

SUBMISSION

In response to the Australian Government's December 2008

Electoral Reform Green Paper DONATIONS FUNDING AND EXPENDITURE

Andrew Murray February 2009

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Note

The Green Paper discusses electoral reform from many perspectives. This submission does not seek to cover all items of interest therein.

This is a personal submission by Andrew Murray and does not represent the views of any other individual or entity. For most of his 12 years in the Senate Andrew Murray was a member of the Joint Standing Committee on Electoral Matters (JSCEM) and was the Australian Democrats Electoral Matters Spokesperson. This Submission draws directly on much of that work and experience.¹ See also AppendixA.

¹ In particular, see the Joint Standing Committee on Electoral Matters Committee Inquiry into the Conduct of the 2007 Federal Election, Submission by Senator Andrew Murray: Electoral Matters spokesperson for the Australian Democrats, April 2008

1 Executive summary

Politics a subset of the third sector

Politics is a subset of the Third sector. The Third Sector comprises not-for-profit, non-government, voluntary, and intermediary organisations. Third Sector law regulation and reporting is a mess. Charities and other not-for-profit organisations in general exhibit a lack of transparency in the way in which public or donated funds are spent, a lack of accountability and poor reporting to donors and the public, exacerbated by no uniform accounting or reporting standards. Those faults are also characteristic of political parties.

In this exercise of electoral reform, the Commonwealth Treasury should be consulted as to the accounting and reporting standards considered appropriate for the Third Sector, which should by extension apply to political entities as a subset of the Third Sector. In this context, using corporate language and definitions, these would be accounting and reporting standards for medium, small and micro entities.

Additional disclosure for the politics sector over and above that required for the Third Sector must be justified by three measures – that it provides relevant information that assists Australians in making an informed voting choice; that it provides information that indicates any financial or contractual relationship that might be perceived as capable of influencing the conduct or policy of a candidate or political party; and, that it provides the accountability and transparency that is the consequence of taxpayer funding and of being a registered party, or of being an accepted candidate nomination.

What is national, what is federal?

Australia has overlapping electoral systems, regulating different levels of government, creating uncertainty and confusion and creating inefficiency, waste, opacity and complexity. The regulatory burden is severe for small entities heavily dependent on volunteers who have to deal with nine different sets of electoral laws and with multiple regulators.

The best way to eliminate (or at least drastically reduce) these negatives is to have just one law, one administrator and one regulator. Electoral matters, whether federal state/territory or local divides fairly neatly into four main parts or categories:

- Electoral systems (federal, state, territory, local)
- The conduct of elections (federal, state, territory, local and organisational)
- The regulation of political participants (parties, associated entities, candidates, third parties)
- Funding and expenditure

In a federal system electoral systems should remain separately legislated by the Commonwealth, the States and the Territories. For the other three main categories of electoral matters, there is no reason why the conduct of elections (federal, state, territory, local and organisational); the regulation of political participants (parties, associated entities, candidates, third parties); and funding and expenditure could not be under one electoral commission and one national set of laws.

The principles and main policies need to be agreed by COAG and the States and Territories parliaments before a national regime replaces the federal system for these three parts, but once that is done it becomes a question of timing and implementation.

Better disclosure requires better political governance

Australians want a healthy political system, with impartial umpires and processes underpinning our electoral system, keeping our campaigning fair and transparent and ensuring our systems are free from corruption and improper influences. This is an argument for better political governance. Greater fairness transparency and political integrity require improved political governance.

Political governance includes how a political party operates, how it is managed, its corporate and other structures, the provisions of its constitution, how it resolves disputes and conflicts of interest, its ethical culture and its level of transparency and accountability.

All registered political parties should be obliged to meet minimum standards of accountability and internal democracy. Given the public funding of elections, the immense power of political parties (at least of some parties), and their vital role in our government and our democracy, it is proper to insist that such standards be met.

Greater regulation would offer political parties better protection from internal malpractice and corruption, and the public better protection from its consequences, and it would reduce the opportunity for public funds being used for improper purposes. It would also go some way towards addressing the public's often poor perception of politicians and politics.

The integrity of an organisation rests on solid and honest constitutional foundations. Corporations and Workplace Relations laws provide models for organisational regulation.

Government funding of the political sector

Public funding of the political sector in Australia takes four forms: funding for elections (six out of the nine jurisdictions)²; annual funding (NSW); funding of incumbents (all jurisdictions) and government advertising (all jurisdictions). Australian experience points to the need for reform.

The aims of introducing a public funding scheme were to provide a greater equality in the opportunity to present policies to the electorate and to reduce the risk of corruption and undue influence. Corruption and undue influence arise from private funding not public funding.

² South Australia, Tasmania and the Northern Territory do not provide public funding.

The key reason for providing public funding was to reduce the reliance of political participants on private funding. That has not occurred to any significant degree. Therefore, if there is to be no change to the present system, public funding for elections should be ended forthwith. There is simply no point in taxpayer money being given to the political sector as an extra funding source over and above unrestricted private funding.

Public funding of the political sector should only be supported in future if full transparency and accountability is introduced, and if meaningful caps or bans on private funding are introduced.

Only a minority of the registered political parties that contest each election receive public funding. There is arguably a case on equity grounds for widening access slightly by lowering the threshold, but a flat rate has a weakness. A better formula might be two per cent or 1500 votes, whichever is the higher, in any federal state or territory lower house seat, and any non-state-wide upper-house seat; and two per cent or 30 000 votes in any Senate seat or state-wide upper house seat, whichever is higher.

If stronger regulation of political parties is necessary to ensure reasonable standards and proper accountability, there is a cost that is consequent to that. Some countries say that political parties are entitled to public funding for their operating costs. It is unlikely that the Australian media or public would support a Canadian-type approach costing C\$28+ million a year, but they might support something much more modest.

Any parliamentarian holding a seat has a natural advantage over any challenger who seeks to win office. What is of concern is where this natural advantage is reinforced by pork-barrelling systems and generous entitlements that are in excess of those required to do the parliamentarians job, and are instead used for electioneering. A particular danger is any appropriation for one year that a parliamentarian can roll over to the next year, so accumulating an election 'war-chest'.

The counters to incumbency abuse are parties and parliaments committed to high political standards, proper processes, and transparent audited fully reported grants and entitlements. COAG should agree to principles and protocols; agree to genuinely independent advice by Remuneration Tribunals on what is an acceptable level of parliamentary resources; agree to audits of entitlements usage once an electoral cycle; and agree to maximise transparent reporting. Using offices or entitlements for political party purposes should be universally prohibited, and any abuse subject to appropriate penalty.

There are few laws or regulations governing government advertising. There are many federal, state and territory instances where governments have put out party political propaganda under the guise of legitimate government advertising. COAG should agree principles and protocols and agree to audits of government advertising at least once an electoral cycle; and agree to maximise transparent and whole-of-government reporting.

Donations funding and expenditure

Principles should inform the regulation of electoral funding and disclosure. This is important because electoral reform should be designed with guiding principles in mind; and, if COAG fail to support a national approach to electoral reform of donations funding and expenditure,

then at least they should sign up to a common set of principles which they should agree should guide their own legislation.

Australian regulation of donations funding and expenditure in all jurisdictions has been weak, not just in the content and nature of regulation, but particularly in resourcing enforcement and in applying meaningful penalties.

Any electoral reform affecting regulation and disclosure needs to be user and audience-friendly – for instance taking advantage of modern technology to allow for electronic lodgement of returns and forms, and the development of advanced website design that effectively displays and collates lodged material, or provides analysis of key issues or material.

If donations above \$1000 were banned, it would be a simpler system to regulate. If COAG and States and Territories parliaments will not go that far then there are deficiencies in the present system that need to be rectified.

It is essential that Australia has a comprehensive regulatory regime that legally requires the publication of explicit details of the true sources of donations to political parties. This is required to prevent, or at least discourage, corrupt, illegal or improper conduct in electing representatives, in the formulation or execution of public policy, and helping protect politicians from the undue influence of donors.

One of the key screening devices for hiding the true source of political donations is the use of trusts, foundations and clubs for professional fundraising. These are often merely screening devices that allow money to be given in secret.

Additional disclosure requirements must apply to political parties and candidates that receive donations from trusts foundations or clubs. They should be obliged to return the money unless there is full disclosure.

Political parties that receive donations from fundraisers (greater than those standard low amounts generally permitted as not needing disclosure) should be obliged to return these funds unless full disclosure of the true donor's identities are made.

The practice of companies making political donations without shareholder approval and the practice of unions making political donations without member approval must end. The practice of some companies and unions affiliating to or becoming members of political parties without shareholder or member approval must end. The United Kingdom has attended to both corporations and unions along these lines.

2 Politics a subset of the third sector

There are two themes running through the Australian Government's December 2008 Electoral Reform Green Paper on Donations Funding and Expenditure (the Green Paper) – how is the present unsatisfactory level of disclosure to be significantly improved, and what level of statutory restraint on political funding and expenditure is warranted.

To answer the question 'how is the present unsatisfactory level of disclosure to be significantly improved' requires first an answer as to why any disclosure is needed at all, and following that, what level of disclosure is justified.

One leading academic gave a succinct response - the extent to which the political sector should be regulated depends on:

- what is required in order to ensure accountability to its members; and,
- it's [the political sector's] functions. It is here that the functions of political parties in recruiting elected officials, developing policy etcetera result at the very least in the transparency that you call for in relation to party constitutions.³

The political sector is part of what is known as the Third Sector. The Senate recently examined the Third Sector, and discussed what disclosure is made or required for it. Evidence cited in the December 2008 Senate Economics Standing Committee report *Disclosure regimes for charities and not-for-profit organisations* (the Senate Disclosure report) indicates that charities and other not-for-profit organisations in general exhibit a lack of transparency in the way in which public or donated funds are spent, a lack of accountability, and poor reporting to donors and the public, exacerbated by no uniform accounting or reporting standards.⁴

Those faults are also characteristic of political parties.

As entities, political parties and election candidates are a subset of the Third Sector.⁵ How is the Third Sector defined?

2.2 For analytical purposes the scholarly literature often divides society into four sectors:

Business (First Sector)

Government (Second Sector)

Not-For-Profit, non-government, voluntary, intermediary (Third Sector)

Family (Fourth Sector)

2.3 The Third Sector in Australia sits alongside the government and private sectors.

Third Sector organisations may receive government funding to provide public services, but they are not part of government. Similarly, Third Sector organisations may charge for business services, but are not part of the business sector because their primary aim is not to generate profits for their owners.

2.4 Broadly, Third Sector organisations comprise charities, churches and religious organisations; sporting organisations and clubs; advocacy groups; community organisations; cooperatives; trade unions; trade and professional associations;

³ Correspondence with Dr Joo-Cheong Tham Senior Lecturer, Melbourne Law School, The University of Melbourne, Victoria January 2009.

⁴ Evidence to the Senate Economics Standing Committee *Disclosure regimes for charities and not-for-profit organisations* report, Canberra, December 2008 is that the Australian Accounting Standards Board is unhelpful to date but there has been useful work done on a standard chart of accounts, pages 107-109.

⁵ The Australian Bureau of Statistics uses the International Classification of Non-Profit Organisation (ICNPO) in its classification of 'types' of not-for-profit organisation. Law, Advocacy and Politics are one of 12 groups under the ICNPO.

chambers of commerce; welfare organisations; and service providers, which can be divided into three clear classes of organisations – Mutuals, Social Enterprises and Not-For-Profits.⁶

If disclosure of donations funding and expenditure to maximise transparency and accountability is a core consideration of electoral reform, then the question is what disclosure should be additional to that generally required for the Third Sector.

What a political entity is required to disclose on a standard basis is largely determined by its legal form, with specific additional reporting requirements determined by federal and state electoral law.

An important part of this electoral reform process should be an audit of what compliance and reporting is already required of political parties under various sets of federal state territory and local law, so that electoral reform that imposes new compliance burdens might possibly be eased by the removal or rationalisation of present regulation.

Additionally, in this exercise of electoral reform, the Commonwealth Treasury should be consulted as to the accounting and reporting standards considered appropriate for the Third Sector, which should by extension apply to political entities as a subset of the Third Sector. In this context, using corporate language and definitions, these would be accounting and reporting standards for medium, small and micro entities.

A key principle of modern legislation is that for clarity equity and administrative reasons the law should generally apply wherever possible, and particular variations to the general rule should be by-exception. As an example accounting standards or corporations law are designed with that concept in mind.

Additional disclosure for the politics sector over and above that required for the Third Sector must be justified by three measures – that it provides relevant information that assists Australians in making an informed voting choice; that it provides information that indicates any financial or contractual relationship that might be perceived as capable of influencing the conduct or policy of a candidate or political party; and, that it provides the accountability and transparency that is the consequence of taxpayer funding and of being a registered party, or of being an accepted candidate nomination.

There are two significant present difficulties. The first is that, as clearly illustrated in the Green Paper, reporting standards, forms, and detail across all nine jurisdictions are inconsistent, inadequate, confusing, incomplete and partial – be it for political parties, associated entities, third parties, donors in cash and kind, financiers, or candidates.

⁶ Senate Economics Standing Committee *Disclosure regimes for charities and not-for-profit organisations* report, Canberra, December 2008 page 11.

Timeliness is an issue, with respect to lodged returns.⁷ Timely and adequate electoral commission website disclosure of lodged returns is another area of concern.

The second difficulty is that there is no base-line uniform standard for the larger Third Sector (that politics is a subset of) for the political sector to fall back on. Third Sector law regulation and reporting is a mess⁸ – hence the need for the Senate Disclosure report of December 2008. With a reference that is directly relevant to this Electoral Reform Green Paper the Senate Committee was specifically charged with examining *the relevance and appropriateness of current disclosure regimes for... not-for-profit organisations; models of regulation and legal forms that would improve governance and management of ... not-for-profit organisations ...; and other measures that can be taken by government and the not-for-profit sector to assist the sector to improve governance, standards, accountability and transparency in its use of public and government funds.*⁹

The Senate Disclosure report made fifteen recommendations. Consider these six Committee recommendations as they might apply to the politics subset of the Third Sector covered by the Green Paper:

Recommendation 7

The committee recommends that a single, mandatory, specialist legal structure be adopted for Not-For-Profit Organisations through a referral of state and territory powers. Given the degree of change such a legal structure would mean for some not-for-profit organisations, the legal structure must be developed in full consultation with these organisations.

Recommendation 9

The committee recommends that a National Fundraising Act be developed following a referral of powers from states and territories to the Commonwealth.

This Act should include the following minimum features:

- It should apply nationally.
- It should apply to all organisations.
- It should require accounts or records to be submitted following the fundraising period with the level of reporting commensurate with the size of the organisation or amount raised.
- It should include a provision for the granting of a license.
- It should clearly regulate contemporary fundraising activities such as internet fundraising.

Recommendation 10

The committee recommends that a tiered reporting system be established under the legislation for a specialist legal structure.

⁷ The Australian Government Electoral Reform Green Paper DONATIONS FUNDING AND EXPENDITURE, Canberra, December 2008, pages 54 and 55.

⁸ See for instance ONE REGULATOR ONE SYSTEM ONE LAW, The Case for Introducing a New Regulatory System for the Not for Profit Sector, Senator Andrew Murray, Canberra, July 2006, available from the Parliamentary Library Canberra.

⁹ Senate Economics Standing Committee *Disclosure regimes for charities and not-for-profit organisations* report, Canberra, December 2008 page 5.

Recommendation 11

The committee recommends that the tiers be assigned to organisations based on total annual revenue.

Recommendation 12

The committee recommends that the Commonwealth Government work with the Sector to implement a standard chart of accounts for use by all departments and Not-For-Profit Organisations as a priority.

Recommendation 13

The committee recommends that a new disclosure regime contain elements of narrative and numeric reporting as well as financial, in acknowledgement that the stakeholders of the Sector want different information to that of shareholders in the Business Sector. The financial reporting should be transparent and facilitate comparison across charities.¹⁰

3 What is national, what is federal?

In the Green Paper Special Minister of State John Faulkner writes that *Australia has overlapping electoral systems, regulating different levels of government, creating uncertainty and confusion*. He could have added creating inefficiency, waste, opacity and complexity to his list of negatives. The regulatory burden is severe for small entities heavily dependent on volunteers who have to deal with nine different sets of electoral laws and with multiple regulators.

Later in the Green Paper is expressed the hope that if electoral reform does not achieve harmonisation, at least it might result in greater consistency.¹¹ Such a minimalist hope is undoubtedly prompted by the difficulty facing any reformer of achieving significant change in the field of electoral matters, where vested interests hold such strong sway.

Such a view may be too pessimistic. As in other countries, the institutional self-interest of the political establishment can be overcome to advance the reforms required to implement a much improved system of accountability and transparency in political funding and disclosure. There are already signs of a willingness to consider meaningful change in Australia, consequent to media and public pressure, and to internal party calls for reform.

Governments, parliaments and political parties are clearly alert to some of the dangers outlined in the Green Paper, such as spiralling costs of electioneering and public disquiet at funding and spending issues. A number of the states have useful inquiries under way. Reforms are under way. The *Commonwealth Electoral Amendment (Political Donations and*

¹⁰ Senate Economics Standing Committee *Disclosure regimes for charities and not-for-profit organisations* report, Canberra, December 2008 pages 77, 98, 105, 112.

¹¹ The Australian Government Electoral Reform Green Paper DONATIONS FUNDING AND EXPENDITURE, Canberra, December 2008, page 28, 3.62.

Other Measures) *Bill 2008* is a necessary meaningful and substantial reform,¹² and JSCEM's two suggested amendments to it are not a problem.

The best way to eliminate (or at least drastically reduce) the negatives outlined earlier is to have just one law, one administrator and one regulator. Is that possible for a political sector operating in a federal system? The discussion in section 2 above of politics as a subset of the Third Sector also leads on to the question of whether politics should be nationally regulated by the Commonwealth, or federally regulated by the Commonwealth and the States as at present, or whether some parts could be national and other parts federal.

Electoral matters, whether federal state/territory or local divides fairly neatly into four main parts or categories:

- Electoral systems (federal, state, territory, local)
- The conduct of elections (federal, state, territory, local and organisational)
- The regulation of political participants (parties, associated entities, candidates, third parties)
- Funding and expenditure

In a federal system electoral systems should remain separately legislated by the Commonwealth, the States and the Territories – constituencies, types of parliaments, length of terms, fixed or not, voting systems, all the variants of electoral systems. So, nine sets of laws determined by the respective constitutions and parliaments are a normal consequence of a federation, although harmonisation and consistency should be sought after wherever possible, for obvious benefits of public understanding and political coherence.

For the other three main categories of electoral matters, there is no reason why the conduct of elections (federal, state, territory, local and organisational); the regulation of political participants (parties, associated entities, candidates, third parties); and funding and expenditure could not be under one electoral commission and one national set of laws.

Of course the principles and main policies need to be agreed by COAG and the States and Territories parliaments before a national regime replaces the federal system for these three parts, but once that is done it becomes a question of timing and implementation. Starting this process with the contentious funding and expenditure category makes sense.

As important as it is to parliamentary democracy and the integrity of our electoral systems, in essence the conduct of elections is just an administrative, organisational and technical function. Savings and efficiencies would result from one rather than nine laws and nine electoral commissions. A similar argument applies for the regulation of political participants and for funding and expenditure.

¹² The Australian Government Electoral Reform Green Paper DONATIONS FUNDING AND EXPENDITURE, Canberra, December 2008, pages 13 and 14.

Political parties could be forced into a federal regulatory regime by the simple device of requiring all parties desirous of public funding to be an incorporated entity subject to the federal Corporations law. Such a course of action would be unwise if there was a strong reaction and resistance from the states and territories. Permanent change is achieved when the transfer of powers is consensual and based on sound policy considerations.

From the perspective of this Green Paper, what is the argument in favour of putting political funding and expenditure under a single national regime rather than the nine regimes of our federal system?

On the funding side, the large political donors (unions and corporations) are already regulated under a single regime by the Commonwealth, but the political donees, commonly being unincorporated and incorporated associations, are regulated by the states and territories.

The Senate Disclosure report says of incorporated associations that they are *considered to be poorly regulated* and [due] *to different legislation in each state and territory, the reporting requirements of incorporated associations are not aligned*.¹³ They had this to say on unincorporated associations, a very common form of legal structure for many in the Third Sector, including political parties:

- 7.5 Unincorporated not-for-profit associations are generally not required to be registered. They are not legal entities and therefore impose few legal obligations on members; however, unincorporated associations are considered to be both an entity and a company for income tax purposes. [*Income Tax Assessment Act 1997*, Division 995-1] Large political parties and their branches, and large religious organisations are often combinations of unincorporated associations of members and corporate property trusts subject to the direction of the unincorporated association members. These organisations have the resources to choose other legal forms but have decided that this arrangement best suits their purposes.
- 7.6 In effect, an unincorporated association is a group of members that have come together for a common purpose. By number, unincorporated associations are the most common legal structure used by Not-For-Profit Organisations and are generally presumed to be small operators. The committee heard that, while it is the preferred legal structure of many organisations, 'an unincorporated association is a very dangerous creature. There are lots of cases that I could take you to that would fully illustrate that' [AD Lang, Law Council of Australia *Proof Committee Hansard* 29 October 2008 page 43].
- 7.7 There are no reporting requirements for unincorporated associations, although these organisations are required to comply with any relevant legislation (ie. an unincorporated association that undertakes a fundraising appeal is required to follow the directives laid out in the relevant state fundraising act).¹⁴

¹³ Senate Economics Standing Committee *Disclosure regimes for charities and not-for-profit organisations* report, Canberra, December 2008 page 70 and 66.

¹⁴ Senate Economics Standing Committee *Disclosure regimes for charities and not-for-profit organisations* report, Canberra, December 2008 page 62.

Fundraising Acts and rules vary in nature and enforcement in each state and territory and local council. There are significant barriers to efficient and cost-effective fundraising. The Senate Committee is rightly critical of fundraising legislation in Chapter 9 of the Senate Disclosure report and recommendation 9 therein calls for a single national fundraising act for all in the Third Sector.

The Senate Disclosure report has another useful section on fundraising.¹⁵ Electoral reform on political funding might be assisted by some of the principles and standards used by the Fundraising Institute of Australia being adopted in political fundraising. The Senate Committee approvingly described these principles and standards as comprehensive voluntary codes of conduct. It would be useful to consider whether the AEC could adapt these in Guidance Notes for political parties and candidates, or find some other way to cross-pollinate these higher standards.

4 Better disclosure requires better political governance

In the Green Paper the Special Minister of State says¹⁶ *...we rightly value core democratic values: fairness, transparency, political integrity. Australians also want a healthy political system, with impartial umpires and processes underpinning our electoral system, keeping our campaigning fair and transparent and ensuring our systems are free from corruption and improper influences.*

This is an argument for better political governance. Greater fairness transparency and political integrity require improved political governance.

Political governance includes how a political party operates, how it is managed, its corporate and other structures, the provisions of its constitution, how it resolves disputes and conflicts of interest, its ethical culture and its level of transparency and accountability. As the Green Paper implicitly acknowledges electoral reform also requires attention to aspects of political governance like transparency and accountability.

The fact that political parties wield considerable influence over all Australians by the nature of political power, and the fact that political parties receive public funding, both demonstrate and justify the need for stronger regulatory control.

All registered political parties should be obliged to meet minimum standards of accountability and internal democracy. Given the public funding of elections, the immense power of political parties (at least of some parties), and their vital role in our government and our democracy, it is proper to insist that such standards be met.

The increased regulation of political parties is not inconsistent with protecting the essential freedom of expression and the essential freedom from unjustified state interference, influence

¹⁵ Senate Economics Standing Committee *Disclosure regimes for charities and not-for-profit organisations* report, Canberra, December 2008 page 38-40.

¹⁶ The Australian Government Electoral Reform Green Paper DONATIONS FUNDING AND EXPENDITURE, Canberra, December 2008, page 1.

or control. Greater regulation would offer political parties better protection from internal malpractice and corruption, and the public better protection from its consequences, and it would reduce the opportunity for public funds being used for improper purposes. It would also go some way towards addressing the public's often poor perception of politicians and politics. The JSCEM has previously agreed with many of these points.¹⁷

The inclination of political parties is towards self-regulation. That inclination means that there has been minimal political backing for statutory regulation. Since political parties control the legislature, the regulation of political parties is relatively perfunctory, a failure that is in marked contrast to the much better and stronger regulation for corporations or unions.¹⁸

At present there are two governance areas in politics that are regulated by statute to a degree – the registration of political parties, and funding and disclosure. The statutory registration of political parties is well managed by the Australian Electoral Commission (AEC), as a necessary part of election mechanics, but the regulation of funding and disclosure is weak.

Although they are private organisations in terms of their legal form, political parties by their role, function, importance and access to public funding are of great public concern. The courts are catching up to that understanding.¹⁹ Nevertheless, the common law has been of little assistance in providing necessary safeguards. To date the Courts have been largely reluctant to apply common law principles (such as on membership or pre-selections) to political party constitutions, although they have determined that disputes within political parties are justiciable.

Political parties are fundamental to Australian democracy, society and its economy. They wield enormous influence over the lives of all Australians. Political parties need the very proper and necessary safeguards and regulations that are there for corporations or unions – for the same reason - it is in the public interest.

The integrity of an organisation rests on solid and honest constitutional foundations. Corporations and Workplace Relations laws provide models for organisational regulation.

The successful functioning of a company or a union is based on its constitution, which must conform to the legal code. Political parties do not operate on the same foundational constructs. What is surely indisputable is that the public interest has to be served. Political parties have to be more accountable because of the public funding and resources they enjoy, and because of their powerful public role.

The AEC dealt with a number of these issues in Recommendations 13-16 in the AEC Funding and Disclosure Report Election 98. Recommendation 16 asks that the *Commonwealth Electoral Act 1918* (CEA) provide the AEC with the power to set standard,

¹⁷ See Chapter 4 JSCEM report into the 2004 federal election: September 2005.

¹⁸ For instance, we have 2,262 pages of laws to regulate the conduct of companies, 1,440 pages to regulate unions, but no rules to govern how our most important political institutions, political parties, are run.

¹⁹ *Baldwin v Everingham* (1993) 1 QLDR 10; *Thornley & Heffernan* CLS 1995 NSWSC EQ 150 and CLS 1995 NSWSC EQ 206; *Sullivan v Della Bosca* [1999] NSWSC 136; *Clarke v Australian Labor Party* (1999) 74 SASR 109 & *Clarke v Australian Labor Party (SA Branch)*, *Hurley & Ors and Brown* [1999] SASC 365 and 415; *Tucker v Herron and others* (2001), Supreme Court QLD 6735 of 2001.

minimum rules which would apply to registered political parties where the parties own constitution is silent or unclear. This was a significant accountability recommendation.

The JSCEM's 1998 Report recommended (No.52) that political parties be required to lodge a constitution with the Australian Electoral Commission (AEC) that must contain certain minimal elements. This recommendation was a significant one, but it did not go far enough. In their report into the 2004 election, in Recommendation 19, to its credit the JSCEM again recommended that political parties be required to lodge a constitution with the AEC that must contain certain minimal elements.

Political parties exercise public power, and the terms on which they do so must be open to public scrutiny. The fact that most party constitutions are secret prevents proper public scrutiny of political parties. Party constitutions should be publicly available documents updated at least once every electoral cycle. (The JSCEM were once told by the AEC that a particular party constitution had not been updated in their records for 16 years.)

To bring political parties under the type of accountability regime that befits their role in our system of government, the following reforms are needed:

- The *Commonwealth Electoral Act* should be amended to require standard items be set out in a political party's constitution to gain registration, similar to the requirements under Corporations Law for the constitution of companies.
- Party constitutions should specify the conditions and rules of party membership; how office bearers are preselected and selected; how pre-selection of candidates is conducted; the processes for the resolution of disputes and conflicts of interest; the processes for changing the constitution; and processes for administration and management.
- Party constitutions should also provide for the rights of members in specified classes of membership to: take part in the conduct of party affairs, either directly or through freely chosen representatives; to freely express choices about party matters, including the choice of candidates for elections; and to exercise a vote of equal value with the vote of any other members in the same class of membership.
- Party constitutions should be open to public scrutiny and updated on the public register at least once every electoral cycle.
- The AEC should be empowered to oversee all important ballots within political parties. At the very least, the law should permit them to do so at the request of a registered political party.
- The AEC should also be empowered to investigate any allegations of a serious breach of a party constitution, and be able to apply an administrative penalty.

Changes to political governance such as these do not need COAG approval although their support would be welcome. Such reforms to Commonwealth law would inevitably flow onto the conduct of state political participants, since nearly all registered state participants are also registered federal parties.

5 Government funding of the political sector

Government funding of the political sector is commonly known as public funding. Public funding of the political sector in Australia takes four forms: funding for elections (six out of

the nine jurisdictions)²⁰; annual funding (NSW); funding of incumbents (all jurisdictions) and government advertising (all jurisdictions).

The Green Paper rightly states that it is time that funding of the political sector by the taxpayer was reviewed.

5.1 Funding for elections

The reasons given for public funding for elections at its inception nearly three decades ago remain as valid as ever, but Australian experience points to the need for reform.

The Green Paper says that:

*The aims of introducing a public funding scheme were to provide a greater equality in the opportunity to present policies to the electorate and to reduce the risk of corruption and undue influence.*²¹

Corruption and undue influence arise from private funding not public funding.

Whether the first aim has been achieved is open to debate, but with respect to the second aim, the key reason for providing public funding was to reduce the reliance of political participants on private funding. That has not occurred to any significant degree.

Therefore, if there is to be no change to the present system, public funding for elections should be ended forthwith. There is simply no point in taxpayer money being given to the political sector as an extra funding source over and above unrestricted private funding.

Public funding of the political sector should only be supported in future if full transparency and accountability is introduced, and if meaningful caps or bans on private funding are introduced. Ultimately constitutional issues may make either caps or bans on private funding difficult to design,²² even if those caps or bans apply in return for public funding. If constitutional rulings do end up making meaningful caps or bans impossible, then public funding for elections should cease.

However, as outlined in the Green Paper, Australian case law is not settled and foreign legal precedents do indicate that certain caps or bans on private funding are compatible with actual or implied freedom of political communication. That being the case, public funding for elections can and should be used as a lever for national reform.

The most radical change to the present system would be to extend public funding to all nine jurisdictions, paid by the Commonwealth to registered political parties, in return for the Commonwealth taking full control of funding and disclosure regulation from the states and territories, and requiring COAG and States and Territories parliaments to accept the banning of any private donation in cash or kind to political parties or candidates, or to third parties supporting political participants, above (say) \$1000. Loans to political parties candidates or third parties that are not fully disclosed and are not on commercial terms should be

²⁰ South Australia, Tasmania and the Northern Territory do not provide public funding.

²¹ The Australian Government Electoral Reform Green Paper DONATIONS FUNDING AND EXPENDITURE, Canberra, December 2008, page 34.

²² The Australian Government Electoral Reform Green Paper DONATIONS FUNDING AND EXPENDITURE, Canberra, December 2008, pages 59 and 60.

prohibited; as should advertising, leased premises or any other good or service above \$1000 that is not provided on commercial rates. These bans would apply to any election, whether federal, state, territory, local government or organisational.

Some concerned reformers do not accept banning private donations.²³ Yet public funding surely cannot be just largesse to be added to unrestricted private funding. In which case, at the very least, caps on funding and expenditure are required.

There is wide support in the community, and even serious political consideration (as in NSW recently), for the complete banning of donations to political parties and candidates. Some argue for the banning of donations by entities and individuals, others just for the banning of donations by entities.

Banning donations would mean political parties would have to be funded from public funding, membership fees, member and public donations (below \$1000), fundraising, and investment income.

There is often strong opposition to public funding, but if the quid-pro-quo for universal public funding in all Australian elections is the banning of private donations, and the end of corrupting influences, then the case may be better argued. Such a policy to ban private donations would at one hit rid political parties and candidates of any perception, prospect or potential for improper, corrupt, or oppressive influence by donors.

There would also be less money available for electioneering, making them cheaper and more affordable. Caps would have the same but lesser effect.

Only a minority of the registered political parties that contest each election receive public funding, because most fail to reach the four per cent threshold. There is no case for the threshold to be removed altogether, as public funding should only be given to individuals or parties that have and can sustain a reasonable level of support in the community. What is reasonable support? Four per cent means over 3000 votes in a federal lower house seat, but a national system needs a formula for all nine jurisdictions.

There is arguably a case on equity grounds for widening access slightly by lowering the threshold, but a flat rate has a weakness, particularly when non-federal seats or Senate seats are considered. It is easier to get four per cent of a small territory or state seat than a federal lower house seat, or to get four per cent of a Tasmanian Senate seat than a NSW Senate seat.

A better formula might be two per cent or 1500 votes, whichever is the higher, in any federal state or territory lower house seat, and any non-state-wide upper-house seat; and two per cent or 30 000 votes in any Senate seat or state-wide upper house seat, whichever is higher.

If the public funding scheme is extended and altered then the federal, state, and territory payments formula per vote would need to be reworked to levels that are practical for electoral campaigning, that help force down current high election spending, and that are acceptable to the community. As a rough guide a good starting point might be for the total present cost of

²³ Such as Dr Joo-Cheong Tham Senior Lecturer, Melbourne Law School, The University of Melbourne, Victoria - see for more detail http://democratic.audit.anu.edu.au/papers/20080623tham_donations.pdf

all public funding for the six jurisdictions not to be exceeded for the nine jurisdictions to be covered by the new scheme.

Capping expenditure is often seen as complementary to public funding schemes, and the capping or banning of private donations. Countries such as Canada the United Kingdom and New Zealand cap election expenditure. Assuming any constitutional issues can be resolved, (assisted no doubt by accepting caps as a precondition for receiving public funding) caps can either be rigid – for example \$100 000 for each candidate – or flexible, so that the total of all candidates is aggregated (150 x \$100 000) but the party can then decide how much within that to spend on each of its candidates or on the campaign overall. The latter approach has the virtue of avoiding the prescriptive and complex regulation required if expenditure caps are by seat.

5.2 Annual funding

Registration of political parties is not onerous, and Australia's political system sees many political parties and candidates contesting every election. Candidates' deposits and the nomination procedures do not act as significant barriers to entry.

Very few political parties are registered in only one state or territory, and nearly all are also registered with the Commonwealth AEC if they are. It would not be difficult to make the AEC the sole point of registration for any political party, whether contesting federal, state, territory or local government elections.

The AEC December 2008 website lists twenty-six registered political parties, the larger of which have a number of separately registered parties (state and territory branches) such as Labor with nine and the Liberals with seven.

In corporate law language Labor and the Liberals would be described as medium in size; most other political parties as small, and a number as micro. Most political parties are operated by volunteers. Only the largest have paid staff. If stronger regulation of political parties is necessary to ensure reasonable standards and proper accountability, there is a cost that is consequent to that.

It is in the public interest to have a contestable competitive open pluralistic political system. It is in the public interest to have a regulated political system. It is in the public interest for political parties to comply with regulation. It is in the public interest for mandatory record-keeping and electronic lodgement by political parties.

Some countries say that these public goods mean that political parties are entitled to public funding for their operating costs, to ensure a minimum operating capacity, and a minimum professional standard. Such a case can also be made in Australia.

It is probably unlikely that the Australian media or public would support a Canadian-type approach costing C\$28+ million a year,²⁴ but they might support something much more modest.

²⁴ The Australian Government Electoral Reform Green Paper DONATIONS FUNDING AND EXPENDITURE, Canberra, December 2008, pages 28 and 38.

If COAG wished to go down this route annual public funding could be provided by the Commonwealth to all AEC registered political parties on the proviso that it must be used for audit and compliance purposes. Only one party within a group could be so funded (i.e. Labor would get one payment not nine). Such a system mildly advantages minor and micro parties over the larger ones.

Given the likely cost of basic record-keeping, audit, form preparation and electronic lodgement, somewhere between \$1 500 and \$5 000 a political party per year would seem adequate. At \$1 500 a year for 26 registered political parties this would cost \$39 000 each year; at \$5 000 a year for 26 registered political parties this would cost \$130 000 each year.

5.3 Funding of incumbents

Any parliamentarian holding a seat benefits from incumbency, even more so if they are in a safe seat or they hold high office and therefore have a high profile. The incumbent has a natural advantage over any challenger who seeks to win office. There is no way of diminishing the status and that automatic preferred access that incumbents get to the media, parliamentary resources and information.

What is of concern is where this natural advantage is reinforced by pork-barrelling systems and generous entitlements that are in excess of those required to do the parliamentarians job, and are instead used for electioneering. A particular danger is any appropriation for one year that a parliamentarian can roll over to the next year, so accumulating an election ‘war-chest’.²⁵

When that incumbency advantage is artificially boosted so that it becomes much more expensive or difficult for a challenger to contest the seat, it becomes a real problem.

Parliamentarians have a wide range of responsibilities: party, political, parliamentary, legislative, representative, and portfolio. They do need modern, efficient office resources to carry out these responsibilities effectively. Their staffing²⁶ and office provisions; modern phone, fax and electronic communications; fast franking and risograph machines; colour printers and advanced computer facilities all help give them an advantage over non-contestants. Office entitlements have expanded to provide enhanced parking and travel allowances for parliamentarians and their staff; broadband web access; significant computer, electronic and mechanical office enhancements; home and office fixed and mobile phone lines, digital organisers, increased subscriptions and hugely increased printing and postage allowances.

²⁵ As an example, federally in 1996, six large electorates could have a second electorate office and an extra staffer; by 2007 there were 20 such electorates. Members serving large constituencies could now aggregate their communications and charter allowances, and money allocated for travel to distant parts of the constituency could now be used for mail. At the time this came through, the then Leader of the Opposition in the Senate, Senator Evans, estimated that each of the 33 members in large constituencies could now accumulate, with other entitlements, as he described it, ‘a whopping \$393,500 of taxpayer funds for their re-election’.

²⁶ Federally under the Howard regime there was a large increase in the number of ministerial staffers and media officers. At the individual parliamentarian level, the Howard government lifted the number of staff members per parliamentarian from three to four and doubled the relief staff provision— neither of which resulted from thorough, independent, publicly available assessments of whether members of parliament’s work demands warranted it.

The counters to incumbency abuse are parties and parliaments committed to high political standards, proper processes, and transparent audited fully reported grants and entitlements.

For purposes of this Green Paper incumbency should be discussed at COAG with a view to agreeing principles and protocols; agreeing to genuinely independent advice by Remuneration Tribunals on what is an acceptable level of parliamentary resources; agreeing to audits of entitlements usage once an electoral cycle; and maximising transparent reporting.

Using offices or entitlements for political party purposes²⁷ should be universally prohibited, and any abuse subject to appropriate penalty.

5.4 Government advertising

Information and advertising designed to inform Australians of taxpayer-funded government programs and services is necessary. However there are many federal, state and territory instances where governments have put out party political propaganda under the guise of legitimate government advertising. As a clear indication of abuse, Government advertising campaigns tend to spike in election years.

Federally, in October 2003, a Senate Order based on Committee and Australian National Audit Office recommendations and jointly moved by the Australian Democrats and the Australian Labor Party, was passed in order to try and enforce much higher standards and tougher controls on government advertising. The Senate Order stated that all details of each advertising or public information project must be tabled in the Senate, including its purpose and nature, its cost, who authorised it, and if it is to be carried out under tender or by contract. The Howard Government refused to comply with the Senate Order.

All governments take advantage of incumbency, but the heavy use of taxpayer funds to promote party political interests is a major issue for our democracy. This abuse costs hundreds of millions of dollars over the electoral cycle.²⁸ Concern lies not just with the size of the campaigns, but with their timing, tenor and selectivity.

In November 2004, the Senate established an inquiry to focus specifically on the scope of and existing controls on Commonwealth government advertising. A report of this inquiry was tabled in December 2005²⁹ and included recommendations to establish more robust guidelines, including:

- that before an advertising campaign is initiated, legislation must be passed through the parliament to authorise its implementation; of the policy, program or service being advertised;
- that campaigns valued at \$250,000 or more be submitted to the Auditor General and that the Auditor General should have an overall supervisory role; and

²⁷ The Howard government even allowed how-to-vote political party cards to be printed from member's office entitlements. At the 2007 federal election the public purse was funding transport and telecommunication costs, mail and printing costs, the running of websites, the maintenance of electoral databases—all trappings of political incumbency and all worth many millions of dollars in each political cycle.

²⁸ Sally Young Editor 2007 *Government Communication in Australia* Melbourne: Cambridge University Press.

²⁹ Senate Finance and Public Administration Committee *Government Advertising and Accountability Canberra* December 2005.

- that Australia follow the Canadian system of publishing a whole-of-government annual report on government advertising to improve public and parliamentary scrutiny of spending.

Since the 2004 Senate report the Rudd Labor government have improved the federal system, but there are still few laws or regulations governing government advertising. For purposes of this Green Paper government advertising should be discussed at COAG with a view to agreeing principles and protocols and agreeing to audits of government advertising at least once an electoral cycle; and maximising transparent and whole-of-government reporting.

6 Donations funding and expenditure

6.1 Principles

Early in the Green Paper (Chapter 2) is a discussion of principles that should inform the regulation of electoral funding and disclosure. This is important from at least two perspectives: electoral reform should be designed with guiding principles in mind; and secondly, if COAG fail to support a national approach to electoral reform of donations funding and expenditure, then at least they should sign up to a common set of principles which they should agree should guide their own legislation.

The indicative list of principles in the Green Paper³⁰ is a good start. From the perspective of disclosure, the list should obviously attend to the needs of different audiences or users of the disclosed information; disclosure should be clear concise and effective; and disclosure should supply sufficient information to assist in decision-making or analysis, particularly by voters.

With respect to conduct of political participants that list might be adapted to include pertinent aspects from the *International Statement of Ethical Principles in Fundraising* developed by over thirty countries that have taken part in the development of this statement. The current draft on the Fundraising Institute of Australia's website has five important principles for acting as a fundraiser:

Honesty: Fundraisers shall at all times act honestly and truthfully so that the public trust is protected and donors and beneficiaries are not misled.

Respect: Fundraisers shall at all times act with respect for the dignity of their profession and their organisation and with respect for the dignity of donors and beneficiaries.

Integrity: Fundraisers will act openly and with regard to their responsibility for public trust. They shall disclose all actual or potential conflicts of interest and avoid any appearance of personal or professional misconduct.

Compassion: Fundraisers will work in a way that promotes their purpose and encourage others to use the same professional standards and engagement. They shall value individual privacy, freedom of choice, and diversity in all forms.

Transparency: Fundraisers will stimulate clear reports about the work they do, the way donations are managed and disbursed, and costs and expenses, in an accurate and comprehensible manner.

³⁰ The Australian Government Electoral Reform Green Paper DONATIONS FUNDING AND EXPENDITURE, Canberra, December 2008, page 17.

It is important to protect politicians, political parties and the voting public from the undue influence and patronage of donors. Whether it is federal, state, territory or local politics, for as long as the powerful mix of business, unions, money and politics remains loosely regulated, Australian democracy will continue to be undermined.

Back in 1989, the then Commonwealth Electoral Commissioner, Dr Colin Hughes remarked on his retirement that the integrity of the electoral system was "...teetering on a knife edge in a climate of political corruption". Judging by some recent reports of state-based corruption investigation bodies, particularly with respect to some notorious local government matters, this statement still has relevance almost two decades later.

As the Green Paper says, the health of Australian democracy at all levels must not be compromised by any suspicion that hidden money influences our political system.

6.2 Approaches to regulation

Australian regulation of donations funding and expenditure in all jurisdictions has been weak, not just in the content and nature of regulation, but particularly in resourcing enforcement and in applying meaningful penalties. Any advance in electoral reform canvassed in this Green Paper must be accompanied by an ability to effectively enforce the law and to meaningfully penalise serious transgressions. The Green Paper outlines the Canadian approach to effective penalties on political parties, which has merit.³¹

Any electoral reform affecting regulation and disclosure needs to be user and audience-friendly – for instance taking advantage of modern technology to allow for electronic lodgement of returns and forms, and the development of advanced website design that effectively displays and collates lodged material, or provides analysis of key issues or material.

If donations above \$1000 were banned, it would be a simpler system to regulate. If COAG and the States and Territories parliaments will not go that far then there are deficiencies in the present system that need to be rectified, as outlined in the Green Paper. Below are comments on three issues:

- that political parties receiving donations from trusts clubs or foundations be subject to additional disclosure requirements;
- that political parties receiving donations from trusts clubs or foundations be obliged to return these funds unless full disclosure of the true donor's identities is made;
- that shareholders of companies and members of registered organisation such as trade unions be required to approve donation policies.

It is essential that Australia has a comprehensive regulatory regime that legally requires the publication of explicit details of the true sources of donations to political parties. This is required to prevent, or at least discourage, corrupt, illegal or improper conduct in electing representatives, in the formulation or execution of public policy, and helping protect politicians from the undue influence of donors.

³¹ The Australian Government Electoral Reform Green Paper DONATIONS FUNDING AND EXPENDITURE, Canberra, December 2008, page 70.

One of the key screening devices for hiding the true source of political donations is the use of trusts, foundations and clubs for professional fundraising. These are often merely screening devices that allow money to be given in secret. Although there has been a broadening of the definition of associated entity to include trade unions affiliated with the Labor Party, to maintain a health democracy there should be no secrecy about who donates and the amount donated.

The claim by some political parties that privacy considerations for some donors are warranted must be subordinate to the wider public interest of an open and accountable system of government. If donors have no intention of influencing policy directions (that is, their donations do not have 'strings-attached'), then they should not be dissuaded by such a transparent scheme.

Full disclosure will address the increasing and worrying perception that politics and money are inevitably linked.

Additional disclosure requirements must apply to political parties and candidates that receive donations from trusts or foundations. They should be obliged to return the money unless the following is fully disclosed:

- a declaration of beneficial interests in and ultimate control of the trust estate or foundation, including the trustees;
- a declaration of the identities of the beneficiaries of the trust estate or foundation, including in the case of individuals, their countries of residence and, in the case of beneficiaries who are not individuals, their countries of incorporation or registration, as the case may be;
- details of any relationships with other entities;
- the percentage distribution of income within the trust or foundation; and
- any changes during the donations year in relation to the information provided above.

Political parties and candidates that receive donations from clubs (greater than those standard low amounts generally permitted as not needing disclosure) should be obliged to return these funds unless full disclosure of the true donor's identities are made.

Professional fundraising events held by political parties also need to be subject to stronger disclosure requirements. Political parties that receive donations from fundraisers (greater than those standard low amounts generally permitted as not needing disclosure) should be obliged to return these funds unless full disclosure of the true donor's identities are made. The NSW system is a good starting point for improved disclosure.³²

The practice of companies making political donations without shareholder approval and without disclosing donations in annual reports must end. So must the practice of unions making political donations without member approval. The practice of some companies and unions affiliating to or becoming members of political parties without shareholder or member approval must end. These practices are neither democratic nor ethical. Shareholders of companies and members of registered organisations (or any other organisational body such as mutuals) should be given the right either to approve a political donations policy, to be carried out by the board or management body, or the right to approve political donations proposals at

³² The Australian Government Electoral Reform Green Paper DONATIONS FUNDING AND EXPENDITURE, Canberra, December 2008, page 44.

annual general meetings. Similarly with affiliation policies. This will require amendments to the relevant Acts rather than the CEA.

The Corporations and Workplace laws need to be amended so that: (a) Shareholders of companies and members of registered organisations (or any other organisational body such as mutuals) must approve a political donations policy or an affiliation or associate membership policy at least once every three years; or in the alternative (b) Shareholders of companies and members of registered organisations (or any other organisational body such as mutuals) must approve political donations or affiliation proposals at the annual general meeting.

The United Kingdom has attended to both corporations and unions along these lines.³³

Under the Registered Organisations schedule of the *Workplace Relations Act*, elections are conducted under the auspices of the AEC. It would seem self evident, in the public interest, that the same provisions governing disclosure of donations for political organisations should apply to industrial or other organisations for which the AEC conducts elections.

Controversy sometimes attends union elections. Trade unions are an important institution in Australian society and union elections have become more expensive to campaign in today than ever before. Many people and organisations contribute to union election campaigns. As for political elections, the public and members of those unions in particular should have the right to know the source of any campaign donations above a minimal amount.

The same principles should apply to any corporate entity, where board elections exhibit similar features.

6.3 Disclosure by donors

Disclosure by donors would not be necessary if donations above \$1000 were banned.

Disclosure by donors would not be necessary if:

- Third Sector reporting and accounting standards were rationalised and resolved;
- The additional reporting required of the political subset of the Third Sector was resolved and standardised for all jurisdictions, based on maximum transparency and accountability;
- If a single national fundraising act replaced the state and territory acts;
- Corporations and unions were required to have their donations and affiliation policies approved by shareholders and members; and
- If significant penalties and enforcement for disclosure non-compliance by donees was introduced.

³³ The Australian Government Electoral Reform Green Paper DONATIONS FUNDING AND EXPENDITURE, Canberra, December 2008, page 45.

Appendix A About the Author

Andrew Murray was a Senator for Western Australia from July 1996 to June 2008. He is best known in politics for his work on finance, economic, business, industrial relations and tax issues; on accountability and electoral reform; and for his work on institutionalised children.

For most of his 12 years in the Senate Andrew Murray was a member of the Joint Standing Committee on Electoral Matters (JSCEM) and was the Australian Democrats Electoral Matters Spokesperson.

Aspects of his work on electoral matters can be found in the Committee and Senate Hansard record and on his website www.andrewmurray.org.au

Among his publications and reports relevant to Electoral Reform are:

- PUBLIC SUBMISSION by Senator Andrew Murray to JSCEM's inquiry into the conduct of the 2007 federal election April 2008.
- SUPPLEMENTARY REMARKS by Senator Andrew Murray to the report on the *Inquiry into the Commonwealth Electoral Amendment (Democratic Plebiscites) Bill 2007*, Senate Standing Committee on Finance and Public Administration, Canberra, September 2007.
- ONE REGULATOR ONE SYSTEM ONE LAW The Case for Introducing a New Regulatory System for the Not For Profit Sector, Senator Andrew Murray, Canberra, July 2006, available from the Parliamentary Library Canberra.
- DISSENTING REPORT of Senator Andrew Murray to the report on the *Inquiry into the Electoral and Referendum (Electoral Integrity and Other Measures) Bill 2005*, Senate Standing Committee on Finance and Public Administration, Canberra, March 2006.
- DISSENTING REPORT of Senator Andrew Murray to the report *Funding and Disclosure: Inquiry into disclosure of donations to political parties and candidates*, JSCEM, Canberra, March 2006.
- SUPPLEMENTARY REMARKS by Senator Andrew Murray to *The 2004 Federal Election: Report of the Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto*, JSCEM Canberra, September 2005.
- TRUSTING THE PEOPLE: An Elected President For An Australian Republic, Introduced by Andrew Murray, Design by Design, Perth, 2001.
- THE DANGEROUS ART OF GIVING' [ARTICLE ON POLITICAL DONATIONS] (with Marilyn Rock) in *Australian Quarterly*, June-July, 2000, 29-33.
- STATE OF THE TERRITORY (with Marilyn Rock) in *Australian Quarterly*, March-April, 1999, 47-48.
- THE NORTHERN TERRITORY: IN WHAT STATE NOW? (with Marilyn Rock) in *Australian Quarterly*, Nov - Dec, 1998, 43-47.

Andrew Murray's Private Senator's Bills relevant to Electoral Reform are:

- [Electoral \(Greater Fairness of Electoral Processes\) Amendment Bill 2007](#)

- [Electoral \(Greater Fairness of Electoral Processes\) Amendment Bill 2007: Second Reading](#)
- [Electoral \(Greater Fairness of Electoral Processes\) Amendment Bill 2007: Explanatory Memorandum](#)
- [Amendment to Electoral \(Greater Fairness of Electoral Processes\) Amendment Bill 2007](#)
- [Electoral Amendment \(Political Honesty\) Bill 2003: Second Reading](#)
- [Electoral Amendment \(Political Honesty\) Bill 2003](#)
- [State Elections \(One Vote, One Value\) Bill 2001: Second Reading](#)
- [State Elections \(One Vote, One Value\) Bill 2001](#)
- [Constitution Alteration \(Electors' Initiative, Fixed Term Parliaments and Qualification of Members\): Second Reading](#)
- [Constitution Alteration \(Electors' Initiative, Fixed Term Parliaments and Qualification of Members\)](#)