

Committee Secretary
Joint Standing Committee on Electoral Matters
By email: em@aph.gov.au

26 October 2016

Dear Secretary,

Submission to Joint Standing Committee on Electoral Matters' Inquiry into and report on all aspects of the conduct of the 2016 Federal Election and matters related thereto

My submission to the Committee's inquiry into the 2016 Federal Election 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.

The reasons for these recommendations are provided in my 188-page submission to JSCEM's inquiry into 2010 federal election (which is 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 an attached 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). This article makes clear the unconstitutionality and the problems in principle 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,

Associate Professor Joo-Cheong Tham
Melbourne Law School