I respectfully submit some ideas for the Committee to consider, the most likely place to find durable solutions is from the communities with lived experience. I encourage the Committee to consult widely with First Nations peoples, especially in remote communities, who are disproportionately disenfranchised and ensure their voices are genuinely heard.

⁴ Victorian Electoral Commission. (2020). Inquiry into the impact of social media on elections and electoral administration. Submission No. 77 to Electoral Matters Committee, Parliament of Victoria

⁵ The Australia Institute, We can handle the truth: Opportunities for truth in political advertising, 2019



SENATOR DAVID POCOCK
Senator for the ACT

The AEC maintains the federal electoral roll and is responsible for voter outreach activities. **It is critical that they have budget certainty to be able to perform their tasks, including voter outreach into remote communities.** Budget ‘efficiencies’ in 2017 resulted in the reduction in staff in the AEC’s NT office from 12 to just 1. While funding was partially restored in December 2020 and additional national funding provided through the Enhancing Indigenous Electoral Participation initiative in October 2021 resulted in the NT office returning to 10 staff, this level of uncertainty is not acceptable, especially in an area with the lowest enrolment rates during that period.

I strongly support efforts to ensure that First Nations’ enrolment rates are consistent with enrolment rates across the country. The Enhancing Indigenous Electoral Participation initiative noted above includes some good approaches including:⁶

- production of election awareness materials in Indigenous languages;
- increased Indigenous communications products;
- amendments to the electoral roll to better capture and link kinship, traditional and other cultural and recognised names; and
- increased targeted in-community engagement activities.

I encourage the AEC to work more closely with recognised community groups and local councils to ensure these approaches are delivered in the most effective way. I also encourage the AEC to employ more people from remote communities to help deliver these activities.

I strongly encourage the AEC to consider ways for communities in ‘mail exclusion areas’, where mail is delivered to a single point in a community rather than a specific street address, be included in the Federal Direct Enrolment and Update program. Remote communities are currently excluded from this system placing additional burden on people living there to register to vote. Any system will need to be carefully considered with a series of consultations involving communities and the AEC. But ensuring that one group with already lower than average enrolment rates is not further **disadvantaged through exclusion from an enrolment program should be a priority for the AEC.**

But enrolment is only half the issue. Voter turnout is generally much lower in electorates with high First Nations populations, particularly in remote regions. A 2019 study by ANU’s Centre for Aboriginal Economic Policy Research concluded that when combining low enrolment rate and with poor turnout rates in the electorate of Lingiari ‘perhaps only half of eligible Aboriginal citizens [...] may be utilising their right to vote’⁷.

⁶ <https://www.aec.gov.au/media/2021/10-28.htm>

⁷ Centre for Aboriginal Economic Policy Research, Electoral Administration and Aboriginal Voting Power in the Northern Territory: Reality and Potential Viewed from the 2019 Federal Election, 2019



SENATOR DAVID POCOCK
Senator for the ACT

The AEC must be better resourced to deliver elections for remote communities. I believe in mandatory voting, but that puts an onus on government to make voting as easy as possible for all Australians, not just those that are easy to reach. Despite the huge logistical challenges in implementing Remote Area Mobile Polling, it is a largely effective approach. However, improvements could be made to remove barriers to voting that remain. More regular contact with communities through the Enhancing Indigenous Electoral Participation initiative will assist, especially if this involves community-based staff members. Ensuring that better communications – both earlier to give more notice and translated into local languages - around when the polling team will be in the community, increasing the time available to vote to better accommodate those with work and family commitments and ensuring that properly trained, impartial translators are available to support voters would all help to increase turnout rates.

Increasing enrolment and participation of First Nations peoples must be a short-term priority. With a likely referendum on the issue of a Voice to Parliament within the next two years, ensuring all First Nations peoples' voices are heard is even more critical.

Taking a slightly longer-term view, I also note the submission made by the Victorian Aboriginal Legal Service (Submission 185) regarding disenfranchisement of First Nations peoples due to an over-representation in prisons across the country. According to Australian Bureau of Statistics imprisonment rates across Australia are 202 per 100,000 adult population; the rate for Aboriginal and Torres Strait Islander peoples is over ten times that at 2,315⁸. While not addressing the root cause of the problem, namely why such a discrepancy in rates of imprisonment exists, **I support the view expressed by VALS that the Committee must take into account the disproportionate effect that limiting the franchise for prisoners has upon First Nations peoples**, as well as other marginalised groups.

Increased representation for the ACT and the NT

Australia applies the 'one vote, one value' principle equitably in the House of Representatives with the exception of Tasmania which is constitutionally guaranteed five lower house seats and to a much lesser degree the Northern Territory which is guaranteed two seats to reflect its size and the dispersed nature of its population. **The 'one vote, one value' principle does not apply to the Senate. The Senate was devised as the States' house, with all Original States guaranteed the same number of Senators to ensure the voices of smaller States were heard.** It can be debated whether this is still the case, with the major parties capturing the Senate and Senators much more likely to follow party lines when voting rather than voting in their States' best interest. However, in recent times we have seen Senators

⁸ <https://www.abs.gov.au/statistics/people/crime-and-justice/corrective-services-australia/latest-release>



SENATOR DAVID POCOCK
Senator for the ACT

from micro-parties from a single state voting in their State's interest, for example Jacqui Lambie having Tasmania's social housing debt waived in 2019. The fact that party loyalties trump State interest for many Senators should not alter the original purpose of the Senate, namely, to protect the interests of smaller jurisdictions.

This guarantee of equality for Original States sets up a tension between Federalism and Democracy. The Senate as it is constituted for the States reflects the fact that Australia is a federation and equality between them was an important factor in establishing the country. But equal value for each vote is a critical factor in a functioning democracy. As States have different populations but elect the same number of Senators, the value of each individual vote will differ between States.

The debate around introducing Senators for the two largest Territories – the ACT and the NT - in 1975 created a new dilemma. Whereas the number of Senators for the Original States was set in the Constitution and increases were made in unison, no provision was made for the Territories. The Constitution (s.122) gives the Parliament the power to make laws, including the levels of representation, on terms that they see fit, but offers no further guidance on what an appropriate level of representation would be.

Rather than considering what baseline level of representation for the Territories should be in comparison to the existing small States, a political decision was made in 1975 granting the two major Territories two Senators each. The number of Senators had no real basis but was a political decision that effectively gave both major parties two additional Senators (one from each Territory). It did ensure that the two Territories were represented in each party room, but not in anywhere near the levels of other small jurisdictions. **The debate did not seek to answer the question: what is a baseline level of democracy that is appropriate for small (non-Original State) jurisdictions?** What is the balance between Federalism and representative democracy?

That is the question that I will address.

But before I do that, I want to acknowledge the efforts of Professor Kim Rubenstein in bringing this issue to the fore during the election campaign. Kim's campaign increased awareness among ACT residents about the differences in the way the ACT Senators are elected, both in terms of the number of Senators elected compared to other small jurisdictions, and the commencement date and length of their terms. Knowledge of these differences is low among ACT voters, and I imagine is practically non-existent amongst voters in the states. Kim made a significant contribution to the debate as well as educating the public.

There are a number of reasons that potentially justify increasing the number of Senators in the ACT: the more than doubling of the population of the ACT with larger increases noted in the NT since 1975; an increase in Senators from the States in 1984 from 10 to 12 with no change in Territory



SENATOR DAVID POCOCK
Senator for the ACT

representation; or an under-representation of Senators from the ACT when compared to the two smallest States (Tasmania and South Australia). All of these are valid reasons, but all assume that the existing two Senators is the correct starting point for thinking about the issue. As noted, I think the whole basis for determining the number of Senators to represent the ACT and the NT should be reconsidered.

Territories are treated differently to States and rightly so. **Currently our voice is worth 1/6th of that of the States in the Senate.** Becoming a State is not an option at this stage for the ACT or the NT but improving the quantity and diversity of our representation in national debates is. **With only two Senators elected, the quota required of 1/3rd of the vote has proven to be a very high bar for independent and smaller parties to clear.** Prior to the 2022 election, the Territories have elected Senators as the political bargain struck in 1975 forecast, one for each major party in each Territory in every election.

With notable exceptions, such as Liberal Senator Gary Humphries of the ACT crossing the floor to vote against the Federal Government overturning the ACT's same sex civil union laws in 2006, Territory Senators have largely followed party lines even when that position runs counter to the Territories' interests. Increasing the number of Senators in the Territories provides greater opportunity for a more diverse representation, better reflecting the views of the people.

I believe that a baseline level of representation for the ACT and NT in the Senate is as close to half as possible. Given the current number of Senators in each State, this would see the ACT and the NT each have 6 Senators.

The key features of the proposed increase include:

- **Six Senators for both ACT and NT**
 - Both Territories should be treated equally, both are small and arguments about a baseline level of representation are applicable to both
- **Terms increase to six years in line with States**
 - Three Senators would be elected at half-Senate elections
- **Terms commence on 1 July following the election in line with States**
 - This allows for a cohort of new Senators to commence together, making the transition into Parliament easier rather than the current situation where new Territory Senators enter an already sitting Senate on their own
 - This is particularly helpful for Independent / micro-party Senators who cannot rely on colleagues or party machinery for support

As well as representing a fair, base level of representation for the Territories, there are a number of other reasons why I believe this to be the optimal model.



SENATOR DAVID POCOCK
Senator for the ACT

Establishes a relationship between Territory and State Senator numbers

Territories should not have to fight for an increase in representation every time the number of Senators elected by the States increases. An approach should be established that ensures Territories retain an agreed base level of representation.

I propose a standard be established whereby the number of Territory Senators be maintained at a level that is more than one-third, but less than two-thirds of the number of State Senators. This maintains a level of flexibility between State and Territory numbers while ensuring a base level of representation for the Territories.

As Territory Senators are not included in the nexus provisions under s.24 of the Constitution, changing the number of Territory Senators has no impact on the number of House of Representatives members. However, s.40 of the Commonwealth Electoral Act will need to be amended to reflect the proposed method of increasing the number of Territory Senators beyond the initial six proposed.

Lower quota

Electing three Senators each half term election **reduces the quota to 25% of the vote. While still a high bar, it is also an achievable result for an Independent or small party.** Noting that past performance is no indication of future results, a lower quota also maintains the original intent when introducing two Senators for the Territories in that it all but guarantees both major parties' representation from both Territories. At the recent election, the Liberal party would have achieved the second quota (after Labor) and I would have achieved the third quota. I believe strongly in a diversity of views and lived experiences in Parliament and think that any efforts to reduce barriers to entry, including lowering the quota in the Territories, can only be a positive thing.

An odd number of positions is more representative

Having an even number of positions to be filled each election can result in equal representation being achieved despite a large discrepancy in the final vote count. This is even more evident in the Territories where currently only two seats are contested. For example, with the quota currently at 33.3%, it is possible for a candidate to get 34% of the vote and another candidate to get 66% of the vote and despite the significant difference both achieve a quota and gain a seat in the Senate

Under my proposal, the quota to be elected would decrease to 25% as noted, meaning that if a party or group received 51% of the vote they would receive two out of the three seats available. This leads to a more democratic outcome with representatives in the Senate better reflecting the voters' intentions.



SENATOR DAVID POCOCK
Senator for the ACT

Adopting such a system in the ACT could be viewed as a trial for an ‘odd number of representatives’ approach to be adopted when the Parliament is next expanded. Given Australia’s population was 15.6 million when the Parliament was last expanded in 1984, and the 2021 census records Australia’s population as 26 million, it is likely that Parliament will expand in the near future. Australia elected an odd number of Senators (five) per election between 1948 and 1984, but much has changed in the political landscape since 1984. The election of Territory Senators could act as pilot, providing evidence for the Parliament to consider when expansion is next considered and decisions are made about whether to expand to 14, 16 or even 18 Senators per State.

Improved representation for remote communities and Territories

ACT Senators also represent the people of Norfolk Island and Jervis Bay. While Jervis Bay is relatively easy to travel to, Norfolk Island takes a day to reach. I visited Norfolk Island not long after the election and was warmly welcomed by the community, primarily because I made the effort to visit. Professor Rubenstein visited during the campaign and as a reflection of how important it was to the people of Norfolk Island to be heard; she comfortably won the primary vote in Norfolk Island. Having additional Senators in the ACT provides better representation to the people of Norfolk Island, who are keen to engage with their elected representatives but feel they have limited ability to influence decision-making at a federal level.

The increased capacity to visit remote communities is possibly even more important in the NT. I discussed the issue of Indigenous enfranchisement above and reiterate that ensuring all Australians are eligible to vote is critical to our democracy. Increasing the number of Senators in the NT not only increases the likelihood of more frequent travel to remote communities, but also increases the likelihood of more diversity in the Senate. Three of the four of my colleagues from the Northern Territory are First Nations people; increasing the number of First Nations’ people in the Parliament will ensure better representation and continued focus on the government’s efforts to close the gaps across various social indicators where significant discrepancies between Indigenous and non-Indigenous people still exist.

Importance of the crossbench

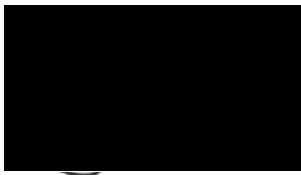
As an Independent I believe in the importance of the crossbench to maintain the power of balance in both houses of Parliament. This is especially true in the Senate, and I believe reflects the will of the people of Australia, where a single party majority has only been returned once in the past 40 years. The public prefers to know that Bills must be negotiated with independent voices, not just within a single party room. Noting that past performance is no reflection of future voting patterns, Annex 2 models the impact of the changes I have proposed on the Senate make-up for the past three elections.



SENATOR DAVID POCOCK
Senator for the ACT

A crossbench is maintained on all occasions. The proposal does not affect the ability of either major party to govern, provided they are willing to work with the crossbench.

I thank you for considering my submission.



Senator David Pocock

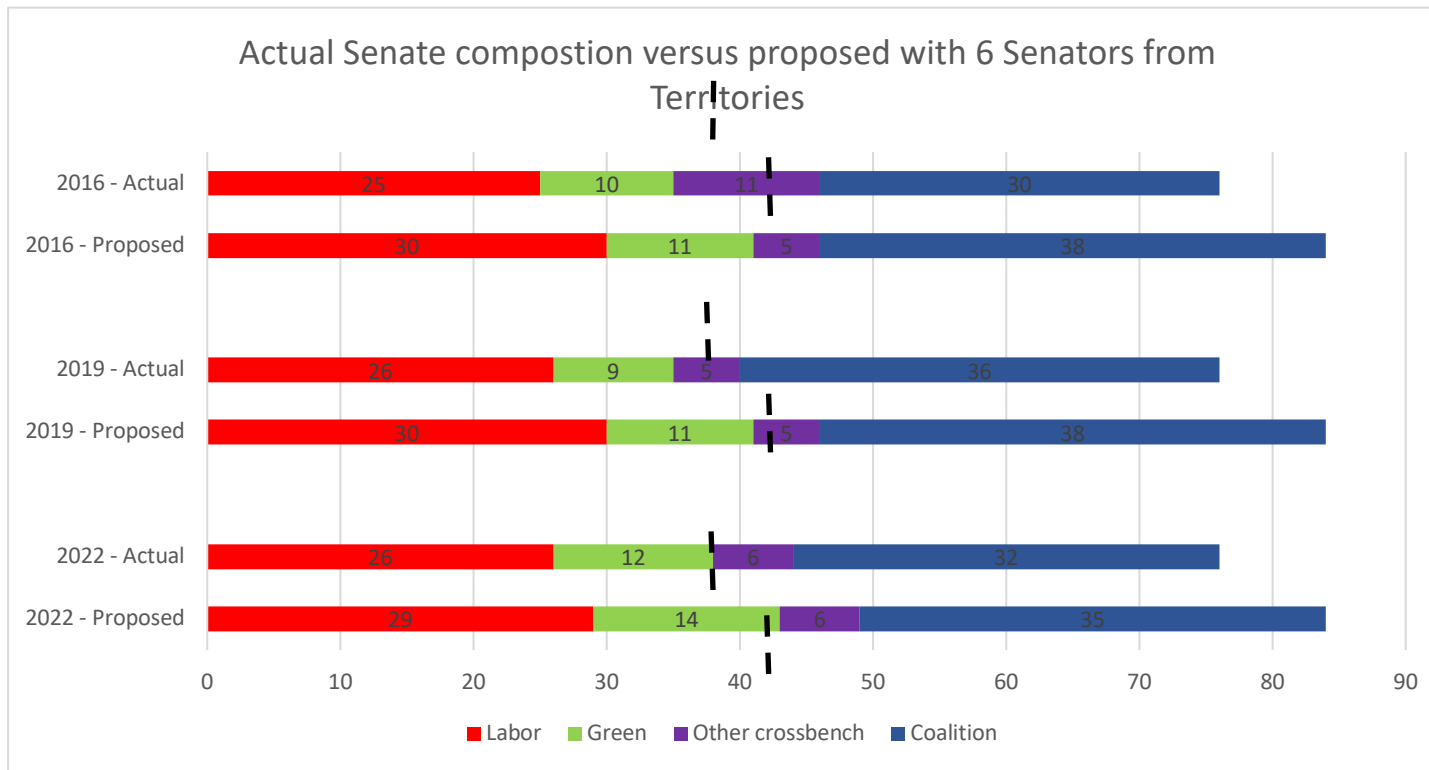
Annex A: Election funding and disclosure settings

	Federal	NSW	Vic.	Qld	SA^(a)	WA	Tas.^(b)	ACT	NT
Gift disclosure threshold	\$14 500	\$1 000	\$1 050	\$1 000	\$5 576	\$2 600	×	\$1 000	\$1 500
Loan disclosure threshold	\$14 500	\$1 000	\$1 050	\$1 000	\$5 576	-	×	\$1 000	\$1 500
Threshold indexation	✓	×	✓	×	✓	✓	-	×	×
Donation cap (to party)	×	\$6 700	\$4 210	×	×	×	×	×	×
Donation cap period	-	Yearly	4 years	-	-	-	-	-	-
Donor returns required	✓	✓	✓	✓	✓	×	×	×	✓
Expenditure cap (max for party)	×	\$12.3m	×	\$8.9m	\$4.4m	×	×	\$1.07m	\$1.02m
Expenditure cap indexed	-	✓	-	✓	✓	-	-	✓	✓
Per seat expenditure cap	×	\$66.4k	×	\$96k	~\$83k	×	×	×	×
Expenditure caps for third parties	×	×	×	\$1m	×	×	×	\$42 750	×
Expenditure caps for associated entities	×	×	×	×	×	×	×	\$42 750	✓
Third-party campaigner returns	✓	✓	✓	✓	✓	✓	×	✓	✓
Anonymous donations threshold	\$1 000	\$1 000	\$1 050	\$1 000	\$200	\$2 600	×	\$1 000	\$1 000
Banned donor industries	×	✓ ^(c)	×	✓ ^(d)	×	×	×	✓	×
Foreign donation restrictions	✓	✓	✓	✓	×	×	×	×	×
Expenditure reporting	×	✓	✓	✓	✓	✓	×	✓	✓
Campaign account	✓	✓	✓	✓	✓	×	×	×	✓

	Federal	NSW	Vic.	Qld	SA^(a)	WA	Tas.^(b)	ACT	NT
Per vote public funding	\$2.87	\$4.66 ^(e)	\$6.33	\$3.36	\$3.35	\$1.99	×	\$8.85	×
Public funding vote threshold	4%	4%	4%	6%	4%	4%	-	4%	-
Public funding capped to expenditure	✓	✓	✓	✓	✓	✓	-	×	-
Administrative funding (max)	×	~\$3.6m	~\$1.7m	\$3m ^(f)	\$66 109	×	×	~\$600k ^(g)	×
Other public funding sources	×	✓	✓	×	×	×	×	×	×
Election donation reporting	×	21 days	21 days	✓ ^(h)	Weekly	✓	×	Weekly	5 days
Other reporting cycle	Annual	Half-yearly	Annual	Half-yearly ⁽ⁱ⁾	Half-yearly	Annual	×	Annual	Annual ^(j)

Updated 22 February 2022.

Annex B: Senate composition under existing and proposed numbers of Senators



Prepared by David Pocock party from: <https://vote.andrewconway.org/>