



LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON THE 2016 ACT ELECTION AND ELECTORAL ACT

Ms Bec Cody MLA (Chair), Mr James Milligan MLA (Deputy Chair)

Ms Tara Cheyne MLA, Ms Caroline Le Couteur MLA, Mr Andrew Wall MLA,

Submission 18

Name –Griffith-Narrabundah Community Association Inc.

	A.C.T. LEGISLATIVE ASSEMBLY COMMITTEE OFFICE
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Griffith/Narrabundah Community Association Inc.

PO Box 4127, Manuka ACT 2603

www.gnca.org.au

email: info@gnca.org.au

Mr Andrew Snedden,
Secretary
Select Committee on the 2016 ACT Election and Electoral Act
Legislative Assembly for the ACT
GPO Box 1020 CANBERRA ACT 2601

committees@parliament.act.gov.au

SUBMISSION ON 2016 ACT ELECTION AND ELECTORAL ACT

The Griffith Narrabundah Community Association (GNCA) is grateful for the opportunity to comment on the inquiry into the 2016 ACT Election and Electoral Act.

The GNCA focuses on the particular issue of donations to political parties, including elected politicians and their staff.

Recommendations

The GNCA believes that:

1. Political donations should only be made by persons who are on the ACT electoral roll;
2. Donations should be reported to the ACT Electoral Commission within five working days; and
3. The ACT Electoral Commission should exhibit information received about political donations on its website within five working days.

Background

The GNCA represents residents living in the Inner South of Canberra. By virtue of its activities in planning issues and developments in the Inner South the GNCA is concerned to ensure the integrity of the political process in the ACT.

Who can donate

The GNCA believes that political donations should only be made from persons who are on the ACT electoral roll. This would preclude donations by companies, other incorporated bodies, clubs, and union, employer and industry associations. Non-profit bodies such as community organisations should be required to approve donations at an Annual General Meeting of members before they are made.

Business and incorporated bodies do not make donations out of altruism. There is invariably an expectation of a benefit. At the minimum it may be access; at best it will be a favourable decision by a Minister.

The definition of a gift should be expanded to cover any benefit in cash or in kind, to avoid would-be donors from providing expenses-paid holidays, picking up legal bills, and so on. Ideally, it should encompass the provision of corporate entertainment such as dinners or hosting at sporting events.

The issue of political donations has never been more topical. At a national level, questions are being asked about the effect that donations have on the political process. In recent times the Territory Auditor General has reported on the lack of supporting documentation for some purchases of land by Territory authorities. These fuel community disquiet about the closeness of business interests to government. In the area where the GNCA has members there have, in recent years, been two proposed land developments that raised questions about the closeness of commercial interests to

government. The first was the proposal to expropriate the Griffith Oval in conjunction with the housing development on the site of the former Brumbies Club in Austin Street, Griffith. The second was the proposal by Grocon Pty Ltd and the Greater Western Sydney Giants Football Club to build apartments on the surrounds of Manuka Oval.

Unlike some other jurisdictions, the ACT does not have a corruption watchdog that can provide an element of reassurance to the community.

Reporting of donations

In February 2015, the Legislative Assembly passed amendments to the Electoral Act which made changes to the ACT election funding, expenditure and financial disclosure scheme. The changes took effect from March 2015. One of the changes was that annual returns must be provided to the Electoral Commissioner no later than 31 August each year. This is far too long. In the case of the 2016 Election, that return will not be required until August 2017.

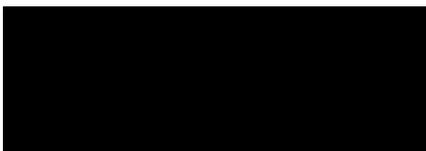
The GNCA believes that donations should be reported to the ACT Electoral Commission within five working days. Voters should be informed promptly if a party receives large donation as this could be indicative of an attempt to influence the outcome. In an era of immediate email communication, imposing a time limit of five working days is not unduly onerous.

The obligation to report donations should be on registered parties. In the case of an independent candidate not affiliated with any registered party the obligation to report should be on the candidate.

The ACT Electoral Commission should report political donations promptly on its website.

Once the Electoral Commissioner receives a report from a party or candidate then it should promptly report that donation on its website. It would be preferable for donations to be reported through an online template that ensures automatic and immediate publication. If this is not feasible, the Electoral Commissioner should publish the information received within five working days.

Provided that the recommendations suggested above are adopted, the GNCA does not consider it essential to place a limit on the size of donations.



Leo Dobes
President
30 June 2017