



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mr Peter Cain MLA (Chair), Dr Marisa Paterson (Deputy Chair), Mr Andrew Braddock MLA

## Submission Cover Sheet

### Inquiry into Electoral and Road Safety Legislation Amendment Bill 2023

**Submission Number: 008**

**Date Authorised for Publication: 02 August 2023**

Committee Secretary  
Standing Committee on Justice and Community Safety  
ACT Legislative Assembly  
GPO Box 1020  
CANBERRA ACT 2600

Dear Secretary,

The Canberra Liberals takes its obligations under the current Electoral Act (Act) extremely seriously and welcome the opportunity to contribute to the Inquiry into the Electoral and Road Safety Legislation Amendment Bill 2023 (Bill).

The Canberra Liberals Submission will address the following topics:

- Financial and donation reporting requirements
- Early voter access
- Roadside electoral advertising

### **Financial and donation reporting requirements**

It is important to recognise that political parties are not only entitled under the ACT Electoral Act, but also operate under the Commonwealth Electoral Act, as well as the broader governance requirements covering us as a business. Over the previous electoral cycles, there have been numerous changes to these requirements which have added a great deal of complexity to administering a political party. This is made more difficult when changes are introduced into the Assembly with minimal consultation with political parties who need to implement them.

The Bill seeks to introduce real-time political donation reporting which will require political entities to disclose any gifts received which are \$100 or over in value within 7 days of receiving the gift. Additionally, it seeks to implement a 'small donation' exemption to allow donors to gift 12 gifts, each less than \$100 in value, to a political entity in any one financial year without disclosure being required. If a donor gives 13 or more gifts each under \$100, the political entity is required to report all 13 of these gifts to the Electoral Commissioner within 7 days of receiving the 13th gift.

The ACT has one of the most rigorous donation disclosure regimes in Australia that already makes public the name of any organisation or individual donating over \$1,000 monthly or within 7 days of receipt if it is received within the months prior to an election. In addition to this, expenditure caps and the public funding model reduces undue influence on election campaigns in the ACT. The Canberra Liberals believe with the existing disclosure regime in place electors already have confidence their representatives are not being unduly influenced.

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These amendments are well intentioned to provide confidence to electors that their elected representatives, candidates, and nominees are not being unduly influenced by other entities, however in reality may in fact undermine this confidence with unintentional breaches occurring because of the complexity in these changes and the extremely low threshold for disclosure.

The 'small donation' exemption and \$100 threshold are impractical as currently drafted. For example, if a Party member were to attend 13 Branch meetings and purchase raffle tickets of \$3 this would require the Party to disclose this member for 13 'gifts' totalling \$39. Similarly, if a Party member were to attend a number of Party social functions such as a low-cost dinner, cocktail party, or brunch these transactions would need to be tracked similarly to the raffle ticket purchases in case the individual attends more than 12 events. In both instances neither individual is seeking undue influence of the political process, however they are having their right to privacy impeded on.

In addition to maintaining the current disclosure requirements the Canberra Liberals would ask the committee to review the potential for the double reporting of gifts. Currently, when an MLA receives a gift of any value, they must report it in both their own MLA Annual Return, and to the office of the party to which they belong so that the party can report it in their own returns to Elections ACT. This results in every gift an MLA receives being reported twice. If an MLA receives a thank you gift in their role as a local Member of Parliament, this is not a gift to the party to which that MLA belongs, nor does that party derive any benefit from it.

To ensure gifts are reported in such a way that is transparent and depicts an accurate account of events, gifts received by MLAs should only be reported once. This would mean such gifts would only be reported in each MLAs own Annual Return.

The Canberra Liberals support the introduction to ban 'gifts' from foreign entities in the ACT and already have several measures in place to ensure no 'gifts' are received from foreign entities in line with our obligations under the Commonwealth Electoral Act.

### **Early voter access**

Consistent with our submission following the 2020 Territory Election the Canberra Liberals welcome the introduction of a 2-week pre-poll voting period. The Committee should consider however the Assembly's intention to permit early voting. Under the Electoral Act, early voting is only intended to be available for electors who "expects to be unable to attend at a polling place on polling day". Pre-poll should be the exception, not the norm. Despite this, over recent elections the level of pre-polling has increased dramatically.

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The objective of pre-polling centres is to provide convenience for those unable to vote on polling day, should voters require additional time or greater flexibility if they expect to be unable to attend a polling place on polling day or pre-poll, postal voting is available.

### Roadside electoral advertising

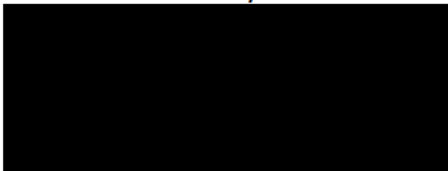
The Canberra Liberals support the intent to limit movable signs for candidates/prospective candidates to a maximum 250 signs per candidate, including party signs, and prohibit their placement alongside roads with a standard speed limit of 90km/h or higher, regardless of temporary speed limits such as road works.

We welcome consultation on the operational administration of these restrictions prior to implementation of the Bill in particular how the 250 will be categorised e.g., by message displayed or by authorising entity. Moreover, how the placement of the signs will be tracked and monitored.

The Canberra Liberals would not support a limit on movable signs extending too private residential property. Being able to publicly participate in elections is an important part of our democratic process.

Again, thank you for the opportunity to make this submission. I am happy to respond to any questions, or to appear before the Committee if you would like me to expand on any of the points raised in this submission.

Yours sincerely



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Canberra Liberals

27 July 2023

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