

Background Paper – Tasmanian Electoral Disclosure and Funding Legislation

October 2022

Purpose of this paper:

On Thursday 27 October, the Liberal Government's long-awaited [Electoral Disclosure and Funding Bill 2022](#) was brought on for debate in the House of Assembly after being tabled some five months prior.

The intent of this briefing paper is to provide background information and to help provide context to the current debate surrounding the proposed reforms to Tasmania's political donation rules.

The introduction of dedicated political donation disclosure laws in Tasmania has been [long called for](#), and its implementation is of interest to the public and the functioning of our state's democracy.

Background:

- As it stands, Tasmania is the *only* state in Australia with no state-legislated political donation disclosure laws.
- Lax donation laws have led to much secrecy and controversy surrounding elections, particularly during the recent 2018 state election which centred heavily around reforms to the gambling industry.
- In 2018, then-premier Will Hodgman MP announced a two-part review of Tasmania's *Electoral Act 2004* with the aim of modernising the state's electoral laws, including canvassing the need for comprehensive political donation laws
- In August 2021 draft legislation for the *Electoral Matters (Miscellaneous Amendments) Bill 2021* and *Electoral Disclosure and Funding Bill 2021* were released for public comment
- In May 2022, the Government tabled both electoral bills, bringing the latter on for debate on the final sitting day of October

What does this Bill seek to do?

- Introduce an annual donation disclosure threshold of \$5,000
- Create two reporting periods
 - During election cycles – report to TEC within seven days of receipt
 - Outside of election cycles – report to TEC half-yearly
- Place a ban on foreign donations
- Introduce per-vote public funding for House of Assembly candidates and endorsing parties, as well as annual administrative funding
- Require Legislative Council candidates to disclose donations, as well as legislate a spending cap of \$18,500

What doesn't this Bill do?

- Introduce spending limits for House of Assembly elections
- Cap donations by a single donor
- Require real-time donation disclosure during and outside of election periods
- Ban corporate donations from specific sectors/industries
- Restrict anonymous donations
- **Bring Tasmania in to line with political donation rules seen in other Australian jurisdictions**

What do electoral donation laws look like in other states?

Victoria

- Foreign donations banned
- Anonymous donations of \$1,050 or more banned
- Donations capped at \$4,210 over four years for any donor
- Required disclosure of all donations over \$1,050 within 21 days by donor and recipient

New South Wales

- Anonymous donations of \$1,000 or more banned
- Required disclosure of all donations exceeding \$1,000 within 21 days
- Annual donation caps of \$6,700 to a party and \$3,100 for candidates and third-party campaigners
- Donations from property developers, liquor, gambling and tobacco entities prohibited

Queensland

- Real time disclosure of all donations over \$500
- Donation disclosure threshold of \$1,000
- Donations from property developers prohibited
- Donations capped at \$10,000 over four years for any donor or organisation

South Australia*

- Donation disclosure threshold of \$5,576
- Anonymous donations of \$200 or more banned
- Gifts above \$200 and loans of above \$1,000 must be declared by parties and candidates
- Disclosure reports made half-yearly outside of election cycles

* New SA Premier Peter Malinauskas [has stated](#) that he wants to ban all donations to political parties.

Where does this Bill leave us?

At a time where trust in political institutions is at an all-time low, this should have been a golden opportunity to introduce legislation that enabled higher levels of transparency and actively sought to restore public trust in how electoral donations are treated in Tasmania.

However, what we are about to debate seems to be taking us from the only state without legislated political donation disclosure laws, to the state with the worst political donation disclosure laws.

In 2021, former Premier Peter Gutwein MP pointed to the \$5,000 donation disclosure threshold in South Australia, and despite it being the highest amount of all states said that it “seemed about right”. Any thoughts of South Australia as the level of transparency to aspire to must surely be discarded as the South Australian Labor Government seek to overhaul their system and ban political donations.

As it stands, this bill must be heavily scrutinised and amended in order to not just bring Tasmania in to line with the standards set for political donation disclosure laws in other states, be to put us at the head of the pack. Anything less would mean the state legislature paying lip service to an issue that is at the core of our democracy and ultimately favouring its own interests, while continuing to erode public trust.

Resources:

[Electoral Act Review – Electoral Disclosure and Funding Bill 2021 and Electoral Matters \(Miscellaneous Amendments\) Bill 2021](#), Department of Justice Community Consultation, September 2021

[My Submission to the Electoral Disclosure and Funding Bill 2021 Exposure Draft](#), Meg Webb MLC, October 2021

[Election funding and disclosure in Australian jurisdictions: a quick guide](#), Parliament of Australia Library, February 2022

[Electoral Disclosure and Funding Bill 2022 \(25 of 2022\)](#), Parliament of Tasmania, May 2022

[Electoral Matters \(Miscellaneous Amendments\) Bill 2022 \(26 of 2022\)](#), Parliament of Tasmania, May 2022

[Political donations rule overhaul still leaves Tasmania with 'the weakest laws' in the country, critics say](#), ABC News, May 2022

[Explainer: Will Tasmania finally get a political donations disclosure law?](#), Tasmanian Inquirer, May 2022