

# Political Donation Law in Queensland: One Step Forward, Two Steps Back

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## Accountability and the Law: Safeguarding Queensland Against Corruption

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### Principles and Political Football

Democratic politics needs resources, including money. But money tends to corrode democratic politics. These two truths are in tension; regulation is needed to reduce that tension.

Besides the practical reality of parties needing resources, small scale private donations are a form of political association. Larger pools of money can also be a way for ideological or other interest groups to practically exercise freedom of expression.

Yet political donations risk corruption.<sup>1</sup> ‘C’orruption in the sense of briborous favouritism. But also ‘c’orruption of the process of politics: from the sale of access to and diversion of front-benchers, to the systemic skewing of policy debates away from principles and the idea of citizen equality (which after all was the promise of the franchise).

In the past decade, political finance law in Australia has been a political football. It has been marked by regional innovation and national enervation. That is, in the best mode of federalism, states (particularly the eastern jurisdictions of NSW, Queensland and the ACT, but from 2015 South Australia as well) have innovated with holistic systems of political party and campaign finance. In NSW’s case, this is being refined further in the wake of ICAC corruption revelations. In contrast, the national system remains, both in absolute terms and relative to international comparators, a laissez-faire system, with limited disclosure, no expenditure or donation limits, and plenty (but not complete) public funding.

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\* This paper draws on earlier papers of mine: ‘Party Finance Law in Australia: Innovation and Enervation’, The Legal Regulation of Political Parties: Promoting Electoral Integrity workshop, Australasian Political Science Conference, Sydney University, 28/9/2014 and ‘Putting the Cartel Before the House: Party Funding in Queensland’, Academy of Social Sciences workshop, Sydney University, 20/6/2014. Both are forthcoming in works edited by Anika Gauja.

<sup>1</sup> So much is recognised by courts, eg *Buckley v Valeo* 424 US 1 (1976); international agencies, eg; academics, eg J-C Tham *Money and Politics: the Democracy we Can’t Afford* (2010, UNSW Press) or KD Ewing, *The Cost of Democracy: Party Funding in Modern British Politics* (2007, Hart); and in local discourse, eg David Solomon, ‘Ministerial Access and the Public Trust’ (Speech by Acting Integrity Commissioner, Queensland, Oct 2014).

Queensland is a peculiar part of that story. It has lurched from relative laissez-faire, to significant regulation, and back again, in the barely one electoral cycle. The appendix summarises the detail of the key systems in Australia, with Queensland at the tail of the table. Whilst it briefly adopted a tight regulatory model in 2011, in 2014 the conservative Queensland government returned to a libertarian approach to donations and expenditure, yet with a cartel-like model of public funding.<sup>2</sup>

### Regulatory Options

Queensland's backtracking on donation and expenditure limits demonstrates, contrary to the fears of some conservative commentators, that there is not a one way ratchet in favour of ever-tightening regulation. It also raises significant concerns, especially about 'c'orruption. Concerns which triggered the resignation of assistant minister Dr Chris Davis, from both the governing Liberal-National Party (LNP) and parliament, in 2014.

In Professor Ewing's model, the 'smorgasbord' of regulatory considerations in political involves a menu with three possible courses.<sup>3</sup> One course employs 'clean money' in the form of public funding of parties. The second course relates to private money – the 'supply' side of party finance. Here, the regulatory options are donation disclosure, with or without caps on the size of donations. The third regulatory course involves dampening 'demand' for political money with expenditure limits on campaigns.

Behind the mix (if any) of these regulatory courses lie several normative considerations. These are largely drawn from two sources: integrity considerations, and liberal philosophy. Integrity or anti-corruption concerns aim to deter quid pro quo purchasing of political favours, and to limit the exploitation of political access by wealthy interests. (Remembering that corruption can be both real and perceived, and even the latter corrodes trust in democracy). From the liberal perspective, in turn, there is a need to balance two interests: the egalitarian interest in political equality and the libertarian interest in political freedom. On top of all this is the pragmatic need to ensure parties are sufficiently resourced to do core work like developing policy and offering electoral alternatives.

### Queensland Today

As we pass through the 55<sup>th</sup> Queensland electoral cycle, it is notable that only one of those cycles involved any limitations on political donations. Just this year, there have been integrity controversies over donations by mining and property developers. \$700 000 was donated to the Liberal Party over 2011-13 by Soul Pattinson & Co Ltd.<sup>4</sup> Almost all of this was earmarked as coming from its subsidiary New Hope Corporation Ltd, a mining company that benefited from a

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<sup>2</sup> The significant regulation came in the hurried Bligh Labor reform: *Electoral Reform and Accountability Amendment Act 2011* (Queensland). The return to limited regulation came in the Newman LNP reform: *Electoral Reform Amendment Bill 2014* (Queensland)

<sup>3</sup> KD Ewing, 'Political Party Finance: Themes in International Context' in Joo-Cheong Tham, Brian Costar and Graeme Orr (eds) *Electoral Democracy: Australian Prospects* (Melbourne University Press, 2011) ch 8.

<sup>4</sup> Even under the short-lived Labor reforms of 2011-2014, whilst disclosure was biannual and donations for electioneering were capped, unlimited donations were allowed for party overheads. That seemed to be a compromise to permit union affiliation fees flowing to Labor. The Schott panel in NSW rejected the distinction between funding administration or electioneering as a rational one for integrity concerns (below n 8 at).

divisive expansion of its operations, approved by the LNP government. A \$2000 donation – the maximum then allowed to a candidate – was also made by a director of New Hope, in the run up to the 2012 election, to the campaign fund of the LNP frontbencher who would decide in the company's favour over certain environmental impact issues.<sup>5</sup> (As an example, almost half that MP's campaign donations whose source was disclosed came directly from property/construction and energy/resource interests).<sup>6</sup> The LNP countered that almost all the donations were directed to the Liberal Party's national division. It then alleged that money from unlawful 'bikie' gangs might be filtering through to the Labor Party via union links.<sup>7</sup> There are also ongoing questions about the degree of influence of particular unions in Labor politics, and a former Minister of that party remains in gaol for receiving bribes.

The Queensland model, as applied to the 2015 election, involves:

1. **Unlimited campaign expenditure.** Whilst raising equality concerns more directly than corruption concerns, this means no dampening of demand for donations.
2. **Public funding per vote**, tilted towards the governing party and against independents and minor parties<sup>8</sup>. This raises equality concerns, but not corruption ones (so I will not discuss it in detail).<sup>9</sup>
3. **No limits on the size or source of donations.** Whilst donations are hard to police – they occur in private, whereas campaign public expenditure is mostly public – the larger the donation, the greater the influence and risk of corruption.
4. **Annual disclosure of larger donations only.** Disclosure is the bare minimum needed to permit media and parliamentary questioning of 'C'orruption and the sale of access.

**Expenditure and Public Funding.** The absence of expenditure limits in Queensland contrasts with more egalitarian electoral systems such as the UK, NZ and Canada, as well as with NSW, ACT and SA. Public funding on its own has had limited integrity benefits. Without donation or expenditure limits, public funding does little to dampen parties' demand for money with its attendant risks for equality and corruption. It is just extra cream in the parties' cakes. In Queensland, the LNP reforms to public funding were designed to drain significant public funding out of the system, by abolishing guaranteed rates of reimbursement of campaign expenditure. However it reintroduced annual funding of political parties – on top of dollars-per-vote post-election funding. Whilst there are populist, liberal, democratic and fiscal arguments against heavy public subsidies of political parties, the abandoning of a system of guaranteeing up to 75% of party campaign expenditure, coupled with the removal of expenditure limits, increases 'demand side' pressures for potentially corrupting political donations.

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<sup>5</sup> Joshua Robertson, 'Queensland Election: Newman Government Under Scrutiny over Coal Donation', *Guardian Australia* (online), 21/1/2015.

<sup>6</sup> <http://www.ecq.qld.gov.au/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=8881&libID=8899> (Mr Ian Walker, MP for Mansfield. \$63k disclosed; at least \$27.5k directly attributed to those sectors, including firms located in SA and WA). In contrast, in the neighbouring seat of Capalaba, the non-front-bench LNP MP had just \$9k donations to disclose, none from those sectors.

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<sup>8</sup> Queensland in 2014 imposed a 6% vote threshold to attract any post-election public funding; the Australian norm has been 4%.

<sup>9</sup> I critique the Queensland public funding regime in 'Putting the Cartel before the House' (above n 1).

The absence of limits on size or source of donations contrasts with the US and Canada, where anticorruption concerns are written into limitations on political donations and prohibitions on the funding of parties and candidates by corporations or unions. It also contrasts with the NSW, where several industries likely to donate seeking quid pro quo favours from state government (gaming, alcohol and tobacco, property development) are putatively banned from donating to parties and candidates. Whilst such selective bans are being challenged in the High Court, the NSW ‘independent expert panel’ led by Dr Kerry Schott re-endorsed them.<sup>10</sup>

**Donations and Disclosure.** In Australia, political ‘money speaks the language of both pragmatism and ideology’.<sup>11</sup> This is true for the major parties of left and right. For reasons of ideology and internal machinations, union contributions feed the Australian Labor Party (ALP); although a few unions have turned to The Greens. But the primary source of donations is the corporate and business sphere. Business donations skew to the Coalition for ideological reasons, however Labor does well when it is on the verge of power or entrenched in government.<sup>12</sup> Long-term oppositions languish since private money follows power and incumbent governments (even the business friendly Coalition was starved during Labor’s long tenure in NSW and Queensland). Not all businesses or sectors play this game: some public companies have adopted ‘no political donations’ policies,<sup>13</sup> in response to shareholder pressure, fear of alienating customers and the GFC.

Reliance on private donations has several recognised pathologies, the most serious being graft or quid pro quo favours, of the kind revealed in NSW state and local government scandals and suggested by Fitzgerald revelations in the Sparkes-Bjelke-Petersen era. Nonetheless, as McMenamin observes, ‘illegal [briberous] exchanges between politics and business are rare in Australia’.<sup>14</sup> The more common and subtler problem is buying access and preferential influence. Corruption concerns therefore bleed into the issue of political equality. Equality implies a relative parity of arms between the major parties vying for government. But, ideological benefactors aside, private donations bypass the minor parties.<sup>15</sup> A final concern about donations is a more pragmatic one. Chasing money detracts from the public service purposes of political office, such as developing policy and helping constituents.<sup>16</sup>

There are two responses to pathologies of private funding. The lighter touch is to require disclosure of larger donations. This approach dates to the 1980s in Australia, when Kim Beazley sold it as offering the disinfectant of sunshine. Few oppose mandating the release of donation

<sup>10</sup> NSW Premier’s Department, Independent Panel of Experts (‘Schott Panel’), *Political Donations – Final Report (Vol 1)* (December 2014), Recommendation 7. The case is *McCloy v NSW* (HCA, No S211 of 2014).

<sup>11</sup> Iain McMenamin, *If Money Talks, What Does it Say? Corruption and Business Financing of Political Parties* (OUP, 2013) 67. He contrasts Canada which has more and smaller business donations, and more hedging of donations across parties, to suggest that Australian ‘firms tend to receive a greater benefit ... for their political contributions’ (at 96).

<sup>12</sup> Iain McMenamin, ‘Business, Politics and Money in Australia: Testing Economic, Political and Ideological Explanations’ (2008) 43 *Australian Journal of Political Science* 377. See also McMenamin, *ibid*, 81-2 (the number of firms donating to Labor increases 24-fold, from a low base, as Labor moves between the doldrums of long term opposition to the verge of electoral victory).

<sup>13</sup> McMenamin, *above n 9*, 85-6.

<sup>14</sup> *Ibid*, 90.

<sup>15</sup> Leaving aside the Palmer United Party, built around a billionaire. No law in Australia has tackled the (rather American) question of the ultra-wealthy candidate. It is perceived as more an equality than corruption question.

<sup>16</sup> A reason parties have heavily relied on well-connected administrators and, at times, professional fund-raisers, to oversee their campaign drives.

information, provided the threshold is not so low that it chills the freedom of a public servant or small business-person to give small donations without fearing retribution.<sup>17</sup> But the major parties cannot agree on a reasonable disclosure threshold. The conservative Coalition favours a threshold of over \$12 000 per annum; the parties of the left favour a threshold about a tenth that size.

Obviously the threshold should differ depending on the size of the polity. That Queensland now has the same threshold as the Commonwealth may smooth party administration. But it makes little sense given that state parties and campaign needs are smaller. Also, compared to national government, states deal less with big policy matters and more with corruptible planning and land-use decisions.

Disclosure *alone*, which is now the Queensland way, risks ‘normalising’ large scale donations.<sup>18</sup> This was apparent in the custom of the banking/finance industry; it also is implicit in allegations that businesses which donate to the conservative parties are then cajoled by Labor to reciprocate.<sup>19</sup> Disclosure is also predicated on assumptions about the health of civil society. It assumes an alert, non-partisan, investigative media. Whilst online news sources with small bureaux in SEQ are emerging (*The Brisbane Times* and *Guardian Australia*), Brisbane is dominated by a single newspaper, and Queensland-centred current affairs television will soon be non-existent.

Disclosure also requires timely obligations. Only the ACT and the new South Australian schemes – borrowing from the New York model – take the need for regular disclosure seriously.<sup>20</sup> In future South Australian cycles, gifts over \$25 000 will have to be disclosed within a week, and in the campaign period, donors hitting a \$5000 threshold will have to be revealed weekly.<sup>21</sup> The ICAC-triggered Schott Inquiry in NSW also recommends

Queensland briefly had bi-annual disclosure obligations. That has now reverted to mere annual disclosure for parties, and post-election for candidates and donors. In an internet age, this is horse-and-buggy stuff. The substantive rationale given by Attorney-General Bleijie was that what was good enough for the national system was good enough for Queensland. This ignores the reality that the national system is risibly lackadaisical:<sup>22</sup> it will take until Feb 2015 to receive disclosure of donations made in the maws of the 2013 national election campaign. The Attorney-General also cited Crown Solicitor advice that states risked constitutional challenge if they asked for greater disclosure than the federal system. That advice was equally risible: the national system doesn’t form a code, and state divisions of parties can easily make two different forms of disclosure.

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<sup>17</sup> Compare Andrew Norton, *Democracy and Money: the Dangers of Campaign Finance Reform* (CIS Policy Monograph 119, 2011) 13-16. There is legislation against discrimination on the grounds of political donations, but it is hard to enforce and only helps after the event: eg *Commonwealth Electoral Act 1918* (Cth) s 327(2).

<sup>18</sup> See further Joo-Cheong Tham, ‘Campaign Finance Reform in Australia: Some Reasons for Reform’ in Graeme Orr et al (eds), *Realising Democracy* (2003, Federation Press) 114 at 123-4.

<sup>19</sup> Normalisation can cut both ways, eg as listed companies adopt no donation policies.

<sup>20</sup> Graeme Orr, ‘New York: Where Political Finance Never Sleeps’, *Inside Story* (5 February 2014). A Tasmanian bill would have required disclosure of contributions above \$1500 within a fortnight: Electoral Amendment (Electoral Expenditure and Political Donations) Bill 2013 (Tas).

<sup>21</sup> *Electoral Act 1985* (SA) s 130ZH-130ZI. See also *Electoral Act 1992* (ACT) s 216A

<sup>22</sup> Graeme Orr, ‘Political Disclosure Regulation in Australia: Lackadaisical Law’ (2007) 6 *Election Law Journal* 72.

If disclosure has limited teeth, the bolder but more difficult-to-enforce option for private funding is capping donations. As noted, such caps have emerged in state level in Australia. Queensland capped contributions between 2011-2014, but only those destined for a state campaign account (unions and billionaires like Mr Palmer were still permitted to bankroll party administration). NSW and the ACT are the only jurisdictions to cap donations at present. NSW has trimmed its donation limit to \$5000 pa to a party and \$2000 pa to a candidate<sup>23</sup> It recently balked at banning political donations completely, despite the scandals revealed by ICAC.

In NSW there are two exceptions to the donation cap; neither of which helps a NSW party's state election budget. One is that unions may still affiliate on the basis of a sum per member, but that money cannot be used for state electioneering. The other is that there is no limit on what can be channelled into a NSW party's accounts for local government or federal electioneering.<sup>24</sup> (NSW tried to ban anyone but registered electors contributing to parties' state electioneering funds, but the High Court ruled this lacked any legitimate rationale).<sup>25</sup> South Australia considered capping donations, but decided it was a bridge too far. Its new law focuses on limiting the price of 'pay-for-access' events, like forums or dinners featuring MPs, Ministers or their staff.<sup>26</sup>

### Regulatory Trajectories and Motivations

Electoral reform is largely vested in the hands of politicians, though occasionally they lose control to one of four groups: judges, experts, citizens or external actors.<sup>27</sup> Queensland, post-Fitzgerald was an example, proving the rule, where the executive/parliament ceded electoral reform to an independent expert commission. But since then, absent an upper house, strong media or bill of rights, successive governments have had almost unlimited power to mould the law.

The relationship of parties to electoral reform is typically framed in terms of a dissonance between partisan interests and values.<sup>28</sup> Expanding upon this, Nworkora offers a gauge of the factors driving political finance reform. Politicians are inclined to enact incumbency-protective rules. Except in the wake of major scandals, this self-protection tends to override the counter-incentive to enact populist laws restricting campaign finance. Party machines, as continuing entities, have a longer-term and more risk averse view than politicians. So parties seek security in rules that reduce the cost of political defeats.

But self-preservation and 'appearing to do something' about occasional scandals are not the only drivers. Legislators and parties are also motivated by principles. Social democrats favour

<sup>23</sup> See generally *Elections Funding, Expenditure and Disclosures Act 1981* (NSW) Part 6 Divs 2A-2D (as amended 2012 and subject to the *Unions NSW* case, below n 21).

<sup>24</sup> *Elections Funding, Expenditure and Disclosures Act 1981* (NSW) ss 95AA and 95B(2).

<sup>25</sup> *Unions NSW v New South Wales* [2013] HCA 58. See further below.

<sup>26</sup> *Electoral Act 1985* (SA) s 130ZL.

<sup>27</sup> Alan Renwick, *The Politics of Electoral Reform: Changing the Rules of Democracy* (Cambridge University Press, 2010) 10-17.

<sup>28</sup> An empirical study of voting system reform found that 'values appear to be as crucial as self interests in explaining the overall electoral reform story': Damien Bol, 'Electoral Reform, Values and Party Interest' (2013) *Party Politics* (published online, 9 December 2013, doi: 10.1177/1354068813511590) at 10.

political equality and conservatives favour political liberty.<sup>29</sup> A certain amount of self-regulation also occurs. For instance the Bligh government, late in its term, renounced attendances at forums/dinners designed to sell access to front-benchers. And the ALP and The Greens have donation codes against accepting tobacco donations, and voluntarily disclosing donations at the \$1000pa level.

In general, this hierarchy of motivations explains much of Australian political finance law. The relatively laissez-faire national system is kept in place by the inertia of incumbents on both sides: overall, a looser system favours incumbents because money tends to follow power. Public funding, which is entrenched in the great majority of Australian jurisdictions now – in contrast to donation or expenditure caps – reflects the interests of party machines to ensure their budgetary stability. The massive ramping up of public funding in Queensland in 2011, and Queensland’s reintroduction of annual funding for parties in 2014, are examples of this.<sup>30</sup> Where restrictive political finance laws have been enacted, it has typically been social democrats (the ALP, with the Australian Democrats or The Greens) driving the agenda in line with their innate normative preference. Conversely when regulation has been relaxed (as in Queensland 2014) or successfully opposed (in Tasmania in 2013) it has been by conservatives citing liberal philosophical justifications.

This account of drivers of campaign finance reform is imperfect, however. Politics is messier and more pragmatic than any model. The NSW ALP pioneered the first campaign finance scheme in modern Australian history, in 1981, without any particular scandal (aside from the general whiff of corruption that has pervaded that state since its early ‘rum rebellion’).<sup>31</sup> It did so not to curry favour in the electorate; indeed public funding faced significant popular opposition.<sup>32</sup>

That scheme was introduced by a Labor government – and opposed by the conservative opposition – on principle. The government argued that public funding and disclosure of donations were justified on egalitarian and anti-corruption grounds whereas the opposition argued the policy breached political liberty.<sup>33</sup> Undoubtedly self-interest played some part. The dividend of business donations favouring conservative parties over Labor was greater than it is today, so Labor stood to gain from public funding and the Liberals feared donors would be embarrassed by disclosure. But in pioneering public funding and disclosure in Australia, Labor governments did not significantly add to their incumbency (the funding system was capped, balanced and open to small parties). Whereas the conservatives, in initially opposing such schemes, were arguing against their party machine’s interest in the insurance of public funding.

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<sup>29</sup> Zim Nwokora, ‘The Distinctive Politics of Campaign Finance Reform’ (2012) *Party Politics* (published online, 23 October 2012, doi: 10.1177/1354068812462922).

<sup>30</sup> Public electoral funding leapt from ~\$3.5m to \$24.5m between the 2009 and 2012 elections, due to Labor’s short-lived reimbursement of expenditure scheme. See Queensland Parliamentary Debates (Legislative Assembly), 21 November 2012, 4223 (Hon J Bleijie).

<sup>31</sup> Epitomised in the ongoing Operation Credo inquiry involving commercial, political and lobbyist figures affiliated with both major parties: Independent Commission against Corruption <<http://www.icac.nsw.gov.au/investigations/current-investigations/investigationdetail/203>>.

<sup>32</sup> Alec Simpson, ‘Public Funding of Election Campaigns – a Reply’ (1981) 53 *Australian Quarterly* (Winter) 229 at 230.

<sup>33</sup> Ernest Chapple, ‘Public Campaign Finance: New South Wales Bites the Bullet’ (1981) 53 *Australian Quarterly* (Autumn) 4 at 8-10.

This model, indeed, has since been perpetuated and even tightened by NSW conservative governments, with assistance recently from The Greens.

A common epithet applied in this field is the ‘cartel’ label. The cartel thesis implies two key things, both linked to the desire for security. One is a convergence of major party interests, often in ways inimical to competition from outsiders. The other is the ‘étatization’ of parties, an increasing enmeshing of party with state, via a symbiotic dependency on public subsidies and a decline of party autonomy and links to civil society.<sup>34</sup> We can see clear convergence of major party interests in the Queensland laws, with their generous public funding skewed to the major parties. However any ‘étatization’ in Queensland is being reversed by the conservative government’s winding back of disclosure obligations and abandoning of expenditure and donation limits. Those repeals can be more simply explained by a combination of libertarian philosophy and partisan interest.<sup>35</sup>

The NSW case, as mentioned, has seen both major parties coalesce around a tightly regulated system (in the face of liberal philosophy) for reasons to do with political integrity and pragmatics. Whilst the high degree of public funding in NSW offers security to the major parties, smaller parties are accommodated and expenditure and donation caps partly level the electoral playing field. Van Biezen and Kopecký see high levels public funding as evidence of the weakening of party linkages with society and a growing symbiotic relationship with the state.<sup>36</sup> But the ‘clean money’ and real-time disclosure push, especially in NSW, has not been triggered by a drying up of donations so much as their unbalanced and corrupting flow. Further, and unlike Queensland, NSW and South Australia have, consistently with liberal philosophy, shaped public funding of parties in a relatively inclusive way.<sup>37</sup>

Of late, NSW reforms of course have been practically driven by revelations of unlawful and unethical behaviour. Cynics might allege that the more regulated political finance scheme in NSW has simply created more hoops for politicians and donors to trip over, or loopholes for them to exploit. Whilst there is an element of cat-and-mouse about any regulation of finance law (in commerce as well as politics), it would be naïve to think that political finance indiscretions are a kind of artificial or victimless crime. They are blights on political integrity and equality.

We see in NSW a system working itself cleaner. It would be foolish to think that Queensland politics is more moral or self-regulating than that found over the border. It is more likely to be the case that Queensland laws are just laxer, and our institutions – the electoral commission and CMC – are less resourced and tasked, than their NSW counterparts, to police this important area.<sup>38</sup>

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<sup>34</sup> Zsolt Enyedi, ‘The Discreet Charm of Political Parties’ (2014) 20 *Party Politics* 194 at 197.

<sup>35</sup> As were rules forcing unions to ballot their members to make political expenditures or donations: *Industrial Relations Act 1999* (Queensland) Ch 12, Pt 12, Div 1B. These were repealed in the face of High Court challenge.

<sup>36</sup> Ingrid van Biezen and Petr Kopecký, ‘The State and the Parties: Public Funding, Public Regulation and Rent-Seeking in Contemporary Democracies’ (2007) 13 *Party Politics* 235 at 236, 238-9.

<sup>37</sup> *Ibid*, 251.

<sup>38</sup> On the need for enhanced penalties, compliance and enforcement, see ch 11 of the Schott Panel report, above n 7.



**Political Finance Law in Australia – Comparison of Key Jurisdictions**

<b>Jurisdiction</b>	<b>Expenditure Limits</b>	<b>Donation Limits</b>	<b>Donation Disclosure</b>	<b>Administrative Detail</b>	<b>Public Funding</b>
<b>Commonwealth</b> <sup>39</sup>	No	No	Annual disclosure of gifts over \$12 800	Agent for disclosure, public funding	Post election, 4% threshold. ~ \$2.50 per vote
<b>NSW</b> <sup>40</sup>	~\$10.3m limit on central party campaign; similar limit on constituency campaigns.  3 <sup>rd</sup> party limit \$1.2m (may reduce to \$0.5m after 2014 report).  Covers last 6 months of parliament	\$5000 pa max to party campaign; \$2000 pa max to candidate.  Individual donors must be NSW electors. Union and corporate donors permitted (High Court ruling).  Ban on developer and 'vice' donors	Annual disclosure of gifts over \$1000.  May become 'real time' disclosure of such gifts in 6 months before election (after 2014 report).	Agent carries broad responsibilities.  Must keep dedicated campaign account.	Post election, 4% threshold. Reimbursement of up to 75% of 'electoral communication expenditure'. Worth up to \$33m for 2015 election. May reduce after 2014 report.  Annual subsidy to parties and independents, depending on number of MPs. (Small payments to MP-less parties)
<b>SA</b> <sup>41</sup>  (Commencing July 2015)	\$4.0m limit on party campaign.  Limit is opt-in (a condition of public funding)  Covers last 9 months of parliament	No  \$500 max for 'pay for access' events	Bi-annual disclosure of gifts over \$5000.  Weekly disclosure: (a) during campaign, or (b) of gifts over \$25 000	Agent carries very broad responsibilities  Must keep dedicated campaign account.  Audited disclosure returns	Post election, 4% threshold \$3.00 per vote. (\$3.50 per vote for new parties/independents)  Small annual subsidy for parties with MPs

<sup>39</sup> *Commonwealth Electoral Act 1918* (Cth) Part XX.

<sup>40</sup> *Election, Funding, Expenditure and Disclosures Act 1981* (NSW).

<sup>41</sup> *Electoral Act 1985* (SA) Part 13A.

<b>ACT</b> <sup>42</sup>	\$1m max 3 <sup>rd</sup> party limit \$60k  Last 9 months of parliament	\$10 000 pa to party campaign account	Continuous disclosure of donors over \$1000.  Within 7 days in election year; 30 days otherwise	Agent carries broad responsibilities  Must keep dedicated campaign account	Post election, 4% threshold. ~ \$2 per vote. (Increasing to \$8 per vote after 2014 report)  Admin payments ~ \$20k per MP
<b>Queensland</b> <sup>43</sup>	Repealed 2014	Repealed 2014	Was bi-annual, now annual.  Mirrors national scheme.	Repealed 2014	Post election, 6% threshold. \$2.90 per vote for parties; \$1.45 for Independents.  Annual subsidy for parties with MPs

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<sup>42</sup> *Electoral Act 1992* (ACT) Part 14.

<sup>43</sup> *Electoral Act 1992* (Queensland) Part 11.