

Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025

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The Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025 has some minor improvements to the electoral process but reverses previous gains in democratic reform such that the overall effect will be to restore opportunities for corruption of the political system when there was an opportunity with this bill to make the process fairer.

There is a window of opportunity to redraft this amendment bill to achieve its stated aims. With references to the existing act and the proposed amendment bill, revisions as described below should be undertaken in these areas:

Political donations – property developers: The Bill repeals the State-level ban on donations from property developers in the Electoral Act and refocuses controls at the local government level via the LGE Act with new "restricted donation" safeguards. [Bill: Clauses 17–20 (pp.10–11), Part 3 LGE amendments (pp.13–15) | Act: ss.273–279; s.307A–C (pp. ~248–254; ~293–294)] This restores the corrupting influence of property developers at the State level of government, and should not be passed. State governments have significant oversight of property development, including the right to overturn council decisions on appeal, so there is no place for the corrupting influence of donations at any level of government. In fact, if the bill wanted to be more fair, it would extend the ban on donations to all corporations and individuals in other corrupting industries, such as gambling.

Loans for electoral expenditure: The Bill allows loans from financial institutions into State campaign accounts. [Bill: Clauses 12–13 (pp.9–10) | Act: s.216 and loan definition (pp. ~202–205)]. This broadens funding options when they should be restricted. Introducing loans for political campaigns reduces the influence of grass roots support for candidates, and it is a move away from public funding of campaigns which should replace donations for the most part. It limits democratic participation by disadvantaging smaller parties and independents who may struggle to secure loans due to lack of collateral or credit history, and encourages candidates to take on financial risk if they borrow without guaranteed electoral success. Larger parties with established financial standing will likely benefit more, underscoring its unfairness.

Authorisation of election materials: The Bill extends authorisation requirements to the 12 months before polling day for ordinary general elections and permits PO Boxes/other prescribed addresses. [Bill: Clauses 9–11 (pp.9–10) | Act: ss.181–182 (pp. ~154–156)]. This revision disguises a reduction in transparency as an increase in compliance. Transparent authorisation of political materials is vital to an informed citizenry, so while the increase time prior to elections for this requirement is welcome the bill permits PO Boxes/other prescribed addresses allowing attack ads to be effectively disassociated with the party who authorises them. This seems designed to increase the negativity of political campaigning by reducing the clarity about who is responsible for the speech.

There are some features of the bill that probably should be maintained:

Party governance: The Bill removes ECQ oversight of preselection ballots (entire Part 9), increasing party autonomy in candidate selection. [Bill: Clause 8 (p.9) | Act: Part 9, ss.166–173 (pp. ~146–151)] While some oversight is useful, the previous approach was

unnecessarily burdensome on democratic processes and simply imposed 'busy work' to no productive end.

Donation caps period: The Bill changes the donation cap period to each financial year, with annual CPI adjustment and pre-year publication. [Bill: Clauses 14–15 (p.10) | Act: s.247; s.253 (pp. ~224–226)] This aligns the timing with commonwealth requirements and seems unproblematic.