



Electoral Commissioner

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

Dear Committee members

Submission – Inquiry into the Commonwealth Electoral Amendment (Lowering the Donation Disclosure Threshold) Bill 2019

Thank you for the invitation to provide a submission to the Joint Standing Committee on Electoral Matters (JSCEM) inquiry into the Commonwealth Electoral Amendment (Lowering the Donation Disclosure Threshold) Bill 2019 (the Bill).

The Australian Electoral Commission's (AEC's) last submission to the JSCEM that solely focused on funding and disclosure (FAD) matters was in February 2017. In that submission, the AEC pointed out the critical importance of a well-regulated FAD scheme, and provided a potted history of legislative developments over time in this important area.

The AEC submission also highlighted the inherently political nature of FAD schemes, and emphasised the deeply divergent and frequently strongly held views amongst key stakeholders regarding the regulatory framework surrounding party funding. Against the backdrop of those strongly held opinions, detailed and prescriptive recommendations from the AEC can be, and have been previously, criticised as partisan interventions in the policy debate.

For that reason, the AEC's 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. In essence, I believe this matter is for Parliament to decide: effectively, for Parliament to test the existing legislation and proposals for change against those four principles to ensure Australia's FAD scheme meets community expectations. Accordingly, it would be inappropriate for the AEC to express a view on the appropriateness or otherwise of proposal at hand.

From an administrative perspective, I note the Bill, or any changes to FAD legislation, would likely necessitate a number of changes to the AEC's administrative process and systems which would

have financial impacts on the AEC. In addition, any change to the disclosure threshold may also need further consideration of appropriate enforcement provisions.

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

Yours sincerely



Tom Rogers

26 February 2020

