

Ella Haddad MP

Labor Member for Clark

Ms Brooke Craven
Department of Justice
Office of the Secretary
GPO Box 825
Hobart TAS 7001

September 2021

Dear Ms Craven

On behalf of the Tasmanian Branch of the Australian Labor Party, I welcome the opportunity to provide comment on draft *Electoral Disclosure and Funding Bill 2021 Electoral Matters (Miscellaneous Amendments) Bill 2021*.

Tasmanian Labor believes a robust electoral disclosure and funding system is crucial to the democratic process. It is also essential to restoring trust and faith in politics in Tasmania.

It is well known that Tasmania has the weakest political donation laws in the country and public pressure has been mounting for a long time for this to be rectified. Labor put significant and relentless pressure on the Government to progress political donation laws, including presenting a private members bill in 2020 which addressed some of the areas requiring reform.

Labor welcomes the fact that the Government has released draft legislation which is relatively comprehensive in its scope addressing: disclosure of political donations, disclosure of party and candidate spending and public funding similar to regimes in place in every other state of Australia. Tasmania has been the outlier in this area, leading to unhealthy spending in elections and a lack of a level playing field.

However, while we support the objects of the draft legislation, there are significant and vital amendments required before the Bills reach Parliament, to truly restore public confidence in the political process in Tasmania.

In particular, there must be spending caps applied to how much candidates, parties and third party campaigners can spend on House of Assembly campaigns. Allowing donations, and public funding without also imposing spending caps is an alarming oversight. Without spending caps, there will never be a level playing field in elections and running for office will simply be out of reach for many people including minor parties, independents and particularly women.

Labor believes running for office should be a right available to anyone who aspires to office. It should not be the reserve of the wealthy. Elections should be a battle of ideas, not a battle of bank accounts.

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In summary, the changes Labor recommends are:

- The disclosure threshold for reportable political donations must be lowered to \$1000. This is the threshold put forward in Labor's previous bill and is more reflective of the threshold in other Australian jurisdictions. The current disclosure threshold of \$5000 is far too high and a lower threshold would align more closely with community expectations around transparency around donation disclosure.
- The timeframe for disclosure outside an election period should be reduced from the suggested six monthly disclosure, to disclosure on a monthly basis. This would allow Tasmanians to better scrutinise the details of who is donating to Tasmanian political parties and candidates throughout the political cycle
- Labor supports the requirement in the bill for the TEC to make donation declarations publicly available online for at least six months. However, noting that the TEC is required to retain declarations for a six year period, we suggest that declarations be made publicly available online indefinitely, or at least for the full six year period or the full parliamentary term.
- As discussed above, the draft legislation fails to impose spending caps on candidates or parties for House of Assembly elections. Without spending caps imposed on the amount of money parties, candidates and third parties can spend in an election, there is a vital piece of the regime missing and there will not be a level playing field in Tasmanian politics. Spending caps should be imposed on candidates and parties for House of Assembly elections, based on the model in place in the Australian Capital Territory.
- Likewise, there should be caps placed on how much third party campaigners (as defined in the bill) can spend on House of Assembly elections.

Once again, thank you for the opportunity to provide comment on this draft legislation.

Yours sincerely



Ella Haddad MP
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Shadow Attorney General
Shadow Minister for Justice
Shadow Minister for Corrections
Shadow Minister for Housing
Shadow Minister for Equality
Shadow Minister for Multicultural Affairs